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THE AMERICAN DREAM IN INDIAN COUNTRY:
HOUSING, PROPERTY, AND ASSIMILATION ON THE NAVAJO RESERVATION
AND BEYOND

By

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ABSTRACT OF THE DISSERTATION

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This dissertation argues that over several decades between Navajos' Long Walk in the late 1860s and the effective end of federally enforced livestock reduction in the 1940s, Navajos resisted and adapted to US government assimilation policies focused on housing and property use both to assert Navajo sovereignty over tribal lands and to establish Navajo cultural standards as the legal basis for managing land use and habitation rights. In this context, this dissertation examines contending American and Navajo cultural concepts of housing and property within the framework of United States policies to assimilate American Indians.

This dissertation contributes to the literature on US government policies to assimilate American Indians and Navajo conceptions of domestic architecture, land use and subsistence patterns, and sovereignty by considering how they interacted with American cultural concepts of housing, home ownership, domesticity, and private property during the nineteenth and twentieth centuries.

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I became involved with the issues surrounding Navajo culture and economic development in May 2000, when I was hired to work on a study of homeownership on American Indian tribal lands funded by the Fannie Mae Foundation and conducted by Professor David Listokin at the Center for Urban Policy Research at Rutgers University. In the summer of 2000, I began work on a case study of homeownership on the Navajo Nation. The Fannie Mae Foundation and the Center for Urban Policy Research (CUPR) published the finished product: *Economic and Housing Development in Indian Country: Challenge and Opportunity* (2005). The final two chapters of the report were the case study of the Navajo Nation and represented the springboard for my dissertation. While the Fannie Mae Foundation study provided a valuable resource to help economic development and banking industry specialists understand the unique requirements of building and lending on reservation lands, the study did not consider the historical context of reservation interactions with the US economy nor the dynamics that shaped Navajos' strategies to maintain important cultural patterns. This dissertation seeks to provide a better understanding of the historical antecedents of the housing and economic development issues that Navajos and the Navajo Nation have grappled with since the mid-twentieth century.

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ABBREVIATIONS

ARBIC: Annual Report of the Board of Indian Commissioners

ARCIA: Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior

ARIRA: Annual Report of the Executive Committee of the Indian Rights Association

ARWHMS: Annual Report of the Board of Managers of the Woman's Home Missionary Society of the Methodist Episcopal Church

ARWNIA: Annual Report of the Women's National Indian Association

IIL: Indian Industries League

IRA: Indian Rights Association

LMC: Proceedings of the Annual Meeting of the Lake Mohonk Conference of the Friends of the Indian

OIA: Office of Indian Affairs

WHMS: Women's Home Missionary Society

WNIA: Women's National Indian Association

INTRODUCTION

This dissertation argues that over several decades between Navajos' Long Walk in the late 1860s and the effective end of federally enforced livestock reduction in the 1940s, Navajos resisted and adapted to US government assimilation policies focused on housing and property use both to assert Navajo sovereignty over tribal lands and to establish Navajo cultural standards as the legal basis for managing land use and habitation rights. In this context, this dissertation examines contending American and Navajo cultural concepts of housing and property within the framework of United States policies to assimilate American Indians.

One of the continuing ironies of the semiotics of American identity is the lack of overlap between two of its most enduring symbols: the American Indian and the "American Dream" of owning a piece of land and the house on it.¹ Each of these icons

¹ Historian John Truslow Adams coined the phrase "American Dream" in the midst of the Great Depression. In *The Epic of American* (1931), Adams traced what he considered the influence of the "American dream" throughout the history of the colonial America and the United States. Due to the popularity of the concept, which made the book a bestseller throughout 1931 and 1932, Adams also wrote a series of articles for the *New York Times* in which he put the crises of the Great Depression into the larger context of the American experiment using the "American dream." In these articles, Adams provided a more concise definition of the concept than in his initial work. In a 1 January 1933 article, Adams wrote that "The dream is a vision of a better, deeper, richer life for every individual, regardless of the position in society which he or she may occupy by the accident of birth. It has been a dream of a chance to rise in the economic scale, but quite as much, or more than that, of a chance to develop our capacities to the full, unhampered by unjust restrictions of caste or custom. With this has gone the hope of bettering the physical conditions of living, of lessening the toil and anxieties of daily life." John Truslow Adams, *The Epic of America* (Boston: Little, Brown, and Company, 1931); "America Faces 1933's realities," *New York Times*, 1 January 1933, SM1. See also "'Rugged Individualism' Analyzed," *New York Times*, 18 March 1934, SM1 and "What of 'the American Dream'?" *New York Times*, 14 May 1933, SM1.

In defining his notion of the "American dream," Adams echoed Alexis De Tocqueville, who wrote in the second volume of *Democracy in American* (1840) that "in democracies the love of physical gratification, the notion of bettering one's condition, the excitement of competition, the charm of anticipated success, are so many spurs to urge men onward in the active professions they have embraced, without allowing them to deviate for an instant from the track." Alexis de Tocqueville, *Democracy in America*, vol. 2, *The Social Influence of Democracy*, trans. Henry Reeve (New York: J. & H. G. Langley, 1840), 71.

represents a cluster of values that are almost defined against each other. The myth of the settled bourgeois home seems almost antithetical to the mythic Indian way of life: nomadic, unsettled, or, from a more recent and sympathetic point of view, living lightly off the land. In fact, American Indians are much more attached to home and place than Euro-Americans historically imagined, but those attachments were formed within a different cultural context of communal (rather than fee simple) property holding and gift (rather than commodity) exchange. The contrast between the American Dream and the American Indian, however easily misunderstood or oversimplified, reflected an actual division between two ways of life, two different ways of defining home and community.

The Hogan: An Expression of Navajo Culture

The centrality of the *hogan* (house or home) to Navajo culture and spirituality makes its changing social and culture functions, as well as its physical structure, excellent sources for understanding Navajo culture and the influence of American material culture and notions of private property on Navajos. Yet the hogan's context in Navajo cultural history has received little consideration from historians; its study has generally remained in the disciplines of anthropology and archaeology.² This dissertation takes a step toward

Though neither Adams nor Tocqueville specifically listed the ability to own land and to build a house upon it as essential to this unique American dream, the existential importance to any civilization of individual families owning land and making improvements upon it, such as tilling the land and building houses and fences, were already well accepted in Europe and America by the end of the eighteenth century. Regarding the history and context of the concept of the American Dream, see Cal Jillson, *Pursuing the American Dream: Opportunity and Exclusion Over Four Centuries* (Lawrence, KS: University of Kansas Press, 2004); Jim Cullen, *The American Dream: A Short History of an Idea that Shaped a Nation* (Oxford: Oxford University Press, 2003); Lawrence R. Samuel, *The American Dream: A Cultural History* (Syracuse, NY: Syracuse University Press, 2012).

² Stephen C. Jett and Virginia E. Spencer, *Navajo Architecture: Forms, History, Distributions* (Tucson: University of Arizona Press, 1981); Miranda Warburton, "Culture Change and the Navajo Hogan" (PhD diss., Washington State University, 1985); Susan Kent, "The Differentiation of Navajo Culture, Behavior, and Material Culture: A Comparative Study in Culture Change." *Ethnology* 22, no. 1 (Jan. 1983): 81-91;

filling that lacunae and goes beyond by considering evolving Navajo domestic architecture in the context of United States assimilation ideology and policies during the nineteenth and twentieth centuries.

For hundreds of years, being Navajo was indivisible from Blessingway ceremonies. The intent of Blessingway ceremonies was and is to bring a person back to *hózhó*, a concept that anthropologist Gary Witherspoon characterized as the “state of affairs where everything is in its proper place and functioning in harmonious relationship with everything else. . . . When this order is disrupted, sickness arises and must be treated by a restructuring of the harmonious order of the world. Navajo ceremonies re-create and restructure the universe for the patient, putting everything back in its proper place.”³

Blessingway ceremonies begin with one of two hogan songs: the Chief Hogan song or the Talking God Hogan song. Both are sung to bring a hogan into being as it is physically built or to reconsecrate a hogan for a ceremony.⁴

Traditional Navajo culture and spirituality are inseparable from the hogan, as all ceremonies must take place within it. Typically, hogans are many-sided and roughly

Charlotte J. Frisbie, “The Navajo House Blessing Ceremonial: A Study of Culture Change” (PhD diss., University of New Mexico, 1970); Stephen C. Jett, “Cultural Fusion in Native-American Architecture: The Navajo Hogan,” in *A Cultural Geography of North American Indians*, Thomas E. Ross and Tyrell G. Moore, eds. (Boulder, CO: Westview Press, Inc., 1987), 243-256; David M. Brugge and Gilpin Dennis, “Navajo Ritual Histories, Organization, and Architecture: Implications for Archaeology,” in *The Archaeology of Regional Interaction: Religion, Warfare, and Exchange across the American Southwest and Beyond*, ed. Hegmon Michelle (Boulder, CO: University Press of Colorado, 2000), 361-380.

³ Gary Witherspoon, *Navajo Kinship and Marriage* (Chicago: University of Chicago Press, 1975), 8. See also Raymond D. Austin, *Navajo Courts and Navajo Common Law: A Tradition of Tribal Self-Governance* (Minneapolis: University of Minnesota Press, 2009), xxi-xxii, 54-55.

⁴ Regarding Hogan songs and house construction, see Charlotte J. Frisbie, “The Navajo House Blessing Ceremonial,” *passim*; Alexander MacGregor Stephen, “The Navajo,” *American Anthropologist* 6, no. 4 (Oct 1893): 351-354; Cosmos Mindeleff, “Navaho Houses,” *Seventeenth Annual Report of the Bureau of American Ethnology 1895-96* (Washington, DC: Government Printing Office, 1898), 504-509; Franciscan Fathers, *An Ethnologic Dictionary of the Navaho Language* (St. Michaels, AZ: Franciscan Fathers, 1910), 327-340.

circular, made of logs, twigs, and earth, with an east-facing doorway, and a roof-opening for access to the sky. The circular hogan symbolizes the circular cosmos and was traditionally divided into male and female halves. Ethnoarchaeologist Susan Kent noted that “The use of sex-specific space inside the hogan, which is opposite of the use of space elsewhere, also aids in maintaining the boundary between sacred hogan space and nonsacred space everywhere else.” Unlike Euro-American culture, “the Navajo use of space in the hogan is not a reflection of their division of labor, but is, instead, a reflection of the cosmos.”⁵ The sacred nature of all these aspects means that the incorporation of Euro-American material culture in construction methods and materials, the squaring and subdividing of form/shape, and the non-eastward orienting of a hogan/house indicates syncretism or assimilation of Euro-American values, the profaning of the hogan, and the evolving of Navajo culture. When adopting aspects of Euro-American housing norms, Navajos tended to adopt first those that did not conflict with features that were ceremonially important.⁶

The relationship between hogans and death was a common measure among whites for many decades in their evaluation of Navajos’ path toward assimilation. Traditionally, if a Navajo died inside a hogan, the hogan was abandoned or burned. Whites believed that Navajos could not progress toward civilization if they readily destroyed their homes whenever someone died in it. The hogan’s place in Navajo burial practices contravened Euro-American cultural expectations to build permanent structures, to remain sedentary in a particular place, and to create surplus value in order to accumulate wealth. For

⁵ Kent, “The Differentiation of Navajo Culture, Behavior, and Material Culture, 84.

⁶ Warburton, “Culture Change and the Navajo Hogan,” *passim*.; Leland Clifton Wyman, *Blessingway* (Tucson: University of Arizona Press, 1970), 148.

Navajos, the impetus for this practice was the concept of *ch'íidii*, which is often roughly translated as “ghost.” Franciscan Friar and early scholar of Navajo culture Berard Haile described *ch'íidii* is the “ethereal, shadowy, palpable something, which manifests itself even after the ‘wind soul’ has left the human body . . .,” and which can continue on after death.⁷ In the case of hogans where a death has occurred or objects that came into contact with a dead body and been contaminated, anthropologist Gladys Reichard noted that *ch'íidii* referred to contamination by the dead with dreaded power or the “potentiality for evil.”⁸ *Ch'íidii* were capable of returning, often at night, to get revenge for wrongdoings, including the incorrect practice of burial procedures.⁹

Traditional Navajo burial practices were carried out by families without public ceremonies. Strict rules dictated that all members of the burial party removed all clothes, even hair ties, other than a breechcloth or skirt so as not to contaminate them. They washed and dressed the corpse and selected grave goods that would accompany the burial. The corpse was not allowed to be removed through the doorway of the hogan, so the burial party created a hole in its north side for removal. The tracks of the burial party are then erased from the ground to prevent the *ch'íidii* from knowing in which direction they went, in case it returned to harm them. The hogan in which the death occurred and

⁷ Berard Haile, “Soul Concepts of the Navaho,” *Annali Lateranensi* 7 (1943): 89.

⁸ Gladys A. Reichard, *Navaho Religion: A Study of Symbolism*, Bollingen Series 8 (New York: Pantheon Books, 1950), 48-49.

⁹ Robert W. Shufeldt, “Mortuary Customs of the Navajo Indians,” *The American Naturalist* 25, no. 292 (Apr., 1891): 303-306; Berard Haile, “Some Mortuary Customs of the Navajo,” *Franciscan Missions of the Southwest* 5 (1917): 29-32; Gladys A. Reichard, *Social Life of the Navajo Indians*, Columbia University Contributions to Anthropology, vol. 8 (New York: Columbia University Press, 1928), 141-143; Haile, “Soul Concepts of the Navaho,” 59-94. Reichard, *Navaho Religion*, 48-49; Charlotte J. Frisbie, “Introduction,” in “A Special Symposium Issue on Navajo Mortuary Practices and Beliefs,” *American Indian Quarterly* 4, no. 4 (November 1978): 303-308. For a broader consideration of Navajo mortuary practices, see Albert E. Ward and David M. Brugge, “Changing Contemporary Navajo Burial Practice and Values,” *Plateau* 48, nos. 1-2 (Summer-Fall 1975): 31-42 and Mary Shepardson, “Changes in Navajo Mortuary Practices and Beliefs,” in “A Special Symposium Issue on Navajo Mortuary Practices and Beliefs,” *American Indian Quarterly* 4, no. 4 (November 1978): 383-395.

in which it was washed and dressed was abandoned or burned. On the way to the burial site, the members of the burial party were forbidden to spit or talk unnecessarily or turn any stone on its side. All travelers are warned away from the “death line” or path from the hogan to the grave. The grave goods were left with the corpse as was their favorite horse, which was killed on the spot. After the burial, any digging implements were destroyed. The burial party then skipped and hopped home via a different route than they had originally taken. They then abstained from labor, travel, unnecessary conversation, and crossing the death line for four days, after which they went through a purification right.¹⁰

Traditionally, Navajos built two distinct types of living shelters: the *kegai* (winter place), and the *keji'n* (summer place). Navajos constructed summer shelters in many styles with varying degrees of finish to them; though there were similarities in their structure, their construction did not require the formal, spiritual attention to detail required of hogans. The summer shelters did not have to face any particular direction for

¹⁰ In times before slavery was outlawed among Navajos, slaves were chosen for the burial party and were killed after they had finished their task. Traditionally, the grave goods were left with the corpse, but by some point in the early decades of the twentieth century, some Navajos began dismantling the items to keep them from white curio hunters. A prime example of such curio hunters is the military physician Robert Shufeldt, who took great pride in describing the lengths he went to in order to evade Navajos' attempts to keep him from removing skulls from burials. Shufeldt, “Mortuary Customs of the Navajo Indians,” 303-306; Berard Haile, “Some Mortuary Customs of the Navajo,” *Franciscan Missions of the Southwest* 5 (1917): 29-32; Reichard, *Social Life of the Navajo Indians*, 141-143; Haile, “Soul Concepts of the Navaho,” 59-94; Reichard, *Navaho Religion*, 48-49; Frisbie, “Introduction,” 303-304. For Navajo descriptions of these burial practices, see Frank Mitchell, *Navajo Blessingway Singer: The Autobiography of Frank Mitchell, 1881-1867*, ed. Charlotte J. Frisbie and David P. McAllester (Tucson: University of Arizona Press, 1978), 197-198 and Rose Mitchell, *Tall Woman: The Life Story of Rose Mitchell, A Navajo Woman, c. 1874-1977*, ed. Charlotte J. Frisbie (Albuquerque: University of New Mexico Press, 2001), 148-153, 203-204.

spiritual concerns, but were oriented to face away from prevailing winds and toward any cultivated land.¹¹

Navajos traditionally judged the beauty of a hogan, which is the structure of the *kegai*, by its quality of construction and adherence to the hogan creation ceremonies of the Blessingway. This standard was an expression of reverence for the design of the hogan, which was imparted by gods to mortals. In the Navajo creation myth, First-man and First-woman reside in a prototype of the hogan in the first, or lowest underworld. Some traditions hold that these first hogans were made of a covering of rainbows and sunbeams, while others add wood supporting beams for these coverings. After mankind ascended through the three underworlds by means of a magic reed to the fourth, or present world, each group of humans was given an appropriate architecture by the God of Dawn—plains tribes, skin lodges; Pueblo peoples, stone houses; and Navajos, summer shelters and houses of wood and earth. When constructing the Navajo hogan, the God of Dawn was assisted by the God of Sunset, so a traditional hogan is dedicated to both deities and faces to the east to be open to the influence of the God of Dawn.¹²

In addition to the importance of its physical structure, from the hogan radiate the traditionally significant aspects of Navajo culture: the land on which it resides, the livestock that surround it, and the extended family or clan that resides within or in proximity. From the hogan also radiate the values and responsibilities that constitute the concept *k'é*. *K'é* means “‘compassion,’ ‘cooperation,’ ‘friendliness,’ ‘unselfishness,’

¹¹ Other structures, such as medicine huts, sweat houses, and *Yebitcai* hogans were built for specific ceremonial purposes and were normally not used as living quarters. Mindeleff, “Navaho Houses,” 487, 495.

¹² Mindeleff, “Navajo Houses,” 487-489.

‘peacefulness,’ and all those positive virtues which constitute intense, diffuse, and enduring solidarity.”¹³ And *k’éí* means a special kind of *k’é* that pertains to “the system of descent relationships and categories found in Navajo culture.”¹⁴ *K’éí* refers to the most immediate and important people to whom the responsibilities of *k’é* are extended. Therefore, the traditional kin-clustering of Navajo habitation facilitates the expression of *k’éí*. To live divided from one’s relatives by great distances or to live in close proximity to many strangers increases the difficulty of observing *k’éí* and *k’é*. Typical American urban (and later suburban) development during the nineteenth and twentieth centuries—occupied by unrelated nuclear families, living in rectangular, clustered homes, with no culturally significant geographical orientation—represented the antithesis of traditional Navajo living patterns.

The hogan was the center of the Navajo family, and the family’s mother was its heart.¹⁵ Witherspoon noted that the “concepts of mother and child are inseparable in Navajo culture.” He further explained that Navajos identify motherhood in terms of life, particularly reproduction and sustenance. Mothers give their children life and provide physical and emotional sustenance and, therefore, are bound in the most “intense, diffuse, and enduring solidarity in Navajo culture.” The mother-child relationship is the “primary bond in the Navajo kinship system.” In the same way that a mother gives life through birth and sustains her child by “providing them with loving care, assistance, protection, and sustenance,” Witherspoon asserted that, “kinsmen are those who sustain each other’s

¹³ Witherspoon, *Navajo Kinship and Marriage*, 37. See also Austin, *Navajo Courts and Navajo Common Law*, xxi-xxii, 84-85.

¹⁴ Witherspoon, *Navajo Kinship and Marriage*, 37. See also Austin, *Navajo Courts and Navajo Common Law*, xxi-xxii, 155-156.

¹⁵ Mitchell, *Tall Woman*, 294.

life by helping one another, protecting one another, and by giving and sharing food and other items of subsistence. Where this kind of solidarity exists, kinship exists; where it does not exist, there is no kinship.”¹⁶

Historically, Navajo clans were matrilineal and matrilocal, living in scattered-site, kin-clustered arrangements. Navajo kin groups (nuclear and extended families) were often part of larger family networks of several extended families, which many scholars have termed an “outfit.” When an outfit occupied a contiguous geographic area, they formed a “land use community,” which effectively relied on usufructuary rights to land and water. Conceptually, land and water went together as sustenance for livestock. Anyone could pasture their stock on land and use the nearby water, as long as it was not being used to capacity by another. However, when a family moved on from an area, anyone could then use the land and water. Hogans and cultivated land also were considered common property, as long as they were not occupied. However, if the individual or family that built the hogan or cultivated the land returned within a particular time period, then they would have prior use rights to both. No one could give away or alienate land from the kin group. While Navajos’ traditional land use rights were not the

¹⁶ Witherspoon, *Navajo Kinship and Marriage*, 15, 20-22. For additional perspectives on Navajo motherhood, see Jennifer Denetdale, “Representing Changing Woman: A Review Essay on Navajo Women,” *American Indian Culture and Research Journal* 25, no. 3 (2001): 1-26; Charlotte J. Frisbie, “Traditional Navajo Women: Ethnographic and Life History Portrayals,” *American Indian Quarterly* 6, nos. 1-2 (1982): 11-33; Joanne McCloskey, *Living Through the Generations: Continuity and Change in Navajo Women’s Lives* (Tucson: University of Arizona Press, 2007); Dorothea Cross Leighton and Clyde Kluckhohn, *Children of the People: The Navaho Individual and His Development* (Cambridge, MA: Harvard University Press, 1947); Charlotte J. Frisbie, *Kinaaldá: A Study of the Navaho Girl’s Puberty Ceremony* (Salt Lake City: University of Utah Press, 1993). For perspective on white domesticity and motherhood, see Glenna Matthews, *“Just a Housewife”: The Rise and Fall of Domesticity in America* (New York: Oxford University Press, 1987); Jodi Vandenberg-Daves, *Modern Motherhood: An American History* (New Brunswick, NJ: Rutgers University Press, 2014).

same as the systems of private property that had evolved in Euro-American societies, they did provide mechanisms to regulate use and access to land.¹⁷

The land provided for the clans or outfits and land use communities by sustaining livestock and crops and by giving them the ability to engage in gifting. Gifting, an expression of *k'é* and *k'éí*, established the expectations of reciprocity that continually reinforced cohesion and leadership within communities. Such gifting stands in contrast to commodity exchange, which is based on an exchange of goods for goods, services, or money with no implied continuing responsibility other than that agreed upon in the exchange. As with many American Indian cultures, respect and status were not gained by accumulation and retention but by providing goods to one's community.¹⁸ For example,

¹⁷ Alexander John Thal, "Fairness in Compensation Procedures: A Case Study of Navajo Tribal Land Acquisition Policies" (PhD diss., State University of New York at Buffalo, 1981), 15-17; Gladys A. Reichard, *Social Life of the Navajo Indians*, Columbia University Contributions to Anthropology, No. 7 (New York: Columbia University, 1928), 91; Louise Lamphere, *To Run After Them: Cultural and Social Bases of Cooperation in a Navajo Community* (Tucson: University of Arizona Press, 1977), 90-91.

¹⁸ Kelley and Whitely, *Navajoland*, 5-64. For historical treatments dealing with American Indians, gifts and giving, see David Murray, *Indian Giving: Economies of Power in Early Indian-White Exchanges* (Amherst, MA: University of Massachusetts Press, 2000); Christopher Bracken, *The Potlatch Papers: A Colonial Case History* (Chicago: University of Chicago Press, 1997); Cary Miller, "Gifts as Treaties: The Political Use of Received Gifts in Anishinaabeg Communities, 1820-1832," *The American Indian Quarterly* 26, no. 2 (2002): 221-245. For anthropological perspectives, see Marcel Mauss, *The Gift: The Form and Reason for Exchange in Archaic Societies* (New York: W. W. Norton & Company, 2000); David Graeber, *Toward an Anthropological Theory of Value: The False Coin of Our Own Dreams* (New York: Palgrave Macmillan, 2001); Alan D. Schrift, ed., *The Logic of the Gift: Toward an Ethic of Generosity* (New York: Routledge, 1997); Onique Jeudy-Ballini and Bernard Juillerat, eds. *People and Things: Social Mediations in Oceania* (Durham, NC: Carolina Academic Press, 2002); Annette B. Weiner, *Inalienable Possessions: The Paradox of Keeping-While-Giving* (Berkeley, CA: University of California Press, 1992); Maurice Godelier, *The Enigma of the Gift*, trans. Nora Scott (Chicago: University of Chicago Press, 1999); Arjun Appadurai, ed., *The Social Life of Things: Commodities in Cultural Perspective* (New York: Cambridge University Press, 1986); Georges Bataille, *The Accursed Share: An Essay on General Economy*, vol. 1, *Consumption* (New York: Zone Books, 1988); Nicholas Thomas, *Entangled Objects: Exchange, Material Culture, and Colonialism in the Pacific* (Cambridge, MA: Harvard University Press, 1991); Mary Douglas, *The World of Goods: Towards an Anthropology of Consumption* (New York: Routledge, 1996). For historical treatments from western Europe, see Natalie Zemon Davis, *The Gift in Sixteenth-Century France* (Madison: University of Wisconsin Press, 2000); Margot C. Finn, *The Character of Credit: Personal Debt in English Culture, 1740-1914* (New York: Cambridge University Press, 2003); Craig Muldrew, *The Economy of Obligation: The Culture of Credit and Social Relations in Early Modern England* (New York: St. Martin's Press, 1998); Randall McGowen, "Credit and Culture in Early Modern England," *The Journal of British Studies* 41, no. 1 (Jan., 2002): 120-131. A broader, more synthetic work

many Navajo ceremonies are communal events that require the aid of relatives to complete successfully. Food stuffs are needed to feed all the attendees and other goods are needed to compensate the persons conducting the ceremonies. Navajos express *k'éí* by giving goods to one's relatives in order to enable ceremonies to take place. Even as Navajos have traveled far from their reservation for wage work, the reservation household has remained a key nexus for the redistribution of resources and income among family members¹⁹; *k'é* and *k'éí* maintain Navajo cultural ties even as residency patterns shifted over decades.

The House: Property Versus Domestic Space in Euro-American Culture

In *Notes on the State of Virginia*, Thomas Jefferson described the character of the average Virginian's house and considered its impact on his state and the young nation. He wrote that "The private buildings are very rarely constructed of stone or brick; much the greatest proportion being of scantling and boards, plastered with lime. It is impossible to devise things more ugly, uncomfortable, and happily more perishable." He further noted that "There are two or three plans, on one of which, according to size, most of the houses in the state are built. The poorest people build huts of logs, laid horizontally in pens, stopping the interstices with mud." Though of crude construction, he did acknowledge that the "huts built of logs "are warmer in winter, and cooler in summer, than the more expensive constructions of scantling and plank."²⁰ Jefferson wrote that a

is Scott B. MacDonald and Albert A. Gastman, *A History of Credit and Power in the Western World* (New Brunswick, NJ: Transaction Publishers, 2001).

¹⁹ Colleen O'Neill, *Working the Navajo Way: Labor and Culture in the Twentieth Century* (Lawrence, KS: University of Kansas Press, 2005), 29.

²⁰ Thomas Jefferson, *Notes on the State of Virginia* (London: John Stockdale, 1787), 253.

“country whose buildings are of wood, can never increafe in its improvements to any confiderable degree.” He believed that “Their duration is highly eftimated at 50 years. Every half century then our country becomes a tabula rafa, whereon we have to fet out anew, as in the firft moment of feating it. Whereas when buildings are made of durable materials, every new edifice is an actual and permanent acquifition to the state, adding to its value as well as to its ornament.”²¹

Throughout the nineteenth century, the characteristics of proper homes, their role in civilization, and their use in evaluating the progress of the nation were all topics considered and expounded upon by men and women, philosophers, ethnographers, ministers, poets, politicians, schoolteachers, and jurists. The owning of a house was not only a means to evaluate a civilization, it was also the site of the moral education of children, and the family as a whole. The importance of home design for all levels of American society manifested itself in the proliferation of architectural books from the 1830s onward. Alexander Jackson Davis’ *Rural Residences* (1837), Andrew Jackson Downing’s *Cottage Residences* (1842), Edward Shaw’s *Rural Architecture* (1843), Calvert Vaux’s *Villas and Cottages* (1854), and Charles Dwyer’s *Economic Cottage Builder* (1856) were prominent examples that offered plans for houses for the wealthy with several rooms with particular functions to simple, one or two room houses for immigrants and homesteaders on the frontier. Magazines, such as *Godey’s Lady’s Book*, also published house designs, which they combined with prose and poetry on the idealized American home and the role of domesticity in American culture.²²

²¹ Ibid., 257-258.

²² Gwendolyn Wright, *Building the Dream: A Social History of Housing in America* (Cambridge, MA: MIT Press, 1983), 73-89. Alexander Jackson Davis, *Rural Residences, Etc: Consisting of Designs, Original and*

By the mid-nineteenth century, American architectural and ethnographic theorists were placing houses and their character at the center of the initial and continued development of civilization. Echoing Thomas Jefferson's consideration of Virginia's domestic architecture six decades earlier, Andrew Jackson Downing asserted in his *Architecture of Country Houses* (1850), that "a good house (and by this I mean a fitting, tasteful, and significant dwelling) is a powerful means of civilization. A nation, whose rural population is content to live in mean huts and miserable hovels is certain to be behind its neighbors in education, the arts, and all that makes up the external signs of progress." Downing explained that "With the perception of proportion, symmetry, order and beauty, awakens the desire for possession, and with them comes that refinement of manners which distinguishes a civilized from a coarse and brutal people." He noted further that "as a first incentive towards this change is awakened in the minds of most men by the perception of beauty and superiority in external objects, it must follow that the interest manifested in the Rural Architecture of a country like this, has much to do with the progress of civilization." Recognition of beauty and proportion in architecture and the desire for private property not only drove the advance of civilizations, but their expression also served as a means by which to judge communities and individuals. For a

Selected, for Cottages, Farm-houses, Villas, and Village Churches, with Brief Explanations, Estimates, and a Specification of Materials, Construction, Etc. (New York: Alexander Jackson Davis, 1837); Andrew Jackson Downing, *Cottage Residences; or a Series of Designs for Rural Cottages and Cottage-Villas, and Their Grounds, Adapted to North America* (New York: Wiley and Putnam, 1842); Edward Shaw, *Rural Architecture: Consisting of Classic Dwellings, Doric, Ionic, Corinthian and Gothic, and Details Connected with Each of the Orders; Embracing Plans, Elevations Parallel and Perspective, Specifications, Estimates, Framing, Etc. for Private Houses and Churches. Designed for the United States of America* (Boston: James B. Dow, 1843); Calvert Vaux, *Villas and Cottages. A Series of Designs Prepared for Execution in the United States* (New York: Harper & Brothers, 1854); Charles Dwyer, *The Economic Cottage Builder: or, Cottages for Men of Small Means: Adapted to Every Locality, with Instructions for Choosing the Most Economical Materials Afforded by the Neighborhood: To Which Are Added Many Valuable Hints and Most Useful Observations* (Buffalo: Wanzer, McKim & Co., 1856).

community, “there is a moral influence in a country home—when, among an educated, truthful, and refined people, it is an echo of their character—which is more powerful than any mere oral teachings of virtue and morality.” For an individual, “we believe much of the character of every man may be read in his house. If he has molded its leading features from the foundation, it will give a clue to a large part of his character. If he has only taken it from other hands, it will, in its internal details and use, show, at a glance, something of the daily thoughts and life of the family that inhabits it.”²³

American anthropologist Lewis Henry Morgan would make much the same judgment in *Ancient Society* (1877), when he wrote that “House architecture, which connects itself with the forms of the family and the plan of domestic life, affords a tolerably complete illustration of progress from savagery to civilization.” Morgan asserted that this progress could “be traced from the hut of the savage, through the communal houses of the barbarians, to the house of the single family of civilized nations, with all the successive links by which one extreme is connected with the other.”²⁴

These notions of the relationship between the character or stage of development for a people, culture, or civilization and their domestic architecture and activities within the home were considered within the culture of domesticity in the nineteenth century. The culture of domesticity propagated white middle- and upper-class ideals of femininity and piety, the role of women to manage the home and educate the children, and the separation of the moral, nurturing world of the home from the male world of work,

²³ Andrew Jackson Downing, *The Architecture of Country Houses; Including Designs for Cottages, Farm Houses, and Villas, with Remarks on Interiors, Furniture, and the Best Modes of Warming and Ventilating* (New York: D. Appleton & Co., 1850), v-vi, 25.

²⁴ Lewis Henry Morgan, *Ancient Society; or, Researches in the Lines of Human Progress from Savagery, through Barbarism to Civilization* (New York: H. Holt and Co., 1877), 5.

business, and politics outside the home. Domesticity acted not only as a unifying identity for the white middle- and upper-classes, but its absence marked the households of lower-class whites, immigrants, and racial minorities as foreign and inferior. Scholars have argued persuasively that domesticity was an imperial construct used by the white middle- and upper-classes to justify their cultural authority and their assimilation policies toward lower-class whites, immigrants, former slaves, and American Indians.²⁵

Contrary to the prescriptions of domesticity, prior to 1900, in all regions of the United States, in both rural and urban environments, houses of the working class contained two major rooms: a kitchen and a room that doubled as both work and sleep space. The two rooms served multiple functions, depending on the time of day and the work schedules of the inhabitants. The houses commonly contained a stove for cooking and heating, a few utilitarian pieces of furniture, oil lamps or candles for light, cold water from a faucet or hand pump, and access to an outhouse. The inhabitants had few personal possessions, articles of clothing, or household implements. These houses were often crowded because of their small size and the boarding of extended relatives. There was a general lack of privacy and little of what could be considered personal space.²⁶

²⁵ Jane E. Simonsen, *Making Home Work: Domesticity and Native American Assimilation in the American West, 1860-1919* (Chapel Hill, NC: University of North Carolina Press, 2006), 3-6; Regarding the history and imperial contexts of domesticity, see Barbara Welter, "The Cult of True Womanhood: 1820-1860," *American Quarterly* 18, no. 2, part 1 (Summer 1966): 151-174; Kathryn Kish Sklar, *Catharine Beecher: A Study in American Domesticity* (New Haven, CT: Yale University Press, 1973); Nancy F. Cott, *The Bonds of Womanhood: "Woman's Sphere" in New England, 1780-1835* (New Haven, CT: Yale University Press, 1977); Delores Hayden, *The Grand Domestic Revolution: A History of Feminist Designs for American Homes, Neighborhoods, and Cities* (Cambridge, MA: Massachusetts Institute of Technology Press, 1981); Mary P. Ryan, *Womanhood in America*, 3rd ed. (New York: Franklin Watts, Inc., 1983); Kristin L. Hoganson, *Consumers' Imperium: The Global Production of American Domesticity, 1865-1920* (Chapel Hill, NC: University of North Carolina Press, 2007); Margaret D. Jacobs, *White Mother to a Dark Race: Settler Colonialism, Maternalism, and the Removal of Indigenous Children in the American West and Australia, 1880-1940* (Lincoln, NE: University of Nebraska Press, 2009).

²⁶ Thomas C. Hubka and Judith T. Kenny, "Examining the American Dream: Housing Standards and the Emergence of a National Housing Culture, 1900-1930," *Perspectives in Vernacular Architecture* 13, no. 1 (2006): 51-52, 55.

Homes of the middle class generally were defined by a generic house plan that contained six or seven rooms, including a kitchen, bathroom, living room, dining room, and two to three bedrooms. During the early decades of the twentieth century, the differences between the basic layouts of the homes of the working- and middle-classes narrowed as the former took on this basic pattern in both multifamily rental units and single family houses. The kitchen still contained the wood or coal burning stove, but added a sink with pumped or plumbed water, ice boxes, and water heaters. After the introduction of electricity, the kitchen also came to include refrigerators, washing machines, vacuum cleaners, and other labor saving devices. The bathroom contained three fixtures—a toilet, a sink, and a bathtub—which worked together to improve sanitation, hygiene, disease prevention, as well as to increase personal privacy. While bathrooms were included in many new dwellings after 1900, they also were added incrementally to older structures. The dining room and living room, devoid of work or sleep functions, were perceived as a desirable symbol of middle-class domesticity; though, these spaces often continued to serve multiple functions in working-class households during the early years of the twentieth century.²⁷

The addition of private bedrooms to working-class households introduced domestic privacy, first for parents, then for children. In many working-class households, a renter usually took up one of the bedrooms until after the Great Depression. Closets also started to make an appearance in working-class homes during the early twentieth century, indicating that lower priced, mass-produced domestic and personal goods

²⁷ Hubka and Kenny, "Examining the American Dream," 49, 55-58. See also Ruth Schwartz Cowan, *More Work for Mother: The Ironies of Household Technology from the Open Hearth to the Microwave* (New York: Basic Books, 1983); Kenneth Jackson, *Crabgrass Frontier: The Suburbanization of the United States* (New York: Oxford University Press, 1985); Wright, *Building the Dream*, passim.

enabled greater purchasing power for these households. By 1930, this standard six to seven room house existed in several one or two story versions. Even small houses generally contained one bedroom and a kitchen with a dining area or a living room.²⁸

The goal of homeownership and the didactic responsibilities of property maintenance have been among the most commonly recommended cures for the problems of the American poor and working class from the beginning of the nineteenth century to the present. Prior to the 1920s, working-class homeowners lived in small dwellings that typically had few rooms and lacked amenities such as sewer service and electricity. Therefore, while homeownership symbolized security, stability, and status for many, it did not guarantee significant improvements in the overall quality or character of domestic life for working-class families. Middle-class housing standards were not achieved by a majority of American households until after World War II.²⁹

The importance of houses, homeownership, domestic space, and domesticity to American culture has received extensive attention from historians, as has the role of domesticity in US assimilation policies for American Indians. This dissertation explores the antecedents of these historiographic strains in legal history and the history of anthropological thought—including European legal traditions of property ownership and theories of civilization espoused by writers from John Locke and the Scottish Common Sense philosophers to Lewis Henry Morgan—and their role in shaping assimilation policies.

²⁸ Hubka and Kenny, “Examining the American Dream,” 55-58.

²⁹ Ibid., 49, 51. Regarding historic trends in US housing production, see Mason C. Doan, *American Housing Production 1880-2000: A Concise History* (Lanham, MD: University Press of America, 1997).

Housing, Property, and Assimilation Policy

The lack of overlap between the American Dream and the American Indian is even more ironic when one surveys the assimilationist policies of the federal government and the focus of these policies on replicating the Euro-American nuclear family ideal within Indian societies. Following precedents established by colonial regimes, the nascent United States signed its first treaty with an American Indian tribe, the Lenni Lenape (Delaware) in 1778, during the American Revolution. As with colonial treaties, early US treaties established alliances, set up trading rights, exchanged lands and goods, established borders and recognized Indian sovereignty within those borders. Within little more than a decade after the signing of that first treaty, the United States began a tradition of setting aside money and expending effort to promote civilization among American Indians with a series of Trade and Intercourse Laws in the 1790s, which remained in effect until a new codification of Indian policy in 1834. This civilizing mission continued along lines already established by colonial regimes by gaining access for missionaries and furnishing domestic animals, seeds, and agricultural implements to Indian men and the tools necessary for spinning and weaving to Indian women. In March 1824, Secretary of War John C. Calhoun, without authorization from Congress, created the Office of Indian Affairs (OIA) in the War Department. The OIA was to be in charge of Indian annuities and expenses, to administer funds for civilizing the Indians, and to adjudicate claims between Indians and whites under the Trade and Intercourse Laws.³⁰

³⁰ This structure was formalized by Congress in 1832, when it authorized the president to appoint a Commissioner of Indian Affairs, under the Secretary of War, to oversee all dealings with Indian tribes. Francis Paul Prucha, *The Great Father: The United States Government and the American Indians*, vols. 1-2, unabridged ed. (Lincoln, NE: University of Nebraska Press, 1995), 89-114, 164-165.

As the United States expanded during the early decades of the nineteenth century, white colonists put pressure on government leaders to open Indian lands for settlement in newly created states and territories. During the first two decades of the century, a series of treaties forced land cessions from Indian tribes in the Old Northwest and Southeast. Increasing Indian resistance to such cessions and relocation to lands further west led Congress to pass and President Andrew Jackson to sign the Indian Removal Act of 1830. Despite two successful US Supreme Court challenges to the removal policies of the United States and the actions of Georgia to annex Cherokee lands in *Cherokee Nation v. Georgia* (1831) and *Worcester v. Georgia* (1832), Jackson ignored the court and ordered the forcible removal of Cherokees from their lands and marched them to Indian Territory along the Trail of Tears. Approximately thirty years later, Navajos were victims of much a similar dispossession after their defeat by the US Army during a series of wars in the mid-1860s. Navajos were rounded up and marched to Fort Sumner in New Mexico, during the Long Walk. Navajos were more fortunate, though; they were able to negotiate the creation of a reservation on a 3.5-million-acre fraction of their ancestral lands to which they returned in 1868.³¹

³¹ The new reservation included 3.5 million acres along what would become the Arizona-New Mexico border in 1868: only a small fraction of the Navajos' homeland. The rectangular reservation—eighty miles north to south and sixty miles east to west—did not include many areas of critical importance to Navajo economic production: “the farmlands of the Chinle Valley and around Pueblo Colorado (Ganado) and Ojo del Oso; and the rich grazing lands of the Chaco Plateau, the Cebolletta and Zuni mountains, Black Mesa, and the valley of the Little Colorado River” were all left out. Garrick Bailey and Roberta Glenn Bailey, *A History of the Navajos: The Reservation Years* (Santa Fe: School of American Research Press, 1986), 26. Between 1878 and 1886, Navajos received five accessions of land to the reservation. Four more accessions occurred between 1900 and 1907. In 1913 and 1918 two small accessions were added. Then between 1930 and 1934, a final three accessions added to the borders. David F. Aberle, *The Peyote Religion Among the Navaho*, 2nd ed. (Norman, OK: University of Oklahoma Press, 1991), 28. Down to the present day, the Navajo reservation covers more than 25,000 square miles (about 16 million acres) in northeast Arizona, northwest New Mexico, and southeast Utah. The Navajo Nation is larger than 10 states and is closest in size to the state of West Virginia. Peter Iverson, *Diné: A History of the Navajos* (Albuquerque: University of New Mexico Press, 2002), 1.

By the early 1870s, OIA management of reservations had become a national embarrassment due to increasing scandals involving political patronage, graft, and corruption. Further, hopes that Indians would adopt sedentary agriculture and assume civilized practices within the confines of the reservations were waning in the years after the creation of the Navajo reservation. Therefore, Congress abolished Indian treaty making in 1871. Though the ability to create Executive Order reservations remained through the 1880s, government policymakers and Indian policy advocates began the search for alternatives to the reservations.

During the late 1870s and into the 1880s, Indian policy reformers focused their assimilation efforts on educating Indian children at off-reservation boarding schools and the abolition of the reservations themselves. Beginning with an experiment by US Army officer Richard Henry Pratt in educating captive Indian soldiers at Hampton Normal and Agricultural Institute in 1875 and Pratt's creation of Carlisle Indian Industrial School in 1879, off-reservation boarding schools spread quickly around the United States and remained a key component of Indian assimilation efforts well into the twentieth century. The key to the off-reservation boarding schools was the separation of Indian children from the reservation, where they could be educated and thoroughly assimilated without negative influences of their family members. Reformers believed that tribal entity and the reservations reinforced the retention of Indian cultural practices, religions, and languages and, therefore, had impeded previous assimilation efforts. In this vein, they believed that the reservations needed to be broken up and their lands allotted in severalty to Indian heads of household so that they and their families would be freed to succeed or fail in American society on homesteads of their own. The 1871 allotment of the

Chippewa reservation had quickly turned disastrous through the work of white land swindlers; however, the idea was still popular among Indian policy reformers. Congress attempted to pass general allotment bills from 1878 until they succeeded with the General Allotment Act (Dawes Act) in 1887.

Under the Dawes Act, Indian families would receive 160 acre allotments and individual adults would receive 80 acres, which would be held in trust by the federal government for twenty-five years to guard against swindlers and speculators. Yet the intentions of the Act were far broader and included the destruction of tribal authority, suppression of native religions, increased pressure toward agricultural subsistence, and distribution of reservation lands left over after allotment to tribal members to whites. With occasional amendments, the Dawes Act and its imperatives remained in place until it was repudiated by the administration of Franklin Delano Roosevelt in 1934.

While the policies embodied in the Dawes Act remained in place until 1934, Indian policy reformers recognized quickly that allotment alone would not bring about the quick assimilation that they thought the best chance for Indians to survive in the United States. For several decades, the federal government had attempted to teach Indian men the practice of agriculture and the value of private property with disappointing results. Students who returned from boarding schools to their reservations soon reverted to the cultural practices of their families or expressed sorrow at being stuck between the expectations of two worlds.

Reformers deduced from these results that they had failed on two fronts: the support of returning boarding school students and the education of adult Indian women. Corresponding to the focus in American culture on the importance of domesticity and the

home in the propagation of civilization and of women in the maintenance of domestic order, female reformers recognized the opportunity for middle-class white women to employ the civilizing function of domesticity directly through work with Indian girls and women at boarding schools and in reservation homes. Reformers initially focused on model homes and home-building programs as means to educate and then support returned students, as well as to anchor them as nuclei of civilization in Indian communities. When the home-building programs also failed to produce quick results, reformers moved to grapple with what they viewed as the final impediment to the general acceptance by Indians of civilized practices: adult Indian women on reservations who acted as guardians of tribal social and cultural practices. The reformers lobbied the government to provide Indian women with an equivalent to the government farmers: the field matrons.³²

³² Regarding the deployment of the ideology of domesticity by government employees and reformers in policies and programs designed to assimilate American Indians, see Simonsen, *Making Home Work*; passim.; Lisa E. Emmerich, "'To Respect and Love and Seek the Ways of White Women': Field Matrons, the Office of Indian Affairs, and Civilization Policy, 1890-1930" (PhD diss., University of Maryland, 1987); K. Tsianina Lomawaima, "Domesticity in the Federal Indian Schools: The Power of Authority over Mind and Body," *American Ethnologist* 20, no. 2 (May 1993): 227-240; W. Roger Buffalohead and Paulette Fairbanks Molin, "A Nucleus of Civilization: American Indian Families at Hampton Institute in the Late Nineteenth Century," *Journal of American Indian Education* 35, no. 3 (Spring 1996): 59-94; Valerie Sherer Mathes, "Nineteenth Century Women and Reform: The Women's National Indian Association," *American Indian Quarterly* 14, no. 1 (Winter 1990): 1-18; Sara Northrup Romeyn, "A Sentimental Empire: White Women's Responses to Native American Policy, 1824-1894" (PhD diss., George Washington University, 2003); Rose Stremlau, "To Domesticate and Civilize Wild Indians: Allotment and the Campaign to Reform Indian Families," *Journal of Family History* 30, no. 3 (July 2005): 265-286; Margaret D. Jacobs, "Working on the Domestic Frontier American Indian Domestic Servants in White Women's Households in the San Francisco Bay Area, 1920-1940," *Frontiers: A Journal of Women Studies* 28, nos. 1-2 (2007): 165-199; Lisa M. Telzloff, "'Shall the Indian Remain Indian?': Native Americans and the Women's Club Movement, 1899-1954" (PhD diss., Purdue University, 2008); Helen M. Wanken, "'Woman's Sphere' and Indian Reform: The Women's National Indian Rights Association, 1879-1901" (PhD diss., Marquette University, 1981); Cathleen D. Cahill, *Federal Fathers & Mothers: A Social History of the United States Indian Service, 1869-1933* (Chapel Hill, NC: University of North Carolina Press, 2011); Carol Anne Chase Lastowka, "At Home and Industiously Employed: The Women's National Indian Association" (PhD diss., University of Arizona, 1994); Valerie Sherer Mathes, ed. *The Women's National Indian Association: A History* (Albuquerque: University of New Mexico Press, 2015).

The government's field matron program benefited from the influx of middle- and upper-class women into social and religious activism in the waning decades of the nineteenth century. While it was ironic that field matrons traveled to remote reservations to teach the essentials of Victorian, white gender ideology and domestic culture—which they themselves were transgressing through their employment on remote reservations—to Indian women, they embraced their duties with a missionary spirit of sacrifice similar to their sisters in the social purity, temperance, suffrage, and settlement house movements. While some scholars have viewed field matrons as agents of imperialism working to assimilate Indians, this dissertation asserts that field matrons' work in remote locations often complicated their mission and their goals as they became members of Indian communities and relied on Indian neighbors for companionship and, occasionally, survival.³³ The pragmatism of the initial field matrons assigned to the Navajo reservation demonstrated that once they became part of Navajo communities, they valued the well-being of their neighbors above the dictates of the OIA. The field matron program evolved and continued into the twentieth century, shifting emphasis toward home economics, hygienic practices, and methods of scientific motherhood that reflected the Progressive Era focus on professionalization and expertise. However, the program did not survive the full professionalization of its various duties that came with the transformation of Indian policy under Roosevelt's Indian New Deal.³⁴

³³ Simonsen, *Making Home Work*, 2006), 71-109.

³⁴ Emmerich, "'To Respect and Love and Seek the Ways of White Women,'" 39-42, 51-53, and passim. Regarding the replacement of domesticity by home economics, see Matthews, *"Just a Housewife,"* 145-171. Scientific motherhood was the notion that women required medical and scientific advice to properly raise healthy children. Regarding scientific motherhood, see Rima D. Apple "Constructing Mothers: Scientific Motherhood in the Nineteenth and Twentieth Centuries," *Social History of Medicine* 8, no. 2 (September 1995): 161-178; Rima D. Apple, *Perfect Motherhood: Science and Childrearing in America* (New Brunswick, NJ: Rutgers University Press, 2006); Lisa E. Emmerich, "'Save the Babies!' American

During the 1920s, the federal government continued the legacy programs begun in the 1880s with the Dawes Act, while, outside the federal government, opposition groups of whites and some Indians gained political strength in their increasingly successful opposition to these programs and the bureaucracy implementing them. As opponents of the federal government's Indian-policy legacy gained support for their reform campaign, Congress ordered a comprehensive study, which was published in 1928 as the *Problem of Indian Administration*.³⁵ This study brought the Progressive Era zeal for professional social science data collection and analysis to every aspect of interaction between the federal government and Indians. The study reported that Indian health, education and housing were significantly below the standards experienced by the rest of the American public. The study advised that Dawes-era allotment policies were harmful to the stability of reservation communities. The study's sections on Indian houses and home life demonstrated a tension between the civilizing policies begun during the implementation of the Dawes Act and shaped by the ideological aspirations of Victorian social work and the professionalizing ideal of the social sciences during the Progressive Era, avatars of which gathered the study's data. While the Herbert Hoover administration grappled from 1929-1931 with implementing the recommendations of the study for the reorganization of the Office of Indian Affairs, it was John Collier, one of the government's leading critics on Indian policy, who led the full repudiation of Dawes-era policies, when Roosevelt appointed him Commissioner of Indian Affairs in 1933.

Indian Women, Assimilation Policy, and Scientific Motherhood, 1912-1918," in *Writing the Range: Race, Class, and Culture in the Women's West*, ed. Elizabeth Jameson and Susan Armitage (Norman, OK: University of Oklahoma Press, 1997), 393-409. Regarding the relationship between imperialism and motherhood, see Anna Davin, "Imperialism and Motherhood," *History Workshop*, no. 5 (Spring 1978): 9-65.

³⁵ Institute for Government Research, *The Problem of Indian Administration* (Baltimore: The Johns Hopkins University Press, 1928).

Instead of breaking up reservations and dissolving tribes, Collier's goals were to restore lost lands to reservations, revitalize their economies, and strengthen tribal social institutions and government. The centerpiece of Collier's revolution was the Indian Reorganization Act (IRA) of 1934. The IRA repealed the Dawes Act and formed plans to consolidate tribal lands by giving individuals land shares instead of individual holdings and returning surplus lands. Two million dollars was authorized to acquire additional lands for reservations each year. It permitted the creation of tribal governments that had the power to charter businesses and borrow money from a revolving fund to be set up by the Office of Indian Affairs. The Secretary of the Interior was also empowered to create new Indian reservations. The Act advocated the stance that Indian education would help to preserve Indian heritage and prepare students to take jobs on reservations or in the Office of Indian Affairs. While Collier repudiated and repealed Dawes-era policies and attempted to stabilize Indian societies and respect Indian cultures, his long term as head of the OIA was often as authoritarian as under previous Commissioners. Critics pointed out, the prescribed governmental model was patterned on Euro-American institutions, which were not always well suited to local conditions. Even for the tribes who adopted new governments, OIA officials still held great authority in tribal administration. While Collier repudiated and repealed Dawes-era policies and attempted to stabilize Indian societies and respect Indian cultures, his long term as head of the OIA was often as authoritarian as under previous Commissioners. Collier campaigned hard during the one year after that passage of the IRA that tribes had to vote for or against reorganization. While some tribes voted to

reorganize their tribal governments under the IRA, others rejected the possibility. The Navajo reservation was a case in point.³⁶

For several decades following the creation of the reservation, Navajos had continued to practice their traditional decentralized, consensus-based processes for decision-making among their clans and families. They eschewed a central government despite the preference of US agents for hierarchical leadership structures. This pattern changed in the early 1920s, when oil was discovered on the Navajo reservation. The federal government created a Navajo Tribal Council to approve resource extraction leases. From the earliest days of the Council, the majority of Navajos chosen to fill it resisted US government demands and valued Navajos' collective interests above those of particular areas of the reservation in deciding whom should benefit from reservation resources.

From the early years of the Navajo Reservation throughout the rest of the nineteenth century, US government agents marveled at the entrepreneurial ability of Navajos to quickly become self-supporting through their abilities in animal husbandry. Navajos took the small number of sheep and goats that the federal government provided to them upon their return from Fort Sumner to their ancestral lands and rapidly multiplied their herds. Government observers often compared independent, entrepreneurial Navajos to a stereotypical lazy Indian who survived by hanging around an agency waiting for handouts of government rations. However, the impact of this success became apparent in the early twentieth century as the expanding Navajo population and their more rapidly multiplying herds caused increasing competition for grazing areas and rising tensions.

³⁶ Prucha, *The Great Father*, 957-963; Donald L. Parman, *Indians and the American West in the Twentieth Century* (Bloomington, IN: Indiana University Press, 1994), 94-100.

The admiration of government employees turned to alarm as they began to believe that the arid environment and plant forage of the reservation were being overgrazed by Navajos' rapidly multiplying herds of sheep, goats, and horses. Debates continued until the mid-1930s, when studies demonstrated that the reservation was 100% overgrazed. The federal government's laissez-faire appreciation of Navajos' initiative abruptly shifted, resulting in a draconian program to scientifically manage the reservation's range and Navajos' herds. After decades of extolling the virtues of self-interest and the accumulation of property as keys to assimilation into civilization, government agents demanded that Navajos drastically reduce their herds for the good of the tribe and the lands of the reservation. It was in 1935, during the initial years of the OIA-mandated stock reduction program that Navajos voted narrowly to reject reorganization under the IRA.

When Collier and the OIA demanded that Navajos alter their animal husbandry practices and drastically reduce their herds to combat overgrazing and soil erosion, it expected cooperation from the Tribal Council. After initial compliance, the Council reversed direction and allied itself with broad-based Navajo resistance to these policies. When federal officials sought to impose grazing permits on all Navajo heads of household as a means to limit the number of herd animals they could own and the area in which they could graze animals and reside, Navajos worked through the Council and local Grazing Committees during the 1940s to take control of the grazing permit system and return oversight of subsistence and residency rights to Navajo control.

The struggle between the OIA and the Navajo Council, as well as the complete transformation of the Navajo court system during the 1950s, positioned the tribal

government well to combat the federal government's reversal of New Deal Indian policies during the Termination and Relocation era of the late 1940s through the mid-1960s. The termination and relocation policies of the Truman and Eisenhower presidencies began in the 1940s as a backlash against John Collier's policies and were intended to end the federal government's administrative responsibilities and transfer them to state and local governments as soon as individual tribes met certain criteria. Termination also involved the elimination of federal trust over tribal lands and the distribution of any tribal income on a per capita basis to its members. Relocation policies set up relocation centers in major US urban centers and provided transportation, job placement, and subsistence funds until the receipt of a first paycheck, as well as vocational training and counseling. In August 1953, House Concurrent Resolution 108 and Public Law 280 became the legal framework for enacting Termination policies during the Eisenhower administration. HCR-108 declared that American Indians should be subject to the same laws and entitled to the same rights, privileges, and responsibilities as all US citizens. PL 280 permitted California, Minnesota, Nebraska, Oregon, and Wisconsin to exercise civil and criminal jurisdiction over reservations within their jurisdictions. When Arizona moved in 1957 to implement PL 280 on the portion of the Navajo reservation within its borders, it spurred the Navajo government and its lawyers to strategize how to get federal court affirmation of its sovereignty and to take control of court and police functions on the reservation.³⁷

³⁷ Parman, *Indians and the American West in the Twentieth Century*, 135-136; Prucha, *The Great Father*, 1041-1046, 1079-1084; Peter Iverson, *The Navajo Nation* (Albuquerque: University of New Mexico Press, 1981), 74-75; Austin, *Navajo Courts and Navajo Common Law*, 25-29.

When the Navajo government's lawyers prevailed in the US Supreme Court case of *Williams v. Lee* (1959), the decision established that state courts lacked jurisdiction over Navajos and their property on the reservation. *Williams v. Lee* was also a significant blow to the termination movement and signaled the beginning of its end. Then, on 17 November 1959, the Tenth Circuit Court of Appeals ruled that the First Amendment of the US Constitution did not apply to the Navajo government's prohibition of the religious use of peyote on the reservation in *Native American Church of North America v. Navajo Tribal Council*. These two rulings affirmed the Navajo government's adjudicatory and regulatory powers, significantly strengthened the sovereign powers of all American Indian tribal governments, and supported the position that Navajo courts (and those of other tribes) could become effective institutions of self-government. In the vein of asserting its independence and right of self-governance, the Navajo government passed a resolution in 1969 to declare that the Navajo people would be officially known as the Navajo Nation.³⁸

While scholars have previously described the relationship between the discovery of oil on the reservation in the early 1920s and the creation of the Navajo Tribal Council, as well as the transformation of the Council during the trauma of mandatory stock reduction, this dissertation analyzes the common motivating factor behind these events: the value of land in Navajo culture. The cultural importance of Navajos' ancestral lands, as well as their subsistence value, led them to take the unprecedented step of rallying

³⁸ *Williams v. Lee*, 385 U.S. 217 (1959); *Native American Church of North America v. Navajo Tribal Council*, 272 F.2d 131 (1959); Robert W. Young, *The Navajo Yearbook: 1951-1961 A Decade of Progress*, Report No. VIII (Window Rock, AZ: Navajo Agency, 1961), 27-29, 248; Robert A. Williams, Jr., Foreword to Austin, *Navajo Courts and Navajo Common Law*, xi; Iverson, *The Navajo Nation*, 55, 74-75; Austin, *Navajo Courts and Navajo Common Law*, 27-31; Peter Iverson, *Diné: A History of the Navajos* (Albuquerque: University of New Mexico Press, 2002), 209-210, 245.

behind a central government in their struggle to retain control of the reservation's lands and resources and to assert their tribal sovereignty. Over the following several decades, Navajos and their government worked together to manage reservation land use, while also strengthening Navajo sovereignty, respecting Navajo Fundamental Law, and codifying Navajo cultural standards for customary use and habitation rights.³⁹

This dissertation unfolds over five chapters. Chapter One considers Navajo ethnogenesis and provides an overview of Navajos' interactions with Spanish and American colonists and armies prior to the United States' conquest of the New Mexico Territory during the Mexican-American War. The chapter then explores the roots of the mid-nineteenth century Euro-American framework for understanding American Indian societies. Critical to this framework was the role of property in John Locke's social contract and the Common Sense philosophers' conception of human societies as on a progressive, stadial path of development from savagery to barbarism to civilization. Early US military observers of Navajo communities used this framework to assess and categorize Navajos' progress toward civilization.

Navajos and the United States government came into increasing conflict over control of Navajo territory, eventually engaging in a series of wars and signing several

³⁹ Regarding oil and resource extraction on the Navajo reservation, see Kathleen P. Chamberlain, *Under Sacred Ground: A History of Navajo Oil, 1922-1982* (Albuquerque: University of New Mexico Press, 2000); Philip Reno, *Mother Earth, Father Sky, and Economic Development: Navajo Resources and Their Use* (Albuquerque: University of New Mexico Press, 1981). Regarding stock reduction and range management on the Navajo reservation during the first half of the twentieth century, see Marsha Weisiger, *Dreaming of Sheep in Navajo Country* (Seattle: University of Washington Press, 2009); Richard White, *The Roots of Dependency: Subsistence, Environment, and Social Change among the Choctaws, Pawnees, and Navajos* (Lincoln, NE: University of Nebraska Press, 1983). Regarding the development of the Navajo government, see Iverson, *The Navajo Nation*, passim.; Robert W. Young, *A Political History of the Navajo Tribe* (Tsaile, AZ: Navajo Community College Press, 1978).

treaties in the 1850s and 1860s. The United States won the final war in 1864, rounded up the majority of Navajos, and marched them three hundred miles on the Long Walk to Fort Sumner, where they were incarcerated there for four years. At Fort Sumner, the US government began its first experiment in forcing Navajos to adopt sedentary farming practices in a land profoundly unsuitable for agriculture. After public outcry over the suffering of Navajos at Fort Sumner, the United States and Navajo leaders signed the Navajo Treaty in 1868. Under the treaty, Navajos were allowed to return to a newly created reservation on their ancestral lands. Navajos' expectations to return not only to their lands, but also to their social, cultural, and pastoral subsistence patterns conflicted with US government prescriptions that they should quickly adopt sedentary agricultural homesteads and assimilate into American society. These conflicting expectations set up fundamental tensions that shaped the events considered in the remaining chapters of the dissertation.

The Navajo Treaty was signed and the Navajo reservation created less than three years before the US Congress ended the process of signing treaties with Indian tribes as independent nations. While the creation of reservations continued under executive orders and acts of Congress into the 1880s, stories of graft and corruption in the Indian Service during the 1860s spurred President Ulysses S. Grant to initiate his Peace Policy to eliminate fraud and political corruption and to speed the assimilation of Indians into American society. The government used a variety of categories to evaluate the progress of Indian tribes toward assimilation, including the number of Indians who engaged in "civilized pursuits," attended school, could read, adopted American clothing, and built and lived in houses. Building and living in houses was of particular interest to government

agents, because these actions signaled a willingness to give up pastoral or hunting subsistence patterns in favor of the sedentary agricultural practices that were the hallmarks of the transition to civilization.

Chapter Two considers the use of the hogan by government agents and anthropologists as a measure of Navajos' progress toward assimilation into American society. The impetus for this interest in the hogan and other traditional Indian dwellings came not only from Locke and the Common Sense philosophers, but also from the influence of anthropologist Lewis Henry Morgan. Morgan's most famous works—*Systems of Consanguinity and Affinity of the Human Family* (1871), *Ancient Society* (1877), *Houses and House Life of the American Aborigines* (1881)—synthesized the theories of the Common Sense philosophers with the recent revolution in the understanding of human prehistory and comparative ethnographic data to give greater scientific credence to notions that all human societies were on a continuum of social evolutionary development from savagery to barbarism to civilization. Morgan's theoretical emphasis on the centrality of property to civilization and his assertion of the importance that house structure played in human social evolution influenced the focus of government officials and Indian rights activists on inducing Indians to adopt Euro-American-style houses.

During the 1870s and 1880s, while government agents were handing out sawed lumber, windows, and door frames to Navajos to encourage them to forgo hogans in favor of houses and ethnographers were engaged in capturing details of Navajos' traditional culture and dwellings before they were lost to the civilizing process, Indian rights advocates in the eastern United States were busily devising new strategies to spur

assimilation through the dissolution of Indian tribes. The reformers were alarmed that Indians on reservations across the United States were unwilling or uninterested in complying with the government's assimilation programs. Reformers, such as Lewis Henry Morgan's disciple Alice Cunningham Fletcher, Massachusetts Senator Henry Dawes, and other Friends of the Indian, believed that the main impediment was the tribal entity, which worked to keep individual Indians and their immediate families from assimilating. The reformers' prescribed answer to this problem was to dissolve the tribes and allot their lands in severalty to families and individuals. With the tribes gone and Indian families and individuals in possession of land on which they could become sedentary, self-sufficient agriculturalists, the reformers envisioned that Indians would more readily undergo social evolution and assimilate into American society and culture.

These new policy initiatives were first enacted on the Omaha reservation and then promulgated nationally through the passage of the Dawes Act. When the breakup of the Omaha reservation and the allotment of its lands to tribal members did not produce rapid assimilation and Indian children who had spent years being educated at government boarding schools resumed traditional practices when they returned to their families, the reformers decided that they needed to educate Indian adults in their own communities. Beginning with model homes at government boarding schools and continuing with home building programs as nuclei of civilization in Indian communities, reformers sought to model civilized behaviors and to support returning boarding school students in assimilating their families. The Navajo reservation, located far from Washington, DC and difficult to manage from such a distance, escaped the actual application of these new policy initiatives. However, it is essential to understand the evolution of these policies in

order to comprehend the rationale for government and private philanthropic assimilation activities on the Navajo reservation during the last decade of the nineteenth and early decades of the twentieth century. In this context, chapter three explores how Alice Cunningham Fletcher, Henry Dawes, the Friends of the Indian, and other reform organizations worked to impose their allotment policies and the model home programs on American Indians and Omaha families, in particular.

By the early 1890s, it became apparent to US government officials and reformers that the allotment of reservation lands in severalty was not going to eliminate tribal entities or the federal responsibility to them at a rapid pace and that the model homes program was not having a pervasive influence on Indian communities. Reformers hypothesized that the greatest impediment to their plans was the conservative force of traditional Indian women and their opposition to assimilation. Recognizing that young men and women returning from boarding schools did not have the social influence to persuade their elder family members to adopt civilized practices, an alliance of reform organizations, including the Society of Friends, the Friends of the Indian, the Women's Home Missionary Society, the Indian Rights Association, and the Women's National Indian Association, advocated that the government should create a field matron program. Since the early decades of the nineteenth century, the United States had provided white farmers to educate adult Indian men in agricultural practices; the reformers envisioned field matrons as filling a similar role for adult Indian women. Ideally, field matrons would be introduced into Indian tribes that were undergoing or had just undergone allotment in severalty, with the rationale that Indian women in this situation would be most likely to benefit from domestic education from white women in their own homes.

Despite the ideal intent, the second field matron appointed by the Commissioner of Indian Affairs was assigned to a remote area of the Navajo reservation, approximately seventy miles from the nearest railroad station. That field matron, Mary Raymond, and her co-worker, missionary Mary Eldridge, discovered over the next several years that duties devised for field matrons by the Commissioner of Indian Affairs had little applicability in Navajo hogans scattered far from each other on the reservation. This discovery did not stop Raymond and Eldridge from recognizing that they could provide valuable assistance with Navajos' subsistence and medical needs. Chapter Four explains the creation and evolution of the field matron program and explores the expansion of Raymond and Eldridge's work beyond the prescribed duties to include nursing, farming, civil engineering, hospital administration, fund raising, entrepreneurship, and policy advocacy. Through their willingness to go beyond being agents of assimilation by responding to Navajos' particular individual and community needs, Raymond and, especially, Eldridge brought Navajos together for common purposes, aided their communities, and helped to defend their individual and property rights when faced with challenges from white settlers and government officials.

Chapter Five considers how whites' obsession with private property and the proper use of land led the federal government to constrain Navajo's use of their lands through the institution of the stock reduction and grazing permit programs in the 1930s. Out of the conflict over stock reduction and grazing permits came a set of compromises on concepts of property use, maintenance, and creation via recognition of cultural analogues. The resulting policies allowed sometimes mutually exclusive understandings of their rationale and intended outcomes. For example, Navajo concepts of land use

based on clan lineage were recognized by whites as analogous to Western concepts of inheritance of private property. While Navajos were attempting to retain their kinship-based rules of land use and inheritance, whites altered mandates of Western-based, paternal, private property ownership and inheritance to allow Navajos matrilineal norms in addition to the advised patrilineal model. This enactment of hybrid private-property land usage policies reflected both US and Navajo social and cultural practices.

With the beginning of a grazing permit system in conjunction with stock reduction, Navajos learned that their grazing permit access to a specific area of land was their only secure source for income and sustenance. Their ties to that particular area of land strengthened over the decades. Once Navajos were forced to become rooted to one piece of land by grazing regulations and permits, their cultural ties to the Navajo homeland became focused on that specific piece of land, as did their family's and descendants' access to many rights and privileges on the reservation.

The grazing permit system signaled the end of the pastoral economy as Navajos' main means of subsistence; however, it also limited Navajos' ability to transition to other forms of on-reservation economic development or residence patterns. Navajos have never forgot the trauma caused by the stock reduction programs, and the once reviled grazing permit system has become their bulwark against future attacks on subsistence herding. Grazing permits evolved into a hybrid form of private property through heritable land-usage rights and became so zealously protected by Navajos and their government that they remain effectively unchallenged by off-reservation concepts such as eminent domain. Grazing permit usage rights have trumped and impeded various forms of development—housing, infrastructure, business, civic (schools, clinics, etc.)—and

have evolved to be one of the greatest impediments to integration with the off-reservation economy and, thereby, to economic and real estate development on the Navajo reservation. Yet, this unique form of property rights also has helped to maintain the sovereignty of the Navajo Nation and has provided Navajo families and individuals a much greater say in the development of their nation.

Chapter Six pulls the various themes of the dissertation together over the following several decades as Navajos grappled with changing pressures on their housing and land use patterns. The chapter considers how the Navajo Council and court system worked together to manage the inheritance and sale of grazing permits, giving them a quasi-private-property status, while also strengthening Navajo sovereignty, respecting Navajo Fundamental Law, and codifying Navajo cultural standards for customary use and habitation rights.

CHAPTER ONE

HOW EUROPEAN AND AMERICAN THEORIES OF CIVILIZATION AND PROPERTY SHAPED EARLY ENCOUNTERS WITH NAVAJOS

The United States government first officially engaged Navajos when it conquered the New Mexico Territory in 1846, during the Mexican-American War. US officials knew Navajos as the most significant indigenous military presence in the region and as feared raiders who had plagued the Spanish and Mexican officials who previously governed the area. The United States signed a series of treaties with various Navajo groups in the 1840s and 1850s, resulting in only minor fluctuations in patterns of raiding. Official frustration led to a prolonged military campaign against the Navajos in the mid-1860s, resulting in the tribe's defeat after a scorched earth campaign. The army marched the several thousand Navajos who were captured or surrendered hundreds of miles to a reservation at Fort Sumner in New Mexico Territory. It was at Fort Sumner that US officials began their attempts to civilize Navajos through the imposition of agricultural practices. Yet, the ill-chosen location at Fort Sumner doomed all agricultural efforts to failure. The abject suffering of the Navajos eventually led the US government to negotiate a new treaty with the tribe, which allowed them to return to a rump portion of the lands they had formerly inhabited.

After the creation of the reservation and return to their lands, Navajos slowly revived their planted fields, their flocks of sheep and goats, and herds of horses. The US officials assigned to oversee the Navajos and guide their assimilation into civilization evaluated the tribe's subsistence practices, domestic architecture, and cultural mores to better understand their status on the ladder of human development and the steps

necessary to move them toward the adoption of civilized practices. The officials' means for evaluating Navajos' "progress" derived from an ethnocentric worldview that owed its framework to concepts of private property with roots in medieval England and notions of human social evolution espoused and popularized by the Common Sense philosophers of the Scottish Enlightenment. This worldview provided concrete means to measure Navajos' progress on the path to civilization and prescribed practices that they must adopt to speed their way. Adoption of private property, the practice of agriculture, and the construction of permanent houses were the primary benchmarks needed to pass from the states of savagery or barbarism to the most basic level of civilization. Hence, these benchmarks or their absence were the most commonly commented upon aspects of Navajo society in the decades following the acquisition of the New Mexico Territory.

Navajo Ethnogenesis and Early Encounters with Spanish Colonials

Navajos, along with various Apachean groups of the Southwest, are Athabaskan speakers who migrated from western Canada several hundred years ago, arriving in the area as organized bands of hunters and gatherers. The estimated time of these peoples' arrival in the Southwest is uncertain, with various scholars positing dates from 800 to 1500 A.D.¹ The historian Peter Iverson acknowledges the debates among archaeologists and linguists regarding the physical arrival of Athabaskan speakers in the Southwest, but,

¹ Clyde Kluckhohn and Dorothea Leighton, *The Navajo* (Cambridge, MA: Harvard University Press, 1974), 33-34; David F. Aberle, *The Peyote Religion Among the Navaho*, 2nd ed. (Norman, OK: University of Oklahoma Press, 1991), 24; Garrick Bailey and Roberta Glenn Bailey, *A History of the Navajos: The Reservation Years* (Santa Fe: School of American Research Press, 1986), 11; Richard White, *The Roots of Dependency: Subsistence, Environment, and Social Change among the Choctaws, Pawnees, and Navajos* (Lincoln, NE: University of Nebraska Press, 1983), 212.

ultimately, he finds the distinctions irrelevant in that Navajos came into being, or went through ethnogenesis, in the Southwest, the lands they have always occupied.²

The first Spanish accounts of Apachean peoples occurred in the late 1500s and the first Spanish differentiation of Navajos as a distinct group came in 1626 and 1630. In 1627, Fray Gerónimo Zárate Salmerón described the “apaches de Nabajú.” The Tewa word “Návahúú” translates as “a large arroyo with cultivate fields.”³ In 1630, Fray Alonso de Benavides noted that the Navajos were “very great farmers, for that [is what] ‘Navajo’ signifies—‘great planted fields.’” He also noted that “They have their sort of lodgings under the ground, and a certain sort of *xacales* in which to store their crops, and they have always dwelt in that spot.”⁴ The Spanish, sometimes deliberately, sometimes inadvertently, introduced Navajos to horses, metal-crafting skills, and weaving, as well as new fruits and vegetables for cultivation. During the seventeenth century, the Navajos’ economy consisted of hunting, gathering, and farming, in addition to trading with and raiding Spanish and Puebloan settlements. It was not until after the Pueblo Revolt of 1680, and subsequent Spanish reconquest of the area in 1696, that Navajos became a more ethnically distinct group from other Apachean groups in the region, as they slowly incorporated the influx of Puebloan refugees and certain aspects of their culture.⁵

² Peter Iverson, *Diné: A History of the Navajos* (Albuquerque: University of New Mexico Press, 2002), 6.

³ Gerónimo Zárate Salmerón, *Relaciones*, trans. Alicia Ronstadt Milich (Albuquerque: Horn and Wallace, 1966), 16-17, 93-94; Marsha Weisiger, *Dreaming of Sheep in Navajo Country* (Seattle: University of Washington Press, 2009), 109; J. Lee Correll, *Through White Men’s Eyes: A Contribution to Navajo History*, vol. 1 (Window Rock, AZ: Navajo Heritage Center, 1979), 30-32; Iverson, *Diné*, 26. Klara B. Kelley and Peter M. Whitely, *Navajoland: Family Settlement and Land Use* (Tsaile, AZ: Navajo Community College Press, 1989), 9-11. The Tewa language is spoken by the Tewa (or Tano) linguistic group of Pueblo American Indians. Regarding Salmerón and Benavides’ descriptions and the origins of the name “Navajo,” see Alonso De Benavides, *The Memorial of Fray Alonso De Benavides 1630*, trans. Mrs. Edward E. Ayer, annot. Frederick Webb Hodge and Charles Fletcher Lummis (Albuquerque: Horn and Wallace Publishers, 1965), 266, note 45 and Weisiger, *Dreaming of Sheep in Navajo Country*, 285, note 13.

⁴ Benavides, *The Memorial of Fray Alonso De Benavides 1630*, 44-45. “The term *xacal*, or *jacal*, from the Aztec *xacalli*, is used to designate a structure of wattle chinked or plastered with mud.” Ibid., 45, note *.

⁵ Kelley and Whitely, *Navajoland*, 12-16, 27; Bailey and Bailey, *A History of the Navajos*, 13-17.

Navajos most likely developed their traditional patterns of combined agriculture, herding, and scattered-site, kin-clustered settlement and frequent migration through their interactions with their Puebloan and Spanish neighbors. Navajo matrilineal clans probably developed in relation to agriculture. Since the Pueblos already occupied the larger areas of land best suitable for farming, the Navajo clan structure developed as a localized and loosely organized way to control smaller islands of land suitable for farming. Control of only limited areas for agriculture also prevented Navajos from developing the larger village characteristic of the Pueblos. Navajos encountered livestock as early as 1606, likely both from Spanish settlements in New Mexico and from Indian groups who traded with the Spanish in Mexico. Though Navajos maintained relative peace with the Spaniards during much of the 1700s, it was during this period, as a result of raids on the Spanish, that Navajos began the integration of sheep husbandry into their culture. By the first half of the 1700s, Navajos had small herds of sheep, goats, cattle, and horses. During the second half of the century, Navajos' emergence as prolific weavers indicated that their herds had grown. By the end of the century, Navajo herds were described as "innumerable." Between the early 1600s and the turn of the nineteenth century, Navajos had altered the priority of their subsistence activities from "agriculture, hunting, gathering, and raiding to herding, agriculture, hunting, gathering, and raiding."⁶

Increased focus on agriculture and herding led to a rapid rise in and geographic spread of the Navajo population. But, when conflicts with other American Indian groups pushed Navajos from much of their best farmland, they increased their reliance on

⁶ Aberle, *The Peyote Religion Among the Navaho*, 24-25, quotes from 24. Kelley and Whitely, *Navajoland*, 16-30; Bailey and Bailey, *A History of the Navajos*, 11-17; White, *The Roots of Dependency*, 212-213.

herding, which has remained a significant feature of Navajo society and culture through the present day. It was also during the 1700s that Navajos incorporated certain aspects of Puebloan techniques for building with earth into the construction of their hogans.⁷

The Roots of the Euro-American Framework for Understanding American Indian Societies

While Navajos were competing with Spanish and Mexican colonists and Indian rivals for land and resources, the nascent United States was dealing with other Indian groups along the frontiers of the original thirteen colonies. The French and Indian War and the Revolutionary War had changed the balance of power in the western half of North America. As the United States attempted to consolidate its status as a nation, a primary political concern was relations with and policies toward Indian tribes both within and beyond the new nation's borders. The United States' early Indian policies and their European antecedents continued to shape how the federal government dealt with Navajos several decades later. While the mid-nineteenth century wars between Navajos and the United States were fought to consolidate control over lands won from Mexico in the Mexican-American War, the consolidation of Navajos on a reservation was part of a well-established process begun nearly thirty years before and considered as early as the 1780s by Thomas Jefferson.

In 1785, Thomas Jefferson wrote—"I believe the Indian . . . to be in body and mind equal to the white man."⁸ His justification for this statement rested on two

⁷ Kelley and Whitely, *Navajoland*, 12-18; White, *The Roots of Dependency*, 212-213; Bailey and Bailey, *A History of the Navajos*, 14-17; Jett, "Cultural Fusion in Native-American Architecture: The Navajo Hogan," 243-256.

⁸ Francis Paul Prucha, *The Great Father: The United States Government and the American Indians*, vols. 1-2, unabridged ed. (Lincoln, NE: University of Nebraska Press, 1995), 137.

principles. First, he believed in the unity of humankind; a belief he extended to American Indians, but not to blacks. Second, as an ardent American, Jefferson could not accept a position that would leave Native Americans deficient in relation to Europeans. Jefferson maintained this stance in his only published book, *Notes on the State of Virginia* (1787), in which he rebutted French naturalist Georges Louis Leclerc Comte de Buffon's claim that the American environment had a degenerating effect on its flora, fauna, and human inhabitants.⁹

Yet Jefferson could not ignore the disparity between Indian ways of life and those of his own society. He explained these differences through environmental influences. If the American Indians would leave behind hunting as a means of subsistence and adopt the agricultural practices he so idealized, then they could rapidly transform their societies. Considering the threat he believed whites posed to American Indian societies, Jefferson admitted the responsibility of whites to shepherd them toward the goal of civilization. He knew that American Indians would not change their ways immediately, but he believed progress toward civilization to be inevitable; if American Indians did not transform, they would be swept away by the advancing tide of white society.¹⁰

To Jefferson and his contemporaries, the seeming contradiction of seeking to help American Indians along the path to civilization while simultaneously working to transfer their lands to white settlers was rationalized through the assumption that American Indian farmers would need less land than they would as hunters to support themselves. The

⁹ Thomas Jefferson, *Notes on the State of Virginia* (London: John Stockdale, 1787).

¹⁰ Prucha, *The Great Father*, 59 and Bernard Sheehan, *The Seeds of Extinction: Jeffersonian Philanthropy and the American Indian* (New York: W. W. Norton & Company, 1973), passim., but esp. 243-275; Anthony F. C. Wallace, *Jefferson and the Indians: The Tragic Fate of the First Americans* (Cambridge, MA: Belknap Press of Harvard University Press, 1999), 273-275.

assumption followed that Indian farming would instill a vested interest in private property, engender a respect for hard work, and stabilize Indian societies. Yet, in spite of his hopes for a moral and humanitarian Indian policy, Jefferson perceived that the speed of white expansion might outpace the assimilation of American Indians and those other solutions, such as expropriating their aboriginal lands and inducing them to remove beyond the white frontier, might have to be implemented.¹¹

The assumptions that Jefferson brought to his understanding of American Indians came from intertwining strands of European cultural and intellectual history. Notions of private property and how to establish rights to it had begun in medieval England and evolved to become synonymous with the foundations of civilization in the writings of John Locke and, later, many figures of the Scottish Enlightenment. Jefferson and his contemporaries learned of the foundations of private property through studying English Common Law and of its importance to civilization by reading the writings of Locke and Scottish Enlightenment thinkers.¹² Through these sources, the leaders of the United States' founding generation and their successors for the next several decades were taught that the right to own private property was initially established by transforming land through agriculture and animal husbandry, as well as the building of structures, such as houses and fences. Further, they learned that all human societies were on a continuum of development along standard stages and that peoples could and should be judged based on their progress from savagery to barbarism to civilization. Based on these assumptions,

¹¹ Prucha, *The Great Father*, 59 and Sheehan, *The Seeds of Extinction*, passim., but esp. 243-275; Wallace, *Jefferson and the Indians*, 273-275.

¹² Concerning the influence of Locke and the Scottish Common Sense philosophers on Jefferson, see Sheehan, *The Seeds of Extinction*, 26-32 and Roy Harvey Pearce, *Savagism and Civilization: A Study of the Indian in the American Mind* (Berkeley, CA: University of California Press, 1988), 91-96.

the US government created policies that removed American Indians from their lands, segregated them on reservations, and endeavored to make them into yeoman farmers.¹³

When English settlers first began to colonize the New World in the sixteenth and early seventeenth centuries, they brought with them not only their cultural traditions regarding private property but also their current intellectual and legal structures to support it. The English generally established a claim to property through a combination of activities: building houses and/or fences and planting gardens. For much of its history, a central symbol of English society was the village, and many such villages have persisted for hundreds of years. In that vein, the construction of a house demonstrated intent to begin a settlement and to remain for a considerable time. In English law, building a house and maintaining it through habitation established a right to property stronger than a ceremony or a document attesting to possession. With the enclosure movement of the sixteenth century, the building of a fence or other fixed boundary around a piece of land and demonstrating use or the intent to use the land for productive purposes established a legal right to supposedly unused land. Demonstrating collective ownership of land through the building of fences or other boundaries had been common

¹³ Concerning the ties between notions of private property and civilization, see Ronald L. Meek, *Social Science and the Ignoble Savage* (Cambridge: Cambridge University Press, 1976); Richard Schlatter, *Private Property: The History of an Idea* (New Brunswick, NJ: Rutgers University Press, 1951); Peter Garnsey, *Thinking About Property: From Antiquity to the Age of Revolution* (Cambridge: Cambridge University Press, 2007); William Cronon, *Changes in The Land: Indians, Colonists, and the Ecology of New England* (New York: Hill and Wang, 1983), 54-81; James L. Huston, *Securing the Fruits of Labor: The American Concept of Wealth Distribution, 1765-1900* (Baton Rouge, LA: Louisiana State University Press, 1998); C. B. MacPherson, *The Political Theory of Possessive Individualism* (Oxford: Oxford University Press, 1962); J. G. A. Pocock, "The Mobility of Property and the Rise of Eighteenth-century Sociology," in *Theories of Property: Aristotle to the Present*, Anthony Parel and Thomas Flanagan, eds. (Waterloo, ON: Wilfred Laurier University Press for the Calgary Institute of the Humanities, 1979), 141-166; James Tully, *A Discourse on Property: Locke and his Adversaries* (Cambridge: Cambridge University Press, 1980); Alan Ryan, *Property and Political Theory* (Oxford: Basil Blackwell, 1984); Jeremy Waldron, *The Right to Private Property* (Oxford: Clarendon Press, 1988); Thomas A. Horne, *Property Rights and Poverty: Political Argument in Britain, 1605-1834* (Chapel Hill, NC: University of North Carolina Press, 1990).

since the Middle Ages; however, beginning in the fourteenth and fifteenth centuries, such boundaries came increasingly to indicate private ownership of land. Since English colonization of the New World began during the enclosure movement, the building of fences was easily transferred across the Atlantic Ocean as a means of establishing ownership. Even when colonial land grants were made in common to a group, they were quickly subdivided by fences to establish individual ownership. The anonymous author of the “Essay on the Ordering of Towns” argued that private ownership was the best guarantee of the fullest use of the land: “he that knoweth the benefit of incloseing, will omit noe diligence to brenge him selfe into an inclusive condicion, well vnderstanding that one acre inclosed, is much more beneficiall than 5 falling to his share in Common.”¹⁴ Fences quickly became so important to establishing property rights that various levels of government began to require them to protect both property rights and the improvements made to the lands bounded by them. As colonists arrived to establish possession of land, governments increasingly required the surveying of property boundaries in order to establish and maintain the validity of property claims within their jurisdictions.¹⁵

Erecting fences or other boundaries evolved in tandem with the concept of the garden in English culture. Perhaps as early as the eighth century, the English began to make the distinction between wild plants and those that they cultivated. By the eleventh century, they began to build fences or walls to separate the “wild” from the “cultivated”—a distinction that later came to symbolize the difference between savage or uncontrolled societies and civilized societies that engaged in agriculture. The practical

¹⁴ “Essay on the Ordering of Towns,” n.d., ca. 1635, in *Winthrop Papers*, vol. 3, 1631-1637 (Boston: Merrymount Press, 1943), 184.

¹⁵ Patricia Seed, *Ceremonies of Possession in Europe’s Conquest of the New World 1492-1640* (Cambridge: Cambridge University Press, 1995), 18-25; Cronon, *Changes in the Land*, 54-81 and 130.

creation of a boundary to protect the work invested in gardening came to signify possession not only of the produce but also of the land from which it grew. Based on this centuries-old tradition of gardening/agriculture as separating the wild from the cultivated, English settlers planted gardens not only to provide for their own sustenance but also to establish claims to land. The colonists were not only planting crops but also planting the roots of their own communities, and it is from this metaphor that the term “plantation” came to characterize their settlements. To these colonists, it was not only royal land grants that established their right to certain lands but, more important, their labor in planting communities through the growing of crops and the building of fences and houses.¹⁶

Yet the English had a further justification for both their drive to cultivate land and their colonial imperative: Biblical mandate. The English took God’s directive in Genesis 1:28 to multiply and to replenish the earth and subdue it as His charter to humanity to spread over the earth and to remove lands from a state of nature through cultivation.

John Winthrop noted in justification for the founding of the Massachusetts Bay Colony:

The whole earth is the Lords garden and he hath giuen it to the sonnes of man with a gen[eral] Commission: Gen. 1:28: increase and multiply, and replenish the earth and subdue it, which was againe renewed to Noah, the end is double and naturall, that man might enjoy the fruits of the earth, and God might haue his due glory from the creature:. why then should we stand striving here for places of habitation etc. (many men spending as much labour and coste to recouer or keepe sometimes an acre or twoe of Land, as would procure them many C[hundred] as good or better in another Countrie) and in the meane time suffer a whole Continent as fruitfull and convenient for the vse of man to lie waste without improvement?¹⁷

¹⁶ Seed, *Ceremonies of Possession*, 25-31; Cronon, *Changes in the Land*, 54-81.

¹⁷ John Winthrop, “Reasons to Be Considered, and Objections with Answers,” *Winthrop Papers*, S. Mitchell, vol. 2, 1623-1630 (Boston: Massachusetts Historical Society, 1931), 139.

In a mixing of Anglo-Saxon folk tradition and Biblical directive, the English context for to “replenish” and “subdue” came to refer more to agriculture than to human fertility. To “subdue” became equivalent with the breaking of land with an ox and plow to make it ready for cultivation. To “replenish” became equivalent to the enriching of the soil with manure to renew its productive capacity. Replenishing also took on the context of improving the land, and while manure improved the quality of the soil for planting, English law also considered the building of houses and fences as improvements to the land (a concept that has lasted to the present day on both sides of the Atlantic Ocean), as was the husbanding of animals on the land because they produced manure.¹⁸

As a further justification for colonization—whether it was in the New World, Ireland, or the rest of what became the British Empire—the English rationalized the appropriation of lands already used by indigenous societies by declaring that these societies had not improved the lands, as demanded by God. If American Indians did not evince settled habitation through the building of permanent houses, the removing of land from nature with fences, the subduing of land with the plow, the improving of soil with manure, or the husbanding of animals, then they had no right to hold the lands they used, especially when the English intended to bring the land under the influence of civilization. To the rhetorical objection that the potential Massachusetts Bay colonists “have noe warrant to enter upon that Land which hath been soe long possessed by others,” John Winthrop answered:

That which lies common, and hath neuer beene replenished or subdued is free to any that possesse and improve it: For God hath given to the sonnes of men a double right to the earth; there is a naturall right, and a Ciuill Right The first right was naturall when men held the earth in common euery man sowing and

¹⁸ Seed, *Ceremonies of Possession*, 31-39. Regarding such debates since antiquity and about the Biblical mandate in Genesis, see Garnsey, *Thinking About Property*, 107-135.

feeding where he pleased: then as men and their Cattell encreased they appropriated certaine parcells of Grownde by inclosinge and peculiar manurance, and this in time gatte them a Ciuill right As for the Natiues in New England, they inclose noe Land, neither have any settled habytation, nor any tame Cattle to improue the Land by, and soe have noe other but a Naturall Right to those Countries. soe as if we leaue them sufficient for their vse, we may lawfully take the rest, there being more then enough for them and for vs.¹⁹

With such caveats, the English could ignore the Indians' palisaded villages because their construction was not judged of a permanent nature; the Indians' fields of crops because they did not use a plow, manure their fields, or fence them in; and the Indians' use of a variety of animals for meat because they did not tame them.²⁰

While the above cultural practices established English understandings of appropriate land use and private property, the English basis for establishing the rough trajectory of their own social development as a constant for all human societies came from thinkers such as John Locke and the Scottish Common Sense philosophers. Both Locke and the Common Sense school used ethnographic writings brought back from New World explorations to develop comparative models to understand the fundamental development of their own societies. For Locke, the demarcating line between the state of nature and civilization was the introduction of private property. In analyzing social and political structures, Locke assumed that humans are social by nature, that society predated government, and that by means of a social contract humans institute government for their own benefit. Locke replaced the premodern notion that government derived from paternal royal authority and familial obligation with the concept of individuals in a state of nature establishing a government for themselves. In a state of nature, individuals enjoy a state of equality in which they live in a conjugal society where families are the

¹⁹ Winthrop, "Reasons to Be Considered, and Objections with Answers," 140-141.

²⁰ Seed, *Ceremonies of Possession*, 31-39; Cronon, *Changes in the Land*, *passim*.

organizing structure for social life and possess, in common, the right to the fruits of the earth. And while God gave the earth to humans in common, his order to subdue and replenish the earth led those ambitious for material wealth to improve the earth to a greater degree. For Locke, the first private property was each person's body, and whatever product of the earth each person removes from a state of nature through their body's labor then becomes their property. Those ambitious for material wealth produced uneven accumulations of property, which led to increasing inequality and jealousy. At some point, humans invented money and consensually introduced the right and possibility to possess ever larger amounts of property. The great divide between the state of nature and civilization results from these developments. With the chief intent of preserving their property, humans enter the social contract, create a government, relinquish the rights and powers of the state of nature, and give these powers to a new entity: the state.²¹

The Scottish Common Sense philosophers—among them, Francis Hutcheson, Thomas Reid, Adam Ferguson, Lord Kames, William Robertson, and Dugald Stewart—assumed the psychic unity (or unity of the innate abilities) of humans and believed that universal patterns of human social development existed and could be discerned. They devised a stadial theory of social evolution, where each stage represented a particular mode of procuring sustenance.²² People hunted at the lowest level, became pastoralists

²¹ John Locke, *Two Treatises of Government* [1690] ed. Peter Laslett, 3rd ed. (Cambridge: Cambridge University Press, 1988), 269-278, 285-302, 330-349; Meek, *Social Science and the Ignoble Savage*, 21-22; Daniel Noah Moses, *The Promise of Progress: The Life and Work of Lewis Henry Morgan* (Columbia, MO: University of Missouri Press, 2009), 24-26; Cronon, *Changes in the Land*, 78-79; Seed, *Ceremonies of Possession*, 33.

²² This idea was not new to the Common Sense school; it can be found in ancient writers, and Benjamin Keen discovered it in the discussion of Indians by the Spaniards Las Casas, Acosta, and Torquemada. Benjamin Keen, *The Aztec in Western Thought* (New Brunswick, NJ: Rutgers University Press, 1971), 94,

in the middle level, rose in the next stage to agriculture, and reached the final stage where commerce was the primary mode. As societies progressed, their members divided their labor and developed more specialized methods to extract ever more benefits from the earth. While the savage levels of development were unfocused and left the earth's resources untapped, the civilized levels were managed and made productive use of resources. These writers sought the "natural" uniformities in human behavior instead of the accidental or unique events chronicled in history.²³

Through comparing European civilizations with societies around the world, they sought to develop a conjectural or theoretical history based on the premise that the present conditions of savage people represented the early conditions of now civilized societies. Conjectural history—a term coined by Dugald Stewart—would enable the discovery of the natural or normal development of human behavior and societies. As Adam Ferguson noted in 1767: "It is in their [the Indians'] present condition, that we are to behold, as in a mirror, the features of our own progenitors; and from thence we are to draw our conclusions with respect to the influence of situations, in which, we have reason to believe, our fathers were placed."²⁴

Recognizing the differences in human social development around the world, the Scots noted that different societies went through the stages at different paces and times.

112, 182. The intellectual framework for such a sequence only developed in the second half of the eighteenth century. This framework was constituted by the following assumptions: a common and constant human nature, uniform and constant laws guiding human affairs, an ability to differentiate natural and accidental history. Robert F. Berkhofer, *The White Man's Indian: Images of the American Indian from Columbus to the Present* (New York: Knopf, 1978), 47-48; Meek, *Social Science and the Ignoble Savage*, 99-130.

²³ Moses, *The Promise of Progress*, 27-30; Pearce, *Savagism and Civilization*, 82-95; Berkhofer, *The White Man's Indian*, 45-49; Meek, *Social Science and the Ignoble Savage*, 99-130.

²⁴ Adam Ferguson, *An Essay on the History of Civil Society* (Dublin: Boulter Grierson, 1767), 118.

Following Locke, they posited the distribution of property as the prime motivating force behind social evolution and traced the high attainment of their own civilization to the introduction of private property.²⁵ Lord Kames believed that “without private property there would be no industry, and without industry, men would remain savages forever.”²⁶

The Scots also provided a framework for understanding why American Indians had not progressed to the level of civilization, as Europeans had. According to William Robertson, in his *History of America* (1777), the reason was a combination of isolation and the powerful effect of environment.²⁷ Robertson’s American Indians lived simple, undeveloped lives in an environment that demanded all their energies for mere survival. They lived in small roaming groups, surviving by hunting, with great equality and independence, slight sense of property or wealth, and little need for civil organization or government. The Scottish Common Sense school was widely read in American colleges for decades and very influential among the educated classes; Robertson’s *History* was especially popular. The Scots gave Americans a rationale for progress and a way to interpret their revolution as a phase of social progress. The Scots also gave Americans a way to understand their observations of Indians and to place these observations in the context of human social evolution.²⁸

Thomas Jefferson, himself, placed Robertson’s *History* high on his reading list for any young man studying law. The Scots provided Jefferson with the means to understand his paradoxical observations of American Indians; the moral sense of the psychic unity of

²⁵ Moses, *The Promise of Progress*, 27-30; Pearce, *Savagism and Civilization*, 82-95; Berkhofer, *The White Man’s Indian*, 45-49.

²⁶ Lord Henry Home Kames, *Sketches of the History of Man*, vol. 1, 3rd ed. (Dublin: James Williams, 1779), 69.

²⁷ William Robertson, *The History of America*, vol. 1 (Dublin: W. Watson Whitestone, et. al., 1777).

²⁸ Moses, *The Promise of Progress*, 27-30; Pearce, *Savagism and Civilization*, 82-95; Berkhofer, *The White Man’s Indian*, 45-49.

humans validated their humanity, and stadial development explained the inferiority of Indian societies. Effectively, these theories allowed Jefferson to continue to believe in the unity of the human species while asserting the inferiority of Indian society, thereby enabling the enactment of government policies that removed and segregated them on the fringes of white society.²⁹

The idea of removal and land exchange originated with Thomas Jefferson in 1803, when the addition of the vast Louisiana Purchase enabled contemplation of such a plan. However, removal was not discussed in earnest until President Monroe's administration (1817-1825). Monroe and Secretary of War John C. Calhoun worked for a change in what they perceived to be an anomalous situation: large groups of what they deemed savage or semi-civilized tribes surrounded by civilized whites. The possible solutions, as they perceived them, were either removal to the as yet unsettled western portions of the nation or wholesale Indian adoption of sedentary agriculture.³⁰

The federal government followed the essence of Thomas Jefferson's speculations concerning the inevitability of placement beyond white settlement with the removal of American Indian tribes in the South and Old Northwest to Indian Territory in the 1820s and 1830s; tribes were to be kept separate from the often acrimonious contact with whites, while also making significant amounts of land available for more productive use by whites. However, with the vast territorial accumulations during the second half of the 1840s—Texas, Oregon country, and California and the rest of the Mexican Cession—the notion of placing American Indians beyond the bounds of white civilization became

²⁹ Pearce, *Savagism and Civilization*, 94-95.; Jefferson considered Robertson's *History* essential reading, despite the author's repetition of Buffon's thesis. Wallace, *Jefferson and the Indians*, 95 and Sheehan, *The Seeds of Extinction*, 72.

³⁰ Wallace, *Jefferson and the Indians*, 273-275; Prucha, *The Great Father*, 179-185.

untenable. So, during the 1840s, 50s, and 60s, the federal government developed and refined a reservation policy in conjunction with the hundreds of treaties or agreements they negotiated with American Indian tribes. The reservation system effectively began in 1851 with the “Appropriation Bill for Indian Affairs,” which was passed on February 27 with the intent to create a path to the far west of the continent and to civilize American Indians.³¹ A series of treaties followed in the early 1850s. The first was the Treaty of Fort Laramie (signed 17 September 1851) with Sioux, Cheyennes, Arapahos, Crows, Assiniboines, Gros Ventres, Mandans, and Arikaras, in which the tribes agreed to end hostilities among themselves, to recognize the right of the United States to establish roads and military posts in their territory. The treaty spelled out the boundaries of each tribe’s territory in what would be an unsuccessful attempt to keep them apart. For its part, the United States committed to protect the tribes from white depredations and to pay annuities of fifty thousand dollars per year for fifty years. The annuities were to be paid through the distribution of agricultural implements, domestic animals, merchandise, and provisions. The US Senate amended the treaty to reduce the annuity obligation from fifty to ten years with a possible five-year extension, which the tribes ratified.³²

The segregation of American Indians on reservations not only served the function of separating two cultures or races and limiting violent confrontation, but also envisioned reservations as schools or laboratories where the tribes could be acculturated in preparation for their eventual assimilation into the broader American society. A government agent on the Sioux reservation wrote in 1858, “Give a man a separate tract to

³¹ Appropriation Bill for Indian Affairs, ch. 14, 9 Stat. 574, passed on February 27, 1851.

³² Prucha, *The Great Father*, 341-345.

cultivate and he does not hesitate to labor in the common field The common field is the seat of barbarism; the separate farm the door to civilization.”³³ The nuclear family farm became the archetype envisioned by policy makers when creating and implementing treaties. An essential aspect of this vision, which would shape policies for more than a hundred years, was the establishment of private property holding on reservations. During these decades, cash payments guaranteed under treaties changed in many cases to the distribution of agricultural implements, goods, and farm animals, or the provision of “civilizing education.” The intention was to protect American Indians from what were perceived to be spendthrift ways and shepherd them toward the ideal of the individual family farm. An essential part of most treaties was the provision that the president had discretionary authority to survey land within the reservations, create lots, and allot them to those who requested the privilege. Neither the quality of reservation land nor the traditions of different tribes mattered, the policy of the government was to turn all American Indians into farmers. When the Office of Indian Affairs was transferred from the War Department to the newly created Department of the Interior in 1849, it came under the same cabinet secretary as the General Land Office, which was in charge of disposing of sections of the public domain for the benefit of white settlers.³⁴

It was during the height of reservation creation that the United States asserted control over Navajos’ lands. The late eighteenth and first half of the nineteenth centuries witnessed frequent military conflict between Navajos and the surrounding colonial powers, which led to the circumscribing of the Navajos’ geographic expansion. Navajos’

³³ Joseph R. Brown to W. J. Cullen, 18 September 1858, House Ex. Docs., 2 session, 35 Congress, serial 997, p. 402 as quoted in William T. Hagan, “Private Property, the Indian’s Door to Civilization,” *Ethnohistory* 3, no. 2 (Spring 1956): 126.

³⁴ Prucha, *The Great Father*, 319-323.

relations with the Spanish and Mexican governments worsened during the last portion of the 1700s and first half of the nineteenth century, with increased raiding and significant military actions. After the conquest of the New Mexico Territory in the Mexican-American War, Navajos signed their first treaty with the United States in 1846 at Bear Springs, followed by a series of other treaties in the 1840s and 1850s, some of which were ratified by the Senate, others not.³⁵ The series of several treaties during these decades highlighted the lack of commitment by both sides to abide by these agreements, and conflict continued apace.

The social organization of Navajos and their dispersed settlement patterns put them at odds with the expectations of the US government. In the mid-nineteenth century, the Navajo population numbered more than 8,000, but had no framework to organize collective action. Some local headmen had influence over several groups because of respected personal qualities, but they were not war leaders and could not control even members of their own group who wanted to engage in raiding. Hence, treaties signed by these headmen with the United States, usually with the hope of eliminating armed conflict, did not bind their followers.³⁶ Encountering American Indian groups with diffuse sociopolitical structures was not a new experience for US authorities or the Euro-American and European leaders of colonization who preceded them in North America. Since the earliest days of their colonization of the continent, Europeans had sought to

³⁵ David M. Brugge and J. Lee Correll, *The Story of the Navajo Treaties*, Navajo Historical Publications, Documentary Series No. 1 (Window Rock, AZ: Research Section, Navajo Parks and Recreation, The Navajo Tribe, 1971), 14-22, 64-77; Frank McNitt, *Navajo Wars: Military Campaigns, Slave Raids, and Reprisals* (Albuquerque: University of New Mexico Press, 1972), passim.

In 1854, the “Navajos occupied the territory from the Rio Grande to the Colorado, bounded on the South by the Zuni River and on the north by approximately the 37th parallel.” Aberle, *The Peyote Religion Among the Navaho*, 25-26.

³⁶ Aberle, *The Peyote Religion Among the Navaho*, 25.

cajole or force American Indian political structures into forms that they could easily recognize and fit with their own forms of political leadership and cultural prejudices, which enshrined centralized, male control of power and resources.³⁷

In the mid-1850s, the army officer and assistant surgeon Jonathan Letherman made detailed observations of Navajo culture and society, as well as of the local geography, climate, flora, and fauna. Letherman was posted at Fort Defiance during the initial United States occupation of the New Mexico Territory. The Smithsonian Institution published his observations and ethnographic analysis of Navajos in its tenth annual report (1856).³⁸ Letherman specifically noted that in publishing his observations, he was “compelled to differ in many respects from what has been written concerning their [Navajo] manners and customs, and mode of life. A character has been given them (Transactions of the American Ethnological Society, vol. 2) that would do honor to a civilized and christianized community for industry, morals, and intelligence. We hazard nothing in the assertion that they are neither an industrious, moral, nor a civilized people.”³⁹ In making this reference to the *Transactions of the American Ethnological*

³⁷ Concerning European and American attempts to recognize or create recognizable structures within American Indian societies in order to conduct diplomatic or trade relationships, see Richard White, *The Middle Ground: Indians, Empires, and Republics in the Great Lakes Region, 1650-1815* (Cambridge: Cambridge University Press, 1991); James H. Merrell, *The Indians' New World: Catawbas and their Neighbors from European Contact through the Era of Removal* (New York: W. W. Norton & Company, 1991); Sylvia Van Kirk, *Many Tender Ties: Women in Fur Trade Society, 1670-1870* (Norman, OK: University of Oklahoma Press, 1983); Gregory Evans Dowd, *A Spirited Resistance: The North American Indian Struggle for Unity, 1745-1815* (Baltimore: Johns Hopkins University Press, 1993); Daniel K. Richter, “Cultural Brokers and Intercultural Politics: New York-Iroquois Relations, 1664-1701,” *The Journal of American History* 75, no. 1. (June, 1988): 40-67.

³⁸ Jonathan Letherman, “Sketch of the Navajo Tribe of Indians, Territory of New Mexico,” in *Tenth Annual Report of the Board of Regents of the Smithsonian Institution* (Washington, DC: A. O. P. Nicholson, 1856), 283-297. Nancy Parezo asserts that Letherman’s name was actually Letterman. Nancy J. Parezo, “Collecting Diné Culture in the 1880s: Two Army Physicians and their Ethnographic Approaches,” *Museum Anthropology* 29, no. 2 (August 2006): 95-117.

³⁹ Letherman, “Sketch of the Navajo Tribe of Indians,” 295. Letherman also opined that “It is far from uncommon that a country which is little know, has attributed to it many qualities which, on being more

Society, Letherman was taking on an ethnographer of no mean reputation: Albert Gallatin.

Letherman was referring to Gallatin's lengthy introduction to the reprinting of "Hale's Indians of North-west America, and Vocabularies of North America," which contained a section on "Ancient Semi-Civilization of New Mexico, Rio Gila, and Its Vicinity."⁴⁰ Gallatin's exhaustive description of the native cultures of this region relied heavily on early Spanish expeditionary and colonial accounts, as well as the works of later geographers, naturalists, and explorers, such as Alexander Von Humboldt, and the published reports of American military expeditions and adventurers, like Josiah Gregg.⁴¹ After a political career that had seen him represent Pennsylvania in the US House, serve as the Secretary of the Treasury under Jefferson and Madison, and as Ambassador to Russia and Britain, Gallatin had retired to New York and made significant contributions to Ethnology through philological studies of American Indian languages.⁴² Gallatin's philological writings were based on the field work of assistants who completed his vocabulary questionnaires. Gallatin's treatment of the native civilizations of New Mexico, on the other hand, was based on secondary and tertiary sources. It was these sources and Gallatin's summary of them to which Letherman referred. Letherman noted

inquired into, have scarcely anything to rest upon other than the fertile imaginations of those who have passed through it, or live at some distance from it." Letherman, "Sketch of the Navajo Tribe of Indians," 285.

⁴⁰ Albert Gallatin, Introduction to "Hale's Indians of North-west America, and Vocabularies of North America," *Transactions of the American Ethnological Society*, 2 (1848): xxiii-clxxxviii.

⁴¹ Albert Gallatin, Introduction to "Hale's Indians of North-west America, and Vocabularies of North America," liii-xcvii. For example, see Josiah Gregg, *Commerce of the Prairies, or, The Journal of a Santa Fe Trader: During Eight Expeditions Across the Great Western Prairies, and a Residence of Nearly Nine Years in Northern Mexico*, vols. 1 and 2 (New York: H. G. Langley, 1844).

⁴² Robert E. Bieder, *Science Encounters the Indian, 1820-1880: The Early Years of American Ethnology* (Norman, OK: University of Oklahoma Press, 1986), 16-54.

that “A new country and a new people are apt to excite the imagination of those who see them for the first time. . . . This country, which was long a *terra incognita*, has been pointed out as the probably temporary abode of the celebrated people found by the Spaniards in the valley of Mexico, while everything relating to them is interesting on account of the obscurity which envelopes their origin.”⁴³ Letherman believed his first-hand, scientific descriptions of Navajos would prove an antidote to fanciful speculation about this region of the New Mexico Territory.

Letherman’s first-hand observations of this newly acquired region of the United States and its inhabitants made his report worth publishing to the Smithsonian. Though Letherman’s analysis of his observations demonstrated the racism and cultural chauvinism typical of gentlemen-scientists and avocational ethnographers during this period, his limited descriptions of Navajos’ subsistence activities, cultural practices, and material culture proved accurate.

Letherman’s initial descriptions of Navajos, themselves, demonstrated the influence of Samuel G. Morton’s theories on physical anthropology and American ethnology during the mid-nineteenth century. While not an adherent of Phrenology, Morton relied on many of its principles when conducting his craniological research and developing his theories about racial difference. Through his research, Morton asserted that he could correlate racial characteristics and intelligence with the physical size of cranium; further, cranial size was also an indicator of cultural development and moral traits. Morton argued against Enlightenment notions that environment could alter human physical characteristics, thereby making the separation of the races more rigid. He

⁴³ Letherman, “Sketch of the Navajo Tribe of Indians,” 297.

became a champion of the polygenist theory of human origins, and his theories were used by many who advocated for slavery and American Indian removal; they also became part of most mid-century ethnographic analyses.⁴⁴

As a physician, Letherman may have been drawn to the interpretations provided by physical anthropology through his knowledge of anatomy. Regarding Navajos' physical, racial characteristics, Letherman wrote that

We have been informed by a Navajo, who is the most reliable man in the nation that his tribe is very far from being pure blood; that his people are mixed blood with Utahs, Apaches, Moquis, and Mexicans, and to such an extent that it is a matter of no small difficulty to find a pure-blooded Navajo. On this account it is difficult to give a description that would apply to the whole tribe. Those of the purest blood are of good size, nearly six feet in height, and well proportioned; cheek-bones high and prominent, nose straight and well shaped; hair long and black; eyes black; superciliary ridge small; teeth large, white; and regular, and frequently very handsome; maxillary bones not larger than usual in men of such stature; feet small; lips of moderate size; head of moderate size and well shaped; forehead not small but retreating. Other, those of generally mixed blood, have low and very retreating foreheads; occiput largely developed; cheek-bone high and very prominent; maxillary bones large and projecting in front; nose and lips very much resembling those of a negro; about five feet two inches to five feet six inches in height; the *tout ensemble* giving the idea of a man far inferior to the Caucasian in the scale of existence, and approaching, in appearance, the brute creation, with which they have much in common.⁴⁵

Letherman's conclusions about Navajos, based on scientific racism, pervade the rest of his analysis.

Letherman deemed that "Anarchy" was the only form of government Navajos possessed. He noted that Navajos had no elected or hereditary chief, and that the only person who nominally held such a title was appointed by the superintendent of Indian

⁴⁴ Bieder, *Science Encounters the Indian*, 55-103; William Stanton, *The Leopard's Spots: Scientific Attitudes Toward Race in America, 1815-59* (Chicago: University of Chicago Press, 1960); Ann Fabian, *The Skull Collectors: Race, Science, and America's Unburied Dead* (Chicago: University of Chicago Press, 2010).

⁴⁵ Letherman, "Sketch of the Navajo Tribe of Indians," 288.

affairs for the Territory. Despite his disdain for Navajo political structures, Letherman did relate an accurate depiction of their diffuse, consensus-based structures of governance. Letherman noted that “Every one who has a few horses and sheep is a ‘head man,’ and must have his word in the councils.” However, he explained that “The ‘juntas,’ or councils, are composed of the richest men, each one a self-constituted member, but their decisions are of but little moment unless they meet the approbation of the mass of the people and for this reason these councils are exceedingly careful not to run counter to the wishes of the poorer but more numerous class, being well aware of the difficulty, if not impossibility, of enforcing any act that would not command their approval.” Letherman’s disdain for this form of decision-making and lack of hierarchical structure was born of cultural chauvinism as much as his frustration as an officer in a colonizing army. He stated that “This want of a chief who would be looked up to by his people, and with power to carry out whatever measures are necessary for the welfare of his tribe, is a great drawback, and renders management of these people a matter often of serious concern, and requiring always a great deal of tact, judgment, and discretion.”⁴⁶ For Letherman, as for so many other analysts of Indian forms of social organization, the evaluation of the quality of governing structures rested on those structures’ ability to assist in the management of a colonized population.

Not only were Navajos difficult to govern, according to Letherman, they were also not industrious wards of the United States. Contrary to reports from other observers, “It cannot, with truth, be said of these Indians that ‘they encourage industry by general consent,’ for the word ‘industry’ cannot with propriety be applied to them. They plant

⁴⁶ Ibid. 288-289.

wheat and maize, and rear horses and sheep, but are not, in any proper sense of the term, an industrious people.” But, noted Letherman, Navajos were much like the other indigenous inhabitants of the United States: “Like all Indians, they will not work more than is necessary for subsistence; and, were the word ‘laziness’ substituted for ‘industry’ in the quotation just given, the statement would be much more nearly correct. They are, however, industrious beggars.”⁴⁷ While the trope of the lazy Indian who lives only for the present would remain a constant throughout the nineteenth century, it is ironic in this instance because Navajos would often be cited in future years as an exception to the rule, with their prolific success in animal husbandry as the primary evidence.

Letherman believed that not only did Navajos have no form of government or sense of industry, they also had no religion, morality, or notion of their own history. He noted that little was known of Navajos’ religion and “all inquiries tend to show that they have none; and even have not, we are informed, any word to express the idea of a Supreme Being.” Further, Letherman wrote that “We have not been able to learn that any observances of a religious character exist among them and the general impression of those who have had the means of knowing them is, that, in this respect, they are steeped in the deepest degradation.” He also opined that “Their system of morality is exceedingly defective. No confidence can be placed in any assertion they may make, unless it be manifestly for their welfare to tell the truth; they give utterance to whatever they suppose is calculated to promote their interests. Theft and mendacity are common vices.” Further, “The lack of traditions is a source of surprise. They have no knowledge of their origin, or of the history of the tribe.”⁴⁸ Simultaneously, while expressing his

⁴⁷ Ibid., 292.

⁴⁸ Ibid., 294-295.

dismay at Navajos' lack of religion, morality, and history, Letherman also acknowledged that they would only tell white men what they think is to their advantage. Given the cultural chauvinism of most contemporary white observers and their mission to subjugate Navajos, it is not surprising that they did not recognize nor understand Navajo cultural practices, nor is it surprising that Navajos had little interest in educating them.

As further evidence of Navajos' social dysfunction, Letherman noted that "The women . . . exert a great deal of influence—more than in the majority of Indian tribes." Not only did they exert influence, but Navajo men were prevented from being the patriarchs of their families. Women "have entire charge of the children, and do not allow the father to correct the offspring." In addition, "the husband has no control over the property of his wife, their herds being kept separate and distinct; from which, doubtless, arises the influence of the women not only in their own peculiar sphere, but also in national matters, which it is well know they oftentimes exert."⁴⁹ Navajos' notions of gender roles and control of property within a family were contrary to the patterns necessary for them to advance toward civilization. Again, Letherman noticed some of the outward manifestations of the Navajos' matrilineal and matrilocal, clan-based social structure, but his cultural myopia prevented him from delving deeper to understand its integral place in Navajo culture.

In addition to describing Navajos' subsistence patterns, social structures, cultural practices, and religious inadequacies, Letherman also included one of the primary means for establishing a people's status on the stadial continuum of development toward civilization: their dwelling structures. Letherman wrote that Navajo "houses are

⁴⁹ Ibid., 294

temporary huts of the most miserable construction. They are conical in shape, made of sticks, and covered with branches and dirt, from six to sixteen feet in diameter, and in many of them a man cannot stand erect. A hole covered with an old blanket or sheep skin serves the purpose of a door.” Indicating that he had not spent significant time in a hogan, Letherman still felt confident to declare that the “hovel is doubtless warm enough in winter, but must be sadly deficient in fresh air, at least to sensitive nostrils.”

Regarding the assertions of previous authors that Navajos built more permanent dwellings, Letherman countered that “Some live in caves in the rocks, and this can be the only foundation for the assertion that they ‘build stone houses.’ These people build no houses but the huts to which we have just alluded . . .” Letherman also commented on Navajos’ observance of a ghost prohibition related to hogans: “When an Indian dies in one of these huts it is immediately abandoned, and upon no consideration can any one be induced to inhabit it again, or to use it for any purpose whatever.”⁵⁰ Not only did Navajos not build permanent structures, they abandoned their homes based on superstition.

Letherman’s description of what he considered a “hut” was actually one of four general types of hogan: forked stick hogan, cribbed hogan, corbeled hogan, and many legs hogan. The dwellings that Letherman described were forked stick hogans, the ancestral form of the hogan. Its three forked-ended logs interlocked in a tripod to form the supporting structure for other logs; the structure was effectively conical in shape and the logs covered with earth for insulation. The cribbed hogan resembled a many sided

⁵⁰ Ibid. 289. Letherman also described the smaller, hogan-like structures that Navajos constructed for taking sweat baths: “A small hut, about three feet in height, is erected for taking hot-air baths after any fatiguing exertion. A number of heated stones are placed inside, the person enters, and covering the hole with a blanket, is soon in a copious perspiration.” Ibid.

log cabin (with the ends of the logs notched to fit together). The cribbed hogan had a corbeled roof of logs covered with earth. The corbeled hogan was constructed with unnotched horizontally placed logs, with a more dome-like shape as a result of the corbeling. The many legs hogan's walls were constructed of vertically placed logs; several main logs supported the corbeled roof and the leaning logs in-between them. As with the cribbed hogan, the many legs hogan had a corbeled roof covered with earth. Each of these four types would have had a stone footing around the entryway, if it was constructed and blessed in the traditional manner.⁵¹

Subjugation of the Navajos by the United States

Since US government leaders did not comprehend (or, perhaps, care to comprehend) the diffuse nature of Navajo sociopolitical organization, they perceived hostility by one band as the breaking of a treaty by all. The result was the Navajo Wars of 1858-1864. The early years of the wars were difficult for US troops because Navajos lived in and effectively used the region's rugged landscape to their advantage. But in mid-1863, Colonel Christopher "Kit" Carson, with nine companies of New Mexico Volunteers (six mounted and three on foot) began the largest campaign yet conducted

⁵¹ Miranda Warburton, "Culture Change and the Navajo Hogan" (PhD diss., Washington State University, 1985), *passim*. Leland Clifton Wyman, *Blessingway* (Tucson: University of Arizona Press, 1970), 157-163. Archaeological evidence suggests that the forked stick hogan predominated during this period. During the remaining decades of the nineteenth century and on into the first three decades of the twentieth century, the forked stick hogan style continued to be built, though new construction did begin to decrease in the twentieth century and was effectively abandoned by the mid decades of the century. When comparing a border area such as the Defiance Plateau and a remote, interior area of the reservation such as Black Mesa, there does not appear to be a correlation between frequency of contact with Euro-Americans and the abandonment of the forked stick hogan style. Warburton, "Culture Change and the Navajo Hogan," 164 Table 2, 171 Table 6. Regarding the manner in which Navajos gathered logs for the construction of hogans, see Frank Mitchell, *Navajo Blessingway Singer: The Autobiography of Frank Mitchell, 1881-1867*, ed. Charlotte J. Frisbie and David P. McAllester (Tucson: University of Arizona Press, 1978), 30-31.

against Navajos, with the help of allied Hopis, Zunis, and Utes. The Indian allies did most of the killing, with Carson's troops killing fewer than fifty Indians during the campaign. Carson and his troops followed up the raids of their allies with what evolved into a scorched earth campaign; they destroyed Navajos' economy and their ability to maintain resistance by slaughtering livestock, decimating crops and fruit trees, and destroying hogans.⁵²

Isolated by Carson's troops and allies and unable to support themselves on their ravaged lands, Navajo groups slowly surrendered at Fort Defiance. Carson's forces, through a series of forced marches, drove groups of Navajos to walk almost 400 miles to Fort Sumner in New Mexico Territory during "The Long Walk." The Long Walk was not a single event, but a series of over fifty evacuations between August 1863 and the end of 1866. Groups of Navajos ranging from several hundred to a handful were marched to Fort Sumner, also known by the Spanish name Bosque Redondo, and by the Navajos imprisoned there as *Hwéeldi*.⁵³ By December 1864, there were over 8,000 Navajo men, women, and children at Fort Sumner.⁵⁴

The government officials who had decided to remove Navajos to Fort Sumner had thought that they quickly would become self-sufficient farmers. Despite Navajos'

⁵² White, *The Roots of Dependency*, 214; John L. Kessell, "General Sherman and the Navajo Treaty of 1868: A Basic and Expedient Misunderstanding," *Western Historical Quarterly* 12, no. 3 (July 1981): 254; Lawrence C. Kelly, *Navajo Roundup: Selected Correspondence of Kit Carson's Expedition Against the Navajo, 1863-1865* (Boulder, CO: Pruett Publishing Company, 1970), 19 and passim; Lynn Robinson Bailey, *The Long Walk: A History of the Navajo Wars, 1846-68* (Los Angeles: Westernlore Press, 1964), 152-163; Clifford E. Trafzer, *The Kit Carson Campaign: The Last Great Navajo War* (Norman, OK: University of Oklahoma Press, 1982), passim.

⁵³ Iverson, *Diné*, 51-52.

⁵⁴ Aberle, *The Peyote Religion Among the Navaho*, 25. White, *The Roots of Dependency*, 214. The highest single number of Navajo recorded at Fort Sumner was 8,354 in late November 1864. Kelly, *Navajo Roundup*, 163.

experience with farming in arid environments and their digging of an irrigation ditch soon after arrival, alkaline soil, swarms of insects, and drought destroyed the crops and forced the government to issue rations. These conditions, combined with non-potable ground water and government graft and corruption, starved Navajos in their miserable imprisonment, making it all the easier for disease, starvation, exposure, and heartache to kill a significant portion of their population over the next three years.⁵⁵

In October 1867, control over Navajos at Fort Sumner officially switched from the army to the OIA; though, the army retained much of the responsibility for maintaining the reservation. A series of reports followed in January 1868, which detailed the exorbitant costs of maintaining Navajos at Fort Sumner, how successfully Navajos had sustained themselves in their homelands before removal, and the utter failure of the area around Fort Sumner as reservation able to support the Navajo population.⁵⁶

While the federal government re-evaluated the Navajo internment at Fort Sumner, Congress established the Indian Peace Commission on 20 June 1867. The purpose of the commission was to remove responsibility for negotiating with Indian tribes from the executive branch and place it, instead, in the hands of a group of military and civilian leaders with experience and competence in Indian affairs. Congress' intent for the

⁵⁵ Kelley and Whitely, *Navajoland*, 43-44; Bailey and Bailey, *A History of the Navajos*, 25; Weisiger, *Dreaming of Sheep in Navajo Country*, 22; Iverson, *Diné*, 52, 57-60. There are no scholarly estimates of the number of Navajos who died at Fort Sumner, but, as a gauge, in 1865, the worst year there, 2,321 Navajos died of small pox within a few months. Edward Spicer, *Cycles of Conquest: The Impact of Spain, Mexico, and the United States on the Indians of the Southwest, 1533-1960* (Tucson: University of Arizona Press, 1967), 220. If these Navajos had still been in their homeland, living in scattered site, small kin clustered groups instead of incarcerated at the densely populated and inhospitable environment of Fort Sumner, the chances of so many contracting and dying of small pox would have been much diminished.

⁵⁶ Gerald Thompson, *The Army and the Navajo* (Tucson: University of Arizona Press, 1976), 140-157.

commission was to end the costly Indian wars on the western frontier, in order to facilitate orderly national expansion.⁵⁷

In May 1868, representatives of the Indian Peace Commission, headed by Lt. General William Tecumseh Sherman, arrived at Fort Sumner; their mission to negotiate a new treaty in order to end the Navajos' incarceration and create a reservation. If the commissioners determined the incarcerated Navajos to be peaceful and industrious, then they would recommend return to the Navajo homeland. If the Navajos seemed hostile, then the recommendation would be for relocation to Indian Territory. Sherman and Tappan were shocked at the conditions at Fort Sumner, despite having read official reports on the reservation. Tappan viewed the incarceration of the Navajos and their subjection to "such inhumane treatment" as a crime. To continue to hold them at Fort Sumner "would have forced upon them the horrors of Andersonville and rendered our government infamous."⁵⁸ Sherman reported to President Grant that "I found the Bosque a mere spot of green grass in the midst of a wild desert," and that the Navajos there "had sunk into a condition of absolute poverty and despair."⁵⁹

In a council between Sherman, Tappan, and several Navajo leaders, Sherman initially broached the possibility of relocating them to Indian Territory, but the Navajos' leaders insisted on returning to their homeland.⁶⁰ Acknowledging that they were unable to

⁵⁷ Prucha, *The Great Father*, 488-496.

⁵⁸ Tappan as quoted in Frank D. Reeve, "The Federal Indian Policy in New Mexico, 1858-1880, II," *New Mexico Historical Review* 13 (January 1938): 34-35 and Kessell, "General Sherman and the Navajo Treaty of 1868," 258.

⁵⁹ Sherman to U. S. Grant, 7 June 1868, as quoted in Kessell, "General Sherman and the Navajo Treaty of 1868," 259 and Thompson, *The Army and the Navajo*, 151-152.

⁶⁰ *Treaty Between the United States of America and the Navajo Tribe of Indians, with a Record of the Discussions that Led to Its Signing* (Flagstaff, Ariz.: K. C. Publications in cooperation with the Navajo Tribe, 1968), 4-8; Vine Deloria and Raymond J. DeMallie, eds., *Proceedings of the Great Peace Commission of 1867-1868* (Washington, DC: Institute for the Development of Indian Law, 1975), 123-124.

convince the Navajos to move to Indian Territory and knowing that President Ulysses S. Grant had stated that any removal must require the consent of the American Indians being relocated to succeed, the commissioners agreed. The new treaty was signed on 1 June 1868 by commissioners Sherman and Samuel F. Tappan, as representatives of the US government, and Navajo leaders.⁶¹ Immediately after the treaty was signed, some small groups of Navajos left Fort Sumner, but the majority, more than 7,000, waited to return as a group under military protection, arriving at Fort Wingate on 23 July 1868.⁶²

The new reservation included 3.5 million acres along the Arizona-New Mexico border: only a small fraction of the Navajos' homeland. The rectangular reservation—eighty miles north to south and sixty miles east to west—did not include many areas of critical importance to Navajo economic production: “the farmlands of the Chinle Valley and around Pueblo Colorado (Ganado) and Ojo del Oso; and the rich grazing lands of the Chaco Plateau, the Ceboletta and Zuni mountains, Black Mesa, and the valley of the Little Colorado River” were all left out.⁶³

Government officials recognized that the reservation established by the treaty did not contain nearly enough land for Navajos to re-establish their herds and farms to a level for subsistence. During the treaty negotiations, a Navajo leader, Barboncito, told Sherman directly that “When the Navajos go back to their own country I want to put them in different places, it would not do to put them all together as they are here, if separated they would be more industrious.”⁶⁴ Barboncito also made it clear that he did not find it right to confine

⁶¹ Thompson, *The Army and the Navajo*, 152-155 and Kessell, “General Sherman and the Navajo Treaty of 1868,” 261-262.

⁶² Bailey and Bailey, *A History of the Navajos*, 27.

⁶³ *Ibid.*, 26.

⁶⁴ *Treaty Between the United States of America and the Navajo Tribe of Indians*, 8.

Navajos within the new reservation's boundary line: "You spoke to me yesterday about putting us on a reservation with a boundary line. I do not think it right to confine us to a certain part we want to have the privilege of going outside the line to hunt and trade."⁶⁵ Sherman recognized the problem and told Navajo leaders that their people would not be confined to the treaty reservation: "You can go outside the line to hunt—you can go to Mexican towns to trade but your farms and homes must be inside the boundary line beyond which you have no claim to the land."⁶⁶ Given Navajo patterns of transhumance, especially regarding hunting and herding, Sherman effectively gave most Navajo families permission to return to their former homes.⁶⁷

Further, the treaty itself gave Navajos broad rights to use lands outside the reservation; it was written in language that allowed liberal interpretation based on their social organization and modes of subsistence. Article IX of the treaty stated that Navajos retained "the right to hunt on any unoccupied lands contiguous to their reservation, so long as the large game may range thereon in such numbers as to justify the chase. . ."⁶⁸ Article XIII expanded the area of Navajo hunting rights to include "the lands adjoining the said reservation formerly called theirs."⁶⁹

⁶⁵ Ibid.

⁶⁶ Ibid.

⁶⁷ Bailey and Bailey, *A History of the Navajos*, 26. Indian Affairs agents assigned to the Navajos reinforced the equation of hunting and grazing rights by issuing hunting passes for two to three months, "in part to prove to whites that Navajos and their stock had a right to range on the public domain." Kessell, "General Sherman and the Navajo Treaty of 1868," 266. Sherman also caused further ambiguity regarding Navajos' rights to reside off the reservation when he told them that "any Navajo could go wherever he pleased in this territory and settle with his family but if he did he would be subject to the laws of the Territory as a citizen. . . ." *Treaty Between the United States of America and the Navajo Tribe of Indians*, 6.

⁶⁸ *Treaty Between the United States of America and the Navajo Tribe of Indians*, 22. "Treaty Between the United States of America and the Navajo Tribe of Indians, Concluded June 1, 1868, Ratification Advised July 25, 1868, Proclaimed August 12, 1868," in David M. Brugge and J. Lee Correll, *The Story of the Navajo Treaties*, Navajo Historical Publications, Documentary Series No. 1 (Window Rock, AZ: Research Section, Navajo Parks and Recreation, The Navajo Tribe, 1971), 93.

⁶⁹ *Treaty Between the United States of America and the Navajo Tribe of Indians*, 24. "Treaty Between the United States of America and the Navajo Tribe of Indians, Concluded June 1, 1868," 95.

Compared to the seven other treaties made by the Indian Peace Commission before Congress abolished Indian treaty making in 1871, Navajos fared less well than the other tribes. While all the other treaties provided annuities for thirty years, the Navajo treaty provided only ten; all others gave seed and agricultural implements up to \$100 per farmer for the first year and lesser amounts in the next three, while the Navajos received only two years; all others received instructions in farming, Navajos did not; and the Navajo treaty did not contain a clause found in three other treaties that committed the US government to add arable land to the reservation, if the original amount should be found insufficient. Most significantly, the Peace Commission, through Sherman and Tappan, assigned significantly less land per capita to Navajos than it did to all the other tribes with which it dealt. The Navajo reservation amounted to 404 acres per capita in comparison to the Southern Ute (3,820), Sioux (920), Shoshone and Bannock (1,401), Crow (2,323), Arapaho and Cheyenne (1,183), and Kiowa, Comanche, and Apache (661).⁷⁰

Despite these disparities, the Treaty of 1868 allowed the Navajos at Fort Sumner to return home and join the Navajos who had remained in their homeland or escaped incarceration.⁷¹ The treaty set aside 3.4 million acres for their use (about 10 percent of the original Navajo lands) and promised ten years of rations and supplies intended to help them return to self-sufficiency.⁷² Among other issues, the treaty also promised that the US government would construct a number of buildings on the reservation, including housing

⁷⁰ Kessell, "General Sherman and the Navajo Treaty of 1868," 268.

⁷¹ Estimates of how many Navajo remained on their ancestral lands range from a few to several thousand. Aberle, *The Peyote Religion Among the Navaho*, 25 and Iverson, *Diné*, 57.

⁷² Bailey and Bailey, *A History of the Navajos*, 26-27. Iverson, *Diné*, 68-69. See treaty articles II and VIII. *Treaty Between the United States of America and the Navajo Tribe of Indians*, 19, 21-22.

for the government agent, and establish educational opportunities by providing one school for every thirty pupils ages six to fourteen.⁷³

Yet, during the next decade, corruption and mismanagement slowed the delivery of promised supplies, leaving Navajos striving for subsistence and increasingly reliant on animal husbandry. In time, the government made partial deliveries of promised sheep and goats, and Navajos began to increase their herds. By the early 1880s, Navajos' herds had recovered to preconquest levels and were increasing at a rapid pace. Crop failures and game depletion further worked to increase Navajos' dependency on livestock.⁷⁴

Despite the relatively small size of the initial reservation, Navajos were fortunate among American Indian groups in the United States; following their return from Bosque Redondo, they were not removed to an alien land and were repeatedly confirmed in their control of their traditional land by additions to the reservation over several decades.

General Sherman's acknowledgement of the inadequacy of the original reservation and permission to live beyond its boundaries combined with Navajos' intent to return to their traditional lands to create a de facto reservation much larger than initially legally acknowledged. Navajos' tenacity in returning to and remaining on their lands reinforced the federal government's increasing acknowledgement that the arid nature of the region required significant amounts of land to provide subsistence for Navajo families.⁷⁵

⁷³ See treaty articles III, IV, and VI. *Treaty Between the United States of America and the Navajo Tribe of Indians*, 19-21; "Treaty Between the United States of America and the Navajo Tribe of Indians, Concluded June 1, 1868," 90-92.

⁷⁴ Aberle, *The Peyote Religion Among the Navaho*, 30-33; Bailey and Bailey, *A History of the Navajos*, 36-45; White, *The Roots of Dependency*, 215.

⁷⁵ The greatest extensions of the reservation occurred between 1868 and 1886; though smaller extensions occurred until 1934. Reliance on herding necessitated subsequent extensions of the reservation boundaries beyond the 3.4 million acres set aside in 1868. Executive orders in 1878, 1880, 1882, 1884, and subsequent years substantially expanded the reservation. The federal government expanded and made revisions to the Navajo Reservation in 1900, 1901, 1905, 1907, 1908, 1912 to 1915, 1917 to 1918, 1930 to 1931, 1933 to

Following their incarceration at Fort Sumner, Navajos strongly desired to return to the lands they called home to resume tending their flocks and planting their fields.⁷⁶ While US officials and other white observers were focused on detecting any changes in Navajo practices that mimicked benchmarks along a stadial path to civilization, Navajos followed their traditional lifeways while pragmatically adopting and adapting practices and material culture that they individually found useful from whites. While US officials attempted to speed such adoptions through the supply of farming implements, tools, and new kinds of food, they did not have the number of personnel or effective penetration of reservation communities beyond the border fringes to engage in coercive social engineering.

1934, 1948 to 1949, and 1958. In 1962, 1963, and 1967, the courts reallocated portions of the Navajo Reservation to the Hopi. Veronica E. Velarde Tiller, *Tiller's Guide to Indian Country: Economic Profiles of American Indian Reservations* (Albuquerque: Bow Arrow Publishing Company, 1996), 214. "There were five accessions between 1878 and 1886. These supplied a large part of the territory between the boundaries of the 1868 reservation and the present western boundary and filled in most of its present northern boundary and virtually the entire present eastern boundary. They nearly quadrupled the initial holdings. Another group of four accessions between 1900 and 1907 mainly involved western extensions, with one addition in the Four Corners area. In 1913 and 1918, a small tract was added in New Mexico and a somewhat larger one on the extreme west, and three accessions between 1930 and 1934 filled out various corners and edges. . . . The only major rollback suffered by the Navahos came after 1907. In that year the reservation was extended to the east to cover public lands in what is now 'checkerboard' Navaho and white holdings. The extension was reduced in 1908 and cancelled in 1911. Efforts to restore some of this land to the reservation failed in 1936." Aberle, *The Peyote Religion Among the Navaho*, 28.

⁷⁶ *Treaty Between the United States of America and the Navajo Tribe of Indians*, 1-11.

CHAPTER TWO

HOGAN VS. HOUSE: CULTURAL VISIONS OF HOME, PRIVATE PROPERTY, AND LAND USE ON THE NAVAJO RESERVATION

Civilizing None and a Waste of Land: Displeasure with the Reservation System

During the closing decades of the nineteenth century, the emphasis of federal Indian policy changed from the creation of reservations to struggling with the ideological and practical aspects of managing those already in existence. Just three years after the creation of the Navajo reservation, the US Congress passed the Appropriations Act of 3 March 1871, which ended the treaty-making process by declaring that no Indian tribe would be recognized as an independent nation with which the United States would contract a treaty. This decision further weakened the exercise of tribal autonomy. After this point, Presidential Executive Orders or acts of Congress created reservations. While the stated goal of such policies was the civilization and assimilation of the Indians, their de facto intent was the elimination of federal responsibility to the tribes and the dissolution of the reservations.

A civilizing mission had been part of the US government's Indian policy since the country's founding and part of the western European colonizing enterprise for hundreds of years prior. Indian social and cultural practices, as well as their material culture, were a window for Euro-Americans to understand their place on the ladder from savagery to barbarism to civilization. In addition to strongly encouraging Indian communities to adopt civilized social and subsistence practices, the US government also focused on persuading them to adopt Euro-American material culture. Most prominently, US Indian

policy pressured Indians to adopt the model of an agrarian homestead anchored by a four-sided, permanent house built of wood or stone.

When the 1868 treaty created the Navajo reservation, the separation strategy of the reservation system was nearing its end as a key component of federal Indian policy. Whether paternalistically envisioned as a way to segregate Indians from the damaging effects of white society or cynically used to gain Indian lands for white settlement, the implementation of the separation strategy came under increasing scrutiny and criticism in the decades after the Civil War. This shift was influenced both by a larger cultural change in how Americans perceived minority ethnic and racial groups and a growing distaste for the parade of unpalatable scandals that characterized the workings of Indian policy. Whereas before the Civil War, Protestant, white Americans had felt most comfortable keeping minorities groups in separate enclaves, the rapid expansion of the franchise after the war and expansion of the economy led these same white Protestants—male and female—to seek a more defined understanding of national citizenship and a process to assimilate minority groups more rapidly into American cultural practices. Indians were a long-standing test case and policy-makers hoped that the United States, as a “civilized” nation, could absorb nonwhites through assimilation.¹ But the rate of assimilation was at the heart of the disillusionment with the federal reservation policy. While the official reservation system had been in operation since the early 1850s (and effectively in place since the beginning of Indian removal policies in the early nineteenth

¹ Frederick E. Hoxie, *A Final Promise: The Campaign to Assimilate the Indians, 1880-1920* (Lincoln, NE: University of Nebraska Press, 1984), 13, 39; Jane E. Simonsen, *Making Home Work: Domesticity and Native American Assimilation in the American West, 1860-1919* (Chapel Hill, NC: University of North Carolina Press, 2006), 9-11.

century), the Office of Indian Affairs (OIA) had been unable to demonstrate its efficacy in civilizing Indians.

Reliance on the creation of supposedly safe haven reservations continued until the late 1880s; however, in the aftermath of the Civil War, evangelical Christians began to focus on Indian affairs in response to public outcries over events such as the massacre of a Cheyenne and Arapahoe village at Sand Creek in Colorado Territory in November 1864 and stories of graft and corruption by the Indian Service on reservations. The administration of Ulysses S. Grant responded to the public outcry for reform with its Indian Peace Policy. Begun in 1869, Grant's Indian Peace Policy was very popular, with its intent to assimilate Indians by encouraging them to adopt important elements of American society through education, increasing reliance on Christian organizations and proselytization, and the elimination of fraud and political corruption from the Indian Service.²

The public perceived reservations as the fiefdoms of cruel and corrupt administrators, which continued to keep valuable lands from proper development by whites.³ The *New Orleans Times-Picayune* exemplified a common editorial theme across the nation when it declared that American Indians should not "any longer be permitted to usurp for the purpose of barbarism, the fertile lands, the products of mines, the broad valleys and wooded mountain slopes, which organized society regards as magazines of those forces which civilization requires for its maintenance and development."⁴ White

² Francis Paul Prucha, *The Great Father: The United States Government and the American Indians*, vols. 1-2, unabridged ed. (Lincoln, NE: University of Nebraska Press, 1995), 480-483; Robert A. Trennert, *White Man's Medicine: Government Doctors and the Navajo, 1863-1955* (Albuquerque: University of New Mexico Press, 1998), 39.

³ Hoxie, *A Final Promise*, 14-15.

⁴ *New Orleans Times-Picayune*, December 10, 1879, as quoted in Hoxie, *A Final Promise*, 14.

America effectively envisioned a trade with the Indians; in return for Indian lands, they offered assimilation into civilized society and the accompanying social, economic, and spiritual benefits. American Indians would no longer need the vast expanses of undeveloped land that were being wastefully hoarded within reservations. Indian male heads of household would take on a trade, engage in wage work, or homestead a small portion of their reservation, while Indian women would take up domestic work and care for the family in a civilized, Christian, wood-framed, rectangular house. The correcting of American Indian gender roles and their performance on the appropriately organized homestead would facilitate the social evolutionary path toward civilization. American Indians would have little agency in changing their own cultures as the US government and its agents shepherded them along the cultural evolutionary path espoused by the Common Sense philosophers and their adherents among nineteenth century ethnographers. Once the reservations had been broken up, the lands not being developed actively by Indians could be transferred to white homesteaders and entrepreneurs who would put them to productive use. There was also hope that the end of the reservation system would starve the corrupt infrastructure that had grown up within government and communities surrounding reservations to divert federal funds from their intended Indian beneficiaries.

Vincent Coyler, the US Special Indian Commissioner, noted in 1869 that Navajos on the new reservation were already making significant strides toward being self-supporting, despite the Indian Service's inability to deliver on the promises made in the treaty regarding the supply of food, tools, and services. Coyler noted that "The usual story of useless goods purchased and forwarded at immense expense, by wagon,

thousands of miles; of moneys appropriated for building school-houses, blacksmith's shops, &c., yet never erected; of promises of cattle and sheep to be furnished, yet never forwarded, &c., &c., applies to the Navajoes as well as to many other tribes." Despite the government's failure to fulfill its treaty obligations, Coyler reported that Navajos were rapidly providing for themselves again after being returned to their ancestral lands. He wrote that "although it is only one year since they were restored to this their old reservation, they had nearly three thousand acres of grain planted, many flocks of a dozen or twenty each of goats, sheep, &c., in keeping, and were doing as well as possible for human beings to do under a system at once so incomplete and unjust."⁵

Hogans, Houses, and Civilizing Efforts of Navajo Reservation Agents in the 1870s

The series of government agents who held responsibility for administering the Navajo reservation during 1870s wrote yearly reports to the Commissioner of Indian Affairs, which included summaries of the number of Navajos who had adopted American dress, hairstyles, subsistence patterns, and housing structures. These reports were in turn included in the Indian Affairs annual report to the Secretary of the Interior. The high turnover rate (almost yearly) of the agents assigned to the Navajo Agency, along with the large size of the reservation and mobility of the Navajos, mitigated against the ability of the government to obtain regular and reliable statistics on progress toward these "civilized" practices. The agents were far more concerned with the lack of habitable facilities for the agency, the lack of funding to construct schools, the difficulties of

⁵ *Annual Report of the Commissioner of Indian Affairs for the Year 1869* (ARCIA) (Washington, DC: Government Printing Office, 1870), 90.

maintaining reliable agricultural yields on the arid reservation, and trouble between Navajos and surroundings groups of Indians, whites, and Mexicans.

Despite these other foci, the agents were keen to report progress on inducing Navajos to adopt Euro-American, rectangular, frame construction in the building of their homes. Their annual reports regularly included the number of Navajos who had built such homes with the assistance of the agency, as well as the availability of the technology, hardware, and building materials needed for their construction (i.e. sawmills for milling lumber, metal tools, as well as lumber and glass windows).

Efforts by the agents to inculcate the value of frame houses with Navajos began soon after their return from Fort Sumner. During the first few years on the new reservation, the agency was headquartered in adobe buildings left over from the abandoned army base at Fort Defiance. They were far from being model examples to impress Navajos regarding white building practices. The reservation agent, Captain F. T. Bennett, complained in 1870 that the buildings were “almost impossible to keep in repair.”⁶ His successor, James H. Miller, complained a year later, in 1871, that nothing had changed with the state of the buildings, noting that “The foundations of some of the buildings are giving way and the walls of others are badly broken, while the roofs of some are only kept from falling in by propping them up.”⁷ He further related that the Navajo “chiefs have several times expressed themselves dissatisfied” with the lack of facilities for meetings or visitors to stay.⁸ In 1872, Agent Miller suggested that in order to encourage Navajos to move into American style houses, the government should build

⁶ ARCIA 1870, 147.

⁷ ARCIA 1871, 377.

⁸ ARCIA 1871, 377.

houses for the primary Navajo chiefs.⁹ He made this recommendation while also noting that “It will be the work of years to get these Indians to live in houses, owing to their superstition in regard to the dead. When a member of the family dies, in most cases they immediately leave their hogan (or wigwam) with the dead body in it, and can never be induced to enter it again.”¹⁰ Similarly, in 1873, L. Edwin Dudley, Superintendent of Indian Affairs for New Mexico, asserted that Navajos “should be brought to prefer permanent abodes instead of their hogans, and be taught how to construct them.”¹¹ He coupled this assertion with the advice that Navajo men should be “taught the use of agricultural implements, and how to preserve their crops,” while Navajo women “ought to be instructed in the domestic arts.”¹² During these early years on the reservation, the agents focused their limited civilizing efforts on the fundamentals: agriculture and the adoption of permanent, rectangular houses.

In the first two decades after the Navajos’ return from Fort Sumner, the forked-stick hogan, constructed in a traditional fashion, was still the norm on all parts of the reservation. But, beginning in the last decades of the nineteenth century and continuing into the early decades of the twentieth century, hogans started to reflect an increasing interaction with the US economy. Axe-cut wood, which made its appearance in hogans in the 1870s, was joined by other technological changes like the use of saws and adzes, and even milled lumber.¹³

⁹ Garrick Bailey and Roberta Glenn Bailey, *A History of the Navajos: The Reservation Years* (Santé Fe: SAR Press, 1986), 67.

¹⁰ ARCIA 1871, 379. Agent Miller was killed by two Ute Indians in June 1872. His successor W. F. Hall continued the complaints about the Agency’s dilapidated buildings in 1872. ARCIA 1872, 53, 303.

¹¹ ARCIA 1873, 267.

¹² ARCIA 1873, 267.

¹³ Miranda Warburton, “Culture Change and the Navajo Hogan” (PhD diss., Washington State University, 1985), *passim*; Leland Clifton Wyman, *Blessingway* (Tucson: University of Arizona Press, 1970), 173-178.

While the introduction of Euro-American technology and building materials altered hogans during this period, most Navajos retained certain traditional aspects to their homes such as the east-facing door and relatively circular structure. Even near Fort Defiance, most Navajos who built rectangular structures continued to observe the spiritual requirement to orient the house's door to the east, for to do otherwise would have altered the physical positions of participants in the hogan song dedication and required alteration or omission of the ceremony, with consequences for the sacredness of the hogan and its availability for religious ceremonies. More remote areas of the reservation, such as Black Mesa, demonstrated little change in hogan structures.¹⁴

In the 1874 *Report of the Commissioner of Indian Affairs to the Secretary of the Interior*, Navajos appeared for the first time in yearly statistics detailing how many Indians on each reservation were living in houses and how many such houses had been built on the reservation that year. In that year, Navajos occupied six houses, four of them built in that year.¹⁵ By 1875, Navajos occupied eight houses, none of which were built in that year.¹⁶ In 1876, no figures were reported for Navajos occupying or building houses. The lack of these figures and their seeming disparity in 1874 and 1875 may have had to do with significant disputes between the Navajos and the agent, William F. Arny, which resulted in Arny and his family being run off the reservation. Arny had attempted to conduct a census in 1874, which Navajo leaders opposed. He attempted to force the leaders to exchange the San Juan portion of the reservation for a southern extension, but Congress refused the exchange because it interfered with the Atlantic and Pacific

¹⁴ Warburton, "Culture Change and the Navajo Hogan," 167 table 3 and 194-199.

¹⁵ ARCIA 1874, 127.

¹⁶ ARCIA 1875, 114-115.

Railroad right of way land grant. In May 1875, Navajo leaders requested that Arny be replaced because he used threats and coercive tactics to get them to sign papers, without knowledge of what they contained. In July 1875, the leaders went to Fort Wingate and drew up another petition for Arny's removal. Arny submitted his resignation in late August. Navajo leaders told Arny, his family, and several white employees to leave the reservation in September. The leaders also physically forced Navajo laborers to discontinue work at the agency. The tensions between Arny and Navajo leaders also may have been exacerbated because the leaders began taking control of the distribution of annuities during the mid-1870s. Arny was replaced briefly by the military commander at Fort Wingate, Colonel William Redwood Price, until Alexander G. Irvine took over as agent in December 1875.¹⁷

Irvine was the first agent whose annual reports described the Navajo hogan and reflected serious consideration of the issues impeding Navajo adoption of permanent, Euro-American-style houses. In his 1877 annual report, Irvine noted that "The nearest approach to a permanent house is what is known as the hogan." He described the hogan as "A frame first built of pinon-poles, which is covered with sod and earth; an opening is left in the side for a door, and immediately over the door is an opening to allow the smoke to escape; when the whole is finished it very much resembles a charcoal-pit, and serves for a house while living and a grave when dead." He also differentiated this type of hogan as being built for winter, as it was "much more substantial than the summer hogan, which is little more than a brush shelter." Irvine noted that the structure of both the winter and summer dwellings were a pragmatic adaptation to Navajos' pastoral

¹⁷ ARCIA 1876, 109. Bailey and Bailey, *A History of the Navajos*, 31-32.

subsistence methods. “Owing to the scarcity of water and grass it sometimes becomes necessary to move about from place to place; their families have no permanent abode, and build a shelter every night wherever they may happen to be.”¹⁸

While Irvine did not provide figures on Navajo houses for the agency’s 1876 annual report, he did note that at least some Navajos had the ability to build using adobe bricks, demonstrated by their construction of the only new building at the agency that year. In 1877, he followed up on the adobe building theme by noting that “It is a good school for Indians; by it they learn to build houses after a more approved manner than the hogan, and will here say that all the houses in New Mexico, with very few exceptions, are of adobe.”¹⁹ Despite Irvine’s lauding of the possibility of Navajos using their knowledge of adobe building techniques to construct houses, there were few if any Navajos who did so.

Irvine deemed that “the most important step to be taken for the Navajos is to induce them to build permanent houses,” and recommended the procurement of the necessary technology to make lumber readily available to them.²⁰ In order to facilitate this goal and the transition to Euro-American building materials, Irving was the first in a long line of agents to recommend the construction of a sawmill to encourage Navajos’ adoption of frame houses. In his 1876 annual report, Irving noted that “Another great need is that of a saw-mill, to furnish lumber for the use of the agency, as well as to provide doors and windows for the use of the Indians in their dwellings. They would build a better class of houses than the hogan, now used by them, if lumber were within

¹⁸ ARCIA 1877, 158.

¹⁹ ARCIA 1877, 159.

²⁰ Bailey and Bailey, *A History of the Navajos*, 67 (from Irvine to Smith, 9 March 1877).

their reach, and they would not be so ready to abandon them as they now are, which would be one great step toward making them settled in their habits.”²¹ The unavailability of milled lumber hindered the construction of the frame houses envisioned by Irvine, so he again recommended purchasing a “steam sawmill, boiler, and engine” in a letter in early 1877.²² By time of his 1877 annual report, dated 1 September, Irvine mentioned the acquisition of a sawmill: “A steam saw-mill having been procured for the use of the agency, the great item of expense will be removed, that is, the cost of lumber, and school-houses and dwellings for the teachers can be built at a small cost.”²³ It is instructive that Irvine seemed to find no irony in his description of Navajos’ ability to build agency buildings with adobe and the ubiquity of adobe buildings in the region, while at the same time advocating the sawmill as a means to lowering the cost of construction for agency buildings and as a solution to inducing Navajos to building civilized houses.

In his 1878 annual report, the new agent, John C. Pyle touched on the two other themes that would pervade discussions of Navajo housing for the remainder of the nineteenth century: pastoralism and the ghost prohibition. Pyle noted with bitter sweetness Navajos’ great success in increasing their flocks from the few thousand the government had given them upon signing the 1868 treaty to hundreds of thousands; however, Navajos ‘move toward greater self-sufficiency did not fit with white expectations for how to engage in animal husbandry. Civilized animal husbandry was to be conducted on ranches with a permanent house anchoring the family enterprise. Navajos, on the other hand, were pastoralists. Pyle explained that “they are still inclined

²¹ ARCIA 1876, 109-110, 216, quote on 110.

²² Bailey and Bailey, *A History of the Navajos*, 67 (from Irvine to Smith, 9 March 1877).

²³ ARCIA 1877, 159.

to a moving life, and are disinclined to settle down in permanent homes.” But Pyle noted that pastoralism was only part of an integrated system of cultural beliefs that resisted the adoption of a sedentary life in a permanent house. He explained that Navajos’ attitude toward *ch’iidii* hogans was particularly problematic. “In his present state of mental and spiritual darkness the Navajo cannot be expected to build him a house at any considerable expense. He firmly believes that certain death will speedily overtake the individual who recklessly enters where a human being has died. When the death-pallor settles upon the brow of the expiring Navajo he is deserted by his relatives and friends, the prop-stays of his hogan are removed, and his house becomes his tomb.”²⁴ As when Jonathan Letherman observed the same cultural phenomenon two decades earlier, the ghost prohibition regarding hogans remained one of the strongest impediments to adopting permanent houses. While Pyle’s reference to mental and spiritual darkness may have referred to most Navajos’ non-Christian belief system, it could also be read as referring to the Navajos’ lack of belief in the tenants of Euro-American civilization, among them the sanctity of property and expectations for how to use it. Not only did Navajos not build and maintain permanent homes, they readily destroyed their temporary homes when someone died in them. If Navajos were ever to progress along the path to civilization, they had to learn that permanent homes should not be tied to the duration of one’s life; civilization relied on property being maintained and passed along to future generations to preserve and increase wealth for the patriarchal family.

²⁴ ARCIA 1878, 109. Again in 1878, no figures for Navajos were reported in the government’s annual figures on number of Indians living in houses or the number of houses built in that year on each Indian reservation.

Lewis Henry Morgan and the Role of House Structure in Civilization

During the initial decade in which the early agents assigned to the Navajo reservation were attempting to convince Navajos to adopt Euro-American houses as a means to advance them along the path to civilization, renowned anthropologist Lewis Henry Morgan published *Ancient Society* (1877): a work that would dominate American scientific understanding of “primitive” cultures for several decades. In *Ancient Society*, Morgan combined the stadial theory of human development espoused by the Common Sense philosophers and early American ethnographers with decades of ethnographic research to synthesize his theory of social evolution. The rapid and wide-spread acceptance of Morgan’s theories gave new, more scientific explanatory power to the stadial theory of human social development and cemented the foundational position of property in this narrative of human civilization.

Lewis Henry Morgan (1818-1881) was America’s leading anthropologist, from his first major publications in the 1850s through his death in 1881. His influence on the aborning field of anthropology was profound during the last half of the nineteenth century, and his theories continued to have considerable influence long after his death. Morgan’s *League of the Ho-Dé-No-Sau-Nee, or Iroquois* (1851) was the first systematic study of the continent’s aboriginal inhabitants published by an American. John Wesley Powell, the founder of the Smithsonian Institution’s Bureau of American Ethnology, in an 1880 appreciation of its author, touted the work as the “first scientific account of an

Indian tribe ever given to the world.”²⁵ Morgan’s research on the Iroquois’ social organization, religion, and material culture led him to understand that their league was built upon a system of matrilineal clans and family organization. He took this realization and began to look comparatively at other American Indian groups, as well as cultures on other continents, to understand the development and evolution of human societies.²⁶

Morgan’s comparative research resulted in a vast study of “systems of consanguinity and affinity” or “systems of relationship,” effectively beginning kinship studies in the field of anthropology. He completed the first version of *Systems of Consanguinity and Affinity of the Human Family* in January 1865 and an abridged version in 1867, at the request of Joseph Henry, Secretary of the Smithsonian. Due to budgetary constraints, the Smithsonian waited until 1871 to publish the manuscript as part of its Smithsonian Institution’s Contributions to Knowledge series.²⁷ Morgan’s overarching intent in *Systems of Consanguinity* was to use kinship studies to demonstrate the Asiatic origins of American Indians and the unity of the human race. Morgan stood in opposition to contemporary polygenist theorists such as George Gliddon, Josiah C. Nott, and Louis Agassiz, as well as other competing hypotheses that Indians came from Europe, were originally Phoenicians, or were the Lost Tribes of Israel.²⁸ As Morgan

²⁵ Lewis Henry Morgan, *League of the Ho-Dé-No-Sau-Nee, or Iroquois* (Rochester, NY: Sage and Brother, 1851). This book was later published under the shortened title of *League of the Iroquois*. John Wesley Powell, “Sketch of Lewis H. Morgan,” *Popular Science Monthly* 18 (Nov. 1880): 115.

²⁶ Thomas R. Trautmann and Karl Sanford Kabelac, “The Library of Lewis Henry Morgan and Mary Elizabeth Morgan,” *Transactions of the American Philosophical Society* new ser. 84, pts. 6-7 (1994): 14.

²⁷ Lewis Henry Morgan, *Systems of Consanguinity and Affinity of the Human Family*, Smithsonian Contributions to Knowledge, vol. 17 (Washington, DC: Smithsonian Institution, 1871).

²⁸ Regarding these various competing theories for the origins of American Indians, see: William Stanton, *The Leopard’s Spots: Scientific Attitudes Toward Race in America 1815-1859* (Chicago: University of Chicago Press, 1960); Robert Silverberg, *The Mound Builders* (Greenwich, CT: New York Graphic Society, 1970); Stephen Williams, *Fantastic Archaeology: The Wild Side of North American Prehistory* (Philadelphia: University of Pennsylvania Press, 1991); Roger Kennedy, *Hidden Cities: The Discovery and*

conducted his field work and received survey data from collaborators around the world, his comparative methodology expanded beyond kinship to other aspects of American Indian societies that expressed distinctive characteristics of family structure, including dance traditions, naming customs, historical relationships, and domestic architecture.²⁹

Further, while Morgan was revising his 1865 version of the manuscript, the revolution in the understanding of the scope of human prehistory and development strongly influenced him. The discovery of human artifacts in the same geological strata as long extinct animals in Brixham Cave in Devon, England, in 1858 combined with new understandings of geological time – through the work of geologists such as Charles Lyle – to upend biblically-based chronologies of human history.³⁰ This paradigm shift in understandings of human history and prehistory enabled Morgan to overcome a paradox in his theories regarding kinship systems: how to connect his classificatory system for understanding “savage” or “primitive” kinship systems with his commitment to monogamy as the natural state of human relationships. Recognition of human prehistory enabled Morgan to connect both systems by understanding them as an evolution of marriage forms and related family structures, from the promiscuity associated with primitive societies to the monogamy of civilized nations.³¹ While waiting for his long-delayed manuscript to be published and not wishing to be preempted by other scholars,

Loss of Ancient North American Civilization (New York: The Free Press, 1994); Alice Beck Kehoe, *The Land of Prehistory: A Critical History of American Archaeology* (New York: Routledge, 1998).

²⁹ Trautmann and Kabelac, “The Library of Lewis Henry Morgan and Mary Elizabeth Morgan,” 17.

³⁰ Ibid., 18, 45. Morgan followed Lyle’s work closely and owned all of his major works. Regarding the nineteenth century transatlantic transformation in understandings of human prehistory and the age of the Earth, see Leonard G. Wilson, *Lyell in America: Transatlantic Geology, 1841-1853* (Baltimore: Johns Hopkins University Press, 1998); Charles Coulston Gillispie, *Genesis and Geology* (Cambridge: Harvard University Press, 1996); A. Bowdoin Van Riper, *Men Among the Mammoths: Victorian Science and the Discovery of Human Prehistory* (Chicago: University of Chicago Press, 1993).

³¹ Trautmann and Kabelac, “The Library of Lewis Henry Morgan and Mary Elizabeth Morgan,” 18-19.

he published this evolutionary theory as “A Conjectural Solution of the Origin of the Classificatory System of Relationship,” in 1868.³²

Morgan spent the next decade developing his evolutionary synthesis for understanding human social development. The revolution in geological time and archaeological discoveries of fossil humans and their tools in contemporaneous settings with extinct animals had created “prehistory” and opened up explanatory holes that the Bible and Greek and Roman classics had once filled for Euro-Americans and Europeans. Participants in the burgeoning field of Anthropology stepped forward to provide a universal history, in which prehistory would be elucidated through inferences drawn from archaeological discoveries and the study of contemporary “savage” peoples. Anthropology effectively added archaeological and paleontological data, as well as detailed ethnographic data, to the assumptions and worldview established by the Scottish Common Sense school’s conjectural history.

Morgan’s attempt to develop a theory of social evolution to link prehistory and history resulted in *Ancient Society*, his most influential work. *Ancient Society* was Morgan’s summation and philosophical treatment of the issues that he had originally explored in *Systems of Consanguinity*. He divided the book into four sections: (1) “Growth of Intelligence Through Inventions and Discoveries,” (2) “Growth of the Idea of Government,” (3) “Growth of the Idea of Family,” and (4) “Growth of the Idea of Property.” Following in the footsteps of the Common Sense philosophers, he traced human social and cultural development through stages of savagery, barbarism, and civilization, with each level subdivided into lower, middle, and upper planes based on a

³² Lewis H. Morgan, “A Conjectural Solution of the Origin of the Classificatory System of Relationship,” *Proceedings of the American Academy of Arts and Sciences*, vol. 7 (11 Feb. 1868): 436-477.

group's means of producing the necessities of life. He defined these stages or "ethnical periods" based on the development of subsistence arts, and then correlated social and political institutions to these developments. In the lowest level of savagery, humans subsisted by gathering berries, digging roots, and dwelling in trees. In the middle level, humans acquired fire. In the upper, they developed the bow and arrow and hunting. Lower barbarism was characterized by horticulture, pottery-making, and village stockades. In the middle level, humans domesticated animals, made bronze tools, and constructed large joint tenement houses that functioned as fortresses. Upper barbarism exhibited the cultivation of cereals and plants, along with the smelting and forging of iron ore, and the development of the grain mill, potter's wheel, and loom weaving. The first level of Ancient civilization was characterized by the iron plow, animal power, the phonetic alphabet, Arabic numerals, cities, commerce, coinage, the bridge, arch, crane, sewers, and the water wheel. Morgan finished off the historic period of development with the Medieval and Modern levels.³³

Each of the above stages of human development was characterized by particular forms of government, family, and property – the three social and political institutions that were at the heart of Morgan's theories. The systems by which humans governed themselves evolved through two successive modes: kinship organization and political organization. Kinship organization was the basis of tribes in which gentes (clans) and phratries (groups of two or more related clans) were subdivisions; the tribal stage lacked a concept of individual property, had no class distinctions, and was essentially democratic. In line with Locke's theories on the transition from the state of nature to

³³ Morgan, *Ancient Society*, 3-44.

civilization, Morgan posited that progress in subsistence arts and the consequent growth of rights to land and acquisition of personal property brought about political organization, which was based on territory and property relationships. These changes in governance were accompanied by changes in family structures. From the original state of promiscuity, humans developed matriarchal families, because descent could only be determined through the mother. As property became increasingly important in organizing relationships, families became patriarchal and monogamous, guaranteeing paternity and exclusive inheritance of property. Humans in the state of savagery had few possessions and shared lands and houses in common, barely recognizing individual property. By the upper level of barbarism, improvements in subsistence arts and inventions resulted in sufficient individual property to require laws regulating ownership. Before the end of the later period of barbarism, “When field agriculture had demonstrated that the whole surface of the earth could be made the subject of property owned by individuals in severalty, and it was found that the head of the family became the natural center of accumulation, the new property career of mankind was inaugurated.”³⁴ By the first, or Ancient, level of civilization, the state, founded upon territory and property had evolved to protect inequalities based in personal wealth, family inheritance, and, eventually, aristocracy. Effectively, civilization emerged as the accumulation of property, and resultant inequalities made it necessary to protect owners from dispossession.³⁵

³⁴ Ibid., 553-554.

³⁵ Ibid., passim; Curtis M. Hinsley, *The Smithsonian Institution and the American Indian: Making a Moral Anthropology in Victorian America* (Washington, DC: Smithsonian Institution Press, 1981), 134-135; Daniel Noah Moses, *The Promise of Progress: The Life and Work of Lewis Henry Morgan* (Columbia, MO: University of Missouri Press, 2009), 232-240.

While Morgan ended his evolutionary schema with the third, or Modern, level of civilization, he predicted that human societies would continue to evolve, with a likely return to communal, democratic principles and the rejection of individual property as the foundation for social relationships. He stated, in one of his most often quoted passages, that

A mere property career is not the final destiny of mankind, if progress is to be the law of the future as it has been of the past. The time which has passed away since civilization began is but a fragment of the past duration of man's existence; and but a fragment of the ages yet to come. The dissolution of society bids fair to become the termination of a career of which property is the end and aim; because such a career contains the elements of self-destruction. Democracy in government, brotherhood in society, equality in rights and privileges, and universal education, foreshadow the next higher plane of society to which experience, intelligence and knowledge are steadily tending. It will be a revival, in a higher form, of the liberty equality, and fraternity of the ancient gentes.³⁶

It was Morgan's theories about social evolution and the central importance of property to civilization, along with passages such as those above that drew the admiration of Karl Marx and Friedrich Engels and would later result in their historically influential work, *The Origin of the Family, Private Property, and the State: in the Light of the Researches of Lewis H. Morgan* (1884).

Morgan's theories also profoundly affected John Wesley Powell and the ethnographic work of the Smithsonian Institution. After reading *Ancient Society*, Powell wrote to Morgan that upon receiving his advance copy of the book, "The first night I read until two o'clock. I shall take it into the field and in my leisure hours study it carefully, reading it many times." Powell noted further that "I have many facts which fit perfectly into the system which you have laid out: the bearing of these facts I did not understand before. Had I more fully appreciated your system, I believe that I could have given you

³⁶ Morgan, *Ancient Society*, 561-562.

much additional data . . . After reading your book, I believe you have discovered the true system of social and governmental organization among the Indians.”³⁷ When Powell began the Bureau of American Ethnology at the Smithsonian Institution in 1879, Morgan’s authoritative standing in anthropology and persuasive three-stage theory of social development provided him a rationale and system for organizing the new entity’s research.³⁸ Powell termed his research agenda for the Bureau the “New Ethnology,” and he focused the work of his researchers on correlating the different categories of human activities.³⁹

By the waning years of his life, Morgan’s preeminence in his field began to gain institutional recognition. In 1879, Morgan was elected the president of the AAAS. As the first anthropologist to hold this office, his election demonstrated the acceptance of his discipline and recognition of his preeminence in the field.⁴⁰ In the year of its founding, 1879, the Archaeological Institute of America and its president, Charles Eliot Norton, asked Morgan to prepare for the organization a plan for archaeological exploration and research in the Americas.⁴¹ To fill their request, Morgan produced “A Study of the Houses of the American Aborigines, with Suggestions for the Exploration of the Ruins in

³⁷ Powell to Morgan, 23 May 1877, as quoted in Virginia Noelke, “The Origin and Early History of the Bureau of American Ethnology, 1879-1910” (PhD diss., University of Texas, Austin, 1974), 52. The letter is also quoted in Moses, *The Promise of Progress*, 240 and William A. Longacre, “Why did the BAE Hire an Architect,” *Journal of the Southwest* 41, no. 3 (Autumn 1999): 360. Also of note, philosopher and historian Henry Adams wrote to Morgan that Ancient Society “must be the foundation of all future works in American historical science.” Henry Adams to Lewis Henry Morgan, 14 July 1877, as quoted in Hoxie, *A Final Promise*, 16.

³⁸ Hinsley, *The Smithsonian Institution and the American Indian*, 133, 136. Richard B. Woodbury and Natalie F. S. Woodbury, “The Rise and Fall of the Bureau of American Ethnology,” *Journal of the Southwest* 41, no. 3 (Autumn 1999): 284-285.

³⁹ Hinsley, *The Smithsonian Institution and the American Indian*, 137.

⁴⁰ Moses, *The Promise of Progress*, 258.

⁴¹ Leslie A. White and Lewis Henry Morgan, “Lewis H. Morgan’s Journal of a Trip to Southwestern Colorado and New Mexico, June 21 to August 7,” *American Antiquity* 8, no. 1 (July 1942): 2.

New Mexico, Arizona, the Valley of the San Juan, and in Yucatan and Central America, Under the Auspices of the Archaeological Institute.”⁴² His report further emphasized his focus on demonstrating his anthropological theories through the houses and material culture of American Indians, especially those of the Southwest and Central America.

During the last few years of his life, Morgan focused a considerable portion of his flagging energies on studying the houses and “house life” of American Indians. He wrote a long entry on the “Architecture of the American Aborigines” for *Johnson’s New Universal Cyclopedia*, and he published two articles in the *North American Review* in 1876, which dealt with the interaction between social organization and architecture: “Montezuma’s Dinner” and “Houses of the Mound-Builders.”⁴³ He had expressed an interest in the pueblo architecture of the American Southwest as early as his initial research on kinship.⁴⁴ In the summer of 1878, Morgan took a trip to Colorado and New Mexico to conduct field research. After returning from the Southwest, Morgan read two papers at the St. Louis meeting of the American Association for the Advancement of Science (AAAS) in August 1878: “On the Ruins of a Stone Pueblo on the Animas River, New Mexico, with a Ground Plan,” was later published in the *Twelfth Annual Report of*

⁴² Lewis Henry Morgan, “A Study of the Houses of the American Aborigines, with Suggestions for the Exploration of the Ruins in New Mexico, Arizona, the Valley of the San Juan, and in Yucatan and Central America, Under the Auspices of the Archaeological Institute,” *Archaeological Institute of America, First Annual Report of the Executive Committee, with Accompanying Papers, 1879-1880* (Cambridge, Mass: John Wilson and Son, University Press, 1880), 27-80.

⁴³ Lewis Henry Morgan, “Architecture of the American Aborigines,” in *Johnson’s New Universal Cyclopedia, a Scientific and Popular Treasury of Popular Knowledge*, vol. 1 (New York: A. J. Johnson & Son, 1875): 217-229; Lewis Henry Morgan, “‘Montezuma’s Dinner,’ a review of *Native Races of the Pacific States*, vol. 2, *Civilized Nations* by Hubert Howe Bancroft,” *North American Review* 122 (April 1876): 265-308; Lewis Henry Morgan, “Houses of the Mound-Builders,” *North American Review* 123 (July 1876): 60-85.

⁴⁴ Moses, *The Promise of Progress*, 258. Later, in 1869, he wrote “The ‘Seven Cities of Cibola,’” in which he argued that the legendary cities were actually the pueblos of Chaco Canyon. Lewis Henry Morgan, “The ‘Seven Cities of Cibola,’” *North American Review* 108 (April 1869): 457-498.

the Peabody Museum and “Observations on the San Juan River District as an Important Ancient Seat of Village Indian Life,” was later incorporated into Morgan’s *Houses and House Life of the American Aborigines* (1881).⁴⁵

Morgan’s final published work focused on the prominent place that house structure played in human social evolution. Morgan’s original plan for *Ancient Society* included a fifth section on architecture, which he wrote only to discover that the manuscript was too long, and the section was cut. He did not discard his accumulated research on architecture and published portions in a variety of media, and eventually revised the manuscript that was originally supposed to have been the fifth section of *Ancient Society*. Through their correspondence, Powell offered to have the manuscript printed by the US Government Printing Office. Morgan sent Powell the manuscript in mid-June 1880. It was published under the title *Houses and House Life of the American Aborigines* in 1881, the year of Morgan’s death.⁴⁶ The study included much new material on the Puebloan peoples of the Southwest, as well as information on the Aztecs of Mexico, provided by Morgan’s protégé Adolph Bandelier, whom Morgan had handpicked to undertake the research plan he had written for the Archaeological Institute of America.⁴⁷

⁴⁵ Lewis Henry Morgan, “On the Ruins of a Stone Pueblo on the Animas River, New Mexico, with a Ground Plan,” *Twelfth Annual Report, Peabody Museum of Archaeology and Ethnology* (Cambridge, MA: Peabody Museum of Archaeology and Ethnology, 1879), 536-556; Lewis Henry Morgan, *Houses and House Life of the American Aborigines*, Contributions to North American Ethnology, vol. 4 (Washington, DC: Government Printing Office, 1881).

⁴⁶ Concerning the relationship between Morgan and Powell and the printing of the manuscript, see Longacre, “Why did the BAE Hire an Architect,” 359-361 and John Wesley Powell, “Sketch of Lewis H. Morgan,” *Popular Science Monthly* 18 (Nov. 1880): 115-121.

⁴⁷ White and Morgan, “Lewis H. Morgan’s Journal of a Trip to Southwestern Colorado and New Mexico, June 21 to August 7,” 2. Bandelier continued researching Southwestern Indians from this time until about 1890, when he published his final works on this topic for the Archaeological Institute of America. In the early 1890s, Bandelier changed his research focus to the Indians of South America and spent the rest of his career working on the archaeology of Ecuador, Bolivia, and Peru. See also, Trautmann and Kabelac, “The Library of Lewis Henry Morgan and Mary Elizabeth Morgan,” 21.

Houses and House Life of the American Aborigines explored the relationship between social organization and architecture, a theme that Morgan had considered thirty years earlier in his initial studies of the Iroquois. As Morgan had noted in *Ancient Society*, “House architecture, which connects itself with the forms of the family and the plan of domestic life, affords a tolerably complete illustration of progress from savagery to civilization. Its growth can be traced from the hut of the savage, through the communal houses of the barbarians, to the house of the single family of civilized nations, with all the successive links by which one extreme is connected with the other.”⁴⁸ To add evidence to his theories in *Ancient Society*, Morgan attempted to demonstrate that the more complex social systems of the New World—e.g. the Incas in South America, the Aztecs in Central America, and Puebloan peoples in North America—developed from more simple social forms, as demonstrated by analyses of a series of evolutionary stages of kinship formations and forms of domestic architecture.⁴⁹ His guiding principle was that domestic architecture was determined by family structure. As an extension of his theories in *Ancient Society*, Morgan’s work on his last book caused Powell to realize that the efforts of the Bureau of Ethnology would be incomplete without considering the architecture of both living people and archaeological remains of prehistoric groups.⁵⁰

⁴⁸ Morgan, *Ancient Society*, 5.

⁴⁹ Trautmann and Kabelac, “The Library of Lewis Henry Morgan and Mary Elizabeth Morgan,” 52.

⁵⁰ Longacre, “Why did the BAE Hire an Architect,” 362. Powell set forth his own interpretation of social evolution in two papers in the 1880s. He surveyed the literature on social evolution – most prominently Lewis Henry Morgan, as well as other contemporary authors – and set forth his own synthesis, based on his reading and field work. John Wesley Powell, *From Savagery to Barbarism; Presidential Address to the Anthropological Society of Washington, D.C.* (Washington, DC: Judd & Detweiler, 1885), pamphlet edition, which was also published as John Wesley Powell, “From Savagery to Barbarism,” *Transactions of the Anthropological Society of Washington* 3 (1885): 173-196. John Wesley Powell, “From Barbarism to Civilization,” *American Anthropologist*, old ser. 1 (1888): 97-123, originally delivered on 16 March 1886 as the annual address of the retiring president of the Anthropological Society of Washington.

Powell decided to hire an architect to study houses and the social and cultural practices associated with them, in addition to making related maps. Powell hired Victor Mindeleff as the Bureau's architect and his younger brother, Cosmos, as his assistant.⁵¹ The brothers, twenty and nineteen years old, respectively, began field work in the Southwest in late summer 1881. During the next decade, the Mindeleffs mapped a significant number of the extant pueblo communities and many prehistoric ruins in the southwest. They made several scale models of the pueblos and ancient ruins for exhibit at world's fairs and at the US National Museum. They also published their research frequently in the Bureau's *Annual Report*. Victor left the Bureau after about a decade of service to become an artist and architect in Washington, DC. Cosmos continued his work for the Bureau until 1897, and published papers in its *Annual Report* until at least 1900. In 1898, he published a major report on Navajo houses, which we will return to later.⁵²

Hogans, Houses, and Civilizing Efforts of Navajo Reservation Agents in the 1880s

During the two decades that the Mindeleffs and their collaborators scoured the Southwest for prehistoric and present day examples of aboriginal housing, Morgan's theories spread throughout government and scientific circles, influencing Indian policy formation and practice in Washington and on reservations. Whether because of the spreading influence of Morgan's theories and the importance they gave to housing or the increasing sophistication of the agents, the annual reports of the Navajo Agency during

⁵¹ Longacre, "Why did the BAE Hire an Architect," 362. William Henry Holmes of the U.S. Geological Survey may have introduced Victor to Powell. Victor's qualifications for the position are unclear. See also Peter Nabokov, introduction to *Study of Pueblo Architecture in Tusayan and Cibola* by Victor Mindeleff (1891; repr., Washington, DC: Smithsonian Institution Press, 1989), xv, xxvii.

⁵² Longacre, "Why did the BAE Hire an Architect," 364, 368.

the 1880s contained much more detailed analyses of Navajos' housing practices and their evolution toward civilized standards. (And, as well will see in Chapter Four, Morgan's theories, wielded by female reformers, influenced Congress to broaden civilizing policies from a focus on agriculture and house structure to include homemaking and childrearing practices within and around the Indian home.)

Galen Eastman, the Navajo agent who straddled the transition from the 1870s to 1880s (1879-1882), left little documentation of his tenure beyond rudimentary reporting. Eastman did not submit any information regarding housing in his 1879 annual report, but, by 1880, the reservation was reported to have six houses occupied by Navajos, none of which have been built that year.⁵³ In 1881, Eastman reported that Navajos occupied twelve houses, six of which had been built that year.⁵⁴ Eastman noted in 1882 that Navajos occupied twenty houses, none of these built by whites, and five built by Indians in the past year.⁵⁵ The incongruity between the 1881 and 1882 figures would become characteristic of agency reporting on Navajo housing in the coming decades. These inconsistencies may be attributable to varying levels of diligence in compiling information from across the vast reservation, as well as the frequent agency personnel changes.

Between 1880 and 1882, the agency sawmill finally began production and its school neared completion. For several months in 1880, an army officer replaced Eastman. The acting agent, F. T. Bennett, noted with an air of success that a steam-powered sawmill, the likes of which Agent Irvine had described as procured in his 1877

⁵³ ARCIA 1879, 248.

⁵⁴ ARCIA 1881, 282.

⁵⁵ ARCIA 1882, 339.

annual report, finally began production in 1880. It had already produced 20,000 feet of lumber, which was being used in the construction of a new school building that would accommodate 150-200 pupils.⁵⁶ When Eastman returned, he noted, in contrast to Bennett's optimism, that "Many of these Indians are in want of wagons, harness, plows, harrows, &c., and also windows, doors, nails, lumber, &c., that they may farm more like white men, and build themselves houses." Eastman also lamented that the "very small appropriation granted these Indians by the Congress for their support is an effectual barrier to further progress at present."⁵⁷ Eastman did note in his last annual report that the school building was nearly complete and that in addition to regular education subjects, the school taught the industries of sewing, housework, and gardening.⁵⁸

The next agent, D. M. Riordan, took over the Navajo Agency on 1 January 1883, but resigned in frustration and disgust in early August. In his final report, he explained that he resigned because he believed that he could not effectively do his job due to the lack of government funding for the agency, Congressional neglect of its treaty obligations to the Navajos, and the ridiculous duties expected of a lone agent on a large reservation with over 17,000 people under his charge. With the lack of government funding or attention, he had gone as far as spending \$800 of his own money to provide supplies for starving Navajos during the previous winter.⁵⁹ As had each agent before him, Riordan went into great detail describing the deplorable conditions at the agency headquarters. None of the accommodations for reservation personnel would keep out the elements or vermin and had snakes living in the walls. He complained that he had had to "tie my

⁵⁶ ARCIA 1880, 132.

⁵⁷ ARCIA 1881, 138.

⁵⁸ ARCIA 1882, 128, 323.

⁵⁹ ARCIA 1883, 119-123.

children in chairs to keep them out of the water, on the floor, in mid-winter” and that his nursing wife was forced to walk on the wet floors in these same conditions. Riordan demonstrated the irony inherent in the juxtaposition of his living conditions with his mission was not lost on him when he wrote that “the agent and employés who were to lift up these people to a higher plane, to carry out the civilizing policy of the Government, were expected to live in a lot of abandoned adobe huts, condemned by special, regular, and annual reports as unfit to live in fifteen years ago, condemned by everyone who has ever seen them since, and repeatedly damned by all who have been compelled to occupy them.”⁶⁰ How could he model civilized life to Navajos when he and his own family lived in housing conditions worse than his charges?

Despite Riordan’s anger at the government (and perhaps the greatest cause of it), he believed Navajos to be an exemplary tribe and quite capable of making great strides toward civilization, if only the United States would live up to its obligations. “The Navajos are, in my judgment, the most independent, self-reliant Indians we have; and I believe that in native shrewdness and intellect they are superior to any other tribe in the country.”⁶¹ Echoing the Common Sense school and Lewis Henry Morgan, Riordan stated that “The history of mankind shows that the advances from barbarism to civilization have been by a series of steps or jumps rather than by a gradual forward movement. The Navajos have been standing still, in a transition period, for some time. They are ready for a jump.”⁶² But how were they to make such a jump without the necessary building blocks of civilization: private property and a house? Further, the

⁶⁰ Ibid., 120.

⁶¹ Ibid., 123.

⁶² Ibid.

reservation's borders, as well as allotments for individuals and families, had still not been surveyed fifteen years after the signing of the treaty and the creation of the reservation.⁶³

The sawmill, which had been described in previous annual reports as being needed to create lumber for Navajos to build houses was already a rotting shell.⁶⁴ "We have a saw-mill, which I am told cost \$10,000 to place in position. The only covering for this valuable and useful machinery is the sky. It lies there exposed to the snow and the rain, to the sandstorm and the blizzard, rusting, rotting, and with a fine forest of pine timber within rifle shot. I have begged, implored, clamored for money to cover its nakedness."⁶⁵

Regardless of this complete lack of government support, Riordan knew of a small number of Navajos who were attempting to follow the tenets of civilization. Riordan noted that he knew of "a most deserving Indian" who had started a ranch about one hundred miles from the reservation about twelve years ago. Since that time the man had built a house and corral and raised seven children. The man had gone to Santa Fe four years ago to get the title to his land. A "scoundrel" representing himself as a US land agent had charged the man "\$160 for a worthless paper." Riordan had reported the crime to the Commissioner of Indian Affairs, but nothing had been done. Riordan chided that "That sort of work discourages others who are willing and who have both the desire and the ability to become independent men."⁶⁶ Even when an individual Navajo and his family living off the reservation took it upon themselves to follow the model expected by

⁶³ Ibid., 121.

⁶⁴ No figures were reported for the numbers of Navajos living in or having built houses in the 1883 annual report. Ibid., 276-277.

⁶⁵ Ibid., 123.

⁶⁶ Ibid.

white civilization, the US government did not have the wherewithal or interest to enforce its own laws.

Riordan was replaced by John H. Bowman in 1884. In his first annual report, Bowman returned to the traditional optimism of an agent in his freshman year and focused on housing to illustrate Navajo progress. He noted a relative building boom of houses among Navajos. “I have given all of those who were ready to build the necessary window and door casings, &c. There are now about twenty-five houses in process of construction, and I believe that at least fifty good snug little houses will be built and occupied by them during the present season.”⁶⁷ Bowman highlighted the rapidity of the building initiative in noting that “Three months ago there was not on this entire reservation one single house or cabin built or occupied by any member of this tribe.”⁶⁸ It is not clear whether this statement was based on actual observations or on hyperbole intended to emphasize progress under Bowman’s guidance.

Bowman also emphasized house building as a near panacea in the civilizing efforts of the government. “In my opinion the most essential thing to do in order to elevate these people is to induce them to build better places of abode; they will then become less nomadic in their habits, and that alone will create a desire to ‘accommodate,’ to improve their conditions and surroundings, and to better their stock.” He asserted that Navajos should then “be induced to raise fewer and better horses and to speculate with them, better and fewer sheep and goats and to take better care of these.”⁶⁹ Though

⁶⁷ ARCIA 1884, 135.

⁶⁸ ARCIA 1884, 135.

⁶⁹ ARCIA 1884, 135. The official civilization statistics for the Navajos list twenty houses as being built and lived in by Navajos in 1884. *Ibid.*, 294-295.

envisioned in reverse order, Bowman's conception of the foundational role of permanent housing to civilization meshed well with that of Morgan's theories.

By 1885, Agent Bowman displayed an increasing familiarity with Navajo cultural mores regarding housing. In the official civilization statistics submitted by Bowman for 1885, he listed 10 houses as having been built by Navajos at a cost to the government of \$100, and a total of 150 houses occupied by Navajos.⁷⁰ While describing more progress on housing and civilized dress, he lamented the continued loss of houses to observations of the ghost prohibition, which "prevents them from fixing up any very comfortable habitations, for, as they say, someone might die there, and then I would have to lose it." Bowman wrote that practice was not as common among younger Navajos as it was among the elderly, noting that "Within the last year many of the more progressive of the tribe have ignored this idea, and have built themselves small houses." He estimated that "between 100 and 200" of such houses were "already built and occupied," and that Navajos "should be encouraged in this as far as possible."⁷¹ Again, it is unclear if this prodigious increase was based on an actual count or an exaggeration intended to impress superiors in Washington, DC. His vague generalization of "between 100 and 200" does not connote an exacting survey.

Bowman's strongly believed in the power of a Euro-American house to bring about sedentary, civilized practices. He lamented that "At present they move many times each year from the mountains towards the valleys in the fall and back to the mountains in the spring and summer, living meanwhile in rude shelters built of brush, stones, and sticks, or dirt, driving their sheep and horses with them, and carrying all of their furniture,

⁷⁰ ARCIA 1885, 347.

⁷¹ Ibid., 154.

&c., on a pack pony.” He advocated that “Fixed habitations, the surroundings which they will naturally bring, the consequent abandonment of their nomadic habits, will do much to hold them in the right path.”⁷² For Bauman, the ghost prohibition was only one manifestation of nomadism, all aspects of which Navajos needed to relinquish if they were to become sedentary and begin to accumulate wealth through gaining, maintaining, and improving property.

Navajos needed to look no further than the agency’s several new white employees, who had their families with them, for positive examples of civilized home life. Bowman noted that “The white employ  s . . . have all been exemplary in their conduct, patient, willing, and industrious.” He believed that the six married male employees and their families could provide Navajos with “many a practical lesson from the opportunity of seeing a well-kept home, and the presence of families always seems to purify the atmosphere and to put everybody on their good behavior.”⁷³ However, Bowman’s description of the agency’s very old adobe buildings, their leaky dirt roofs, and the vermin and snakes that inhabited them provides little credence to his vision of white employees’ model homes guiding Navajo progress toward civilization and accomplishments in house building. The decrepit agency buildings were likely less sound as habitation than a well-constructed hogan.⁷⁴

Bowman was less optimistic regarding Navajos’ motivations to relinquish their nomadic habits, but he believed that encroaching white settlements would soon circumscribe this behavior as the two groups contended for resources and land. He

⁷² Ibid.

⁷³ Ibid., 155.

⁷⁴ Ibid.

acknowledged Navajos' interpretation of their treaty's language. "These Indians have always exercised the right, which they believe was given them by the terms of their treaty—that is, to go and live wherever they choose. . . ." However, he also recognized that the "country around here is fast being settled up with whites; earnest men, most of whom do not believe that an Indian has any business off of his reservation: men who have no great love for them anyway, and who will be inclined to make them stand aside if they get in their way."⁷⁵

Bowman believed that the competition for land would be played out according to contending cultural assumptions and laws regarding the establishment of usage rights. He explained that it was customary among Navajos "to live a great distance from water, and the white disputant is seldom willing to concede that the occupancy of a brush shelter a mile or so from the desirable spring, even if the Indian occupant drives his sheep there daily to water, gives him the exclusive right to it." Bowman assumed that Navajos' "Generations of nomadic ancestors have given them natures too unstable to ever erect many homes that will be substantial enough to withstand the covetous attacks of their white competitors for choice tracts of the public domain." Therefore, he believed that it would be impossible for Navajos "to understand our land laws or the system of public surveys, and harder still for them to comply with the requirement of the homestead laws."⁷⁶

Even when Congress passed special homesteading laws for Indians' benefit, Bowman believed that the "present generation of Navajoes, in my opinion, will not

⁷⁵ Ibid.

⁷⁶ Ibid.

derive much benefit from the beneficent act of Congress date July 4, 1884, and passed for their benefit. They are too ignorant to comprehend the requirements.”⁷⁷ Congress held a similar opinion about Indians’ ability to be responsible for such homesteads. The 4 July 1884 (23 Stat., 76) change to the homestead laws, to which Bowman referred, made Indians eligible for the same benefits as all US citizens, but required that the land be held in trust by the federal government for twenty-five years. For whatever reason, very few Navajos took advantage of this change to the homestead laws until the early decades of the twentieth century.

Samuel S. Patterson replaced Bowman as agent in 1886 and continued his predecessor’s evaluation of the salutary influence of house building on Navajos’ progress toward civilization. After having been in the position approximately five months, Paterson optimistically noted in his first annual report that Navajos had the habits and desires necessary, with “the assistance of the strong hand of the Government,” to survive in the United States. Going beyond statements by his predecessors, he believed that the “Navajo is by nature inclined to habits of industry and an independent desire to acquire property and to maintain himself.”⁷⁸

Instead of stating that the agency’s civilizing efforts would inculcate these habits among Navajos, Patterson asserted that these habits were evinced in their eagerness to acquire Euro-American material culture, especially housing. As proof, Patterson noted some Navajos’ desire to build houses with materials and guidance supplied by agency employees. He wrote that of “the 22 stone houses thus to be built 12 have been completed and the others under course of construction, the work being done by the

⁷⁷ Ibid.

⁷⁸ ARCIA 1886, 202-203.

Indians, with the exception of such assistance as the agency employ  s are able to give aside from their regular duties.”⁷⁹ The twenty-two stone houses were to be one story and contain two or three rooms, with an actual cost to the government of \$930.40.⁸⁰ As with Patterson’s predecessors, the house was the anchor that would hold Navajos to sedentary, civilized pursuits and encourage industry.

Though Patterson did not acknowledge such, the division of these houses into multiple rooms marked a profound departure from the cosmological purpose of the hogan’s one-room design. For the Navajos who chose to occupy these houses, such a departure represented a desire for cultural change beyond that of different functions for separate rooms. Subdivision into multiple rooms either indicated a stepping away from traditional Navajo religious practices or an acceptance that ceremonies could be conducted in a dwelling that had not been constructed as proscribed in the hogan songs.

Patterson followed the path of past agents and proposed that the burgeoning home construction industry could be made even more economical by expanding the on-reservation milling facilities. “I desire here to say that in point of great economy all the lumber and shingles required at this agency should be sawed in the pine forests within the reservation, which could be done by a portable saw-mill at a cost not to exceed \$5 a thousand, while lumber otherwise purchased and brought in costs from \$35 to \$60 per thousand.”⁸¹ But Patterson went further in suggesting that it could be an important

⁷⁹ Ibid., 204.

⁸⁰ Ibid.

⁸¹ Ibid. The civilization statistics listed for the Navajo reservation in the Commissioner of Indian Affairs’ annual report differed somewhat from Patterson’s narrative description, listing a total of 30 houses on the reservation, twelve of which had been built during the past year at cost of \$507 to the government. Ibid., 403.

support for industrial education on the reservation. He believed that the agency's boarding school should be giving "instruction in the industrial branch of education this year," and noted that "carpenter-work, blacksmithing, and gardening will be taught to the boys by a competent instructor and needle-work, cooking, and housekeeping the girls."⁸² The housebuilding industry could provide many avenues for Navajos to learn to appreciate white cultural norms and the means to replicate them. While he had announced the beginning of industrial training at the Navajo Agency boarding school in his 1886 annual report, Patterson lamented its continuing absence at the school in his 1887 annual report.⁸³

Patterson cited the building of multi-room, stone houses in 1887 as a prime example of Navajos' "desire to advance and adopt the ways of the whites." He believed that since the building of the twenty-two stone houses with the aid of the government, "an earnest and general desire has spring up amongst [Navajos] to abandon their rude huts of mud and sticks and erect stone houses, containing from two to three rooms . . ."⁸⁴ Patterson asserted that "I am asked almost daily to furnish doors, windows, nails, and tools, but have nothing of the kind to give them. . . . yet, without the aid of lumber and proper tools, they have erected this year from forty to fifty new houses, with a hope that the Government will soon furnish them doors and windows. Many others are making ready to do likewise."⁸⁵ In the official civilization statistics for the year, the Navajo were recorded as having built forty new houses at a cost of \$423 to the government, which,

⁸² Ibid., 204.

⁸³ ARCIA 1887, 176.

⁸⁴ Ibid., 174.

⁸⁵ Ibid.

when added to pre-existing houses, made a total of seventy on the reservation.⁸⁶

Patterson offered no explanation for the variation in the cost between the houses built in 1886 and 1887.

Patterson returned in 1888 to Navajos' desire to construct houses as a measure of their progress toward civilization. He noted that Navajos still possessed the desire "to build better houses of stone and logs and to live more like Americans, with permanent homes." Navajos also continued "incessant" demands for "lumber, doors, and windows," while building the walls for the dwellings themselves.⁸⁷ As further proof of some Navajos' desire for more sedentary means of subsistence, Patterson relayed that near some of the agency's new irrigation projects, Navajos "have located and built houses of stone and logs with a view of permanent location, but from the want of plows, harness, and other implements, have done very little towards bringing these lands under cultivation thus far."⁸⁸ The number of new houses built by Navajos in 1888 is difficult to determine because the annual civilization statistics contained only the simplified category "Number of dwellings occupied by Indians," which was listed as seventy-five.⁸⁹

Patterson then went a step further by asserting that Navajo habit of industry were becoming more internalized and that they were adopting business principles and a desire to accumulate wealth. Patterson proclaimed that "The habit of industry is becoming more fixed among [the Navajos]. Their desire to accumulate wealth is fully equal to that of the white race. They have natural business habits, and are generally inclined to settle their

⁸⁶ Ibid., 375.

⁸⁷ ARCIA 1888, 190.

⁸⁸ Ibid.

⁸⁹ Ibid., 420.

disputes on business principles.”⁹⁰ Patterson’s assertion regarding the use of business principles and the desire to accumulate wealth were antithetical to both the general white perception of Indians and to Navajos’ traditional values.

The concepts of *k’é*, *k’éí*, and *hózhó* mitigated against the impersonal practices characteristic of American business standards, as well as the personal accumulation of wealth. There was tension between the possibility of accumulation and the ethic of kinship. While more wealthy Navajos may not have been eager to be generous, levelling devices such as responsibilities to pay for expensive healing ceremonies, fears of being accused of witchcraft due to being rich and stingy, and inheritance patterns that distributed an estate among a large number of matrilineal kin all mitigated against accumulation.⁹¹

The next agent, Charles E. Vandever, noted great demand for the products of the new sawmill, tools, hardware to put them to use, and farming implements. In his 1889 annual report, Vandever reported that the new sawmill furnished by the Office of Indian Affairs had arrived and had been positioned about twelve miles from the agency in an area of abundant timber. It had commenced work and Navajos “for many miles around are incessant in their requests for building material. In addition to lumber they want windows, doors, hinges, hatchets, nails, saws, planes, and files, and tin buckets and dippers for household use.”⁹² In addition to household needs, Navajos also requested “a good supply of small one-horse plows, hoes, axes, and shovels” for farming purposes, as

⁹⁰ Ibid., 193.

⁹¹ David F. Aberle, *The Peyote Religion Among the Navaho*, 2nd ed. (Norman, OK: University of Oklahoma Press, 1982), 43-44. Gary Witherspoon, *Navajo Kinship and Marriage* (Chicago: University of Chicago Press, 1975), 37.

⁹² ARCIA 1889, 259.

well as files and rasps to manufacture saddles.⁹³ Despite these enthusiastic reports, in the 1889 civilization statistics Vandever counted thirty houses occupied by Navajos on the reservation, five of which had been built in the past year.⁹⁴ This disparity between the 1889 figures and those of previous years may have been due to a variety of factors, including intentional or unintentional misrepresentation.

While Vandever was optimistic about the desire for all of these goods, he was also concerned that the most motivated Navajos were not those who received them. Previously, when tools for farming and carpentry had been sent to the agency, Vandever explained that “they have been distributed among a lot of worthless Indians who live around the agency on what they can beg from it, causing much jealousy among those who are really deserving, but less favored.” In order to mitigate this problem, Vandever proposed that a “sufficient” amount of supplies should be distributed further out into the reservation and “divided fairly among those in need of such articles and who will make a proper use of them.”⁹⁵ As to how to determine which Navajos would be the most deserving or make the most productive use of these goods, Vandever looked to the agency’s boarding school.

Vandever advocated teaching trades to Navajos at the agency boarding school as the means to increase Navajos’ ability to build the houses required to achieve civilization. He observed that the government had provided a sawmill for the reservation to help Navajo gain the material to build houses and that he daily received requests for its products and the tools to make use of them. However, he noted that “None of these

⁹³ Ibid.

⁹⁴ Ibid., 506.

⁹⁵ Ibid., 259-260.

Indians are carpenters, and must of course labor under great disadvantages in building unless they bring to their assistance white labor, which is very expensive in this locality. Of course, under such circumstances, they all fully appreciate the benefits to be derived from the knowledge of a trade and want their children to learn one.”⁹⁶ For Vandever and the US government’s civilizing project, the goal was not only to inculcate the desire to live in an appropriate house but also to know how to build and maintain it, as well as to learn a trade by which to engage in the larger economy and prosper.

In contrast to the reported ability to supply Navajos with building materials, Vandever trod the familiar path of the agents before him in noting derisively that “For the use of the employés, exclusive of the agent, there are five small adobe buildings, none of which are in good repair, nor can they be put in presentable appearance, in fact would compare unfavorable with a livery stable in a city of the fourth class All the other buildings at the agency are in a state of thorough dilapidation.”⁹⁷ Vandever did not comment on the seeming irony that building materials and hardware were readily available to Navajos, while the agency’s structures remained in disrepair.

By a year later, Vandever had developed a much more informed and nuanced sense of Navajos and the reservation’s issues. At the beginning of his 1890 annual report, Vandever admitted that “At the time of making my last annual report my experience among the Navajos was limited. I had then been among them as agent only a few months, and in the collection of facts and statistics had to rely more or less on the information which I received from the Indians themselves.”⁹⁸ Since then he had worked

⁹⁶ Ibid., 258.

⁹⁷ Ibid., 261.

⁹⁸ ARCIA 1890, 158.

diligently to augment his knowledge. “During the past year I have spent much of my time visiting every portion of the reservation. It has been my endeavor to study the tribe thoroughly by learning all I could of their past history, traditions, and habits and customs. In doing this I have found it necessary to change my opinions expressed on several points a year ago, as will be seen by comparison of the reports.”⁹⁹

Vandever’s claims to have augmented his knowledge were no idle boast. His long report contained a more extensive knowledge of Navajo social, cultural, and religious practices than evinced by any of his predecessors. His knowledge of Navajo history and use of technical anthropological terminology to describe Navajo traditions demonstrated more than casual reading on the subjects. In an illustrative passage, he wrote that “A primitive social state still obtains among them. Descent is still traced only through the mother; they still reckon remote collateral kin as relatives, which in civilization have long ceased to be recognized, and the children belong exclusively to the mother’s gens or clan.” Concerning Navajo clans, he reported that “Of these gentes there are still 37 extant, some of them very small, others obtaining 700 or 800 persons, the terms by which they are distinguished being names of localities, chiefly of waters and mythic places.” He also observed that “Inheritance, like ancestry, lies through the woman’s side, but this general law has several interesting modifications; in brief, heirship and distribution of property may thus be stated: A mother’s heirs are her children.” He found Navajo weddings “a very interesting ceremony” and particularly noted that “marriage gives the husband no control over the wife’s property.”¹⁰⁰ These and other

⁹⁹ Ibid.

¹⁰⁰ Ibid., 159-160.

such passages demonstrate Vandever's familiarity with the social evolutionary theories of Lewis Henry Morgan, as well as Morgan's emphasis on kinship studies.

When Vandever's overview of Navajo culture turned to their hogans, he prefaced a physical description with the recognition that their "shepherd's life prevents them from dwelling in large communities."¹⁰¹ He also noted the influence of the Navajo ghost prohibition on the creation of long-term housing and pronounced it "a great hindrance to their adoption of civilized dwellings; but within the last two years the younger people are gradually overcoming this traditional dread."¹⁰² Despite his detailed and, relative to the period, sensitive description of Navajo cultural practices, Vandever's description of Navajo dwellings was perfunctory and dismissive, calling the winter dwelling a "hut" instead of using the well-known name of "hogan."¹⁰³ While Vandever had placed Navajo cultural practices and inheritance patterns within the context of Morgan's theories, he did not do so for their housing structures; though he did relate their choice of structure to their means of subsistence.

Though he expressed little admiration for Navajos' traditional dwellings, Vandever was much more positive about Navajos' motivation to adopt civilized housing forms. He wrote that "the most promising indication of their steady advance toward civilization is displayed in their growing desire to possess permanent dwellings." He

¹⁰¹ Ibid., 160.

¹⁰² Ibid.

¹⁰³ Navajo "have two distinct types of dwellings, the bough arbor for summer and the earth covered hut for winter, the former for temporary occupancy in pleasant weather, but the hut is regarded as the family home. It is a conical structure of tree trunks and limbs, covered with earth till it looks like an irregular, dome-shaped mound, the door-way always facing to the east. But in this rude structure every detail is traditionally prescribed, and it is dedicated with feast and song-prayers soon after being completed. There is no fixed size for a hut, but the average dimensions are about 7 feet high at the apex and 14 feet in diameter, and this uncouth dwelling may scarcely be called comfortable. At best it is merely weather-proof and habitable." Ibid., 160-161.

stated that the desire for permanent dwellings had been “directly stimulated” by the sawmill and its production of lumber. He reported that “already about 200 comfortable dwelling-houses, mostly two-roomed and with doors and windows, have been erected.”¹⁰⁴ The 1890 civilization statistics listed 200 houses as having been built by Navajos in that year, for a total of 250 houses on the reservation.¹⁰⁵ Vandever attributed this increase in houses to the products of the saw mill and government supplied tools. He noted that he had “issued during the past year nearly one hundred sets of carpenters’ tools, and windows, doors, locks, etc., for about two hundred dwelling-houses. The Indians have made good use of these advantages which have been placed in their hands . . .”¹⁰⁶

Vandever continued to encourage this increasing interest in building and possessing houses by teaching Navajos carpentry skills. He believed that the “usefulness of the school was greatly increased by the addition of a carpenter” that year.¹⁰⁷ Vandever considered carpentry to be among “The rudiments of all the handiworks necessary to be taught [that] have been familiar to the Navajo for a long period of time; house-building and working in metals and leather among men, and weaving and basketry among the women.”¹⁰⁸ The Navajos already knew how to build primitive dwellings; the carpenter would teach them how to use modern tools to build civilized houses, effectively speeding up their social evolution.

¹⁰⁴ Ibid., 164.

¹⁰⁵ Ibid., 456.

¹⁰⁶ Ibid., 164.

¹⁰⁷ Ibid., 163.

¹⁰⁸ Ibid., 164.

Vandever hoped to build upon the Navajos' gender-specific craft and subsistence skills to transition them into cognate civilized practices. Access to and use of modern material culture were the keys to this transition. Vandever's cursory description of Navajo gender roles indicated that little had changed over the years since the creation of the reservation. "The woman cares for the hut, cooks, weaves, and looks after the children, who for the most part tend the flocks. The men plant the corn-fields and build the huts, but their principle care is the horse herd."¹⁰⁹ On the other hand, Navajos' use of "modern" or white material culture, according to Vandever, was demonstrating a significant shift toward civilized behaviors and preferences. According to Vandever, the Navajos were "in a very interesting stage of transition, and . . . very material progress." He observed that the "crude artisans among them have adopted many modern tools and discarded their old primitive appliances." Navajo women still relied on "traditional methods in spinning and weaving, but in their cooking the ordinary utensils of civilization are forcing the crude pottery vessels and basketry into disuse." Regarding farming, Vandever reported that "the cumbrous wooden hoes and planting sticks, modern implements have been substituted, thus enabling them to plant a greatly increased acreage."¹¹⁰

Access to Euro-American material culture was not only transforming the tools Navajos used for subsistence but also their preferences for personal adornment.

The significant changes in Navajos' material culture preferences were enabled by the increasing availability of such goods from traders on and off the reservation, in addition to occasional government distribution. Vandever noted that "The proximity of trading-

¹⁰⁹ Ibid., 161.

¹¹⁰ Ibid., 164.

posts has radically changed their native costumes and modified many of the earlier barbaric traits, and also affords them good markets for their wool, peltry, woven fabrics, and other products.” Navajos had adopted “Bright calicoes and Mexican straw hats” for their summer wardrobe and “comfortable heavy garments in cold weather.” They wore “silver ornaments of their own manufacture . . . instead of copper and brass.” And guns had “almost entirely superseded the primitive weapons.”¹¹¹

Access to these goods was provided by increasing numbers of on- and off-reservation traders. Vandever reported that “There are nine traders’ stores on the reservation, and a much larger number surround it on all sides close to the limits. The reservation stores carry only about one-half the trade with the Indians, the balance being transacted by stores beyond the boundary lines and by those on the railroad.”¹¹² The growing number and proximity of traders had lowered the prices of white material goods and increased Navajos’ ability to acquire them. Vandever noted that “Within the last two years the price for nearly all their products has greatly increased, and competition among the traders has reduced the cost to them of the articles they purchase, thus materially adding to their resources.”¹¹³ The increase in Navajos’ use of Euro-American tools and clothes had as much to do with their changing preferences as it did with ease of access to these goods and the ability to trade their own products in exchange.

This transformation in the cost and availability of goods also affected Navajos’ perceptions of and preferences for currency. Vandever noted, as he had in his 1889 annual report, that “The only money they will accept in traffic is silver coin,” but added

¹¹¹ Ibid.

¹¹² Ibid., 162.

¹¹³ Ibid., 164

that this preference “is natural enough, as with paper currency they could readily be deceived, while they are excellent judges of silver.”¹¹⁴ Vandever believed that Navajos’ preference for silver currency related to its mutability as a commodity. He noted that Navajos “melt from a third to a half of the coin they receive to make into silver ornaments, but for gold they have no appreciation.” He traced Navajos’ preference for silver to their initial encounters with Mexicans, whose favorite decoration has always been silver, and the Navajo ideal of splendor is the Mexican vaquero in gala attire, horse and rider heavily bedecked with silver.” Vandever hypothesized that Navajos associated with other yellow metals, like copper and brass, which they had come to value less as their access to silver increased with the “coming of the railway and better markets for their products.”¹¹⁵ Navajos were trading goods for hard currency, but were viewing it as a trade for a commodity: silver. Navajos wanted silver not for the value represented in the form of cash but because it could be refashioned into jewelry. Ironically, Navajo jewelry was becoming a currency in and of itself because traders would accept it in pawn for goods. Navajos would then get their jewelry out of pawn when they had produced more wool, crops, blankets, etc. Navajo silver jewelry became a type of transitional currency on and near the reservation because both Navajos and whites agreed on its value in the pawn system.

While Vandever noted Navajo progress in developing a desire to possess houses and modern tools and utensils, he could not report similar progress toward their understandings of “civilized” land usage and the desire to accumulate land as private property. Vandever explained that conflicts continued between Navajos and white cattle

¹¹⁴ Ibid., 163.

¹¹⁵ Ibid.

owners and “cow-boys,” because Navajos’ continued to claim access to their ancestral lands beyond the reservation. He advised that Navajos “have roamed and lived in these surroundings from time immemorial, and it is almost a matter of impossibility to explain to them our scheme of restricted land-holding.”¹¹⁶ As previous agents had noted, Navajos had made little progress toward changing the ways they understood land use rights nor did they have incentive to do so.

Visions of Navajo Progress: Shufeldt, Edwardy, Mindeleff

While reservation agents were tasked with providing their evaluations of Navajos’ progress toward civilization, doctors with scientific interests beyond their profession were occasionally posted at Fort Wingate. From November 1884 through early January 1889, Dr. Robert Wilson Shufeldt, an army surgeon, was assigned to Fort Wingate. In addition to his duties as a medical doctor, Shufeldt had also been appointed as a curator with the Army Medical Museum and as an honorary curator with the Smithsonian Institution. During his time at Fort Wingate, Shufeldt conducted a survey of mammals and birds in the desert southwest and published approximately 1,100 articles, books, and papers.¹¹⁷ He also collaborated with Captain Washington Matthews (also a doctor) of the

¹¹⁶ Ibid., 165.

¹¹⁷ Robert Wilson Shufeldt (1850-1934) was the son of Rear Admiral R. W. Shufeldt. Shufeldt received his M.D. at Columbia University in 1876 and was commissioned an assistant surgeon in the U.S. army a few months later. In 1877, he was called to duty and service on the frontier against the Sioux. He served five years on the frontier, and during his time at Fort Laramie, he published his first scientific paper on ornithology. In 1881, he returned to Washington and was placed in charge of comparative anatomy at the Army Medical Museum. He was also appointed an honorary curator of comparative anatomy at the Smithsonian Institution. Later in 1881, he was commissioned a captain and ordered to New Orleans, where he continued his scientific pursuits and collected hundreds of specimens for the National Museum. In 1883, he returned to the Army Medical Museum. In 1884, he was assigned to the frontier again and went to Fort Wingate. During his time at Fort Wingate, Shufeldt was put on trial by the army over the issue of whether or not an officer in the medical corps could devote his free time to scientific study. Shufeldt lost the trial. He retired from the military in either 1889 or 1891 due to a heart condition. “Shufeldt, Robert

Army Medical Museum on the collection of crania for the museum.¹¹⁸ Matthews had formerly been assigned to Fort Wingate, and the two had effectively exchanged assignments.¹¹⁹ During his time at Fort Wingate, Shufeldt observed what he described as the “evolution” of housing construction techniques used by a group of Navajos who had decided to reside year round in close proximity to the fort.

Wilson,” *National Cyclopaedia of American Biography*, vol. 6 (New York: James T. White & Company, 1892), 242-244; Edgar Erskine Hume, “Robert Wilson Shufeldt (1850-1934),” in *Ornithologists of the United States Army Medical Corps: Thirty-six Biographies* (Baltimore: Johns Hopkins Press, 1942), 390-412; Kalman Lambrecht, “In Memorium: Robert Wilson Shufeldt, 1850-1934,” *The Auk: A Quarterly Journal of Ornithology* 52 (October 1935): 359-361. Of note in Shufeldt’s later career, he published the notorious *The Negro: A Menace to American Civilization* (Boston: R. G. Badger, 1907) and, later, *America’s Greatest Problem: The Negro* (Philadelphia: F. A. Davis Company, 1915).

¹¹⁸ Shufeldt described how he evaded Navajo attempts to keep him from robbing burials and his successes in obtaining Navajo skulls, some of which he kept in his office, in Robert W. Shufeldt, “Mortuary Customs of the Navajo Indians,” *The American Naturalist* 25, no. 292 (Apr., 1891): 303-306. Regarding Shufeldt’s skull collecting on the Navajo reservation and elsewhere, see Robert W. Shufeldt, “A Navajo Skull,” *Journal of Anatomy and Physiology* 20 (April 1886): 425-429; Robert W. Shufeldt, “The Skull of a Navajo Child,” *Journal of Anatomy and Physiology* 21 (October 1886): 66-71; Robert W. Shufeldt, “Contribution to the Comparative Craniology of the North American Indians: The Skull in the Apaches,” *Journal of Anatomy and Physiology* 21 (1887): 525-535; Robert W. Shufeldt, “Personal Adventures of a Human Skull Collector,” *Medical Council* 15, no. 4 (April 1910): 123-127; Ann Fabian, *The Skull Collectors: Race, Science, and America’s Unburied Dead* (Chicago: University of Chicago Press, 2010), 213-217.

¹¹⁹ Elise Juzda, “Skulls, Science, and the Spoils of War: Craniological Studies at the United States Army Medical Museum, 1868-1900,” *Studies in the History and Philosophy of Biological and Biomedical Sciences* 40, n. 3 (Sept. 2009): 156-167. Concerning the work of Shufeldt and Matthews on the Navajos, see Nancy J. Parezo, “Collecting Diné Culture in the 1880s: Two Army Physicians and their Ethnographic Approaches,” *Museum Anthropology* 29, n. 2 (2006): 95-117.

During Matthews’ military postings in Montana and the Dakota Territory between 1865 and 1872, he had developed an enduring interest in American Indian cultures. He wrote extensively on Hidatsa language and culture, learning to speak the language fluently. He also wrote on Mandan and Arikara languages and cultures, to a lesser degree. It was because of this demonstrated interest and ability that John Wesley Powell of the U.S. Geological Survey and the Smithsonian Institution’s Bureau of American Ethnology, along with geologist Col. James Stevenson and Generals John A. Logan and William H. Pope requested that Matthews be assigned to Fort Wingate. During his postings at Fort Wingate from 1880-1884 and 1890-1894, Mathews studied the language and culture of the Navajos as an unpaid official collaborator of the Smithsonian Institution. Matthews continued his episodic fieldwork until May 1894 when health problems (a stroke, muscular coordination, vertigo and deafness) caused him to retire to Washington, DC on disability. Despite his retirement, he continued to publish extensively on Navajo subjects, based on his extensive field notes, until he died in 1905. Katherine Spencer Halpern, “Washington Matthews: Army Surgeon and field Anthropologist in the American West, 1843-1905,” in Katherine Spencer Halpern and Susan Brown McGreevy, eds. *Washington Matthews: Studies of Navajo Culture, 1880-1894* (Albuquerque: University of New Mexico Press, 1997), 3-15; Parezo, “Collecting Diné Culture in the 1880s,” 108, 110; John Wesley Powell, “Work of Dr. Washington Matthews,” *Sixth Annual Report of the Bureau of Ethnology to the Director of the Smithsonian 1884-85* (Washington, DC: Government Printing Office, 1888), xxxviii-xl.

In the paper “The Evolution of House-Building Among the Navajo Indians,” published in the 1892 *Proceedings of the United States National Museum*, Shufeldt laid out examples of three homes built in 1885, 1886, and 1888 by the group of Navajos who lived near Fort Wingate.¹²⁰ He noted that his “studies concerning their methods of architecture, and the influence which civilization has had upon the mind of these Indians – a contact which has led them to improve their plans of house-building, and has had the effect of bringing about an evolution of the same.”¹²¹ While Shufeldt’s racial and cultural chauvinism led him to look for examples of Navajos mimicking white behaviors or adopting white technology and material culture, his detailed descriptions of the three homes built in these particular years do provide useful examples of the pragmatism of Navajo families as they built homes that increasingly reflected their relationship to Fort Wingate and their decision to take up relatively permanent residence as a satellite community of the army post.

Between 1885 and 1888, Shufeldt observed a rapid shift in house style and adoption of Euro-American materials in construction among some Navajos near the fort. The home built in 1885, which Shufeldt described as a baseline for comparison, was a traditional Navajo hogan of about fifteen to twenty feet in diameter, built with the standard set of supporting poles and other logs in a conical structure, and with remaining holes filled in with earth and sticks. The 1886 home, Shufeldt noted, used the same materials as the previous home, but the structure itself marked a significant departure

¹²⁰ Robert Wilson Shufeldt, “The Evolution of House-Building Among the Navajo Indians,” *Proceedings of the United States National Museum*, vol. 15 (Washington, DC: Government Printing Office, 1892), 279-282, Plates XLI-XLIII. Shufeldt referenced his Navajo housing building article frequently in a comparative article he authored in the same year. R. W. Shufeldt, “A Comparative Study of Some Indian Homes,” *Popular Science Monthly* 41, no. 6 (1892): 798-810.

¹²¹ Shufeldt, “The Evolution of House-Building among the Navajo Indians,” 279.

from traditional hogan design. “Its sides upon the east and south were vertical; the roof was horizontal, while its side to the west was slanting.” Shufeldt also wrote that the builders had obtained “old pieces of stove joints and passed them to the rear outside where their free end was again turned upwards, and there plastered and stoned up as a chimney.” Shufeldt considered the 1888 home a “marked advance in house-building.” It had one room and “all its sides were vertical and built regularly of heavy pieces of fine timber, the interstices among them being carefully sealed with a generous supply of mud plaster. The roof had a moderate pitch to it, and was built of boards nailed on to cross rafters, the whole being heavily covered over the mud.”¹²² Finishing off the structure were heavy pieces of timber supporting the outside of the structure as struts, a salvaged door and hinges along with a salvaged stove and pipes for a chimney, and a level, hard packed dirt floor.

Shufeldt finished his observations by commenting that although the Navajos who lived near Fort Wingate were hired by the post to make the adobe bricks with which all of its buildings were constructed, they did not use these skills or this material in the construction of their own homes. He noted that groups of Navajos often watched the progress of the erection of a large, two-storied house built with such bricks, but none of them ever told him they had any intention to use the same materials or techniques in constructing their own homes. Shufeldt hypothesized that there two things that deterred the Navajos from “following the example of the white man”: first, the “dread of criticism” and second “a fear, perhaps of exciting [the white man’s] jealousy and being prohibited the use of the material.” He did not go into further detail to explain his

¹²² Ibid., 279-281.

rationale for either reason, but he did give Navajos a vote of confidence in their abilities by noting that “Were they to attempt to erect such houses of brick, I think they would doubtless succeed.”¹²³

While Shufeldt commended the advances in house-building among this group of Navajos, when comparing their structures to those of other Indian tribes he was far more critical. In “A Comparative Study of Some Indian Homes,” published in *Popular Science Monthly* later in 1892, Shufeldt referenced his previous study of Navajo home building and placed the most “evolved” of the Navajo residences he described barely above crude, traditional hogans or other transient structures constructed by Apaches or Sioux.¹²⁴ In contrast was the relative respect that he gave to neighboring Puebloan housing structures, which “admirably fulfill the triple purpose of a durable architecture, a communistic plan of living, and as a fortress in the event of an attack from outside marauders.”¹²⁵ He specifically quoted at length from Lewis Henry Morgan’s *Houses and House-Life of the American Aborigines* with the intent of establishing via the “common principle” of all Indian architecture that Puebloan housing was an adaptation to the principle of “communism in living” and the “law of hospitality.”¹²⁶ Further, Shufeldt noted that the Puebloan communities had all been termed “the sedentary Indians, and they enjoy a sort of crude civilization of their own: engage in agriculture, make pottery, weave blankets and many garments of wool, and have many other simple arts and industries.”¹²⁷

¹²³ Ibid., 282.

¹²⁴ Shufeldt, “A Comparative Study of Some Indian Homes,” 798-810.

¹²⁵ Ibid., 805. The Puebloan communities to which Shufeldt referred were Zuni, Acoma, Santo, Domingo, and Laguna.

¹²⁶ Ibid., 804.

¹²⁷ Ibid., 806.

Shufeldt granted the Puebloans the status of having achieved the level of “crude civilization” based on the common benchmarks established by Morgan.

In 1890, *Harper's Weekly* published a travelogue of a visit to the Navajo reservation by William M. Edwardy.¹²⁸ The intent of the article was to educate *Harper's* readers about the unheralded beauty of Navajo country and interesting aspects of the tribe's culture. It also brought national attention to the progress of the civilizing mission on the reservation. Edwardy noted: “Considering the vast extent of the Navajo reservation, with its natural wonders, the numerical strength of the tribe, and their superior intelligence, very little attention has been paid them by travellers and writers, so that their country, their customs, and their traditions are comparatively unknown.”¹²⁹ Edwardy hired one of the Navajo scouts employed by the army as a guide before departing Fort Wingate. He described the fort as “a natural starting-point for Navajo country.” He noted that “No white man or party of white men can safely pass through the Navajo country alone; but if sent out under the escort of any Indian of the tribe, the sense

¹²⁸ William M. Edwardy, “The Navajo Indians,” *Harper's Weekly* 34 (5 July 1890): 530. Edwardy was born in the late 1850s in South Carolina. In 1877, Edwardy was a merchandise broker in Savannah, Georgia. In 1880-1881, he was a newspaper editor and proprietor of the *Montgomery News-Item* in Montgomery, Alabama and a boarder at the National Hotel in that city. He enlisted in the U.S. military in April 1886 and served as a courier. Edwardy published a first-person observation of the Hopi Snake Dance in the November 1889 edition of *Harper's Weekly*. The article on the Snake Dance indicates that Edwardy travelled much further into the interior of the Navajo reservation to reach the Hopi villages than in indicated in his 1890 piece. William M. Edwardy, “The Snake Dance of the Moqui Indians,” *Harper's Weekly* 33 (2 November 1889): 871-873. The Snake Dance article included an engraving of the ceremony based on a drawing by Henry F. Famy, which was based on a photograph by Cosmos Mindeleff. It is unclear if Edwardy was still involved with the military when he visited the Navajo and Hopi reservations. Edwardy also the co-author of a short guide to and history of El Paso, Texas. Alva B. McKie and William M. Edwardy, *Guide to El Paso, Texas: A Complete History of the City and Review of its Businesses* (El Paso, TX: McKie and Edwardy, 1887); George H. Rogers, *Rogers City Directory of Savannah* (Savannah, GA: George H. Rogers, 1877), 83; US Census 1880, Census Place: *Montgomery, Montgomery, Alabama*; Roll: 26, Family History Film: 1254026, Page 75A, Enumeration District: 126, Image 0152; *Montgomery City Directory, 1880-1881* (Montgomery, AL: Ross A Smith, 1881); National Archives and Records Administration, *U.S. Civil War Pensions Index: General Index to Pension Files, 1861-1934* [database online] (Provo, UT: Ancestry.com Operations, Inc., 2000), roll T288_138.

¹²⁹ Edwardy, “The Navajo Indians,” 530.

of honor of the people is such that there can be no possibility of danger.”¹³⁰ For the armchair or potential tourist among his readers, Edwardy described the “ever-changing panorama of weird and beautiful scenery” and “peculiar formations” of rock that were “unlike any other portion of the earth,” which he witnessed as he travelled with his Navajo guide from Fort Wingate to Fort Defiance, the location of the Navajo Agency on the edge of the reservation.¹³¹ For anthropologically interested readers, he related portions of the Navajo origin story, marriage and divorce practices, and Navajo recalcitrance to give up some of their Indian slaves. His tacit and direct reference to information supplied to him by Vandever indicate that his conclusions about Navajos’ progress toward civilization were influenced by the reservation agent.

Most valuable, though, are Edwardy’s observations of conditions on the reservation during his visit. His observations were inflected with cultural bias, and his intent was to describe more journalistically than scientifically. He commended the Navajos as “naturally an intelligent and industrious race” based on their cultivation of “large tracts of land” and how they “carefully tend their flocks and herds.” Edwardy also wrote of Navajos’ success with horticulture, agriculture, and animal husbandry, both before and after the war that led to their removal to Fort Sumner and the subsequent creation of the reservation. In describing differences before and after the Navajo Wars, Edwardy related that prior to Kit Carson’s scorched earth campaign the Navajos had “extensive orchards of peach, apple, and pear trees,” which they refused to replant for fear of similar acts of destruction in the future. He accurately reported that “All of the

¹³⁰ Ibid., 530. Fort Wingate is located near Gallup, New Mexico. It remained an active military base until its closing in 1993.

¹³¹ Ibid. 530.

sheep, which constitute the great wealth of the tribe, are owned by the women; and in the various families the line of descent is always on the side of the woman.” He also gave an honest account of encroachment of outside development on the reservation when noting that “there is constant hostility between the Navajos and cattle-men along the borders of their reservation; but this is due more to the encroachments of the white than to any fault of the Indians.” The “fine grazing lands on the reservation” were an enticement to the ranchers, and the fact that “the Navajo Mountains are said to be wonderfully rich in minerals” would prove to be a lure for other white developers in coming decades.¹³²

Edwardy also noticed the beginnings of a transition from hogans to rectangular houses. He noted that “At present the Navajos live in little huts, called hogans, scattered over the reservation, and it is very seldom that more than one or two of these huts are found together.” His observation fits the traditional Navajo scattered-site, kin-clustered residential pattern that predominated throughout the reservation at that time. But he also noted that “Lately the people have evinced a desire to build houses, and a number of comfortable cabins have been erected under the supervision of the government agent.”¹³³ Presumably, the new houses to which he was referring were built in relatively close proximity to Fort Defiance, on the edge of the reservation, where the residents would have interacted with and been influenced by the military and Indian Bureau employees to a much greater degree than most Navajos. As previously noted, Navajos living near Fort Defiance had a greater degree of access to consumer goods and the jobs and money needed to purchase them. Essentially, proximity to Fort Defiance provided some Navajos

¹³² Ibid.

¹³³ Ibid., 530.

experience with and the means to adopt aspects of Euro-American material culture that appealed to them.

In addition to adopting Euro-American material culture, Edwardy approvingly noted that a growing number of Navajos were expressing interest in holding land as private property. He wrote, “The Navajos now own their own land in common, but there is a growing sentiment in favor of its allotment in severalty, and those who know them best predict that when this is done the tribe will make rapid strides toward civilization and enlightenment.”¹³⁴ Edwardy’s evaluation of the Navajos’ interest in private property went beyond even the most optimistic reports of the reservation’s agents; though, his nod to “those who know them best” indicates that Vandever influenced this evaluation, perhaps with the awareness that a large American audience would be reading the *Harper’s Weekly* article.

Though Edwardy admired Navajo industriousness and burgeoning inclination to build Euro-American style houses and adopt private property, he lamented that “In regard to the progress which the tribe is making, there is little, if any.” By progress, he meant their advancement along the path to civilization and ability to assimilate into white society. He did not blame the Navajos, though, noting that “The means provided by the government are totally inadequate for the needs of the people. There is, to be sure, a school of seventy-two pupils, but what does this amount to among 23,000 people? The influence is so slight that it is hardly felt, and its benefits are scarcely perceptible.”¹³⁵

¹³⁴ Ibid. Edwardy cited no evidence for Navajos’ support of severalty beyond his reference to “those who know them best.”

¹³⁵ Ibid.

The US government was not fulfilling its responsibility to educate and assist the Navajos on the path to civilization.

Further, some of the government's methods were counterproductive to its civilizing intent. Edwardy reported that Charles Vandever, the current agent, was opposed to sending Navajo children to "Carlisle or some other remote school." According to Edwardy, Vandever advocated for placing "several primary schools at convenient points on the reservation, and also a high-school, so that the children could be educated without have to be separated from their families." Further, Vandever asserted "that there should be industrial teachers throughout the tribe, as the people are not only capable but willing to learn how to cultivate their lands and care for their animals."¹³⁶ While Vandever provided optimistic conclusions to Edwardy regarding Navajos' progress on home building and desire for private property, he was willing to state opinions contrary to government policies on Indian boarding schools. Vandever's statements also fit well with the emphasis he placed in his annual reports on beginning industrial education at schools on the reservation.

For Edwardy, Navajos were doing their part to transition toward civilization, but the US government was failing its charges; it was delinquent in providing the services and goods it had promised in the Navajo treaty, and negligent in protecting the integrity of the reservation it had set aside for the tribe. The civilizing model and belief in progress to which the United States and its citizens had ascribed required the guardian to guide the ward forward. If the ward failed to progress, the guardian's conscience could

¹³⁶ Ibid.

only be clean if its responsibility to guide had been fulfilled and the ward had been delinquent in following the lessons put forward.

In contrast to Shufeldt's avocational ethnographic work and Edwardy's ethnographic travel journalism the Bureau of Ethnology took on an extensive analysis of Navajo dwellings approximately twenty years after the creation of the reservation. John Wesley Powell hired Victor Mindeleff and his brother Cosmos in 1881 to begin field studies of American Indian houses and social structures in the American Southwest. Powell had been inspired to hire the two brothers as a direct result of Lewis Henry Morgan's assertion in *Ancient Society* and *Houses and House Life of the American Aborigines* that domestic architecture was determined by family structure. Powell realized that the efforts of the newly formed Bureau of Ethnology would be incomplete without considering the architecture of both living people and archaeological remains of prehistoric groups. The report provides a valuable tool with which to analyze the influence of federal civilization policies and border area cultural transmission since the observations of Jonathan Letherman in the mid-1850s.¹³⁷

Cosmos Mindeleff published the study of Navajo houses and their cultural context nearly two decades later in the *Seventeenth Annual Report of the Bureau of American Ethnology to the Secretary of the Smithsonian Institution 1895-96* (1898).¹³⁸ He wrote that most of the information in the report was based on data gathered by Alexander MacGregor Stephen in the mid to late 1880s.¹³⁹ Mindeleff noted that because Stephen

¹³⁷ Longacre, "Why did the BAE Hire an Architect," 359.

¹³⁸ Cosmos Mindeleff, "Navaho Houses," *Seventeenth Annual Report of the Bureau of American Ethnology 1895-96* (Washington, DC: Government Printing Office, 1898), 469-517.

¹³⁹ Alexander M. Stephen was a native of Scotland and graduated from the University of Edinburgh. He immigrated to the United States sometime before 30 October 1861, when he was enrolled by the War

had lived among the Navajos for many years “His high standing and universal popularity among these Indians gave him opportunities for the collection of data of this kind which have seldom been afforded to others.” Mindeleff also relied on some notes and drawings by his brother, Victor, and linguistic help from Washington Matthews. The data gathered by the Mindeleffs and their collaborators indicates an effort to survey Navajo houses across the great expanse of the reservation, as compared to the annual reports of the reservation’s agents, which tended to highlight the adoption of Euro-American housing construction by Navajos near the agency.¹⁴⁰

Mindeleff wrote that when he began his research on Navajo houses that “the recent changes which have taken place in Navaho life had only just begun.” He further noted that “Although the same processes are now employed in house construction as formerly, and although the same ceremonies are observed, they are not so universally nor so strictly adhered to as they were.” Mindeleff believed his research gathering was time sensitive because “The present tendency is such that in a comparatively short time the rules for the construction of a hogan which have been handed down through many generations and closely followed, and the elaborate ceremonies of dedication which formerly were deemed essential to the well-being of the occupants, will be so far

Department at Potsdam, New York. He was mustered into service on 30 October 1862 as a private in the 92nd New York Infantry. Over the next five years he received several promotions and was honorably discharged on 6 February 1866 at City Point, Virginia. Stephen was in Keams Canyon, Arizona, by 1881. He became a friend of Tom Keam, the trader. Through his Navajo acquaintances, Stephen learned to speak Navajo. Stephen assisted in Mindeleff’s study of Hopi building in 1882 by surveying and recording clan legends. When J. Walter Fewkes of the Hemenway expedition began to study the Hopi in 1890, he enlisted Stephen’s help. Stephen is probably best known for his work on the Hopi through the posthumous publication of his journal, which documents his three years on First Mesa, from 1891-1894. Stephen died in April 1894, possibly of tuberculosis. Alexander MacGregor Stephen and Elsie Worthington Clews Parsons, *Hopi Journal of Alexander M. Stephen*, 2 v. (New York: Columbia University Press, 1936), xx-xxiv.

¹⁴⁰ Mindeleff, “Navaho Houses,” 476.

modified as to be no longer recognizable, if, indeed, they are not altogether abandoned.”

In an attempt to preserve knowledge of traditional Navajo culture, a significant portion of the report was dedicated to detailing traditional hogan building techniques, ceremonies, and cosmological meanings.

While observing that Navajo house blessing ceremonies were changing, Mindeleff was also enacting a ubiquitous trope of eighteenth and, especially, nineteenth century writing on Indians: the need to record the practices of primitive cultures before the wave of American westward expansion obliterated them. In this vein, Mindeleff noted that “even a bare record of the conditions which have prevailed for at least two centuries must be of value.” Following the thinking of Morgan and Powell, Mindeleff justified his overview of Navajo housing, noting that “no one product of a people’s art exhibits so clearly their mental attitude and their industrial status as the houses which they build.”¹⁴¹ Mindeleff’s analysis throughout relied directly on the theories of Morgan (and Morgan’s synthesis of Locke and Common Sense philosophy), with the inclusion of cultural mythology, a particular interest of Powell’s.¹⁴²

Mindeleff began his discussion of Navajo houses and society by situating the tribe within an environmentally-influenced social evolutionary scheme. He noted that “The direct dependence of the savage on nature as he finds it is nowhere better illustrated than on the Navaho reservation. In the three essentials of land, water, and vegetation, his country is not an ideal one. The hard conditions under which he lives have acted directly

¹⁴¹ Ibid., 475.

¹⁴² Regarding Powell’s interpretation of Morgan’s theories and his belief that linguistics and mythology should be added into the evolutionary synthesis, see Hinsley, *The Smithsonian Institution and the American Indian*, 136-139 and Moses, *The Promise of Progress*, 289.

on his arts and industries, on his habits and customs, and also on his mind and his mythology.”¹⁴³ The Navajos’ state of social evolution, in this case “savagery,” had been limited by the harsh climate in which they lived, and their social institutions shaped by it. Mindeleff’s general assumption was that after incarceration on the reservation, “When hunting, war, and robbery ceased to supply them with the necessities of life they naturally became pastoral people, for the flocks and the pasture lands were already at hand.”¹⁴⁴ Mindeleff observed that “Under modern conditions they are slowly developing into an agricultural tribe, and this development has already progressed far enough to materially affect their house structures; but in a general way it may be said that they are a pastoral people, and their habits have been dictated largely by that mode of life.”¹⁴⁵ For Mindeleff, while the Navajos were essentially savages, they also demonstrated pastoral habits (presumably their sheep and goat husbandry) characteristic of a stage of barbarism, as well as the development of agriculture, an early sign of civilization. Mindeleff’s phrase “under modern conditions” hid the wrenching process of the government’s forced experiment in making Navajos farmers at Fort Sumner and its continuing efforts to get Navajos to exchange their pastoral way of life for agriculture on the reservation.

The contributing factors in Mindeleff’s confusing labeling of Navajos as being at once savage, barbaric, and bordering on civilization were their primary reliance on animal husbandry in a harsh, arid climate and the resultant patterns of transhumance, which limited their adoption of sedentary practices and permanent houses. Mindeleff recognized that Navajos were not savage hunter-gatherers and that pragmatism and the

¹⁴³ Mindeleff, “Navaho Houses,” 480.

¹⁴⁴ *Ibid.*, 486.

¹⁴⁵ *Ibid.*, 481.

need to access to water sources shaped their subsistence adaptations.¹⁴⁶ For best forage, Navajos tended to move their flocks within a “certain circumscribed area”: into mountains or onto high plateaus in the summer and then into foothills or valleys in the winter.¹⁴⁷

The hogans that resulted from this transhumance pattern and pastoral means of subsistence were pragmatically temporary in nature and followed a scattered-site, kin-clustered location pattern. Mindeleff recognized that “Another result of these conditions is that each family lives by itself and, as it were, on its own ground. Large communities are impossible, and while there are instances where eight or ten families occupy some place of exceptionally favorable location, these are rare. In fact to see even three or four hogáns together is remarkable.”¹⁴⁸

Though these patterns were beginning to change, in the 1880s and 1890s Mindeleff still found that most hogans were usually “hidden away so effectively that the traveler who is not familiar with the customs of the people might journey for days and not see half a dozen of them. The spot chosen for a dwelling place is either some sheltered nook in a mesa or a southward slope on the edge of a pinon grove near a good fuel supply and not too far from water. A house is very seldom built close to a spring.”¹⁴⁹ But, Mindeleff noted, “90 percent of the houses in this region are located within reach of the wash, whence the supply of water which the Navaho deems essential is produced.”¹⁵⁰

While assets such as springs were considered communal property (though associated with

¹⁴⁶ Ibid., 482.

¹⁴⁷ To emphasize his point, Mindeleff noted “that there are many grown men in the tribe who are entirely ignorant of the country 30 or 40 miles from where they were born. . .” Ibid., 484.

¹⁴⁸ Ibid., 483.

¹⁴⁹ Ibid.

¹⁵⁰ Ibid., 479.

the families living nearby) and could be used by all, families had hereditary usage rights to cultivated land and pasturage, which were passed on matrilineally. Children, land, sheep, and goats were considered to be women's property, while horses and cattle were men's. Any sale of sheep or goats only occurred with the approval of the female owner, and if a Navajo family wished to move onto a new section of land, they could only do so with the approval and courtesy of the families already residing there.¹⁵¹

At the same time, while asserting that the hogans of the late nineteenth century were practically the same as those of three hundred years prior, Mindeleff related that Navajos houses, "the homes 'we have always had,' as they put it, are rapidly disappearing, and the examples left today are more or less influenced by ideas derived from whites." Mindeleff's report does not offer answers to his seemingly contradictory data. While he admits that among the Navajo, contact with white building techniques has been very slight, he asserts that "it has been sufficient to introduce new methods of construction and in fact new structures, and it is doubtful whether the process and the ritual later described [hogan building ceremonies] could be found in their entirety today."¹⁵² While Mindeleff's report is quite specific regarding traditional hogan building practices and ceremonies, it is at best impressionistic when attempting to gauge the number of traditional and transitional hogans versus Euro-American-style houses on the reservation.

Mindeleff's deterministic explanation for his asserted shift in Navajo housing construction elided the actual, ongoing changes in Navajo subsistence patterns. "Many of the modern houses of the Navaho in the mountainous and timbered regions are built of

¹⁵¹ Ibid., 485.

¹⁵² Ibid., 486.

logs, sometimes, hewn. These houses are nearly always rectangular in shape, as also are all of those built of stone masonry in the valley regions.”¹⁵³ He asserted that “The people were gradually but surely forced [by a recent drop in wool prices] to horticulture to procure the means of subsistence.” He further predicted that the price drop in wool, combined with recent government assistance in building a few irrigation ditches, will put Navajos on an irrevocable path to small village communities and a transition from pastoralism to horticulture to agriculture. The inevitability of social evolution under the influence of subsistence-method change was unassailable. As proof, Mindeleff observed that “The average Navaho farm, and almost every adult male now has a small garden patch, comprises less than half an acre, while two acres is considered a large area to be worked by one family at one time” – this despite historical evidence of Navajo horticultural practices prior to the creation of the reservation.¹⁵⁴

Despite historical sources from the early Spanish to US military reports from the Navajo wars that contradicted him, Mindeleff cited what he considered a profound change in Navajo horticulture to project inevitable changes in their subsistence technology to their adoption of Euro-American building techniques and homes. Mindeleff wrote that “One result of this industrial development of the people is an increased permanency of dwellings.” He then asserted that “As the flocks of sheep and goats diminish and their care becomes less important, greater attention is paid to the selection of sites for homes, and they are often located now with reference to a permanent occupancy and with regard to the convenience of the fields, which in some cases furnish the main source of subsistence of the family.” As proof of his predictions, he noted that

¹⁵³ Ibid., 486-487.

¹⁵⁴ Ibid., 503.

“As a collateral result of these conditions and tendencies an effort is now sometimes made to build houses on the American plan; that is, to imitate the houses of the whites.” These houses were “a wide departure from the original ideas of house structures of the Navaho,” being “rectangular in plan, sometimes with a board roof, and occasionally comprise several rooms.” The building material of these houses varied; “When the local conditions favor it they are constructed of stone, regular wall of masonry; but perhaps the greater number of those now in existence are in the mountain districts, and were built with logs, often hewn square before being laid in place.”¹⁵⁵ Alexander MacGregor Stephen made similar observations in an article he published on Navajo culture in the *American Anthropologist* (1893): “perhaps the most promising indication of [Navajos’] steady advance toward civilization is displayed in their growing desire to possess permanent dwellings, and many of them have already built for themselves comfortable two-roomed stone cabins.” Contrary to Mindeleff, though, Stephen connected the change in housing preference to an increase in wealth, not a change in subsistence patterns. Stephen wrote that the “steady growth of their wealth, in the constant increase of their flocks and hers, insures the continuance of this upward movement.”¹⁵⁶ As further evidence of the powerful transformations embodied in the switch to Euro-American-style structures, Mindeleff offered the example that while almost all such homes being built still faced the prescribed direction of east, a few had recently been built that did not: the result being that this violation of “ancient custom” caused the required hogan blessing ceremonies “to be either modified or omitted altogether.”¹⁵⁷

¹⁵⁵ Ibid.

¹⁵⁶ Alexander MacGregor Stephen, “The Navajo,” *American Anthropologist* 6, no. 4 (October 1893): 362.

¹⁵⁷ Mindeleff, “Navaho Houses,” 504.

Navajos were also subtly altering another cultural tradition regarding hogans: the ghost prohibition. Mindeleff noted that, across the reservation, while most Navajos continued to observe the tradition of destroying homes in which people had died, some had begun to protect their homes from the need for destruction. No matter the age of the structural remains, *ch'íidii* hogans were still avoided by all Navajos. This practice was intended to protect the living from the *ch'íidii*, which would remain associated with the dwelling. This ghost prohibition had not proved a serious problem when Navajo hogans were temporary structures, but for those Navajos who adopted the more labor-intensive and costly construction of more permanent, rectangular, Euro-American-influenced homes, this tradition created the need for adaptation. Some families with such homes had begun to carry the nearly-dead out of the home so that they could expire in the open air, thus preserving the house.¹⁵⁸

Though Mindeleff was an astute observer of the cultural ramifications of changes to Navajo material culture, such as the adoption of rectangular structures and the reorienting of houses, his impulse was to credit the irresistible force of progress or social evolution instead of to query why individual Navajos were choosing to make these alterations. In the worldview presented in the report, Navajos were less changers of their own culture and more evidence of the validity of the theories of cultural evolution espoused by the Common Sense philosophers and Lewis Henry Morgan.

While Shufeldt, Edwardy, Stephen, and the Mindeleffs were documenting traditional hogans and their place in Navajo culture and reservation agents were dutifully recording any indications of Navajos adopting Euro-American housing forms during the

¹⁵⁸ Ibid., 486-487.

1870s and 1880s, (female) reformers in the eastern United States were embracing Lewis Henry Morgan's theories regarding cultural evolution—especially the centrality of the nuclear family and its house—in their efforts to civilize American Indians. Similar to contemporary federal government policies, these efforts to civilize initially focused on persuading Indians to build and adopt the rectangular single family home. Yet, instead of focusing on access to milled timber, windows, doors, and tools, these reformers set up domestic education programs in model homes at Indian boarding schools. The reformers funded loans to graduates of these programs to build model homes on a few reservations. They intended to combine the power of the women's spheres of home and family with the transformative influence of private property in achieving the civilizing process.

CHAPTER THREE

CIVILIZING THE INDIAN HOMESTEAD: ALLOTMENT AND MODEL HOMES

During the 1870s and 1880s, while government agents were handing out sawed lumber, windows, and door frames to Navajos to encourage them to forgo hogans in favor of houses and ethnographers were engaged in capturing details of Navajos' traditional culture and dwellings before they were lost to the civilizing process, Indian rights advocates in the eastern United States were busily devising new strategies to spur assimilation through the dissolution of Indian tribes. The reformers were alarmed that Indians on reservations across the United States were unwilling or uninterested in complying with the government's assimilation programs. Reformers, such as Lewis Henry Morgan's disciple Alice Cunningham Fletcher, Massachusetts Senator Henry Dawes, and other Friends of the Indian, believed that the main impediment was the tribal entity, which worked to keep individual Indians and their immediate families from assimilating. The reformers' envisioned answer to this problem was to dissolve the tribes and allot their lands in severalty to families and individuals. With the tribes gone and Indian families and individuals in possession of land on which they could become sedentary, self-sufficient agriculturalists, the reformers envisioned that Indians would more readily undergo social evolution and assimilate into American society and culture.

These new policy initiatives were first enacted on the Omaha reservation and then promulgated nationally through the passage of the Dawes Act. When the breakup of the Omaha reservation and the allotment of its lands to tribal members did not produce rapid assimilation and Indian children who had spent years being educated at government

boarding schools resumed traditional practices when they returned to their families, the reformers decided that they needed to educate Indian adults in their own communities. Beginning with model homes at government boarding schools and continuing with home building programs as nuclei of civilization in Indian communities, reformers sought to model civilized behaviors and to support returning boarding school students in assimilating their families. The Navajo reservation, located very remotely from Washington, DC and difficult to manage from such a distance, escaped the actual application of these new policy initiatives. However, it is essential to understand the evolution of these policies in order to comprehend the rationale for government and private philanthropic assimilation activities on the Navajo reservation during the last decade of the nineteenth and early decades of the twentieth century. In this context, this chapter explores how Alice Cunningham Fletcher, Henry Dawes, the Friends of the Indian, and other reform organizations worked to implement their allotment policies and the model home programs on American Indians and Omaha families, in particular.

Enacting Cultural Evolution to Solve the Indian Problem

While Lewis Henry Morgan's influence on anthropology was reaching new heights in the late 1870s and early 1880s with the publication of *Ancient Society* (1877) and *Houses and House-life of the American Aborigines* (1881), two of his disciples were having profound influence on government understanding of and policies toward American Indians. John Wesley Powell (1834-1902) was leading the newly created Bureau of Ethnology (1879) and advising Congress. Alice Cunningham Fletcher (1838-

1923), was implementing his theories of cultural evolution on reservations and lobbying Congress for major revisions to federal Indian policy.

Morgan, Powell, and Fletcher each took different tacks when using his theories of cultural evolution to advise changes to contemporary federal Indian policy. In a series of three essays written for the *Nation* in the aftermath of George Armstrong Custer's defeat at the Little Big Horn on 25 and 26 June 1876, Morgan sought to contextualize the battle and the Indians' right to self-defense, while also advising radical changes in federal Indian policy.¹ In reference to a contemporary attempt in Congress to shift the Office of Indian Affairs from the Interior Department to the War Department, Morgan declared the entire structure for fulfilling Indian treaty obligations to be a failure, plagued by corruption and short-term solutions to long-term problems, which would be little improved in either department. He advised that a "*Department of Indian Affairs*" should be created and funded with current appropriations. The focus of the new department would be to make the Indians more self-sufficient, instead of perpetuating their dependence on government rations. He proposed two methods to bring about greater self-sufficiency: a factory system and a pastoral system. For Indians whose geographical location and culture were not suited to pastoralism, he advised setting up a series of enterprises through which Indians could produce food products, crafts, or process raw materials (e.g. lumber) for sale to off-reservation communities. For Indians whose circumstances were a good match for pastoralism, he suggested that the government should not only provide herd animals for consumption, but also with the intent of

¹ Lewis Henry Morgan, "The Hue and Cry Against the Indians," *Nation* 23, no. 577 (July 20, 1876): 40-41; Lewis Henry Morgan, "Factory Systems on Indian Reservations," *Nation* 23, no. 578 (July 27, 1876): 58-59; Lewis Henry Morgan, "The Indian Question," *Nation* 27, no. 700 (November 28, 1878): 332-333.

encouraging the tribes to husband them into large herds. The most important benefit of the pastoral method, according to Morgan, was that the Plains tribes were at a barbaric stage of cultural evolution that was predisposed to develop into pastoralism. He envisioned that pastoralism would give tribes' cultural evolution a nudge in the natural direction that all human societies supposedly followed.²

Given that Morgan's first two articles on these themes appeared within a month of Custer's defeat and the third occurred in November 1878, they were all likely timed to affect national debates on Indian policy. While the first two were explicitly intended to counter the "hue and cry against the Indians" and the national desire for vengeance, the third article seems timed to engage in the national debate over how to reform the broken and corrupt reservation system. Morgan's essential answer was to create a department dedicated to Indian relations, thereby strengthening federal responsibility for Indian affairs, and to aid Indians along the natural path of human cultural evolution, all while retaining the separateness of the reservation refuges. Powell and Fletcher would also use Morgan's theories to advocate for radical shifts in Indian policy, but with the intent to force Indians to skip over several stages of cultural evolution.

While John Wesley Powell's ethnographic work is most often associated with his preservation efforts through the Bureau of Ethnology, he also advocated solutions for current Indian problems to policy makers. For example, in an 1880 response to a query for information on the Ute from Senator Henry Teller, Powell laid out in great detail his

² While Morgan used Plains tribes as the example for his pastoral system—prudent given the focus on them after the battle with Custer—it is unclear if he was aware of the Navajo successes with sheep and goat husbandry at the time he wrote the first two articles for the *Nation* in July 1876. He was probably aware of Navajo animal husbandry by the time the third article was published in the *Nation* in November 1878, given his trip to the Southwest in the summer of 1878.

advice on assimilating Indians. He urged that since a tribe's traditional land base represented "everything most sacred to Indian society," the "removal of the Indians [was] the first step to be taken in their civilization." And further that the "ownership of lands in severalty should be looked forward to as the ultimate settlement of our Indian problems." With the ultimate goal being the breakup of Indian societies, individual ownership of land would undermine clan structures and "traditional modes of inheritance." Powell acknowledged that the United States owed a debt to Indian societies, a minor portion of which was paid through maintaining reservations and honoring treaties. But he asserted that "The major portion of that debt can be paid only by giving to the Indians Anglo-Saxon civilization, that they may also have prosperity and happiness under the new civilization of this continent."³ Powell remained a strong advocate of assimilating the Indians throughout the 1880s, seeing himself as being in service to the expansion of "Aryan" civilization in the western United States.⁴

Alice Fletcher began her public work in 1870, around age thirty-two, when she left her employment as a governess in Brooklyn and moved to Manhattan to engage in the city's cultural life.⁵ Soon after joining the city's cultural set, Fletcher was asked to

³ Powell to Henry Teller, 23 March 1880, as quoted in Frederick E. Hoxie, *A Final Promise: The Campaign to Assimilate the Indians, 1880-1920* (Lincoln, NE: University of Nebraska Press, 1984), 24

⁴ Hoxie, *A Final Promise*, 24-25. Powell believed that "a new phase of Aryan civilization [was] being developed in the western half of America." John Wesley Powell, "The Non-Irrigable Lands of the Arid Region," *Century Illustrated Monthly Magazine* 39 (April 1890): 922, as quoted in Hoxie, *A Final Promise*, 25.

⁵ Regarding the life and work of Alice Fletcher, see: Joan T. Mark, *A Stranger in Her Native Land: Alice Cunningham Fletcher and the American Indians* (Lincoln, NE: University of Nebraska Press, 1988); Rebecca Hancock Welch, "Alice Cunningham Fletcher, Anthropologist and Indian Rights Reformer" (PhD diss., George Washington University, 1980); Melissa Ann Ryan, "(Un)natural Law: Women Writers, the Indian, and the State in Nineteenth-Century America" (PhD diss., University of Arizona, 2004); Nancy Oestrich Lurie, "The Lady from Boston and the Omaha Indians," *American West* 3, no. 4 (Fall 1966): 31-33, 80-85; Nancy Oestrich Lurie, "Women in Early American Anthropology," in June Helm, ed., *Pioneers in American Anthropology* (Seattle: University of Washington Press, 1966), 29-81; Joan Mark, *Four Anthropologists: An American Science in its Early Years* (New York: Neale Watson Academic

join Sorosis, one of the earliest woman's clubs in the nation.⁶ Fletcher quickly became part of the Sorosis inner circle and was elected recording secretary in 1872. Sorosis' leaders soon dreamed of larger goals. In 1873, Fletcher, acting as secretary of Sorosis, sent out invitations to over 1,600 notable women in the United States and Europe inviting them to meet together. On 17 October 1873, four hundred women answered the invitation and met for three days at the Union League Theater in New York. At this meeting, they formed the Association for the Advancement of Women (AAW), modeled on the American Association for the Advancement of Science. For the following eight years, Fletchers served the AAW in a variety of capacities, most prominently as secretary for four years and as the planner of its yearly Congress of Women for another four years.⁷

Fletcher's work with AAW leaders, such as Julia Ward Howe, Mary Livermore, and Maria Mitchell, on maintaining a national organization and planning its annual meetings, inspired her to also follow their example in taking to the national lecture circuit. These women, as well as the sisters Sarah and Angelina Grimké, were female pioneers on the national lecture circuit. Fletcher's own love of research inspired her to take to the circuit herself in 1878, after the financial crisis of that year placed her finances in near ruin. Initially, she used her AAW connections to schedule lectures for women's groups in New Jersey, Massachusetts, and Rhode Island. As the geographical range of her lecturing expanded, she began to focus on historical and prehistorical topics. A

Publications, 1981), chapter 2; Walter Hough, "Alice Cunningham Fletcher," *American Anthropologist* 25, no. 2 (April–June 1923): 254-258.

⁶ Sorosis had been created in 1868 "to render women helpful to each other and useful to society." Sorosis members included writers and journalists, as well as prominent scientists and physicians. Appendix to *Papers Read at the 4th Congress of Women*, Philadelphia, Oct. 4-6, 1876, 121 as quoted in Mark, *A Stranger in Her Native Land*, 17.

⁷ Mark, *A Stranger in Her Native Land*, 8, 16-29; Welch, "Alice Cunningham Fletcher," 14-15.

strong interest in national history, spurred by the writings of George Bancroft, Francis Parkman, and William Prescott, and a growing fascination with prehistory as contemporary archaeological and paleontological excavations regularly brought fantastic discoveries to light, spurred Fletcher to research and develop a series of lectures on American prehistory, including such titles as “The Ancients Here and Elsewhere,” “Antiquities of the Coast and Cave,” “The Lost People of America,” and “Ceremonies of the Moundbuilders.”⁸ The prehistoric topics were especially interesting to audiences in Ohio, Wisconsin, and Minnesota, the first two of which were home to large prehistoric mound complexes that had fascinated locals for decades. When dealing with the historic colonial development of North America, she displayed a theme consistent with the writings of the educated elites of the time: that the conquest of the continent had led the Aryan race to new heights of accomplishment and civilization. “The necessities and emergencies arising out of the conquest of a continent, sharpened the sense, quickened the mental power, and called into play with almost a new force, the old Aryan love of the home, of industry, and of nature.”⁹ Later, Fletcher would find social scientific explanations for the evolutionary importance of these themes – the value of individual labor in transforming the land one owned, the central place of the nuclear family in the creation of civilization, and the necessity of a house to protect the family and from which to work the land – in the work of Lewis Henry Morgan and other anthropologists.

Fletcher’s growing interest in Indian prehistory and connections to the lecture circuit led her to attend a presentation by two Ponca Indians and their white supporters in

⁸ Mark, *A Stranger in Her Native Land*, 29-34; Welch, “Alice Cunningham Fletcher,” 16-27.

⁹ Alice C. Fletcher, “Know Thyself,” Alice Fletcher Papers, National Anthropological Archives, Washington, DC as quoted in Welch, “Alice Cunningham Fletcher,” 22.

a Boston lecture hall in 1879, during one of her frequent trips to that city. The Ponca Indians had been moved to Indian Territory in 1877, after it was discovered that the land assigned to them in Dakota Territory had already been assigned to the Sioux. After suffering much from malaria and pulmonary diseases for two years, Standing Bear decided to return with his band of Poncas to Dakota Territory. They made it back to Nebraska, having been pursued by federal troops the entire way. After reaching Nebraska in 1879, the band was detained at Fort Omaha and put under arrest for leaving their assigned lands. Thomas Henry Tibbles, an assistant editor of the local newspaper, the *Omaha Herald*, took an interest in the plight of Standing Bear and his band. Tibbles publicized their case and organized a committee of citizens to raise money for Standing Bear's defense. The resulting case found Standing Bear not guilty and determined that the Poncas could reside in Nebraska. The question, though, remained, where should they reside and what land was legally theirs? To help their cause, Tibbles organized a national speaking tour in 1879.¹⁰

It was during the tour's stop in Boston that Fletcher first encountered Standing Bear and Susette LaFlesche, his interpreter. While the two Poncas spoke to large audiences across the country, in Boston, the city's reformist tradition exhibited itself through the involvement of several prominent citizens. The mayor created a Ponca relief commission and made himself chairman; the Massachusetts governor set up an investigative committee; Henry Wadsworth Longfellow hosted a reception in his home; and Henry L. Dawes, the junior senator from Massachusetts, began his career as a congressional spokesman for Indian policy reform. Fletcher managed to speak with

¹⁰ Mark, *A Stranger in Her Native Land*, 38-39; Welch, "Alice Cunningham Fletcher," 29-30.

Tibbles and LaFlesche about her hopes to live among the Indians, but they put her off, being uncertain of her seriousness.¹¹

Undeterred, Fletcher continued her research and lecturing on American Indian topics, which led to her first encounter with the nascent professional archaeological and anthropological communities. Fletcher's requests for publications on American archaeology from the Peabody Museum of American Archaeology and Ethnology in Cambridge, Massachusetts, brought an offer from its director, Frederick Ward Putnam, to study archaeology with him at the museum. While Putnam's graduate program in anthropology at Harvard for MA and PhD degrees was mostly attended by men, he also took on several male and female apprentices at the museum. While hesitant to accept Putnam's offer at first, Fletcher was a regular visitor at the museum by January 1880, where Putnam and Lucian Carr taught her the rudiments of archaeology and the scientific method.¹²

A year later, Fletcher had a second chance to achieve her goal of travelling to Indian country. When Susette LaFlesche and Thomas Henry Tibbles returned to Boston in early 1881, Fletcher approached them again. She gave them a tour of the Peabody Museum and was able to convince them that her interest in living among the Indians was serious, and that she was up to the challenge of whatever hardships would be involved. LaFlesche and Tibbles returned to the Omaha reservation, where they were married in June. They contacted her later in the summer with the offer to take her camping for

¹¹ Mark, *A Stranger in Her Native Land*, 38-39; Welch, "Alice Cunningham Fletcher," 29-30. Susette's younger brother, who acted as her chaperone, was also a member of the group.

¹² Mark, *A Stranger in Her Native Land*, 34-38; Welch, "Alice Cunningham Fletcher," 23-28.

several weeks among the Sioux, if she would meet them in Omaha in the fall. After the camping trip, Fletcher could continue her travels alone.¹³

Fletcher's interest in living among Indians to study them for ethnographic purposes was a strikingly new proposition at the time, especially for a woman. The linguist James Owen Dorsey had begun two years of field research on the Omaha Reservation in 1878; Frank Hamilton Cushing had gone to Zuni Pueblo in 1879 with the Stevenson expedition and remained for the next four years; and Franz Boas was preparing to spend the year of 1883 among the Eskimos of Baffin Island. Fletcher's intended topic of study was to be Indian women. In preparation for her research trip, she consulted a variety of experts, including F. W. Putnam and Lucian Carr at the Peabody Museum and John Wesley Powell and Garrick Mallery of the Bureau of Ethnology. She also obtained letters of introduction and support from the secretaries of war and the interior.¹⁴ Concerning her motivation for pursuing her research among the Indians, she wrote to Lucian Carr that "I know that what I am toward is difficult, fraught with hardship to mind and body, but there is something to be learned in the line of woman's life in the social state represented by the Indians that . . . will be of value not only ethnologically but help toward the historical solution of 'the woman question' in our midst. Is it not so?"¹⁵

Fletcher began her trip to Indian country in the fall of 1881. She met Thomas and Susette Tibbles, who had married in July 1881, in Omaha, Nebraska, and the trio started out for the Omaha reservation on 15 September 1881. On the reservation, Fletcher was

¹³ Mark, *A Stranger in Her Native Land*, 39.

¹⁴ Mark, *A Stranger in Her Native Land*, 39, 41; Welch, "Alice Cunningham Fletcher," 23-28.

¹⁵ Fletcher to Lucian Carr, 3 August 1881, as quoted in Mark, *A Stranger in Her Native Land*, 41.

the guest of Susette's family. The LaFlesches were of mixed Omaha, Ponca, and French heritage and were one of the most acculturated families on a reservation that had long experience with white settlers. Susette's father, Joseph had even built the family a two-story frame house. After a short stay, they moved on to visit the Ponca reservation and then headed for Sioux country.¹⁶

Fletcher's brief initial visits to the Omaha and Ponca reservations made her more sensitive to the tenuous state of their land rights, but her encounters on the Sioux reservation provoked a mingling of her activist and anthropological backgrounds. She demonstrated her ambivalence toward her initial experiences with the Sioux through her mix of fascination with their exotic ceremonies and her disgust for their daily living habits. She wrote that "Nothing can describe the lack of cleanliness and order of the Rosebud Agency . . . [yet] how can Indians do better, hemmed in as they are at the agency deprived of their native life, . . . and not fully introduced to our ways. They are stranded between two modes of life."¹⁷ Her sense that Indians on reservations were stuck in an impossible situation between their previous mode of living and civilization was further reinforced during a meeting she had with Sitting Bull. In an article published in *Woman's Journal* on 11 February 1882, Fletcher related that Sitting Bull asked for her help in preparing the women of his band for the unfortunate but inevitable transition that was occurring in their lives. He said, "You are a woman. You have come to me as a friend. Pity my women. We men owe what we have to them. They have worked for us.

¹⁶ Hoxie, *A Final Promise*, 26-27; Mark, *A Stranger in Her Native Land*, 45-47; Welch, "Alice Cunningham Fletcher," 31-33.

¹⁷ Alice Fletcher, "Camping with the Sioux," 70, MS, Alice C. Fletcher and Francis LaFlesche Papers, National Anthropological Archives, Smithsonian Institution, Washington, DC as quoted in Mark, *A Stranger in Her Native Land*, 58.

They are good; they are faithful; but in the new life their work is taken away. For my men I see a future; for my women I see nothing. Pity them; help them, if you can.”

Fletcher recognized his meaning: “The women had been the tillers of the soil, and now the men must take their work in the change of life.”¹⁸ She had been sensitized to issues surrounding “the woman question” through her work for Sorosis and the AAW, and she noted the irony that the pressure to switch to white gender identities was robbing Sioux women of social and cultural context and power within their own community.

Despite this recognition and her first person observations of Sioux life, Fletcher continued to interpret their society based on a cultural-evolutionary framework. In the grain of Morgan’s theories and Powell’s interpretations of them, she described the Sioux as being little removed from savagery and barbarism due to their lack of private property and its positive influences, their lack of care for others, and their inability to cooperate. She commented that “They never owned land, they did not regard land as a thing to be owned any more than the air. . . .” Further, contrary to the US government’s reservation policy of assigning individual tribes to particular pieces of land, she noted that “Of tribal property the tribes had none. Of owning in common, the Indians I have lived among know not what it means, or how it can be.” Fletcher asserted that the Sioux “society was only held together by the ties of common danger. A common desire for safety was strengthened by the bands of kinship.” Without a means of governing themselves as a group or working together for a common purpose, “when every one did all his own work, there was little surplus of time, which is essential if a people are to advance.”¹⁹ Yet on

¹⁸ Alice C. Fletcher, “Among the Omahas,” *Woman’s Journal* 13, no. 6 (11 February 1882): 46. The title refers to Fletcher’s location when writing the article, while the content is about her observations of the Sioux.

¹⁹ *Ibid.*

the same page of her report, Fletcher contradicted her characterization of Sioux society with a particular vignette of their organizational capabilities.

Despite her generalizations about the relationship between the inability of Sioux to act collectively to achieve goals and their cultural evolutionary status, Fletcher described in great detail cooperation among women in the creation of housing. In detailing these practices, she explicitly stated that “The marked difference between barbarous and civilized society lies in the grasping and putting into practice the idea of coöperation.” Further, Fletcher commented that “This recognition . . . of the value of combination in work in making the tent cloth, is the only genuine touch that I have found of that power which has helped to make the white race the dominant people.” Regarding the actual practice, Fletcher explained that when Sioux “return from the summer hunt . . . the women got together the skins which were suitable to make tent clothes” and worked together to produce the tent “in a day or so. . . . In this manner the woman generally made the tent covers, and by this coöperation in the sewing bee, then tent cover was quickly made, and labor and time were saved.”²⁰ Despite describing the women’s ability to engage in collective production and the standard practice of these activities, Fletcher insinuated that tent making was more an anomaly or early indication of social change than an indicator that she should look carefully into more social practices.

Sitting Bull’s request to help the women of his band combined with Fletcher’s analysis of the inadequacies of Sioux society and the civilizing mission of the reservation system, to impel her on a quest for a solution to “the Indian problem.” The vehicle that would give form to her crusade presented itself upon her return to the Omaha reservation.

²⁰ Ibid.

The 1854 treaty that created the Omaha reservation had promised that a portion of the reservation would be surveyed and apportioned for any Omahas who wanted permanent homes and farms. Soon after the creation of the reservation, a group of pro-assimilation Omahas, led by Susette's father Joseph LaFlesche, had built a cluster of frame houses and plowed land for farming. By 1872, through pressure and petitions, this group had achieved the surveying of the eastern portion of the reservation and the issuing of some 350 allotments of 160 acres each by the Office of Indian Affairs. The removal of the Poncas, which demonstrated their treaty to be worthless, led Joseph LaFlesche's group to consult local lawyers about the status of their allotments. When they learned that they did not own their allotments because the apportionment had never been approved by Congress, they became alarmed. This set of circumstances had led LaFlesche to send Susette along with Tibbles and Standing Bear on the speaking tour to aid the Poncas. Fletcher's trip west led her into this politically charged situation during her visits to the Omaha reservation.²¹

The Omaha Allotment

Upon her return to the Omaha reservation, her interest in doing something to help Indians in their necessary transition to civilization met with Joseph LaFlesche's desire to secure confirmation of the legal status allotments on the reservation. Within a week of moving in with the LaFlesche's, Fletcher committed to attending community meetings on the matter. Soon after these meetings she wrote a petition to the US Senate requesting that clear title to allotted land be granted to the undersigned Omahas. Fifty-three out of

²¹ Hoxie, *A Final Promise*, 26; Mark, *A Stranger in Her Native Land*, 66-70.

the tribe's 1,121 members signed the petition. Several of the signers intimated that they represented a minority in the tribe and were only asking for title for themselves (not for allotments for the whole tribe). Joseph LaFlesche, on the other hand, signaled a larger, tribal intent, when he asserted that in addition to land titles, the Omahas would be able to run their own affairs and look after their own rights, if they could have laws, courts, and US citizenship.²²

Fletcher then began her lobbying of the federal government on behalf of the Omaha cause. She mailed the petition to the Commissioner of Indian Affairs on 31 December 1881, along with a letter explaining her special understanding of the Omaha's situation. She admitted that there were two factions in the tribe, "one desirous of civilization, one that clings to the past," but she assured the commissioner that the former was "the true leaders among the people." Further, she asserted that this faction had "worked and practically homesteaded their allotments," and that the tribe was "generally agricultural."²³ While this characterization was true regarding LaFlesche's group, most of the Omahas still lived by hunting, gathering, and tending small gardens. When Fletcher learned in February 1882 that the Omaha petition had been presented to the Senate, she wrote to the chairman of the Senate Committee on Indian Affairs—the now senior senator from Massachusetts, Henry L. Dawes—and Secretary of the Interior requesting their support. She then took the train to Washington, DC and spent three months in the spring of 1882 lobbying senators and other officials. Her most effective lobbying was facilitated through her Washington society connections and the wives and

²² Hoxie, *A Final Promise*, 26; Mark, *A Stranger in Her Native Land*, 70; Welch, "Alice Cunningham Fletcher," 51-52.

²³ Alice Fletcher to John Morgan, 31 December 1881, as quoted in Mark, *A Stranger in Her Native Land*, 70.

daughters of federal officials. And it was through her lobbying for an Omaha allotment bill that Fletcher helped significantly to transform federal and private philanthropic views on Indian policy reform.²⁴

Several of the women who facilitated Fletcher's lobbying were members of the Woman's National Indian Treaty-Keeping and Protective Association. This organization had developed out of the Women's Home Mission Circle at First Baptist Church in Philadelphia in 1879, with the intent of petitioning the United States government to honor its debt to Indians by strictly keeping its treaty promises. In early 1882, the organization changed its name to the Women's National Indian Association (WNIA), and the petition it presented to President Chester A. Arthur on 21 February 1882, urged the keeping of treaties unless they were abrogated by the will of the tribe. The petition, which was also presented to the Senate by Henry L. Dawes, further advocated that Indians be assigned 160 acres of land, if they wanted it, and that they be given protection under the law.²⁵

Fletcher had not transformed sentiments about Indian policy in a vacuum. Since the late 1870s, a growing number of influential whites and pro-assimilation Indians had advocated an end to the reservation system and the segregation of Indians in Indian Territory. Commissioner of Indian Affairs Ezra A. Hayt reported in 1879 that an increasing number of educated Indians were advocating for allotment of their lands. In 1880, Acting Commissioner E. M. Marble asserted that the demand for allotment among reservation Indians was nearly universal. And in 1882, Commissioner Hiram Price noted that in correspondence with his office many Indian tribes were demanding allotment of

²⁴ Mark, *A Stranger in Her Native Land*, 71-72; Welch, "Alice Cunningham Fletcher," 52-53.

²⁵ Simonsen, *Making Home Work*, 73-74; Mark, *A Stranger in Her Native Land*, 71; Welch, "Alice Cunningham Fletcher," 56-57.

their lands. Each of these three commissioners supported bills to give individual allotments to reservation Indians. From 1878 on, bills advocating such were submitted to the 45th, 46th, and 47th congresses and passed favorably through committee to no result. Each bill provided for the allotment of 160 acres to each head of family and 80 acres to each unmarried adult; however, sale of the land by allottees would be prohibited for twenty-five years: a result of Chippewa land allotment in 1871, which had quickly resulted in a significant loss of land to swindlers.²⁶

Fletcher did not dream up this formula of land allotment, nor was she the first to champion it, but her commitment to its vision of assimilation and her determination in its pursuit made her a pivotal advocate for its accomplishment. While such bills had repeatedly failed over the previous few years, Fletcher managed to get Omaha allotment passed by having legislative allies amend a bill providing for the sale of part of the Omaha reservation to require that allotments had to be given to Indians before any reservation land could be sold to whites. While Fletcher's amendments to the bill would have limited allotments to Indians who had earned them by working their land, the House Indian Affairs Committee sought to speed up the opening of lands to whites by applying it to all Omaha Indians. The bill allowed for the sale of 50,000 acres of Omaha land, with the proceeds going to fund the development of individual Indian homesteads. The Omaha Severalty Act became law on 7 August 1882. In March 1883, the Commissioner of Indian Affairs asked Fletcher to carry out the allotment of Omaha lands. She agreed and was appointed to the post in April. By early May, Fletcher had arrived on the Omaha reservation and begun the process. By June 1884, she had made 954 separate allotments

²⁶ Mark, *A Stranger in Her Native Land*, 72-73; Welch, "Alice Cunningham Fletcher," 60-70.

to 1,194 people, totaling 75,931 acres. Fletcher went on to perform the same task on the Winnebago reservation between July 1887 and April 1889 and the Nez Perce reservation from 1889 to 1893.²⁷

The bill's passage indicated that Morgan's theories of cultural evolution had become widely enough disseminated to provide an explanatory rationale for these new policies for civilizing the Indian. Pressure for a paradigm shift in Indian policy had built to a critical enough level that Fletcher's highly effective lobbying was able to facilitate its implementation. But, contrary to Lewis Henry Morgan and John Wesley Powell, who urged a slower path to assimilation and civilization, Fletcher exhorted Congress to break up the reservations by beginning to assign allotments to Indian families and individuals as soon as possible.

The Rationale for Allotment in Severalty

In the years following the passage of the Omaha Severalty Act, Fletcher continued to lobby for a law that would expand the allotment policy to all Indian reservations. She worked with the WNIA and other philanthropic organizations, such as the Indian Rights Association (IRA), to influence politicians. In the process, she became a recognized leader and expert among the white movement for Indian rights.

In 1884, Fletcher was received as a hero at the second annual Lake Mohonk conference of the Friends of the Indian. The conference, held at a resort in Lake

²⁷ Hough, "Alice Cunningham Fletcher," 255; Simonsen, *Making Home Work*, 77-78; Mark, *A Stranger in Her Native Land*, 73-77, 88-93; Welch, "Alice Cunningham Fletcher," 111-128; Hoxie, *A Final Promise*, 25-27. For additional sources on Fletcher and Omaha allotment, see Norma Kidd Green, *Iron Eye's Family: The Children of Joseph LaFlesche* (Lincoln, NE: Johnson Publishing Co., 1969) and Judith A. Boughter, *Betraying the Omaha Nation, 1790-1916* (Norman, OK: University of Oklahoma Press, 1998).

Mohonk, New York, had begun in 1883 as a gathering of influential players in the Indian rights debate. The attendees included members of the Board of Indian Commissioners, leaders of the WNIA and IRA, influential clergy and journalists, and college presidents, among others. The goal of the Friends of the Indian and the conference was to study the Indian problem and to lobby for the end of the reservation system, as well as the rapid assimilation of all Indians into American society.²⁸

A prominent attendee at 1884 Lake Mohonk conference was Merrill Edwards Gates, LL. D., President of Rutgers College and member of the Board of Indian Commissioners. Gates wrote an essay lauding Fletcher's work with the Omahas and supporting the severalty policy efforts of the allied Indian organizations entitled "Land and Law as agents in Educating Indians" for the *Seventh Annual Report of the Board of Indian Commissioners for the Year 1885*.²⁹ Gates' essay provides an illustrative synthesis of the theories of Lewis Henry Morgan, Charles Darwin, Herbert Spencer, Sir Henry Sumner Maine, and John Fiske and demonstrates how the perceived importance of the family to human evolution and of property to social evolution shaped the Indian policy advocacy of Fletcher and other Friends of the Indian (such as the Board of Indian Commissioners and other government officials).

Gates warned that severalty was the only way to preserve any lands for Indians in the face of the flood of white migration; however, he also cautioned that Indians would have to learn quickly to make these lands productive, or they would starve. According to

²⁸ Hoxie, *A Final Promise*, 32-35; Mark, *A Stranger in Her Native Land*, 103-107; Welch, "Alice Cunningham Fletcher," 64-70; Simonsen, *Making Home Work*, 74.

²⁹ Merrill Edwards Gates, "Land and Law as Agents in Educating Indians," in *Annual Report of the Board of Indian Commissioners for the Year 1885* (ARBIC) (Washington, DC: Government Printing Office, 1886), 13-35.

Gates, “Unless we wisely provide land in severalty for the Indians within the next five years, the awful pressure of immigration and the logic of selfishness unchecked by wise legislation will have left no land whatever.”³⁰ Further, he asserted that it was the duty of the government to pass laws “to secure a fair amount of land to the Indian, and gradually, but firmly and surely, to teach him that he must use that land wisely and thereby prosper, or that if he persistently refuses to use it, he must lack, and if he will do no work when he has been taught how to work, then he must starve.”³¹ Gates was not among those who believed the stereotype of the lazy Indian, but he was under no illusions as to what would happen to anyone who would not work to support themselves in the United States.

Gates inveighed against bigoted beliefs that Indians would not work, citing cited US government statistics to demonstrate their adoption of Euro-American clothes and houses, as well as American Indians’ productivity in farming and animal husbandry. He highlighted that “82,000 of the 265,000 Indians have adopted citizens’ dress; not counting the 60,000 Indians of the five civilized tribes, 15,000 houses have been built by them; they have under cultivation 230,000 acres of land, more than an acre for every man, woman, and child.” With that cultivated land “they raised last year in round numbers a million bushels of corn, nearly as much wheat, half a million bushels of oats and barley, and as many bushels of vegetables.” These Indians also owned “235,000 horses and mules, 103,000 head of cattle, 68,000 swine, and over 1,000,000 sheep.” And, Gates reminded his readers, those figures excluded “the products and possessions of the 60,000 civilized Indians who are now ripe for territorial government and whose

³⁰ Ibid., 14.

³¹ Ibid.

possessions should more than double these amounts.”³² Gates believed that these figures proved “conclusively the utter falsehood of the charge sometimes made that Indians will not work and cannot farm successfully.”³³

For Gates, it was not Indians who were at fault for the culture of dependency in which many of them lived, it was the government’s policies: “And above all else we have utterly neglected to teach them the value of honest labor. . . . We have held them at arm’s length, cut them off from the teaching power of good example, and given them rations and food to hold them in habits of abject laziness.”³⁴ The solution to reversing these negative policies was simple: “If the wronged, embittered, almost despairing Indians of certain tribes are to be lifted, as we believe they soon will be, to the plane of hopeful and happy citizenship, it will be by this blessed road of labor, under equal laws, and each man on land which he holds as his own personal title.”³⁵ While Gates specifically references male ownership of property as key to an equal place in US society, he and the other Friends of the Indian recognized that a place for Indian women and children in that society was also essential.

For Gates, Fletcher, and many Friends of the Indian, the family and land ownership were key to Indians’ incorporation into civilization. But successful

³² Ibid., 16.

³³ Ibid.

³⁴ Ibid., 18.

³⁵ As proof that this solution would work, Gates cited Anglo-Saxon history and the commitment that the government made to citizenship when bestowing it upon the freed slaves. “[The Indian] should become an intelligent citizen of the United States. . . . To this we stand committed by all the logic of two thousand years of Teutonic and Anglo-Saxon history, since Arminius with his sturdy followers made a stand for liberty against the legions of Rome. Foremost champions of that peculiarly Anglo-Saxon idea, that supports a strong central government, moves as a whole, yet protects carefully the local and individual freedom of all the parts, we are, as a matter of course, to seek to fit the Indians among us as we do all other men for the responsibilities of citizenship. And by the stupendous precedent of eight millions of freedmen made citizens in a day, we have committed ourselves to the theory that the way to fit men for citizenship is to make them citizens.” Ibid., 17.

assimilation also depended on separating the Indian family from its relationship to the tribe and situating it on its own allotment. Gates asserted that the “key to the Indian problem” was the answer to the question of whether or not Indian parents had “a right to educate their children to regard the tribal organization as supreme”? He believed that “the family is God’s unit of society.” Therefore, he stated that “this consideration of the family and its proper sphere in the civilization of races and in the development of the individual, serves to unlock the difficulties which surround legislation for the Indian.” For Gates, “the State” depended on “the integrity of the family,” and the family was “the unit in civil government.”³⁶ He bolstered his argument by citing Sir Henry Sumner Maine’s *Lectures on the Early History of Institutions* (1875): “I believe I state the inference suggested by all known legal history when I say there can be no material advance in civilization unless landed property is held by groups at least as small as families.”³⁷ Though not quoted by Gates, the remainder of Maine’s sentence contained an even stronger endorsement of the importance of property ownership to the United States: “and I again remind you that we are indebted to the peculiarly absolute English form of ownership for such an achievement as the cultivation of the soil of North America.”³⁸ Thomas Jefferson’s vision of the yeoman farmer as the foundation of democracy in the United States, though increasingly anachronistic in the 1880s, is essential to Gates’ prescription for Indian assimilation.

Gates believed that the tribe by its very nature—with its focus on common access to property and distribution and redistribution of goods without regard to merit or

³⁶ Ibid., 27.

³⁷ Ibid.

³⁸ Henry Sumner Maine, *Lectures on the Early History of Institutions* (New York: Henry Holt and Company, 1875), 126.

inheritance—impeded the desire to gain wealth and to protect its accumulation, thereby inhibiting progress toward civilization. According to Gates, “It is a great step gained when you awaken in an Indian the desire for the acquisition of property of his own, by his own honest labor. Every honest day’s work done and paid for is a stroke of missionary work.” Though not quoting Locke, Gates effectively laid out the philosopher’s explanation for the social contract, when he wrote that the acquisition of property “not only puts the Indian under silent but powerful pledges to preserve the peace and respect law, that so his own property may be safe. . . . It cultivates the habit of looking to the future and of seeking to modify the future of one’s self by one’s own efforts.” This habit of “seeking to modify the future” would develop “the distinctive mark which sets off man from the animals he governs—will power intelligently and voluntarily exercised in subjection to law.”³⁹ The insecurity of the family (father, mother, and children) in Euro-American society, which relied on the work of its members, was the driving force behind the desire for accumulation and reliance on the state for the protection of individual property rights. While the state would not give you more than you had earned, it ideally would protect that stake from redistribution to others.

Regarding the need to protect Indian property rights, Gates specifically referred to an 1883 incident on the Navajo reservation that Agent D. M. Riordan mentioned in his 1883 annual report. A Navajo man went to Santa Fe to get a deed for off-reservation land that he and his family had developed and lived on for twelve years. He paid \$160 for a fake document from a white man who represented himself as a US land agent. Riordan had reported the swindle to the Commissioner of Indian Affairs but noted that nothing

³⁹ Gates, “Land and Law as Agents in Educating Indians,” 27.

was done to pursue justice. Riordan advised that the government's disinterest in protecting the property rights of Indians would provide little encouragement to them to adopt private property.⁴⁰

Gates' rationale for the need to dissolve the tribes echoed Morgan's theories regarding the importance of the family to civilization and meshed them with Fiske's theory of the importance of an extended childhood. Gates acknowledged that the "desire for the acquisition for property "is on the whole the mainspring that daily keeps in motion the mechanism of the world's daily routine." However, this desire was not the "sole motive that sways society or governs the development of mankind." According to Gates, "It is chiefly the affections and interests of family life that take out of this desire for gain its debasing element, its utter selfishness."⁴¹ Family relationship mediated the debasing desire for gain.

Severalty laws were needed to divide up the reservations, because the tribal entities that they sustained were impediments to the proper interaction between Indian families and property. Gates asserted that, "the tribal system paralyzes at once the desire for property and the family that ennobles that desire. Where the annuities and rations that support a tribe are distributed to the industrious and the lazy alike, while almost all property is held in common, there cannot be any true stimulus to industry." Further, American Indian inheritance practices that wasted the assets of a "deceased father" on "prolonged feasting" or distributed them among adult relatives without making provisions for the widow or children endangered the perpetuation of the family.⁴²

⁴⁰ Ibid., 23. For Riordan's report of the incident, *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior* (ARCIA) (Washington, DC: Government Printing Office, 1883), 123.

⁴¹ Gates, "Land and Law as Agents in Educating Indians," 28.

⁴² Ibid.

For Gates, the disposition of an Indian father's property among his adult relatives sadly shortened the period of protected childhood, the duration of which was crucial to the proper development of individuals, families, and civilizations. He explained that for both animals and man "there is a direct proportion between the length of time during which infancy and immaturity are protected, trained and cared for by parents, and the capacity of the race for education and advancement on the part of the individual." Gates cited John Fiske, *The Destiny of Man* (1884), as the most prominent advocate for the importance of the "extended duration of a protected and cherished childhood." Fiske was a popularizer and philosophical interpreter of Darwin's theories of evolution; he was also influenced by Herbert Spencer's views on evolution. Fiske devoted an entire chapter in *The Destiny of Man* to the end of the working of natural selection on man through the operation of social conditions.⁴³ Gates also cited a survey that had recently been circulated by the IRA among Indian agents and missionaries. While noting that their opinions varied widely on answers to many questions, the agents and missionaries who replied "are almost unanimous in recommending at once legislation to secure descent of property to children, to prevent polygamy, and to provide homesteads."⁴⁴ Gates' analysis of this unanimity also highlighted the foundational interconnection between property and patriarchal families in the Euro-American world view. He emphasized that "The family circle should be the controlling idea of all legislation and all administrative reform in Indian affairs. The gravest charge against the tribal organization, then, is that it tends to dwarf and blight the family. Tribal relations interfere with family grouping, and

⁴³ John Fiske, *The Destiny of Man: Viewed in the Light of His Origin* (Boston: Houghton, Mifflin, and Co., 1884), 96-103.

⁴⁴ Gates, "Land and Law as Agents in Educating Indians," 28.

there is no sound progress in civilization until land begins to be held in property to be accumulated by groups at least as small as the family.”⁴⁵ For Gates, the tribe endangered Indian families by insulating them from the foundations of Euro-American civilization: the insecurity, drive for accumulation, and reliance on the order and property protections provided by the state.

While Gates advocated voluntary submission to society’s laws as a key component of civilization, he did not believe that Indians should be given a choice in their assimilation. He advocated the rapid break up of tribes and the imposition of laws and education upon American Indians, “with the family and land in severalty as its central idea.” In much the same way that the late-nineteenth-century influx of eastern European immigrants and their concentration in urban ethnic enclaves worried native-born Americans who expected assimilation into American social and cultural norms, Gates asserted that “These foreign masses in our body politic must be comminuted, broken up into family groups and individuals. Only so can they be assimilated into the organize life of our land.”⁴⁶ Gates, along with most Friends of the Indian, did not believe that the clear superiority of the Euro-American model of civilization would draw Indians to its benefits. There was no longer time for such an evolutionary process to occur. For their own ultimate benefit, Indians had to be separated from the negative influence of the tribe and, if need be, involuntarily assimilated.

⁴⁵ Ibid.

⁴⁶ Ibid., 31. Regarding American nativist responses to immigration in the late nineteenth century, see John Higham, *Strangers in the Land: Patterns of American Nativism, 1860-1925*, 2nd ed. (New Brunswick, NJ: Rutgers University Press, 1988); Rivka Shpak Lissak, *Pluralism and Progressives: Hull House and the New Immigrants, 1890-1919* (Chicago: University of Chicago, 1989); Mina Carson, *Settlement Folk: Social Thought and the American Settlement Movement, 1885-1930* (Chicago: University of Chicago Press, 1990).

While a proponent of involuntary assimilation, Gates deemed himself compassionate regarding the hardships that such a policy would cause to American Indians. He noted the trouble that boarding school graduates had maintaining the profound transformations cited by assimilation proponents when they returned to their reservations. He observed that Christian missionaries sent children from reservations to Eastern “industrial training schools.” He cited the comparison of before-and-after photographs of the children as proof that the “years of contact with ideas and with civilized men and Christian women so transform them that their faces shine with a wholly new light, for they have indeed ‘communed with God.’”⁴⁷

But he acknowledged that maintaining such a transformation after returning to the reservation was exceedingly difficult for the students. Gates asserted that the continuation of the tribal reservation policy meant that students did not return to “a life where a home and a family could be transformed by their influence.” Instead, the students were trapped in “this tribal mass sodden in the prejudices of centuries of heathenism, where they gasp in vain for civilized occupations and example, until the pressure of race instincts and the waves of ridicule too often close over their better hopes and habits and aspirations as the waves of the ocean close over the life-hungry face of the drowning man.”⁴⁸ Even the power of assimilation could not counteract the profound negative influence of the tribal system of social organization.

⁴⁷ Ibid., 32-33. Regarding the propagandistic use of such photographs and the boarding school experience in general, see David Wallace Adams, *Education for Extinction: American Indians and the Boarding School Experience, 1875-1928* (Lawrence, KS: University of Kansas Press, 1995); Brenda J. Child, *Boarding School Seasons: American Indian Families, 1900-1940* (Lincoln, NE: University of Nebraska Press, 2000); K. Tsianina Lomawaima, *They Called It Prairie Light: The Story of the Chiloco Indian School* (Lincoln, NE: University of Nebraska Press, 1994).

⁴⁸ Ibid.

The solution to the problem of students regressing when they returned to the reservation was to break up the reservation, allot the lands, and insert upstanding white families from whom Indians could learn by example. Gates advocated that Indians would receive all the lands they needed in their allotments, which would alternate with “sections or townships” reserved for white farmers of “good character.” The white farmers would get discounts to purchase the land, and some would even get a “small salary” to induce them “to settle among the Indians as object-teachers of civilization.” Any land left over would be sold by the US government and the proceeds used “to secure this wise intermingling of the right kind of civilized men with the Indians.” The laws of the “States and Territories” would be extended over all and the “Indian and white man” would “stand alike before the law.”⁴⁹ As an example, Gates lauded the work of Fletcher among the Omahas and her focus on the allotment of land to families. He remarked that “by her patient investigations, her complete registration of all the family groups, and her endowment of each home-unit, each family, with its homestead, the land that is to prove the stay of the home!”⁵⁰ Gates also noted approvingly that the family and individual allotments would be held in trust by the government for a number of years to allow the Omahas to “gain some experience in the management of property” and for the “justice-loving people of our land” time to become comfortable with the notion of American Indians as full citizens of the United States.

The Dawes Act

⁴⁹ Ibid., 34.

⁵⁰ Ibid., 30.

Another member of the Friends of the Indian and regular attendee at the annual Lake Mohonk conference was Fletcher's ally, Senator Henry L. Dawes. Dawes had begun his work on the Indian problem in 1870, when he championed a movement to end the federal practice of dealing with tribes via treaty. The activist bent of Boston and his involvement in the Ponca relief efforts in 1879 strengthened his ties to Indian issues. By 1881, Dawes joined the Senate Indian Affairs Committee and immediately became its chairman. In the early 1880s, he toured the Cherokee Nation under the auspices of the Friends of the Indian. At the third annual Lake Mohonk conference on 8 October 1885, Dawes described a discussion he had during the trip with Chief Dennis Bushyhead in an address to the attendees. Dawes related that "The head chief told us that there was not a family in that whole nation that had not a home of its own. There was not a pauper in that nation, and the nation did not owe a dollar. It built its own capitol, in which we had this examination, and it built its schools and its hospitals." Despite this utopian description, Dawes stated that "the defect of this system was apparent. They have got as far as they can go, because they own their land in common." Further, Dawes averred that "It is Henry George's system, and under that there is no enterprise to make your home any better than that of your neighbors. There is no selfishness, which is at the bottom of civilization. Till this people will consent to give up their lands, and divide them among their citizens so that each can own the land he cultivates, they will not make much more progress."⁵¹ Dawes' reference to George's *Progress and Poverty* (1879) likely was grudging acknowledgement that "uncivilized" Indians were not the only proponents of a worldview critical of private property at this time. The international sensation that was

⁵¹ ARBIC 1885, 90.

Progress and Poverty resulted in the growing political and social influence of Georgism's adherents and the rising political star of George himself, who came in second the New York City mayoral election in 1886. However, Dawes' caricature of the book reflected contemporary interpretations of its prescriptions rather than any actual advocacy for communal ownership in the book.⁵²

Dawes' solution to the supposed problems caused by Indians' communal land holdings was a bill similar to the Omaha Severalty Act, but on a national scale.⁵³ There had been plans to divide Indian lands in severalty as early as 1816, but they went unimplemented until a series of treaties in 1854 allowed individual land ownership on a number of reservations. While individual ownership under these treaties did not serve Indians well, with most of the lands passing quickly into white hands, severalty continued as part of the Grant Peace Policy.

Indian severalty rose again when a bill was introduced and debated in Congress in January 1879, and sustained effort for a severalty bill began in May 1880, when the chair of the Senate Indian Affairs Committee, Richard Coke (Texas), introduced one at the suggestion of Secretary of the Interior Carl Shurz and Senator Samuel J. Kirkwood of Iowa. Three different versions of the Coke-Dawes bill were debated by Congress over the next seven years. Dawes favored additions to the original bill that would have made allotments: (1) only if two-thirds of a tribe consented, (2) to either tribal entities or individuals, and (3) inalienable for twenty-five years to protect against speculators and

⁵² Henry George, *Progress and Poverty: An Inquiry into the Cause of Industrial Depressions and of Increase of Want with Increase of Wealth: The Remedy* (San Francisco: W. M. Hinton, 1879). Regarding contemporary receptions of *Progress and Poverty* and past and present misinterpretations of its intent, see Eli Cook, "The Progress and Poverty of Thomas Piketty," *Raritan Quarterly* 35, no. 2 (Fall 2015): 1-19.

⁵³ Hoxie, *A Final Promise*, 32-35; Mark, *A Stranger in Her Native Land*, 39, 103-107.

swindlers. Due to opposition from a variety of sources, including Alice Fletcher, only the twenty-five-year rule became part of the final law. Opposition to the first two provisions centered on giving a tribal entity any control over the allotment process or future control of lands; allotment was necessary for the civilization of Indians, and it must proceed with or without their consent. Further, as Merrill Gates had advocated, the “tribal organization” must be eliminated from within the United States and its members broken up into families and individuals.⁵⁴

Sixteen months later, on 8 February 1887, President Grover Cleveland signed the General Allotment Act, which came to be known as the Dawes Act, in honor of its main sponsor. The Dawes Act limited the ability to create and expand reservations and, most importantly, committed the federal government to split up existing reservations into fee simple property. The passage of the Dawes Act in 1887 and the shift in federal policy to individual allotment endangered the integrity of reservations’ land base, decreased communal land tenure, and increased various forms of family and individual tenure.

The passage of the Dawes Act demonstrated that the federal government, anti-Indian groups, and pro-Indian groups had all become frustrated, for various different reasons, with the reservation system’s inability to achieve its goals of civilizing American Indians. As with the Omaha Severalty Act, reservation lands under the Dawes Act were to be distributed to all enrolled Indians, with 160 acres for heads of families, 80 acres to

⁵⁴ Hoxie, *A Final Promise*, 32-35; Mark, *A Stranger in Her Native Land*, 103-107; Welch, “Alice Cunningham Fletcher,” 59, 63, 70-75; Gates, “Land and Law as Agents in Educating Indians,” 31.

orphans and single individuals over age eighteen, and 40 acres to single people under age eighteen.⁵⁵

The Dawes Act was much broader, though; it allowed the individual allotment of lands on all reservations except for the Five Civilized Tribes (Cherokees, Chickasaws, Choctaws, Creeks, and Seminoles), and a few tribes in Nebraska, New York, and Indian Territory.⁵⁶ Yet the inherent intentions of the policy were far broader and included the destruction of tribal authority, the suppression of native religions, and increased pressure toward agricultural subsistence. The Dawes Act placed individual allotments under federal trust for twenty-five years to guard against land speculators and swindlers who had preyed upon earlier allottees. The allotments, therefore, could not be taxed until they had been patented in fee simple. However, when the trust period was over, the adult allottees would immediately become citizens and be subject to state and territorial laws. With the termination of the federal trust period, the allottees would again be subject to an onslaught of speculators and swindlers. The Secretary of the Interior was empowered to negotiate for the sale of whatever reservation land (i.e., unallotted lands) was left over

⁵⁵ Donald L. Parman, *Indians and the American West in the Twentieth Century* (Bloomington, IN: Indiana University Press, 1994), 1-10; Prucha, *The Great Father*, 659-686. Lawrence C. Kelly, "United States Indian Policies, 1900-1980," in *Hand Book of North American Indians*, vol. 4, *History of Indian White Relations*, Wilcomb E. Washburn, ed. (Washington, DC: Smithsonian Institution, 1988), 66-68.

⁵⁶ In 1893, the goal of merging Indian Territory with Oklahoma Territory led Congress to establish the Dawes Commission. Tribes resisted the intentions of the committee through a variety of stalling tactics, but in 1895, Congress authorized the Dawes Commission to survey Indian land and draw up tribal rolls in preparation for allotment. Then, in 1898, Congress passed the Curtis Act, which extended the provisions of the Dawes Act to Indian Territory, terminated tribal land tenure without Indian consent, set up the processes for allotment and administration, and ordered termination of tribal governments by April 26, 1906. In order to escape such drastic action, the tribes (except the Seminoles who had made an earlier agreement) reached individual compacts with the federal government by 1902 delineating how the process would proceed. Then, the Enabling Act of 1906 allowed Indian Territory and Oklahoma Territory to enter the Union as the State of Oklahoma. Oklahoma became a state November 16, 1907, but the federal government reserved jurisdiction over Indians and their lands. Soon afterward, Oklahomans repealed restrictions on the sale of classes of land hitherto protected by the Federal Indian relationship and imposed taxes on those lands. Parman, *Indians and the American West in the Twentieth Century*, 8-9.

after allotment. While the process of selling surplus land was supposedly voluntary, few tribes managed to retain unallotted acreage. Although Western interests were not heavily involved in the passage of the Dawes Act, they did greatly impact its implementation through their influence on which lands were allotted and which were opened to white settlement. The worst abuses occurred after the Act was amended in 1891 to allow the leasing of allotments. Despite regulations to carefully scrutinize lease applications and to guard against the ruination of land through over-use, neither of these protections was carefully enforced.⁵⁷ Additionally, soon after the passage of the Dawes Act, Congress passed “An act in relation to marriage between white men and Indian women” in 1888, with the intent of preventing whites from gaining access to Indian property through marriage to Indian women.⁵⁸

⁵⁷ Parman, *Indians and the American West in the Twentieth Century*, 1-10; Prucha, *The Great Father*, 659-686; Kelly, “United States Indian Policies, 1900-1980,” 66-68; D. S. Otis, *The Dawes Act and the Allotment of the Indians* (Norman, OK: University of Oklahoma Press, 1973), passim; Simonsen, *Making Home Work*, 94-95.

⁵⁸ “An act in relation to marriage between white men and Indian women,” Aug. 9, 1888. | 25, Stat., 392. The legislation stated that “No white man, not otherwise a member of any tribe of Indians who may hereafter marry, an Indian woman, member of any tribe in the United States, or any of its Territories except the five civilized tribes in the Indian Territory, shall by such marriage hereafter acquire any right to any tribal property, privilege or interest whatever to which any member of such tribe is entitled.” “In its wake, the Indian Marriage Act spawned a multitude of court decisions and federal enactments which attempted to sort through the legal quagmire allotment created with regard to the status of Indian women and the land they possessed under U.S. law. . . . And, at the center of these difficulties were Indian women. In its ongoing efforts to induce Indians to abandon their tribal relations, Congress passed, beginning in 1875, a series of acts which guaranteed to Indians who complied with the government’s policy a continued interest in tribal property once they severed tribal relations. . . . The Act of March 3, 1875, (18 Stat.420) provides that ‘any such Indian be entitled to his distributive share of . . . tribal funds, tribal lands, and any other property, the same as through he had maintained his tribal relations . . .’ The Congressional Appropriations Act of June 7, 1897 (25 U.S.C. 184) contains the following provision granting rights in tribal property to the children of certain Indian women who had severed their tribal relations: ‘That all children born of a marriage heretofore solemnized between a white man and an Indian woman by blood and not by adoption, where said Indian woman is at this time, or was at the time of her death, recognized by the tribe shall have the same rights and privileges to the property of the tribe to which the mother belongs . . .’ The rights of tribal members are discussed in *Halbert v. U.S.*, 283 U.S. 735, 763-764, 1931: ‘The children of a marriage between an Indian woman and a white man usually take the status of the father; but if the wife retains her tribal membership and the children in the tribal environment and there reared by her, with the husband failing to discharge his duties to them, take the status of the mother.’” Howard James Hayes, “Indian

Model Homes to Civilize Indian Families

The work of a variety of actors, including Alice Fletcher, Henry Dawes, the Friends of the Indian, the WNIA, pro-assimilation Indians, and others, brought about the passage of the Dawes Act, thereby creating a new paradigm for Indian policy that valorized the civilizing influence of private property and the homestead as key to assimilating Indians into American society.

The allotment policies brought into law by the Dawes Act enshrined private property and its assumed social evolutionary power at the center of federal Indian policy. Allotment of reservation lands to Indian heads of households and individuals went forward on a number of reservations across the United States to varying degrees of completion and success over the next five decades.⁵⁹ But this transfer of reservation trust

Women, Domesticity, and Liberal State Formation: The Gendered Dimension of Indian Policy Reform During the Assimilation and Allotment Eras,” (master’s thesis, University of Arizona, 1997), 76-78.

⁵⁹ During the first decade of the twentieth century, Congress made several amendments to the Dawes Act, making white acquisition of Indian land easier. The Indian Appropriation Act of 1902 dealt with lands of allottees who had died. It empowered the secretary of the interior to remove the trust restrictions on such land and sell it on behalf of adult heirs or allow a court to appoint a guardian to provide such consent for minors. Additionally, the Supreme Court decision in the case of *Lone Wolf v. Hitchcock* (1903) stated that Congress had plenary authority over Indian tribal relations and could abrogate treaty provisions without tribal consent. The Burke Act of 1906 allowed the secretary of the interior to issue fee patents and citizenship to individuals by issuing a “certificate of competency.” The McCumber amendment of 1906, affecting the Five Civilized Tribes, held full bloods’ land under trust, but allowed several categories of Indians to sell their lands without government supervision; inherited lands could be sold freely, but full bloods needed federal approval. The Indian Appropriation Act of 1907 allowed allottees to sell portions of their land still under trust restrictions, with the intent of allowing the Indians to gain capital for investment in farming necessities. The following year, additional legislation allowed Indians to petition the secretary of the interior to sell all of their trust land; the elderly, ill, and handicapped were the intended beneficiaries, but oversight was not careful enough to avoid abuses. In 1909, Robert Valentine, the Commissioner of Indian Affairs advocated coercive application of the Burke Act and formed special commissions to visit reservations, judge individual competency, and force citizenship and fee simple titles on Indians. Finally, the Omnibus Act of 1910 allowed “competent” heirs unrestricted use of funds derived from the sale of inherited land. Parman, *Indians and the American West in the Twentieth Century*, 12-13, 16. As the result of allotment policies, between 1881 and 1934, Indian land holdings dropped from approximately 156 million acres (1881) to 104 million (1890) to 78 million (1900) to 48 million (1934) — nearly 20 million acres of the final figure were too arid for agricultural use. These figures are approximate, and scholars and government estimates vary, but the massive scale of the loss and the productive viability of the remaining portion are agreed upon. Prucha, *The Great Father*, 895-896 and 896 n. 80; Parman, *Indians and the American West in the Twentieth Century*, 3-5, 8-10; Kelly, “United States Indian Policies, 1900-1980,” 66-68.

land to private ownership was not the only policy focus for enacting the socially transformative power of private property. The 160, 80, or 40-acre allotments were lands for Indians to improve for their livelihoods, most commonly envisioned as farming or ranching. But, as with the governments' opening of federal lands for settlement through the Homestead Act of 1862, the improver of the land was also intended to create a homestead for his family. In addition to improving the land, the second key element to creating such a homestead was the erecting of a house, preferably a wooden frame house with fences and accompanying buildings for storage and work.

While working on allotting Omaha lands, Alice Fletcher began a parallel project with other white, female Indian rights activists to accomplish the goal of Indians building proper, civilized homes on their allotments. The essence of Fletcher's proposed project was to set up demonstration homes at boarding schools in which young Indian married couples would live and learn the proper methods for constructing the home, as well as decorating and caring for it. The demonstration homes would be an extension of the didactic landscaping and architecture of the boarding school campuses. In keeping with Euro-American ideals concerning private property and the separation of the wild from the subdued and cultivated, the campuses had manicured lawns, tended gardens, and pruned trees particularly arranged around a grid of malls and buildings—rectangular dormitories and dining rooms and square classrooms, each filled with their straight rows of beds, tables, and desks.⁶⁰ The land was to be tamed and put to the productive use of civilization, as were the Indian students: form followed function. The homes of Indian peoples—the hogan of the Navajos, the circular tepee of the Lakotas and earth lodges of

⁶⁰ Adams, *Education for Extinction*, 113-114; Simonsen, *Making Home Work*, 87-88.

the Omahas, along with their cosmological significance—were to be made regular and uniform in shape and Christian in their character. The Christian, civilized, wooden frame house was the cradle of civilization. It was where the family was created, educated, and protected from the outside world. The home and the lands surrounding it – both embodiments of the social power and influence of private property – represented the most basic units of ownership and production in civilization and were essential tools in teaching civilized behavior.

During the summer of 1882, Fletcher was hired by Richard Henry Pratt, the noted pioneer in Indian boarding school education, to accompany students back to their reservations from Pratt's school in Carlisle, Pennsylvania, and then to recruit new students for Carlisle and Hampton. After travelling to Dakota Territory to drop off the returning students, Fletcher went to the Omaha Reservation to celebrate the passage of the Omaha Severalty Act.⁶¹ In the fall of 1882, Fletcher accompanied six young Indians from the Omaha Reservation to the Hampton Normal and Agricultural Institute in Hampton, Virginia. Hampton had been founded in 1868 to provide training for former slaves. In 1878, Hampton began experimenting with American Indian education. Its assimilationist curriculum for American Indians became a model for the federal, off-reservation boarding school system in the late nineteenth century.⁶² Four of the six students – two married couples and accompanying children – were to be the first participants in a new program envisioned by Fletcher, who “had begged that Hampton

⁶¹ Mark, *A Stranger in Her Native Land*, 79.

⁶² Regarding Hampton's history of American Indian education, see W. Roger Buffalohead and Paulette Fairbanks Molin, “A Nucleus of Civilization: American Indian Families at Hampton Institute in the Late Nineteenth Century,” *Journal of American Indian Education* 35, no. 3 (Spring 1996): 59-94 and Donal F. Lindsey, *Indians at Hampton Institute, 1877-1923* (Champaign, IL: University of Illinois Press, 1994).

receive a few married couples and train them in model housekeeping on such a scale as would be feasible on the reservations in the West.”⁶³ When Fletcher left the Omaha reservation, she was accompanied by two couples: Noah (age 27) and Lucy LaFlesche (age 21, Joseph LaFlesche’s daughter) and Philip (age 25) and Minnie Stabler (age 22), as well as the Stabler’s son Eddie (age 1) and Philip’s nephew Gus Stabler (age 11). Noah had taken Lucy’s family name, following Omaha custom, given that her family was of a higher rank.⁶⁴ Hampton was an excellent environment for Fletcher to begin her experimental training program; there were over 80 Indian students on campus and its administration shared her focus on the family, viewing it as “the unit of Christian civilization.”⁶⁵

Year later, Philip reflected on his rationale for choosing to attend Hampton. He noted that “Before I went to Hampton I worked, but not for myself. I worked with my father. I did not work hard then. Sometimes I would be idle for two or three hours a day. After I was married, then I worked for myself. I found the work too hard, so I asked the agent for work. He gave me the work of a carpenter. I worked at the carpenter’s trade for two years.” However, he explained that “I found that hard because I could not figure and did not know arithmetic. So I wanted to go to school. I asked my wife and she was willing.

⁶³ Cora Mae Folsom, *Indian Days at Hampton*, unpublished manuscript (1918), 91 as quoted in Buffalohead and Molin, “A Nucleus of Civilization,” 59. As early as 1761, white educators of Indians focused on the home and domestic arts as a key aspects of civilization to teach their charges. Eleazar Wheelock began admitting female Indian children to Moor’s Indian Charity School in Lebanon, New York, and hired white women to teach them in domestic arts. Simonsen, *Making Home Work*, 76.

⁶⁴ Helen Wilhelmina Ludlow, *Twenty-two years’ work of the Hampton Normal and Agricultural Institute at Hampton, Virginia* (Hampton, Va.: Hampton Normal School Press, 1893), 388-390.

⁶⁵ Regarding the number of Indian students, see Buffalohead and Molin, “A Nucleus of Civilization,” 62-63. Folsom, *Indian Days at Hampton*, 83 as quoted in Buffalohead and Molin, “A Nucleus of Civilization,” 60. See also, Simonsen, *Making Home Work*, 80.

I went to Hampton in 1882. I got along very well, and helped myself. I learned the carpenter's trade again.”⁶⁶

The training of the two couples began shortly after their arrival at Hampton on 22 August 1882. Noah and Philip “were put at the carpenter’s trade” and “taught somewhat of house planning.”⁶⁷ Lucy and Minnie received instruction in the “various arts of home making and home keeping, and proved most earnest pupils.”⁶⁸ Regarding her daily routine, Minnie wrote that “I work in [the] afternoon and go to school in the morning. I keep house myself and cook, wash, iron, sew, and scrub.”⁶⁹

At a Hampton teachers meeting on 12 March 1883, it was announced that a Mrs. Pinchot and a Mrs. Walter Phelps had offered the funds to construct two cottages for the Omaha couples on campus. At the same meeting “Miss Fletcher advised that they should be frame, not log houses, as it was much easier at the West to keep the former tidy. The walls should be papered, then painted over. There should be two rooms, with a brick chimney, & an outer shed with a terra cotta chimney, so that the stove could be moved out there in summer. There should be a yard in front & behind. It was decided to call them ‘The Omaha Cottages.’”⁷⁰ Soon after the money was given to build two cottages, Noah and Philip “were put to work upon them, and as far as possible planned and built them themselves.”⁷¹ While the official history of the school makes sure to note that

⁶⁶ Ludlow, *Twenty-two Years' Work*, 390.

⁶⁷ *Ibid.*, 388.

⁶⁸ *Ibid.*, 388.

⁶⁹ From the student file of M. Stabler, Hampton University Archives, as quoted in Buffalohead and Molin, “A Nucleus of Civilization,” 62.

⁷⁰ Minutes from Hampton faculty meeting concerning the American Indian program, 12 March 1883, Hampton Normal and Agricultural Institute, Hampton University Archives, Hampton, Virginia from Buffalohead and Molin, “A Nucleus of Civilization,” 67.

⁷¹ Ludlow, *Twenty-two Years' Work*, 388.

Noah and Philip planned and built the cottages themselves, it does use the qualifier “as far as possible.”

Alice Fletcher’s very detailed plans for the construction of the cottage from the teachers’ meeting gave little doubt that she exerted influence on their building and purpose. The construction, residence in, and maintenance of the cottages were to teach the students “how comfortable and attractive a house can be put up at a small expense” and that these lessons would provide the students with insight “into true home-keeping.”⁷² As was the explicit intention of the federal government’s Indian boarding school program, the training program for married couples directly sought the complete assimilation of its charges; it replaced traditional housing like earth lodges with civilized housing they learned how to build and then constructed at the school; it patterned acceptance of allotment and farming practices by having family farm plots at the school; and it emphasized the importance of the family over tribal kinship structures by removing the couples from their reservations and training them as single family units.⁷³

A year later, with the cottages nearly completed, Hampton faculty members reported in the Hampton campus publication, the *Southern Workman*, on the finished products and decoration of their interiors. In March 1884, Elaine Goodale wrote that “They looked like good-sized baby-houses almost, with the diminutive porch over the door, the inside finished with really artistic paneling of brown cartridge paper divided by raised lines of dark-red; the tent-like ceiling, the three tiny pretty, well-cupboarded rooms.” She remarked that “it makes one peculiarly glad to think of the domestic life to

⁷² “Indian School,” *Southern Workman* 13, no. 6 (June 1884): 68.

⁷³ Buffalohead and Molin, “A Nucleus of Civilization,” 59-94. For a full treatment of the Indian boarding school program, see Adams, *Education for Extinction*, passim.

be begun in these complete little dwellings, and of all that it represents and seems to prophesy.”⁷⁴ A month later, Josephine Richards described the Noah and Lucie LaFlesche’s newly decorated home on the occasion of their housewarming. “The furniture is of the simplest. Wooden boxes upholstered with furniture covering or bright cretonne, stand at the front windows as miniature sofas; corner shelves answer for what-not, while a wardrobe and wash-stand have been manufactured out of a few boards and draperies of coarse burlap, trimmed with maroon canton flannel.” She noted that “The same material curtains the windows, while a maroon hanging conceals an obnoxious cupboard door. A little necessary furniture, some strips of red carpeting, gay Christmas cards tastefully arranged on the walls, and a few plants near the window, make the wee house look very inviting.”⁷⁵ Richards also made special note of the larger significance of Noah and Lucy moving into their new cottage: “That evening after study hour and night school were over,” Noah called for Lucy at the interim dwelling, “and they went out through the darkness to light up the little home. Let us trust its light will shine far off into many a crowded cabin and comfortless teepee, and transform them likewise into pure, sweet, Christian homes.”⁷⁶ By June 1884, Philip and Minnie Stabler had moved into their cottage and held a housewarming.⁷⁷

As the model family program grew, more cottages were constructed, and outside observers began to take notice. A few months after the two Omaha families arrived at Hampton, they were joined by a Sioux family: Philip and Kate Counsellor and their son

⁷⁴ Elaine Goodale, “Incidents of Indian Life at Hampton,” *Southern Workman* 13, no. 3 (March 1884): 32.

⁷⁵ Josephine Richards, “Indian Incidents: Our Indian House Warming,” *Southern Workman* 13, no. 4 (April 1884): 43.

⁷⁶ *Ibid.*, 43.

⁷⁷ “Incidents of Indian Life at Hampton,” *Southern Workman* 13, no. 8 (August 1884): 91.

Charles.⁷⁸ These three Indian families were the only participants in the model family program until five other couples joined them at Hampton in the summer of 1884: two Omaha and three Sioux couples.⁷⁹ In April 1885, ground was broken for two new cottages that were to be occupied by Sioux families.⁸⁰ Another five couples joined the family program in the spring and summer of 1885: two Omaha and three Sioux. Six cottages eventually were built for the model family program at Hampton, and the area they occupied on the campus became known as “The Reservation.” The cottages became one of the campus focal points for tourists, who were surprised to find that Indians could keep a neat and tidy house, and scholars, who contrasted the homes with the teepees and log cabins found on reservations.⁸¹

The first graduates of the model family program began to leave in 1885, with the hopes of the Hampton faculty that they would take the lessons of civilization home with them to their reservation. Philip and Minnie Stabler left Hampton in March 1885, and Noah and Lucy LaFlesche departed in March and July 1886, respectively, to return to the Omaha Reservation in Nebraska. On the departure of the Stablers, the *Southern Workman* lamented their leaving but was sure that they would meet with success, despite the adversity they were sure to face. “Philip Stabler goes to plant his own fields, to build his own house; and Minnie, and her boy we know, can make that house a home.” Hampton’s administrators and teachers were excited and concerned that the products of

⁷⁸ Buffalohead and Molin, “A Nucleus of Civilization,” 63.

⁷⁹ *Ibid.*, 68.

⁸⁰ “Incidents of Indian Life at Hampton,” *Southern Workman* 14, no. 4 (April 1885): 44. A total of twenty-three Indian couples participated in Hampton’s model family program during its existence from 1882-1891. Buffalohead and Molin, “A Nucleus of Civilization,” 71.

⁸¹ Josephine E. Richards, “Indian School,” in *Hampton Normal and Agricultural Institute, Annual Reports for the Academical and Fiscal Year Ending, June 30, 1888* (Hampton, VA: Normal School Steam Press Print, 1888), 25-26.

its model family program were going back to the reservation to spread what they had learned: “Here is a little unbroken family, a nucleus of civilization!”⁸²

A few years after she and Noah had departed from Hampton, Lucy LaFlesche wrote to update the staff on their home and activities. She wrote that “After breakfast, when my rooms are in order, I sit down to sew. I have shirts and pillow slips to make and table cloths and napkins to hem.” She kept busy with her family’s washing and ironing; she also helped her relatives with theirs, noting “I have strong arms so am willing to help them.” Lucy made sure to convey that their home, while modest, was appropriately appointed. “In our bed room we have a very nice bedstead, bureau, and two chairs. but they are the only chairs in the house, so that we have to carry them in the kitchen when we go there. In the sitting room a nice book shelf, which Noah made, and a few pictures which we brought from Hampton.” It was there in the evenings that she and Noah “sit down to read or study.” The rest of the house was similarly Spartan. “In our kitchen we have a good cooking stove, a nice table, a small table to keep the dishes on as we haven’t any cupboard, and a barrel to keep our flour in, that is all.” While their home was cozy and well cared for, life on the prairie was still a struggle. She remarked that “This has been a hard winter for us in the way of getting wood, and we did not have much money to buy food with, but the winter is almost over and we are getting ready to go to work and raise plenty.”⁸³

Some years after Philip and Minnie Stabler left Hampton in 1885, he described what he accomplished on his family’s homestead in the interim. “When I came home I

⁸² “More Glad Than Sorry,” *Southern Workman* 14, no. 4 (April 1885): 44.

⁸³ Helen Wilhelmina Ludlow, *Ten Years' Work for Indians at the Hampton Normal and Agricultural Institute, at Hampton, Virginia* (Hampton, VA: Hampton Normal School Press, 1888), 75.

took a new piece of land, as the old piece of land I had was bad and hilly. I had no house at first, so I lived in a tent. Some friends of mine lent me money and I built myself a house. I broke some of my land, myself and also had some one break it for me. I have 110 acres broken.” On those acres, he explained that “I planted about two acres of Cottonwood trees. I also have about fifteen apple trees set out and thirty-eight grape vines set out. I have also raspberry vines. I have elms, walnut, mulberry and box alder trees, also cherry trees. Whenever I saw what the white man had planted, then I wanted to plant the same, so I did.” He noted in particular that “I have worked hard and I do all the work myself, as I have no hired man. I have only three common horses to work. I want to try it all, so I have cows, pigs, etc.” Despite his hard work, he remarked that “I have not earned much by my crops because the prices have not been high.” Hampton records did note though that “A striking illustration of the progress acquired [on Philip’s farm] is a long line of strong, neatly-built corn cribs and grain bins which Philip has put up to contain the products of his fields, this keeping his grain until it commands higher prices, instead of selling it as most Indians do as soon as harvested.” The school records also highlighted that “Minnie is almost as much of a farmer as her husband and has each year a vegetable garden, over which she is justly proud.” Philip also assured his teachers at Hampton that “I do not wear Indian clothes; I dress in citizen's clothing. I have never put on Indian dress.” Further, now that he had four children, he stated that “I think to myself, my children are going to be educated. I think of nothing else but that they will be.”⁸⁴

The perceived success of these initial two Omaha families had encouraged Hampton’s faculty and administrators to expand the program by taking on more married

⁸⁴ Ludlow, *Twenty-two Years’ Work*, 390-91.

students and building other cottages. This success also inspired Alice Fletcher and members of the WNIA to attempt to spread the civilizing influence of the simple cottage to reservations across the country.⁸⁵ In her presidential address at the 1884 annual meeting of the WNIA, Mary L. Bonney listed some of the organization's major accomplishments, as well as those of prominent activists. When detailing the many works of Alice Fletcher, Bonney noted that "her favorite plan is to bring young husbands and their wives East, to be educated as families, and then to be returned to their tribes, and provided with homes, that they may educate their people by precept and example in the sacredness and comforts of Christian homes."⁸⁶

Alice Fletcher intended to expand her model family program at Hampton by creating other nuclei of civilization on reservations across the country. In many ways, Fletcher was engaged in a more organized and systematic version of the efforts the Freedman's Bureau made with former slaves during Reconstruction. The Bureau's intent was to inculcate the importance of marriage and family in order to curb promiscuity, as well as to proselytize the values of homes, housework, and consumer goods to promote virtuous labor and desire for personal gain.⁸⁷

Fletcher first attended the Lake Mohonk Conference in 1884, where, due to her travels in Indian Country and work on Omaha allotment, she was greeted by the attendees as a respected expert on Indian issues. It was during the 27 September 1884 discussion

⁸⁵ Ibid., 388.

⁸⁶ *Annual Report of the Women's National Indian Association 1884* (ARWNIA) (Philadelphia: Grant and Faires, 1884), 9. Between 1882 and 1891, twenty-three Indian families took part in Hampton's model family program. Six of the families were Omaha, fifteen were Lakota or Sioux, and two were Winnebago. Most stayed at Hampton for less than one year. By the early 1890s, Hampton had converted some of the cottages into model homes in which Indian girls could practice housekeeping skills. Buffalohead and Molin, "A Nucleus of Civilization," 88.

⁸⁷ Dorothy Sterling, ed. *We Are Your Sisters: Black Women in the Nineteenth Century* (New York: Norton, 1984), 318-326; Simonsen, *Making Home Work*, 98-99.

of boarding school education at the conference that Fletcher first made public mention of what would become her famous Indian home building project. She noted that she had seen students do well when they returned home, but that their “situation is very difficult.” She lamented that “We educate them for civilization and expect three years to overcome centuries of a fixed order of things.” To illustrate the difficulties of returned students, Fletcher spoke of a Hampton student who had returned to the Yankton reservation. When Fletcher visited her on the reservation, “She found her in a log cabin, with dirt floor, containing a cooking-stove, two beds, a chair and a half, a number of trunks and boxes, a box for a table, and a cleared space of a few feet in width.” Living in the log cabin were “the girl’s mother, sister, married sister and husband, two children, and two younger children of the other sister. And here the little Hampton girl was expected to introduce civilization!” Fletcher advocated that more should be done to reinforce the teachings of civilization, both at the boarding schools and when students return to their reservation homes. Her plan was to bring “young couples to the east, so that after their return they might make civilized homes to be the centres of civilization among the tribes.” She explained to the attendees that such an “experiment is being tried in a small way at Hampton, and here is a definite work for a lay mission; to care for such couples, and to see that when they return they are able to start civilized homes. In this way the otherwise inevitable drop can be averted.”⁸⁸

Fletcher’s intent to extend her home-building plan to reservations was welcomed by the Friends of the Indian, especially members of the WNIA. Sara T. Kinney, President of the Connecticut auxiliary of the WNIA, heard Fletcher’s Lake Mohonk

⁸⁸ *Proceedings of the Second Annual Meeting of the Lake Mohonk Conference of the Friends of the Indian 1884* (LMC) (Philadelphia: Indian Rights Association, 1884), 28-29.

presentation and was inspired to organize an Indian home building and loan program. Kinney wrote to Hiram Price, Commissioner of Indian Affairs, requesting advice and support and was delighted to receive his office's approval. Kinney and the WNIA were especially interested in Fletcher's plan because it combined the power of the women's spheres of home and family with the transformative influence of private property in achieving the civilizing process. For Kinney and the WNIA, the concept of home relayed "the picture of one roof sheltering father and mother and their children, secure in the sharing and inheritance of the property resulting from the toil of the family." She emphasized that primitive tribal kin relationships could "only be broken by giving to the members of the tribe individual ownership of land and homes, and extending over these lands and homes our laws of property and legal descent." Kinney noted that wherever lands had been allotted in severalty, "the grip of the 'tribal relation' had been loosened, and the way opened for the founding of the family and the upbuilding of the home."⁸⁹

The model homes were a potent mechanism through which to convince Indians of the importance of domestic order to their evolutionary progress. Also, putting domestic order at the heart of evolutionary progress underscored the importance of the women's sphere (as envisioned by white, middle-class, female activists) to the continuing stability and progress of Christian civilization. While the Dawes Act and boarding schools placed property ownership, farming, and wage labor at the center of the government's civilizing project, the model home project envisioned by Fletcher and the WNIA placed the

⁸⁹ Sara T. Kinney, *Helping Indians to Help Themselves* (Philadelphia: Dickson Printing Co., 1889), 4 as quoted in Buffalohead and Molin, "A Nucleus of Civilization," 78 and Simonsen, *Making Home Work*, 77-78, 81.

material culture of the home and the work of modern housekeeping in a similar position of influence.⁹⁰

Kinney, the Connecticut auxiliary, and Fletcher were intent that the home-building program should be a self-help exercise for chosen Indian families, but they also made sure that there was ample guidance toward the intended objective. The Connecticut group would lend money to Indian couples interest-free, which they would repay in installments, thereby garnering a sense of self-worth for having paid back the loan through money they earned themselves. The group noted in one of their publications that “It is not proposed that these houses be given outright to the future occupants. It would be the height of folly to destroy their self-respect by making them feel themselves objects of charity.”⁹¹ Fletcher continued to guide Kinney’s efforts, advising her not to connect the program with any government agents on the reservation because “the Indians would think it some government affair & not strictly connected with sympathy & help given to an effort toward education & civilized living & a matter calling forth individual exertion.”⁹² Fletcher also had very specific ideas for how the plan should be implemented: “I can get figures—and I had thought it might be well to adopt a plan of a

⁹⁰ Simonsen, *Making Home Work*, 71-72, 75, 87-88. Regarding the material culture of the home and modern housekeeping, see Polly Wynn Allen, *Building Domestic Liberty: Charlotte Perkins Gilman’s Architectural Feminism* (Amherst, MA: University of Massachusetts Press, 1988); Ellen Fitzpatrick, *Endless Crusade: Women Social Scientists and Progressive Reform* (New York: Oxford University Press, 1990); Katherine C. Grier, *Culture and Comfort: Parlor Making and Middle-Class Identity, 1850-1930* (Washington, DC: Smithsonian Institution Press, 1988); Delores Hayden, *The Grand Domestic Revolution: A History of Feminist Designs for American Homes, Neighborhoods, and Cities* (Cambridge, MA: MIT Press, 1981).

⁹¹ The Connecticut Indian Association (1885), n.p., Sara Thomson-Kinney Collection, Connecticut State Archives, Connecticut State Library, Hartford, Conn. as quoted in Buffalohead and Molin, “A Nucleus of Civilization,” 78.

⁹² Alice C. Fletcher to Sara T. Kinney, 20 November 1884, Sara Thomson-Kinney Collection, Connecticut State Archives, Connecticut State Library, Hartford, Conn. as quoted in Buffalohead and Molin, “A Nucleus of Civilization,” 79.

home with proper specification & so the cost could be fully ascertained & the young Indian work to a specific plan. It was just what was expected. I can tell you when I have thought it out more fully what I had planned for this is no new thing to me. I have drawn plans & discussed them with Indians & it was just the kind of house that is needed but I must work out the business part.”⁹³ As with her earlier commentary at the Hampton faculty meeting regarding the first Omaha cottages, Fletcher had carefully thought through every detail of the educational journey Indian couples would take as they built and lived in their civilized, Christian house.

Having gained the approval of the Commissioner of Indian Affairs, the head administrator at Hampton, and Alice Fletcher for their home building program, the Connecticut auxiliary voted on 13 November 1884 to assist Philip and Minnie Stabler in building a home on the Omaha Reservation. They chose the first graduates of Hampton’s model family program in order aid the returning students in maintaining the “habits of civilization” with the aid a “proper dwelling.” They “hoped that the building of simple cottages” for “such young couples” to “make their homes” would “tend much to the improvement and happiness of the race.” Further, the Omahas were a particularly good test case because they already held land in severalty.⁹⁴

Fletcher and the WNIA believed that they should aid the Omahas in their adaptation to severalty through the home building program. As Alice Fletcher noted four years later in a letter printed in the WNIA’s periodical, the *Indian’s Friend*, “allotting lands under the severalty act . . . involves very generally an uprooting and transplanting

⁹³ Ibid.

⁹⁴ Connecticut Indian Association Meeting Minutes, 13 November 1884, Sara Thomson-Kinney Collection, Connecticut State Archives, Connecticut State Library, Hartford, Conn. as quoted in Buffalohead and Molin, “A Nucleus of Civilization,” 79.

of the people, and requires time and care to accomplish the work faithfully.” By the time of her writing, Fletcher had already allotted Omaha and Winnebago lands and was beginning the task on the Nez Perce reservation. She knew well the destructive forces brought to bear by the process and embraced them. The elimination of the federal government’s responsibility for Indian tribes and the breaking up of the tribes into individuals and families were required, in her opinion, for Indians to have a chance at assimilation into US society. Breaking up the reservations would eliminate the agency and the dependence on government officials that it taught. In the same letter, Fletcher advised that “Allotment scatters the Indians, changes in course of time the reservation in to precincts and counties, takes away the legal power of the agency, and drops the people into the mass of citizens of the State or Territory. The change is radical, and consequently difficult for the Indian, as he who had been trained to dependence is faced toward independence.” She believed that “It is impossible, or almost impossible, for the Government to meet the necessary work demanded in order to enable the Indian to successfully meet the change that is upon him.”⁹⁵ The WNIA would step into the breach to assist the transition of families, such as the Stablers, toward assimilation.

The Connecticut WNIA moved forward to help the Stablers in order to fulfill their ideal of Indian families living on and farming individually owned land allotments. In January 1885, the Connecticut auxiliary established a home building department, and by March 1885 a supporter of the group had drawn up plans for the first cottage, which were sent to the Stablers with instructions to use the blueprints to obtain estimates for the cost of materials. By June 1885, Philip and Fletcher had both written to the auxiliary

⁹⁵ Alice C. Fletcher, “Allotting Lands,” *Indian’s Friend* 2, no. 1 (September 1889): 4.

requesting \$62.50 for the purpose of breaking twenty-five acres of land to begin farming, which the group obliged. With the intent of extending the education in private property, the auxiliary placed a chattel mortgage on the Stabler's property so that they could sell it at auction, if the debt was not repaid. In addition to lessons for the Stablers, there were practical considerations to the mortgage for Kinney, as she noted: "of course, the Association is very well aware that the note of an Indian, who is himself but a chattel and not a citizen, not a man among men, is worth the paper on which it is written—simply that, and nothing more."⁹⁶ When the Stablers completed their cottage in March 1886, Kinney made sure that it was insured against tornados, windstorms, and cyclones. Indian reformers visited what was dubbed the "Connecticut Cottage" and contrasted it with earth lodges on the Omaha reservation. The WNIA and Hampton also used before-and-after pictures of the earth lodges and cottage in their publications to illustrate the civilizing transformation offered through their programs.⁹⁷

The ambitions of Fletcher's vision and the Connecticut auxiliary were warmly welcomed by the Friends of the Indian at the annual Lake Mohonk conference and at the national WNIA meeting in 1885. At the October 1885 Lake Mohonk conference, the attendees noted with approval "the building of a cottage on the Omaha reservation, by the ladies of the Connecticut Indian Association" for the Stablers. And with a bit of a pat on the back, the conferees mentioned that "It was built in consequence of a suggestion made by Miss Fletcher at the Mohonk Conference of last year, the object being to equip the couple with a civilized home, in order that the savage tribal surroundings, which they

⁹⁶ Kinney, *Helping Indians to Help Themselves*, 8 as quoted in Buffalohead and Molin, "A Nucleus of Civilization," 81.

⁹⁷ Buffalohead and Molin, "A Nucleus of Civilization," 82.

would otherwise have to meet, might not drag them back into savagery. It is an experiment which promises the best results.”⁹⁸

The following month, at the November 1885 annual meeting of the WNIA, under the topic of accomplishments of the past year, the conferees noted that the Connecticut and Washington auxiliaries had inaugurated a new department: “Indian Home-Building.” The WNIA’s executive board unanimously approved such a department at the national level and advocated its adoption at the annual meeting, placing Sara Kinney in charge. The board stated that “Nothing pertaining to this life is more needed upon Indian reservations than a few modest Christian homes to serve as beacons, teachers and inspirations to Indians walking the new or white man’s way . . .” They lauded Fletcher’s plan, noting that “probably nothing is better adapted to secure these homes than Miss Alice C. Fletcher’s admirable plan for helping young Indian pairs, who at some Government or other school have had a term of instruction in civilized home-life as well as in books.” They particularly noted that the couples would repay the loan “in small annual payments, thus stimulating and helping without pauperizing them . . .”⁹⁹ Soon after the national meeting, Noah LaFlesche received a loan from the Washington, DC and Wilmington, Delaware WNIA auxiliaries for \$500. He and Lucy used the loan to build a home in the vicinity of the Stablers’, which they finished in November 1886 and named “Union Cottage.”¹⁰⁰

At its 1886 annual meeting, the WNIA lauded the new Indian Home-Building Committee, noting that it had made good progress over the past year. The WNIA,

⁹⁸ LMC 1886, 73.

⁹⁹ ARWNIA 1885, 13.

¹⁰⁰ Buffalohead and Molin, “A Nucleus of Civilization,” 82.

explicitly stating their cultural evolutionary goal, reported that “Two cottages have been finished and are occupied by two young Indian families, whose happy well-ordered homes are object lessons and an inspiration to all about them who are struggling upwards through a transition state from barbarism into civilization.”¹⁰¹ The WNIA also commented that Commissioner of Indian Affairs John Atkins had endorsed “this valuable line of work.” Atkins had written in his 1886 annual report that he thought “it would be wise for Congress to make an appropriation from which every Indian youth who shall graduate from school and marry an Indian maiden who has also graduated may be assisted in settling down upon a homestead of 160 acres, in purchasing a team, in breaking and fencing land, and in building a house.” He added that “If the homestead is not on an Indian reservation the man should also have the privilege of citizenship, including the right of suffrage.” He asserted that “Such a law would greatly encourage Indian youths and maidens in their resistance to the evil and savage influences of their untutored friends, and would do much to keep them from a return to savage life.”¹⁰² In addition to advocating for petitioning the federal government for such funds, the WNIA report recommended giving the Committee a “generous discretionary fund” to disperse “by smaller donations than hundreds of dollars” to students “who do not need a house-fund but do need a smaller amount for looms, tools, implements, etc.”¹⁰³

The WNIA’s *Indian’s Friend* and Hampton’s *Southern Workman* also reported enthusiastically on the successes of students who returned to their reservations and built homes. The WNIA and Hampton effectively considered these houses as schools (or

¹⁰¹ ARWNIA 1886, 12.

¹⁰² ARCIA 1886, xxv.

¹⁰³ ARWNIA 1886, 12.

“centres of civilization,” as Alice Fletcher had envisioned them at the Lake Mohonk conference in 1884) from which the former students would teach their fellow Indians the advantages of civilization through their housekeeping and farming practices.¹⁰⁴

When Sarah Kinney reported on the WNIA’s Home Building program at the 1887 Lake Mohonk conference, she provided an example of the transformative power that simple household goods used in a wood-framed and -floored home had exercised on one Indian woman.

This woman was naturally lazy, shiftless, untidy, and disorderly. Her husband, somewhat more fastidious, wished her to be neat and cleanly; to live and dress more like white people, and to make “white woman’s bread.” To all these she seriously objected. She did not like white people, nor their ways, and she would have none of them. It finally occurred to this man to enlarge his house, to add on a kitchen, to buy a new stove, and then to watch for the effect. So the application came, was granted, and the work was done. Now for the result. For a time the woman seemed perplexed by this unusual magnificence, and scarcely knew how to regard the new condition of things. But the right influence had reached her at last. She soon began to feel disturbed because of grease spots on the new pine floor, and a scrubbing brush was brought into requisition. Then, of course, she began to notice the difference between the clean floor and her own face, hands and clothing. The scrubbing brush was again called for and worked wonders on those lines. By degrees she has lost many of her slovenly ways, and at last accounts she was learning to make “white woman’s bread.” Here, then, is an instance of one Indian woman who has been civilized through the medium of a pine floor and a scrubbing brush.’¹⁰⁵

While Kinney rhetorically gave credit for the Indian woman’s transformation to the “medium of a pine floor and a scrubbing brush,” the transformation of the Indian couple’s home into a multi-room house, with a kitchen and a stove also would have been key elements for her listeners. These commodities and their proper deployment triggered an innate human desire or a social evolutionary leap for this woman to want cleanliness and order for her home and self.

¹⁰⁴ Simonsen, *Making Home Work*, 81, 88-89. Regarding Fletcher’s remarks, see LMC 1884, 28-29.

¹⁰⁵ LMC 1887, 53-54.

The WNIA's building and loan program continued to grow through the 1880s and mid-1890s, but declined precipitously by 1900.¹⁰⁶ The reasons for the decline and end of the WNIA Indian Home-Building program are unclear, but its ultimate failure presaged a shift to more direct educational engagement within the Indian home by civilization

¹⁰⁶ In 1887, Kinney reported receiving \$2,520 in donations and seventeen applications for loans, from which two homes were built and nine other applicants received assistance in completing or enlarging homes under construction while other received loans to assist the purchase of sewing machines, tools, looms, stock, agricultural implements, etc. The WNIA also celebrated the fact that seven of the nine Indians who had received loans to build or repair homes had begun repayment. In 1888, Kinney reported that four homes had been built over the previous year (one in Nebraska and three in Alaska), that the Home-Building program had received twenty-seven applications, raised \$1266.31 in donations and repayments, and loaned \$2900.16 to applicants. In 1889, the WNIA took in \$2318 in donations and repayments, received thirty-four applications, and awarded fourteen loans. In 1890, the program took in \$1798.07 in donations and repayments. In 1891, Sarah Kinney resigned as the chair of the committee due to the personal toll that the death of her mother and father in 1890 and her husband in 1891 had taken on her. The committee's report noted fewer applications than usual, \$511.50 in donations, and \$1,096.55 in repayments. Mrs. E. P. Gould replaced Kinney as chair of the committee. At the 1892 WNIA annual meeting, Gould reported that the program had made \$1,827.50 in loans, received \$760.15 in loan repayments, and listed several Indian families that had been helped that year. In 1893, Gould gave details of several Indians who had received loans during the year and reported that 1012.50 in loan repayments had been received, including \$15 from a man whose recently-built house had been destroyed by fire. The report also noted \$492.15 in donations. In 1894, Gould reported loans of \$1,095, loan repayments of \$539.25, and \$27.62 in donations. The impact of the national drought, economic downturn, and low commodity prices, which probably had influenced the decline in the numbers reported by the Indian Home-Building program was explicitly acknowledged in the 1895 report, though Gould was quick to note that the Indian loan recipients did not seem to be taking these circumstances as an excuse to evade their debts; she reported \$596.48 in loan repayments and \$50 in donations. In her 1896 report, Gould attempted to show "that the diminishing number of applications for loans is a joyful proof of Indian progress in self help, and the loans now made are only those most worthy and to those in special need." ARWNIA 1896, 34. With this optimistic spin on the year's results, she noted that six loans had been made to Indians from Alaska to California to the Dakotas. The committee had received \$480 in loan repayments and \$10 in donations. In 1897, Gould noted that the demand for loans had continued to decrease, with \$210 being loaned to one individual, \$480.50 repaid from previous loans, and \$10 in donations. She commented that the "Committee is sometimes inclined to be discouraged, but when we look back and see what has been accomplished we may well take heart and labor on." ARWNIA 1897, 24. Kinney, though no longer chair, despaired that more was not being done to pressure Indians for repayment. Gould relinquished her position to Annie Beecher Scoville in 1898, under pressure from the national association. This change in leadership did not reverse the trend of the department. No loans were granted in 1899 due to a lack of suitable candidates. In 1900, the department received no applications for home loans. ARWNIA 1886, 43, 46; ARWNIA 1887, 22, 26, 37, 38; ARWNIA 1888, 10, 19, 34-35; ARWNIA 1889, 11, 26, 46-48; Buffalohead and Molin, "A Nucleus of Civilization," 83-85; ARWNIA 1890, 20, 36, 38; ARWNIA 1891, 21, 35-36, 38; Helen M. Wanken, "'Woman's Sphere' and Indian Reform the Women's National Indian Rights Association, 1879-1901" (PhD diss., Marquette University, 1981), 174; ARWNIA 1892, 23-24, 43, 46-47; ARWNIA 1893, 22-23, 41-42, 46; ARWNIA 1894, 31, 61, 64; ARWNIA 1895, 31-32, 48, 52; ARWNIA 1896, 34, 48-49, 52; ARWNIA 1897, 24, 34-35, 38; Wanken, "'Women's Sphere' and Indian Reform," 177-181; Simonsen, *Making Home Work*, 71-72, 93-94.

advocates. The original candidates envisioned for these loans, Indian students from schools in the eastern United States, had stopped applying after 1893. Between 1895 and 1900, WNIA funds went to building fewer than a dozen homes. The chairs of the committee in the latter half of the 1890s hypothesized that Indians had become better able to provide for their own needs, but that is doubtful. Though some Indians were adopting the new architecture and technology, they were not significantly altering their social and cultural practices.

Susan LaFlesche's Evaluation of Post-Allotment Indian Home Life

While Indian reformers and the Indian Service were advocating for the expansion of the nascent field matron program, a central participant in the past decade's focus on Indian women wrote a reflection on the previous decade's focus on reservation allotment and Indian families and their homes. In 1892, Susan LaFlesche published an article in the Women's National Indian Association's organ, the *Indian's Friend*, titled "The Home Life of the Indian."¹⁰⁷ Susan was Susette LaFlesche's sister. She attended the reservation boarding school the Elizabeth Academy in New Jersey. She returned to the reservation in 1882 and taught at the school for a few years before leaving again to attend Hampton Institute from 1884-1886. After Hampton, LaFlesche attended the Women's Medical College of Pennsylvania with the financial assistance of the Connecticut auxiliary of the Women's National Indian Association and graduated in March 1889 as the first female Indian physician. She accepted the position of government physician at

¹⁰⁷ Susan LaFlesche, "The Home Life of the Indian," *Indian's Friend* 4, no. 10 (June 1892): 39-40.

the Omaha Agency Indian School in August 1889.¹⁰⁸ LaFlesche's family's relationship with Alice Fletcher, her attendance at multiple boarding schools and graduation from Hampton, and her adoption of western medical practice and hygiene methods all indicate that she was a success story for Indian reform advocates and valued the civilizing ideals embodied in her education. In addition, having lived through the allotment of the Omaha reservation and having siblings who participated in the Omaha cottages program and returned to build and live in model houses, she knew better than anyone else the impact of Alice Fletcher's vision for allotment and what it was like to engage with the government and Indian reformers' agenda for Indian homes, women, and girls.

LaFlesche began "The Home Life of the Indian" with a somewhat paradoxical position. "The home life of the Indian of to-day is essentially the same as the home life of the Indian of thirty years ago. Any progress he may have made is due to change of environment, produced by the coming of white people, and the consequent passing away of old customs." She went on to clarify her reference to the change in Indians' environment. "The daily routine of home life is the same, the aforesaid change produced by environment being shown by the fact that in place of the tepee the Indian once occupied, he now lives in a frame house and can boast of a well, a stable, a few fruit trees and a vegetable garden. The fact that in place of hunting wild game over the prairies, he now farms and raises good crops of corn, wheat, and oats makes but little difference in the internal workings of the home."¹⁰⁹ LaFlesche seemed to suggest that the lives of

¹⁰⁸ Regarding Susan LaFlesche's education from boarding to medical school, see Benson Tong, *Susan LaFlesche Picotte, M.D.: Omaha Indian Leader and Reformer* (Norman, OK: University of Oklahoma Press, 1999), 40, 47-55, 61, 65, 67, 84, 86.

¹⁰⁹ LaFlesche, "The Home Life of the Indian," 39.

Omaha families were little different, despite some living in frame houses and farming instead of hunting.

Her assertion seems to have been built upon the pragmatism that Omahas had previously exhibited in their choices of domicile construction. She wrote that “Long ago the Indian had a removable house suited to his requirements, a tepee or tent which was made of buckskin or canvas stretched over a pyramid formed by means of poles tied together at the top with buckskin, a house easy to carry around with him in his nomadic journeying.” Yet, when it was not hunting season, Omahas “built mud lodges as their permanent residences” for eight months out of the year. The mud lodges were “dome-shaped, the frame work consisting of poles, willow branches and rushes, and from base to apex it [was] covered with sod several inches thick. They have wide entrance ways, several feet long and high enough to permit a tall person to stand upright. They are like tunnels leading into the lodge which is circular in form.” She noted that several families lived in each mud lodge; however, the few lodges left on the reservation were “used for holding councils, public gatherings and dances, as they can accommodate over a hundred people.”¹¹⁰

LaFlesche’s description of Omaha lodges not only conveyed their basic structure and building materials, it also described their practical hygienic means for regulating temperature and smoke. She explained that “Light and air enter by means of a large circular opening in the top of the dome, this also serving as a means of exit for the smoke. The lodge is well ventilated—warm in winter and cool in summer.”¹¹¹ LaFlesche, as a doctor and advocate of hygienic practices, knew well the typical stereotype used by white

¹¹⁰ Ibid.

¹¹¹ Ibid.

reformers to describe the unhealthy and smoke-filled interiors of traditional Indian homes as justification for the adoption of wood-frame construction. Her choice to detail the means to regulating heat and smoke and providing access to fresh air all speak to her intent to convey that not much had changed in Omaha practice other than the shape of their homes.

While LaFlesche had mentioned the communal nature of the lodges as dwellings for several families and as meeting places for hundreds of individuals, she also conveyed the bucolic atmosphere and caring families who had lived in them. “How often as children we used to climb upon these lodges and pick the sunflowers and grasses growing on them. Near sunset the old men would sit up on these lodges where they could pursue their meditations undisturbed and alone, and I remember looking at them reverently as I played around with the other children, for I regarded them with a great deal of awe, for to me they seemed so wise.”¹¹² Far from being the disease-ridden and smoke-filled homes of savages, the Omaha lodges were the practical homes of loving families.

LaFlesche reminded her readers that generations of Omahas had passed down their cultural heritage in these homes. She drew on her childhood memories in writing that “Trodden by hundreds of feet the earthen floor is almost as hard as stone, and coming in from the hot dusty road how gratefully cool it felt to our little bare feet as we played in and out, riding our make believe horses made of sunflower stalks.” Reminding her readers of the family hearth in their own homes, she described “a little hollow” in the center of the lodge “where the fire is built and all the cooking is done.” It was “Around

¹¹² Ibid.

this place we used to gather to listen to thrilling stories of battles with the dreaded Sioux, buffalo hunts and *ghost stories*.”¹¹³

From the comfort of childhood reminiscences, LaFlesche abruptly shifted her narrative to a somewhat dispassionate detailing of life on the reservation and the transformation that had come to Indian families after their adoption of wood houses with appropriate interior decor. Without explanation of what led to the creation of the reservation in 1856 or the transition from mud lodges to frame houses in the following decades, she declared that “Now, on this reservation we have almost every family living in a neat frame house, one story or one story and a half high, wainscoted, plastered or papered inside; very clean and neatly painted outside. The premises are clear of rubbish.” While LaFlesche acknowledged that Omahas made these changes of their own volition, she made sure to note that an auxiliary of the WNIA had provided the impetus. “These houses are built by the Indians with their own money, but the desire to own such houses was started several years ago when the ‘Connecticut Home-Building Fund’ started the Home-Building Department of the Women's National Indian Association. The seed then sown has borne fruit here and elsewhere.” Despite adopting new dwelling structures, LaFlesche reminded her readers that Omahas had not changed, “Whether you enter with me into a tent, a mud-lodge or log house, or one of these neat frame houses you would see the same home-life going on in every one of them.”¹¹⁴

LaFlesche described the daily lives of Omaha families, as if to convey to her readers the transition that they had made from exotic savages to mundane, recognizable farmers on the frontier. She noted that “There is little variation, one day of the week

¹¹³ Ibid.

¹¹⁴ Ibid.

being almost the same as another. The family usually arises early—in the summer about sunrise, but in winter the breakfast is usually considerably delayed, for they follow suntime.” Her readers likely recognized LaFlesche’s descriptions of the meals of the day, who prepared them, and the foods consumed from similar commentaries on Euro-American pioneers on the western frontier and approved of how they mirrored the civilizing curriculum of which they and their allies were proponents. LaFlesche described the simple morning meal and its preparation wrote that “In most cases the hostess arises and builds the fire, gets the water and cooks the simple meal. Very few have had bread, but it is now getting to be the general rule in many families to make light bread. They have biscuit made with soda or baking powder, and sometimes ‘fried cakes,’ light brown in color and very appetizing.” These items were accompanied by “Coffee, sometimes fresh beef, for, in this country where there are thousands of head of cattle it is hard to get beef; sometimes fruit, dried, and the summer potatoes and beans.” LaFlesche conveyed that Omahas observed proper manners and gendered divisions of labor, writing that the “food is divided and put on plates, the coffee poured out into cups and then the food is handed around to each individual. Usually after the meal is over the dishes are put away in a little cupboard. If it is summer the husband and men in the family go out to their work and the wife cleans up the house and begins to get the noon-meal. It is the same as breakfast.”¹¹⁵

LaFlesche moved from the meals to the mundanity of life in the rural reservation. “The evening meal is simple, and the time between that and the retiring hour is spent in talking over the events of the day or in telling news.” While families talked over news,

¹¹⁵ Ibid.

that news traveled relatively slowly. “We have no telegraph lines or telephones, but news has a wonderful way of travelling from one house to another. Rumors on a reservation are the same as rumors anywhere else. When they reach the end (?) of their journey they have received quite an addition and a wise person will credit only one third of the story as truth.” Despite her description of the rumors passed around the reservation, LaFlesche made sure to note that “The houses on the reservation are far apart and the women cannot very well pass away the time by gossip with the neighbors, as some of our white friends have the privilege of doing. What a deprivation is this! Let us all be thankful for our privileges.” Acknowledging that there were few means of entertainment on the reservation, LaFlesche wrote that “There are no books, pictures or recreations save the dances, and no games except cards, which are used for gambling.” While LaFlesche admitted that she described “A narrow life in some respects,” she noted that it was balanced with Indians’ love for their children. “The Indians are passionately fond of their children, having no books, pictures or recreations in their home life they lavish all attention on their children.”¹¹⁶ Omaha families lived hardworking, spare lives of routine on a very rural reservation, but, as she had noted in her remembrances of childhood in the earthen lodges, their homes were filled with love.

LaFlesche also felt the need to address the question of spousal love within Indian marriages. She admitted that “Some ask the absurd question, ‘Do the Indians really love their wives?’” To which she answered that “The Indians are *human beings* just as the white people are, and there are Indian men who are just as careful, watchful and affectionate to their wives as any one would wish to see anywhere. The do not make an

¹¹⁶ Ibid., 40.

outward show of their affection, but I know from personal observation that they are truly devoted to each other.” To illustrate the love of husband for wife, she relayed the story of how a “strong and muscular” husband called on his brother to hold his wife’s head when he saw the forceps that LaFlesche would use to pull her tooth. During the process, LaFlesche could hear him “walking up and down in the other room.” When told that the process was complete “he appeared with such a happy relieved look on his face and thanked me so earnestly. I could not help but be glad for him that she was through with her suffering.” LaFlesche assured her readers that there “are many instances like this that I know of. Of course, there are some cases entirely different, and where there is no happiness. But so we find it wherever we go in this world.”¹¹⁷

From life within Omaha homes, LaFlesche moved to conclude her article by providing perspective on the changes wrought by the transition from families living together in lodges to living independently in framed houses. She particularly noted a growing economic independence for Indian men and changing gender expectations for husbands and wives. She explained that “The old customs are fast disappearing and in place of the Indian of twenty years ago, who lived in a tent and supported himself by hunting wild game, we have an independent man who is earning his bread by his own toil, living in a frame house and learning very fast how to transact business like white people.” For Indian women, this shift brought a change in gender roles, especially expectation on strenuous manual labor. “Indian women no longer stand in the background. Few work in the fields or do heavy work. Where it used to be the lot of the women to provide the wood, now the men get it in almost all cases.” Women had also

¹¹⁷ Ibid.

become more partners in their marriages. “Even in so small a thing as walking or riding where the woman had to walk behind or ride in the back of the wagon, now she walks beside her husband, and in vehicles you see the woman riding beside her husband on the seat. . . . The wife standing beside her husband shows only his true advancement, and the home is happier for this progress.”¹¹⁸ The change from hunting and living in a tent to farming and conducting business and living in a frame house had brought Indian men independence (presumably from the tribe and federal government) and brought about Euro-American gender norms, leading to “advancement” and happier families.

The focus on severalty and home-building by Alice Fletcher and the WNIA brought new attention to the role of the Indian family in civilizing efforts. When allotments, home-building, and the modeling of civilized practices by returning students did not produce a rapid and profound transformation, policies shifted to create civilized families by educating adults and children separately: children at boarding schools and adults on reservation homesteads.¹¹⁹ Government farmers had provided a type of adult education for Indian men for decades. In the late 1880s, Protestant missionaries and Indian rights reformers began to advocate for an adult education program for Indian women to provide parity and to emphasize the increasing focus of civilizing efforts on Indian women and the Indian family.

¹¹⁸ Ibid.

¹¹⁹ Wanken, “‘Women’s Sphere’ and Indian Reform,” 177-181. Simonsen, *Making Home Work*, 94.

CHAPTER FOUR

THE FIELD MATRON PROGRAM: THE “WOMAN QUESTION” ENCOUNTERS THE “INDIAN PROBLEM”

As the influence of President Grant’s Peace Policy waned in the 1880s, missionary arms of various Protestant faiths sought ways to maintain their influence in Indian policy and on reservations. These organizations hoped to continue their work and the employment of their largely female missionary core on reservations. At the same time, the Women’s National Indian Association (WNIA) and its allies were championing Alice Fletcher’s cottages and the home building and loan program. When the WNIA’s home building efforts started to decline and it became dissatisfied with the transformational power of the house as a structure, they began to think that the retuning students could not bear the burden of civilizing their elders alone. The WNIA began to look toward providing education for adult Indian women in their homes or nearby on the reservations. These motivations aligned in the formation of the Office of Indian Affairs’ (OIA) field matron program. The reformers created a corps of (mostly white) women to bring education in domestic practices directly to Indian women in their own homes on the reservation: the field matrons.

The first field matron assigned to the Navajo Reservation arrived in 1892, soon after the inception of the program. Poor support, isolation, and the responsibility to aid large numbers of Indians over a great geographic area all worked against the success of field matrons, especially those who served the Navajo Reservation. Despite the odds, some field matrons on the Navajo reservation made pragmatic contributions to the Indian

communities geographically near to them; though, these contributions often differed from the idealized lessons in housekeeping prescribed by the government.

Antecedents of the Field Matron Program

In 1878, the Religious Society of Friends submitted testimony to the Joint Committee to Consider the Expediency of Transferring the Indian Bureau to the War Department, which recommended that the contemplated transfer not take place and they be allowed to continue their work. In their testimony, the Friends reminded the Committee that President Grant had first asked them to take over management of certain Indian reservations in 1869, as part of his Peace Policy.¹ When the policy began, the Friends noted that they had visited all the reservation agencies that they were assigned in Nebraska and had observed that

“These wards of the government were found in a very depressed and degraded condition, as a general thing; poor, hungry, idle, from want of means and inducements to labor; destitute of suitable clothing, complaining of unfulfilled treaty stipulations; living in lodges with several families in a single apartment, thus excluding that healthful privacy which decency and virtue require; the lodges dark, unventilated, often filthy; and, as a consequence of this condition, sickness extensively abounding, especially among the children—scrofulous gatherings and ulcers, sore eyes, debility, and consumption.”²

¹ Within a year, the Board of Indian Commissioners wrote to other religious denominations to request that they take up administration of Indian reservations, due to a law passed by Congress stating that Army officers should not be put in civilian positions. Vincent Colyer, Secretary of the Board of Indian Commissioners to Rev. John C. Lowrie, 23 June 1870, in *Annual Report of the Board of Indian Commissioners for the Year 1870* (ARBIC) (Washington, DC: Government Printing Office, 1871), 95. During Grant’s Peace Policy, the Friends held a superior position among religious groups involved in Indian affairs. Lisa E. Emmerich, “‘To Respect and Love and Seek the Ways of White Women’: Field Matrons, the Office of Indian Affairs, and Civilization Policy, 1890-1930” (PhD diss., University of Maryland, 1987), 17.

² “Testimony of the Society of Friends on Indian Civilization, Submitted to the Commission Appointed to Consider the Transfer of the Indian Bureau to the War Department,” ARBIC 1878, 105.

Based on these observations, the Friends stated that they adopted a series of measures to promote civilization among their charges. First, the “establishment of schools, and the improvement of those already existing, care being taken to employ teachers whose moral influence would promote the growth of virtue.” These schools included scripture lessons and religious instructions for children and willing adults. Second, the “allotment of lands in severalty to the tribes willing to accept of them.” The Friends noted that the “Santee Sioux, the Winnebagoes, and the Omahas” all indicated their willingness for allotment of their lands to families, which was accomplished quickly after they took control of these reservation agencies. The Friends asserted that allotment had “proved to be a great stimulus to industry,” with a large number of farms providing “a comfortable subsistence to their owners.” Third, the “distribution of agricultural implements, live-stock, and seeds.” White men were initially employed to teach Indians about farming practices and how to use the tools, the Indians had “generally learned to depend on themselves.” Fourth, the “instruction of Indians in mechanical employments,” through which many “learned to be carpenters, blacksmiths, shoemakers, and millers.” Fifth, the “building of houses on their allotments.” The Friends asserted that in “most cases the Indians, when supplied by the agent with doors, window-sash, and flooring-boards, have built their own houses of logs; in some cases houses have been built for them.” Sixth, the “employment of matrons to instruct the Indian women in household duties and the care of the sick.” The Friends believed that women were particularly adapted to the work of civilizing Indians, though often overlooked for such duties. They had found through experience that “an enlightened and good woman” quickly could gain the confidence of Indian women by working among them and expressing an interest in their children. Having

gained trusted access, she “may instruct them in the proper care of their children, and in other household duties, and she will often find opportunities of imparting religious knowledge, which, being associated with deeds of love, will make a lasting impression.”³

The establishment of schools, distribution of agricultural implements, livestock, and seeds, and instruction in the use of mechanical implements had already been government practice for decades. Provisions for the allotment of lands in severalty was relatively new to government treaties with Indian tribes, but would quickly take hold of reformers’ imaginations in the following decades (as noted previously in this chapter). As noted on the Navajo reservation, the building of houses with materials supplied by the agent was a priority during the 1870s and a regular fixture in annual statistics on progress toward civilization. The concept of hiring white “matrons” to instruct Indian women in household duties did not receive significant attention from reformers until the 1880s, and it would take until the beginning of the following decade before the federal government made the practice official policy.⁴

While the influence of Grant’s Peace Policy lived on long after its formal end, the role of the Friends on Indian reservations significantly eroded during the 1880s. In an attempt to continue their civilizing mission on reservations, the Friends focused on

³ Ibid., 105-106.

⁴ Similar to the inclinations of the Friends, Helen Hunt Jackson and Abbott Kinney, in an 1883 report to the Commissioner of Indian Affairs on the Mission Indians of California, endorsed women as being particularly suited to certain aspects of assimilation work in remote Indian communities. “We would further suggest that, in our judgment, only women teachers should be employed in these isolated Indian villages. There is a great laxity of morals among these Indians, and in the wild regions where their villages lie, the unwritten law of public sentiment, which in more civilized communities does so much to keep men virtuous, hardly exists. Therefore the post of teacher in these schools is one full of temptations and danger to a man. . . . Moreover, women have more courage and self-denying missionary spirit, sufficient to undertake such a life, and have an invaluable influence outside their school-rooms. They go familiarly into the homes, and are really educating the parents as well as the children in a way which is not within the power of any man, however earnest and devoted he may be.” Helen Hunt Jackson and Abbot Kinney, *Report on the Condition and Needs of the Mission Indians of California* (Washington, DC: Government Printing Office, 1883), 10.

implementing their previous suggestion of employing white women as key assimilation agents in dealing with Indian women. Through their work on Indian reservations in Nebraska, the Friends observed that conservative Indian women used their considerable influence in their communities to oppose assimilation efforts. The Friends believed that white women could use their common interests in household work and the care of children as bridges to understanding and respect with Indian women, which would lessen their opposition to adopting Euro-American culture. If white matrons could acculturate Indian women, then thrifty Indian housewives and mothers could go from being the impediment to assimilation to guiding its acceptance by their own example. Indian women could take on the ideal educational and moral role that white reformers envisioned white, middle-class women playing in Euro-American homes.⁵

Despite support for the Friends' field matron proposal among key OIA and Interior Department personnel, significant progress did not occur until the late 1880s. In January 1889, Secretary of the Interior William F. Villas wrote to the House Committee on Indian Affairs to convey a request from the Commissioner of Indian Affairs John H. Oberly for funds to commence the field matron program. Oberly wrote that "the Indian race cannot become civilized until it has been provided with civilized homes, and these must be made by Indian women." He envisioned the field matrons' duty to be "to devote their entire time to visiting the homes of the Indian women on the various reservations, and to teaching them to sew, make butter, and soap, to cook, to wash, and to iron, to be tidy and thrifty and economical, to make their houses clean, comfortable and attractive, to care for the sick, and to perform the numberless duties and services which transform a

⁵ Emmerich, "To Respect and Love and Seek the Ways of White Women," 18-22.

house into a home.” Recognizing that Indian girls returning to reservations from boarding schools needed an environment accepting of her new ways, he asserted that “instruction in home-making should be given to the girl’s mother just as instruction in farming is given to the boy’s father.” Providing such instruction to Indian mothers would assure that “when the child returns from school, he or she may find the home surroundings not so different . . . as to paralyze any effort to put into practice there the lessons learned at school.”⁶ Oberly’s request for funding for the field matron program went beyond the scope of the Friends’ plan in asking for \$18,000 to hire twenty-five “Agency Matrons” with a salary of \$720 per year at nearly every major reservation agency in the West.⁷

Despite a failure to achieve funding in early 1889, the Friends continued their lobbying for the field matron program and began to see results in 1890. In spring 1889, the newly appointed Commissioner of Indian Affairs, Thomas J. Morgan, named Merial A. Dorchester a Special Agent in the Indian School Service to oversee the boarding school education of Indian girls. Dorchester, the wife of the Superintendent of Indian Schools, became an important internal advocate for the field matron program, because it reinforced the domestic training provided in the boarding schools.⁸ In her September 1889 annual report, Dorchester recommended “That provision be made by Congress for the appointment of ‘field matrons,’ whose business it shall be to visit the Indian families and teach the mothers to cook, to make and mend garments, to elevate the homes, and

⁶ John H. Oberly to Honorable Secretary of the Interior, 18 January 1889, as quoted in Emmerich, “‘To Respect and Love and Seek the Ways of White Women,’” 25-26, 45.

⁷ Emmerich, “‘To Respect and Love and Seek the Ways of White Women,’” 15-16, 25-26.

⁸ *Ibid.*, 29-30.

thus make helpful dwelling places for the daughters returning from the industrial schools. No uncivilized people are elevated till the mothers are reached. The civilization must begin in the homes.”⁹ As to who would fill these positions, Dorchester rhetorically posed the questions: “Might not the American women connected with the Indian Rights Associations, and others not yet so connected, be more extensively enlisted in this work of elevating the Indian women on the reservations? Would not such a movement greatly aid the Indian Bureau, by lifting public sentiment to sustain the progressive movements of the Government?”¹⁰

In February 1890, the Friends tried a different tactic to pressure the government to support the field matron program. Joseph J. Janney, a prominent Friend in Baltimore, wrote to Commissioner Morgan in February 1890 that a quick selection of a matron for the Santee Sioux Agency would result in financial support from his group, which was willing to provide room and board, as well as a horse, harness, and a vehicle for the matron. Without giving Morgan much time to consider the offer, Janney notified the Commissioner that the Friends had appointed Marie L. H. Steer as field matron at the Santee Sioux Agency in Nebraska in order to demonstrate the practicality and value of the plan and would fund the position from April through November 1890. In return for funding this pilot position, the Friends expected that the government would officially establish the position with an appropriation for fiscal year 1891. Morgan wrote immediately to Secretary of the Interior Noble to inform him of the Friends’ action. He recommended the value of the proposed field matron program and compared such

⁹ *Annual Report of the Commissioner of Indian Affairs for the Year 1889* (ARCIA) (Washington, DC: Government Printing Office, 1889), 346.

¹⁰ Ibid.

staffing to the farmers, carpenters, and blacksmiths the government used to teach the skills of civilization. Noble rejected the request. Undeterred, the Friends continued to lobby Congress. And Morgan's queries to Indian Agencies found support for the program.¹¹

The appropriations process for the fiscal years 1891 and 1892 rewarded these lobbying efforts with the official creation and expansion of the field matron program. In the Indian Appropriation Act of 1891, Congress finally provided funding for the salary of one field matron. While there was a partial victory for the Friends, the funding level was nowhere near their previous requests for the program and did not even include money for transportation costs, living expenses, or supplies. Two months after the appropriation act became law, Morgan appointed Marie Steer as the first Indian Service field matron and assigned her to the Santee Sioux Agency. The following year, Congress rewarded the continuing lobbying of the field matron program's supporters by appropriating \$2,500 for an unspecified number of field matrons at a salary of \$60 per month.¹²

A Field Matron for the Navajo Reservation

With the approval to hire additional field matrons, Commissioner Morgan reached out to another group that had joined the Friends in advocating for the program to get their recommendations for qualified candidates: the Woman's Home Missionary Society (WHMS) of the Methodist Episcopal Church (North). In the 1880s, the WHMS had begun to send women to Indian reservations to establish missions. By the 1890s, under

¹¹ Emmerich, "To Respect and Love and Seek the Ways of White Women," 30-35.

¹² Ibid., 35-37, 57.

the leadership of E. W. Simpson and Harriet McCabe, the WHMS had established missions among the Cheyenne, Arapaho, Apache, and Navajo Indians.¹³

In November 1891, Simpson contacted Morgan to recommend Mary E. Raymond for a field matron position on the Navajo reservation. Raymond and Mrs. Mary Louise Eldridge had arrived on the Navajo reservation on 14 October 1891, as missionaries. According to Simpson, Raymond and Eldridge came to the WHMS “highly recommended by Dr. and Mrs. Dorchester and others,” based on their years of employment in government schools. She noted that both women had sacrificed “\$100 to take up this work, Mrs. Eldridge being offered a flattering position at Carlyle [*sic*], and Miss Raymond in a government school in Dakota, but feeling that the Lord had called them to missionary work, they declined those offers.” Simpson also acknowledged that “To one not called of the Lord there could be no attractions in this field. They will be located 70 miles from the railroad, and as far from a church in any direction, and several miles from any white woman.”¹⁴

On 18 November 1891, Morgan wrote to Raymond regarding her appointment. He informed her that “upon the nomination of Mrs. E. W. Simpson . . . you are hereby appointed field matron to the Navajoes [*sic*] . . . at a rate of \$60.00 per month.” He explained that “the duties of a field matron are to visit Indian homes, and give instructions, especially to the women, in all branches of sewing, cooking, housekeeping, etc., which belong to a civilized home.” Morgan also contextualized the field matron position for Raymond by comparing it to reservation employees tasked with teaching

¹³ *Ibid.*, 60.

¹⁴ *Annual Report of the Board of Managers of the Woman's Home Missionary Society of the Methodist Episcopal Church for the Year 1890-1891* (ARWHMS) (n.p.: Woman's Home Missionary Society, 1891), 70.

skills to Navajo men: “you will be able to do for the home life of the Navajos, what farmers, carpenters, and others are employed to do for the industrial training of the Indians in out of door pursuits.” Morgan made the same point to the new Navajo reservation agent, David L. Shipley, in a letter written on the same date, stating that it is the field matron’s duty “to be to the women what the farmer is to the men of the Indian tribe.”¹⁵

Raymond and Eldridge had met at a government school on the Pine Ridge Reservation during the 1890-1891 school year. Raymond had graduated from high school and was a single woman in her early thirties when she began work as a teacher in the Indian Service in 1888. Mary Louise Deming had married William T. Eldridge at the age of twenty in her home state of Massachusetts. In 1875, Mary Eldridge gave birth to her daughter Ruth. Four years later, her family and her parents relocated to Lawrence, Kansas. Soon after moving to Kansas, Mary’s husband died. About ten years later, Eldridge joined the Indian Service in the summer of 1889 to work as a girl’s dormitory matron at the Haskell Institute in Lawrence, Kansas. Raymond was a teacher at Haskell. During that school year, Raymond and Eldridge became friends and jointly decided to become missionaries. They contacted the Methodist Episcopal Ladies Home Missionary of New York. Simpson, of Troy, New York, was the Secretary of the organization. In 1890, the organization had established a mission at Fort Defiance, while the WNIA

¹⁵ Thomas J. Morgan to Mary E. Raymond, 18 November 1891, as quoted in Emmerich, ““To Respect and Love and Seek the Ways of White Women,”” 62. The 1891 annual report by Shipley was cursory, with no mention of housing efforts and little detail on civilization efforts beyond basic details of school progress and missionary efforts. ARCIA 1891, 1: 309-310. The civilization statistics for 1891 repeat the same housing number from 1890: 200 new houses built and a total of 250 houses on the reservation. ARCIA 1891, 2: 72.

established another at Two Gray Hills. Raymond and Eldridge were selected to start a third mission at Jewett.¹⁶

Jewett (later known as Hog Back), New Mexico, was surrounded by high desert: hot in the summer and cold in the winter. The nearby bottomlands of the San Juan River held farming potential, if irrigated. Jewett was about fifty miles from the nearest train at Durango, Colorado and about one hundred miles northeast of the reservation agency at Fort Defiance. Jewett contained a few trading posts and a small Presbyterian mission.¹⁷

When Raymond and Eldridge arrived, the adobe mission was still under construction. They lived in tents until the structure was completed, occasionally seeking shelter at Henry Hull's nearby trading post when weather necessitated. In addition to her government salary, Raymond received support from the mission in the form of housing and a horse. Additionally, she received small amounts of cash to buy supplies for Navajos from the Cambridge, Massachusetts, branch of the WNIA: the Cambridge Indian Association.¹⁸

Whether Raymond, or Morgan in appointing her, recognized it or not, she was being sent on a mission to change the heart of Navajo civilization. Tall Woman (Rose Mitchell), a highly accomplished Navajo weaver and midwife who was born in 1877, noted in her autobiography, the hogan was "the center of the family, and the mother, the heart." She explained that the hogan was "where the mother should make a home for everyone and keep things moving along smoothly." Women were to set an example for

¹⁶ Emmerich, "'To Respect and Love and Seek the Ways of White Women,'" 61. Robert A. Trennert, "Mary L. Eldridge: Serving God and Country on the San Juan," *New Mexico Historical Review* 77, no. 2 (Spring 2002): 146-147. Michael J. Warner, "Protestant Missionary Activity Among the Navajo, 1890-1912," *New Mexico Historical Review* 45, no. 3 (July 1970): 215.

¹⁷ Trennert, "Mary L. Eldridge: Serving God and Country on the San Juan," 145, 147.

¹⁸ Ibid. Robert A. Trennert, *White Man's Medicine: The Navajo and Government Doctors, 1863-1955* (Albuquerque: University of New Mexico Press, 1998), 85.

their children through their own behavior, by “living right and working hard.” Mothers should teach their children to “do all the traditional things they need to know, like carding and spinning, weaving, herding, fixing different kinds of food.” Further, it was important that children “be taught right from the beginning to listen when adults talk to them, to do what they’re told right away, without talking back or needing things repeated. They need to be encouraged to sit and watch whatever the mother is doing, to learn from it in that way.” The children were expected “to practice the things being done at home until they learn them.” It was “only in that way” that they would “learn to think, figure things out, and stand up, ready to be on their own.”¹⁹ As envisioned by the field matron program, the role of mothers in Navajo society was more expansive than that of their counterparts in white society, but both societies did share a focus on women’s control of the household and their role in child rearing.

As one of the first field matrons to be appointed to the Indian Service, Raymond began work with the broad description of duties offered by Commissioner Morgan in her appointment letter and whatever she may have heard or read from the years of lobbying that brought about the program’s enactment. As the early field matrons were beginning the work of figuring out how these goals would mesh with the needs of their Indian

¹⁹ Rose Mitchell, *Tall Woman: The Life Story of Rose Mitchell, A Navajo Woman, c. 1874-1977*, ed. Charlotte J. Frisbie (Albuquerque: University of New Mexico Press, 2001), 294-295. Anthropologist Gary Witherspoon noted that the “concepts of mother and child are inseparable in Navajo culture” and that the “mother-child relationship is the “primary bond in the Navajo kinship system.” Witherspoon further explained that Navajos identify motherhood in terms of life, particularly reproduction and sustenance. Mothers give their children life and provide physical and emotional sustenance and, therefore, are bound in the most “intense, diffuse, and enduring solidarity in Navajo culture.” In the same way that a mother gives life through birth and sustains her child by “providing them with loving care, assistance, protection, and sustenance, kinsmen are those who sustain each other’s life by helping one another, protecting one another, and by giving and sharing food and other items of subsistence. Where this kind of solidarity exists, kinship exists; where it does not exist, there is no kinship.” Witherspoon, *Navajo Kinship and Marriage*, 15, 20-22.

charges and the limitations of living on remote sections of Indian reservations, Indian Service officials were moving forward with creating a clearer definition of their duties.

The Role of the Field Matrons

A little over a month after Raymond's appointment letter was written, Merial Dorchester presented two papers at a conference of Indian School Service officials in Lawrence, Kansas. The papers considered the importance of the new field matron program and lessons to be learned from her observations of the Indian School system.²⁰ Dorchester boldly stated that the proper education of Indian women was the key to uplifting their race, but acknowledged that the challenges of doing so would be profound. She asserted that it was a "freely admitted fact" that Indian men were "15 to 25 years in advance of the women"; however, it was not as well acknowledged that the "children start from the plane of the mother rather than from that of the father." She reminded her audience that "For years the appointment of field matrons as helpers for the women, similar to the reservation farmers as helpers for the men, has been advocated," and noted that it was "a matter of congratulation that the last Congress took advanced action, and that during this fiscal year there will be three field matrons to work among the tribes of the United States." Yet she noted darkly that she hoped the funding would be significantly increased. "Without some prospect of help for the mothers, many toilers have felt there was little encouragement to insist upon more training for the daughters; but now a better teaching of home duties must be given the girls if we are to gather a respectable harvest from the field matrons' sowing." Dorchester applauded that "There is

²⁰ The conference occurred on 23-24 December 1891. The two papers were collected in a single report entitled "Suggestions from the Field" and published in the ARCIA 1891, 1: 542-548.

no work which seems to bring quicker returns than this labor among the homes and for the Indian women. And when the laborer is a sympathetic woman, able to reach the hearts and with tact enough to conceal the matron behind the woman, lasting good will be the result of her teaching.”²¹

After her praise for the new field matron program, Dorchester turned to the lessons that she had learned over the past two years as a Special Agent for the Indian School Service and her perspective on the abilities of Indian girls. She related that “Two years ago I was ready to say, ‘Open every door of pleasure and profit to the girls in the schools as freely as you do to the boys. Teach the girls telegraphy, shorthand, typewriting, bookkeeping, and fit them to go into offices, stores, shops, etc.’ I knew they could master these studies and was proud of their intellectual strength.” But her hopes had not borne out. Her love and respect for Indian girls had grown through years of acquaintance, “but the truth borne into my soul by the visit to every school and hardened to every reservation experience is that these girls, sweet, affectionate, and attractive as they surely are, follow many years behind their brothers.” Dorchester’s ardent advocacy for educating Indian women and girls had turned to a resignation that little more could be hoped for than making them adequate housewives. “Now I can only say, teach them every industry which may be prosecuted at their homes, but do not shove them out of the home nest, poor and unsheltered as it may be.” Further, for Dorchester, Indian girls were doubly burdened with the inadequacies of both their race and gender. “Only a few—mostly mixed bloods of the better type, or girls who have had especially good training from individual friends—are fitted to meet the outside life. I have yet to find the Indian

²¹ Ibid., 542.

worker of much experience who does not acknowledge that the Indian men are far beyond the Indian women in intelligent industry and mental training.”²²

Within this context, Dorchester offered a series of practices she advocated in boarding schools, which could improve the education of Indian girls and inform their practices in their own homes. The first was the use of napkins, which was not yet common in the schools. For Dorchester, the use of napkins, in combination with a tumbler and a plate, was an essential step in acculturation, much as the pine floors and a separate kitchen were to the example cited by Sarah Kinney in her report on the WNIA’s home building program at the 1887 Lake Mohonk conference. Dorchester explained that “A napkin, a tumbler, or a plate may not be so essential as a reading book; or, it may be—that depends upon how each is used. But if customs of civilized life are taught the pupils they certainly give them more self-respect and more confidence.” She noted that the “best-behaved pupils I know are in a school where each one uses a tumbler and a napkin at every meal, and their table is set exactly like the teachers’ table.” She emphasized that such items did not cost much, “but the civilizing and refining influence, especially upon the drove of boys who are usually turned into the dining room three times a day, can not be estimated.”²³

Dorchester’s mention that the students’ table was set exactly like that of their teachers was not accidental. She had believed for two years that the best way to solve “dining room and kitchen problems is to put the employés and children all into one dining room, and let them fare alike.” If the white employees were induced to make “common cause with an Indian it is a good day for the Indian.” Then the “sour bread,

²² Ibid., 542-543.

²³ Ibid., 543.

half-baked meat, sloppy soups, and all the list of untidiness which horrify so many new employés in the schools” would disappear. She had been heartened to find “so many of the best and most self-sacrificing workers in these schools who believe in this plan and are advocating it.”²⁴ Though the common cause advocated by Dorchester in this example did not go beyond eating the same food in the same room and using common utensils, it is important to note, as with Kinney’s example, that it was access to and use of common material goods that would spur the desire for acculturation and civilized practices. Again, it was the proper use and care of material goods that indicated an Indian was on the road to accepting and understanding the tenets of civilization.

As with Alice Fletcher’s prescriptions for boarding schools, Dorchester advocated that this relationship to material goods and attention to order should pervade Indian students’ living spaces. Dormitories should be large, well-lit, and ventilated, with hot and cold water running water and flush toilets. The older girls and boys should reside in small rooms with two occupants. “The furniture should be simple—a bed, chair, bureau, and wardrobe. Where so many sleep in one room much furniture must be avoided, but an ordinary box, painted or covered with oilcloth, will help to individualize property, by making a place ‘all one’s own.’” Further, “The girls should be taught how to arrange their dormitories or chambers in a plain but attractive manner, and how to keep them clean and healthful.” However, Dorchester warned school matrons not to obviously fetishize cleaning: “But we should be careful not to teach, even by precept, that spotless floors and perfectly transparent windows are the chief aims of a woman’s ambition, least these girls think of us as one of their mothers said, ‘poor white woman, she work all the

²⁴ Ibid., 543-544.

time.” For common sitting rooms, Dorchester advised to make them as much like those of the middle-class family ideal as possible. “These rooms should be furnished as you would furnish your own sitting room if you lived near a reservation and had a large family of children.” As with Fletcher’s recommendations for Hampton’s cottages, “There need be no expensive articles. Comfort is not spelled like expense. But the rooms should be home-like, with papers, books, games, etc., lying around, with simply framed pictures hanging on the walls, with potted plants in the windows and mats on the floors.” Dorchester recommended that the common sitting room should be “the brightest, cheeriest room in the house, and then let the employés, by their presence and help, make the evening hour the happiest, gladdest hour of the day.” The older “boys and girls should have an additional room, where under proper rules, they will be free to read, study, write, or play, and where the little people are not expected.”²⁵ The students should become accustomed to the idealized material environment of the middle-class family, as well as its familiar practices.

Dorchester went a step further and advocated for building a model home or room at every school. This recommendation was effectively a middle step between the boarding school rooms described above and Fletcher’s cottages. Dorchester’s model homes would be training sites for older Indian girls, but they would not live in them. Dorchester recommended that each reservation school should have a model home and that it “should be built of the best material to be found on the said reservation, but nothing should enter into its construction that a smart young Indian could not procure for his home.” The model home should not be based on an “Indian’s house or frontiersman’s

²⁵ Ibid., 544, 546-547.

house,” but “should be as large as common sense and the needs of a respectable family will dictate.” Further, Dorchester advised that the model home should “be built with all the conveniences that said young Indian may be able to obtain. Put into this model home all the furniture the Government provides for any Indian home, then supplement it with every article needed which an ingenious woman can make of ends and scraps.” To demonstrate such ingenuity, the employees should “Make an old barrel into a chair, a drygoods box into a side table, a washstand, or a lounge; a board and four wardrobe hooks into a footstool. Let show boxes be painted and hinged for low seats and also for receptacles. With a saw and piece of board make a bracket, and evolve a book case out of boards, a string, and empty spools, etc.” The schools should also have whatever modern appliances they could as an encouragement to the girls to furnish their homes with the same. Though “all schools can not have steam laundries they should be supplied with steam boilers or washing machines, either of which a smart girl can secure for her own home and which are beginning to enter into the calculations of the more advanced Indian mothers, as sewing machines have already done.”²⁶

According to Dorchester, the model home or room would be presided over by a “home mother,” who would be tasked with these duties on a full-time basis. The “home mother” would “teach each girl how to furnish and care for a house, how to cook well and economically for a family, how to care for and cook for the sick, how to make her family happy, and how to entertain her friends; in fact, teach these girls just as she would teach her own daughters how to be true, earnest, helpful women.” For Dorchester, it was important to choose the appropriate person for the “home mother” position. In order to

²⁶ Ibid., 544, 547-548.

achieve “the highest development in character building (the desired end in all teaching) each school must have a true motherly matron. She should have method, discipline, and promptness in her management; but her methodical ways must never smother her motherly heart; her discipline must be steeped in love, and her promptness admit of kindly delays.” In addition to these skills, “Above all other needs is the one need of a mother for every boy and girl in our schools, and a matron should never be so pressed for time that she can not stop to ‘mother’ any child who, physically, mentally, morally, or spiritually, needs her ‘mothering.’”²⁷ The “home mother” would teach Indian girls at school similar skills that the field matron would teach their mothers on the reservation, but with the change in emphasis from house wives as peers to a mother to child relationship

As the field matron program grew in 1892, Dorchester joined with a variety of Indian rights groups in forwarding possible candidates to the OIA. After the Women’s Home Missionary Society joined the Friends in supporting the field matron program, other Indian rights groups began contacting the OIA early in 1892 regarding field matron appointments. Amelia Stone Quinton, president of the oldest Indian rights group in the country, the WNIA, expressed interest in having one of the organization’s field workers appointed as a field matron. The Indian Rights Association (IRA) also corresponded with the OIA about nominating prospective field matrons.²⁸

During May 1892, while lobbying for increased funding for the field matron program, Commissioner Morgan reminded the Senate that Indian mothers were the key to influencing their children to accept civilization. Morgan asserted that “it must not . . . be

²⁷ Ibid.

²⁸ Emmerich, ““To Respect and Love and Seek the Ways of White Women,”” 63-69.

forgotten that the woman largely controls the details of the home life and the food supplies. Their mother love is strong and abiding, and from these proceed the only influences which shape and determine the character of their young.” Therefore, according to Morgan, a program “which enters the Indian home, and teaches the women the proper methods of preparing and economizing food, and other practical lessons of housewifery, and at the same time softens down the savage instincts which are the inheritance of the past, is worthy of encouragement and most liberal support.”²⁹ In apparent agreement with Morgan, Congress increased the program’s allocation to \$5,000 in the July 1892 the Indian Appropriation Act for Fiscal Year 1893.³⁰

Cognizant of the need to codify the duties of field matrons, Morgan issued detailed instructions to reservation agents on 6 July 1892. The instructions began with the standard rationale that field matrons provided parity for Indian women with the farmers for Indian men, which had been used during the previous several years of lobbying for the program: “The position of field matron has been created in order that Indian women may be influenced in their home life and duties, and may have done for them in their sphere what farmers and mechanics are supposed to do for Indian men in their sphere.” The instructions then moved on to a specific list of tasks on which field matrons were to advise Indian women in their homes:

1. Care of the house, keeping it clean and in order, ventilated, properly warmed (not overheated), and suitably furnished.
2. Cleanliness and hygienic conditions generally, including disposition of all refuse.
3. Preparation and serving of food and regularity of meals.
4. Sewing, including cutting, making, and mending garments.
5. Laundry works.

²⁹ Senate Executive Document No. 58, 52nd Congress, 1st Session, Congressional Reports and Documents, 1856-1914, as quoted in Emmerich, “To Respect and Love and Seek the Ways of White Women,” 75-76.

³⁰ Emmerich, “To Respect and Love and Seek the Ways of White Women,” 76.

6. Adorning the home, both inside and out, with pictures, curtains, home-made rugs, flowers, grass plots and trees, construction and repair of walks, fences, and drains.
7. Keeping and care of domestic animals, such as cows, poultry, and swine; care and use of milk, making butter, cheese, and curds and keeping of bees.
8. Care of the sick.
9. Care of little children, and introducing among them the games and sports of white children.
10. Proper observance of the Sabbath; organization of societies for promoting literary, religious, moral, and social improvement, such as 'Lend a Hand' clubs, circles of 'King's Daughters,' or 'Sons,' Y.M.C.A., Christian Endeavor, and temperance societies, etc.³¹

The envisioned purpose of the field matrons was to standardize management of the home and acculturate Indians into Euro-American civilization, not to provide assistance with the day-to-day problems that Indian women dealt with in their homes. While this list of tasks did need to be general enough to apply to reservations in many different climates, there is little (other than working with domesticated animals) that could not have also been on a list for workers in an urban settlement house. The Freedmen's Bureau and settlement house workers both used training in model homes and the acquisition and care of consumer goods as means to inculcate the proper maintenance of moral and sanitary homes. As with Merrell Edwards Gates' reference to Indian tribes as "foreign masses" in his 1885 essay for the Board of Indian Commissioners, the perceived problem of assimilating Indians into US society and the prescribed solutions bore many similarities to urban efforts to assimilate immigrants to the nation.³²

³¹ ARCIA 1892, 101.

³² Jane E. Simonsen, *Making Home Work: Domesticity and Native American Assimilation in the American West, 1860-1919* (Chapel Hill, NC: University of North Carolina Press, 2006), 98-99. Merrell Edwards Gates, "Land and Law as Agents in Educating Indians," ARBIC 1885, 31. Regarding foreign immigration, assimilation, and settlement houses, see Rivka Shpak Lissak, *Pluralism and Progressives: Hull House and the New Immigrants, 1890-1919* (Chicago: University of Chicago, 1989); Mina Carson, *Settlement Folk: Social Thought and the American Settlement Movement, 1885-1930* (Chicago: University of Chicago Press, 1990); John Higham, *Strangers in the Land: Patterns of American Nativism, 1860-1925*, 2nd ed. (New Brunswick, NJ: Rutgers University Press, 1988).

However, Morgan did recognize that no list of tasks could be complete for a job with such broad goals. He qualified that “Of course, it is impracticable to enumerate all the directions in which a field matron can lend her aid in ameliorating the condition of Indian women. Her own tact, skill, and interest will suggest manifold ways of instructing them in civilized home life, stimulating their intelligence, rousing ambition, and cultivating refinement.” While the field matron was supposed to inculcate civilized practices, her methods would require a greater degree of persuasion than was expected of matrons at Indian Service schools. The conservative practices of adult Indian women needed to be overcome through demonstration of civilized practices, as well as through persuasion by the companionable field matron who visited her home. The field matron would also be a support for the Indian girls who would return from boarding schools in need of affirmation that their recently acquired civilized practices should be continued on the reservation. “Young girls, particularly those who have left school, should find in her a friend and adviser, and her influence should be to them a safeguard against the sore temptations which beset them. She should impress upon families the importance of education and urge upon them to put and keep their children in school.”³³ Ideally, field matrons would prevent the oft-complained-of backsliding by Indian girls returning to the reservation from school, while also encouraging all Indian families to continue to send their children to government schools for education and acculturation.

Along with these myriad duties, Morgan included the work hours expected of field matrons and how and where those hours should be spent. Matrons should both visit Indian homes and keep regular hours at their own homes during which Indian women

³³ ARCIA 1892, 101.

could visit. “Besides faithfully visiting Indian homes, the matron should have stated days or parts of days each week when Indian women may come to her home for counsel or for instruction in sewing or other domestic arts which can advantageously be taught to several persons at one time.” Matrons were expected to engage in these duties at least eight hours per day, five days per week, as well as a half a day on Saturday. Their activities were to be reported on a monthly basis to the reservation agent, and on quarterly and annual bases to the Commissioner of Indian Affairs.³⁴

The long list of tasks expected of field matrons and the need to travel over great distances in remote areas of reservations posed unique challenges for choosing and equipping field matrons, as well as funding the program. In Commissioner Morgan’s 1892 annual report to the Secretary of the Interior, he explained the need for funding the program beyond the \$5,000 appropriated for the year, as well as the difficulties in hiring, equipping, and choosing the location for field matrons. Morgan noted the increase of the current year’s budget for the field matron program to \$5,000, but lamented that the sum was “entirely inadequate if the work is to be prosecuted on any large scale.” He advised that “Selections of field matrons must be made with the greatest care, for they must be women of judgment, character, industry, sound health, free from family and other cares, so as to be able to devote their entire time and strength to the work and ready to subject themselves to the privations which must be borne, if any tangible results are to be secured.” With this list of criteria, it is easy to see why the majority of early candidates were women who had already made sacrifices to commit themselves to missionary or teaching work on Indian reservations. Morgan noted that the most basic difficulty for a

³⁴ Ibid., 101-102.

field matron to begin work on a reservation was the issue of lodging in remote communities near to their clients. “Another difficulty is to provide the field matron with the facilities needed for the accomplishment of her work; for instance, a home into which Indian women can be welcomed by her and taught numberless ways of civilization and refinement. She must also have some facilities for visiting Indians in their homes, which are often widely separated.”³⁵ Once the issue of a base of operations had been surmounted, the field matron would face issues with Morgan’s dictum that they also travel to Indian homes to provide instruction.

Morgan recognized that his direction for field matrons to also visit the homes of Indian families could pose a significant hardship on large reservations with scattered populations. Further, he believed that “Very limited application of civilized ways is possible in a tepee and among families who roam from one place to another.” Based on these concerns, Morgan stated that it was his policy to assign field matrons to tribes which had received, or were about to receive, allotments. These tribes would be “putting up houses and surrounding themselves with some of the appliances of civilization,” and “more or less in the vicinity of white settlements, so that the field matrons can come in at the transition period and save from failure and hopeless discouragement the Indian woman who begins to see that there is a better way but does not know how to reach it.” Morgan’s reasoning was sound; Indian reservations like that of the Omaha, which went through the allotment process, had a relatively significant number of returning boarding school students, and participated in homebuilding programs like that sponsored by Alice Fletcher and the WNIA, would have been the ideal situation to conduct the program he

³⁵ Ibid., 100.

envisioned. He even noted that “There are many such places from which come urgent requests for field matrons, and I hope that an increase of appropriation for next year will enable me to heed such calls.”³⁶ Yet, the appointment of Mary Raymond as the second field matron and her assignment to the Navajo reservation was the antithesis of the ideal situation envisioned by Morgan.

Field Matron Duties Versus Navajo Needs

While Morgan was devising and publishing the list of tasks for field matrons, Mary Raymond was discovering firsthand the challenges of bringing civilization to the widely scattered families on the Navajo reservation. In her 1892 annual report, Raymond stated that “The work of a field matron among the Navajoes is somewhat peculiar. All of the Indians within 15 miles of this place live in ‘hogans,’ which contain no stoves and only enough cooking utensils for the most primitive cooking. About 20 miles down the river (west) a few of the Indians have houses.” She noted that “Five of them asked us to send to Durango for chairs, mirrors, doors, and windows for their houses. We did so, and at their request gave them pictures for their walls. We have not seen their house, but have promised to visit them this month or next.”³⁷ These few houses that Raymond and Eldridge assisted with building materials, furniture, and decorations were among approximately 150 houses on the reservation, as estimated by the reservation agent.³⁸

³⁶ Ibid., 101.

³⁷ Ibid., 210.

³⁸ In his 1892 annual report, Agent Shipley reported that “I believe with the progress some of them are making in the building of houses instead of hogans and fencing their fields that the climax will soon be reached when it will be more difficult to go backward than forward. Between forty and fifty new houses have been erected during the year, containing from one to two rooms.” Ibid., 209. The civilization statistics for 1892 listed fifty new houses as having been built by Navajos and a total of 150 occupied houses on the reservation. Ibid., 784. As noted in Chapter Two, the likely veracity of the house statistics varied by reservation agent.

Raymond also provided statistics detailing the number of Navajos she had instructed in a variety of tasks between 8 December 1891 and 15 August 1892: “Cleanliness and hygienic conditions” 200; “Baking, etc.” 83; “Sewing, etc.” 200; “Laundry work” 5; “Number of pictures, etc., for wall decoration” 45; “Number of times goat’s milk was used for bread” 38; “Care of sick” 153; “Number of cases in which medicine was administered” 183; “Number of Indian visitors received at my house” 3,940.³⁹ Given her remote location, the number of Navajos who visited her house is astonishing and highlights the frequent travel of Navajos on the reservation.

The significant distance between Raymond and those she was supposed to educate in housekeeping skills was only the beginning of the difficulties in fulfilling her duties. At boarding schools, the Indian Service had the resources to create special rooms to represent the Euro-American ideal of home or to build a model home for that dedicated purpose. On the reservation, there were only two choices for the site of such instruction, Navajos’ own homes or the field matron’s residence. Given the practical difficulties of transporting the material culture necessary for training to each Navajo home, Raymond opted for the latter. She reported that “Owing to the entire lack of the necessary things to work with in the ‘hogans’ we have given the instruction in cooking and laundry work in our own house.” She would soon have additional appliances to use for instruction. She noted that “We have now in Durango, waiting for the freight wagon, a mill for the Indians to grind their corn and wheat in and a large kettle for the laundry work. Before

³⁹ Ibid., 211. It is likely that Raymond chose 8 December 1891, because that is the date that she began her duties as field matron.

winter we shall have an adobe oven for the baking. The Navajoes could make adobe ovens for themselves, and we will try to induce them to do so.”⁴⁰

As with the previous civilization work of the reservation agents, and demonstrated by the already familiar request for windows and doors, Raymond’s hope seemed to be that upon being introduced to labor-saving devices or modes of organizing and decorating a home, Navajos would request and adopt these items in their own homes. Such improvements, as well as construction projects like adobe ovens, would incent Navajos to become more sedentary. Additionally, Raymond mentioned that she and Mary Eldridge were encouraging Navajo women to adopt spinning wheels and endeavoring to teach them how better to use and set the colors of “Diamond dyes” in order to increase the quality of the blankets that they were producing and the prices that they were getting when selling them.⁴¹

Raymond and Eldridge also found themselves acting as doctors for any Navajos who considered reaching beyond medicine men. Raymond lamented that “There is no physician for the Navajoes nearer than the agency, so we have had much to do for the sick. The Indians come to us for medicines from 40 miles away.” Raymond cited an example from the previous Saturday: “we went to see a very sick child whose father came for us. He brought a horse for one of us to ride. We spent several hours there to administer the medicines ourselves. Yesterday (Sunday) again. To-day the father came to report and get medicine, and to-morrow we will go again to see the child. The distance to its home is 12 miles.”⁴² Raymond and Eldridge dispensed many medicines to Navajos,

⁴⁰ Ibid., 210.

⁴¹ Ibid., 210. Diamond dyes were commonly available, mass produced dyes.

⁴² Ibid., 211.

much of which was supplied by the WHMS. It was common for Navajos to travel up to fifty miles to visit them for medical attention.⁴³

Raymond also detailed the work that she and Eldridge did to teach Navajo children and to recruit for Indian Service schools. Raymond noted that the WHMS had not provided funds to Eldridge for a school yet, given how busy the two of them were with field matron work. Raymond reported that she gave lessons in English and math in exchange for lessons in Navajo. Raymond and Eldridge also showed Navajos “photographs of Indian schools including Grant Institute, White’s Institute, Haskell and Carlisle.” They told their students of the “lucrative positions” secured by the graduates that they knew, though they did not list the types of positions in their report. They told Navajos of the benefits to their children of learning the English language. Despite these recruiting efforts, Raymond stated that “They listen respectfully but do not commit themselves. I hope the time will come when we will have enough influence over the parents to induce many of them to send their children to school.”⁴⁴

While Raymond and Eldridge’s efforts to persuade Navajos to send their children to Indian Service schools were met with polite indifference, the efforts of the reservation agent to coerce parents into sending their children to the agency school were met with violent resistance, in at least one part of the reservation. At the end of October 1892, Agent Shipley ventured to the Round Rock area of the reservation with seven Navajo policemen, his interpreter, the school’s industrial teacher, and Chee Dodge, a Navajo leader who owned a store in the vicinity. Navajos in the Round Rock area had sent no children to the agency’s school, and Shipley’s intent was to procure “twenty-five or thirty

⁴³ Trennert, *White Man’s Medicine*, 85

⁴⁴ ARCIA 1892, 210.

children, which had been promised to me by the friendly Navajoes of the vicinity.” A local Navajo leader, Black Horse, heard of Shipley’s presence and intent and traveled with his followers to confront Shipley. Shipley explained his intent in taking the children to the agency school. According to Shipley, Black Horse threatened to kill him and his party if he did not comply with a set of demands, which included “‘closing down the school,’ ‘to make no further arrests on the reservation,’ ‘to wipe out the entire Indian work, wanted nothing to do with the Government, agent or anyone else, wanted no houses build nor any tools, implements, in fact no trader’s store on the reservation,’ and even ‘to abandon the agency entirely,’ and would prevent any Navajoes in his district or any other portion of the reservation from sending children to school . . .”⁴⁵

Based on these statements, Black Horse wanted nothing to do with any of the civilizing project that the federal government ran through the agency or the goods produced by Euro-American civilization. After making these demands, Black Horse and his armed men attacked Shipley, whom Dodge pulled into his store for protection, and threatened to kill everyone in the store. One of Shipley’s policemen had escaped during the initial assault and eventually brought ten US soldiers, who ended the standoff. Commissioner Morgan was outraged at the treatment Shipley received and sought counsel from the military regarding the issue of forcing Indian children to attend school. Both General McCook, who commanded the military in Arizona, and the Acting Secretary of War, L. A. Grant, advised against any such coercive policies, cautioning that they could lead to open Indian rebellion. Despite these warnings, Morgan appealed to the Secretary of the Interior to allow such coercive policies. On 29 November 1892, Morgan

⁴⁵ Shipley to Thomas J. Morgan, Commissioner of Indian Affairs, 2 November 1892 in *Ibid.*, 156.

issued instructions to all US Indian agents that the Indian school should be filled using kindness and persuasion, but if necessary they could also use their police forces to compel attendance and to return runaway children.⁴⁶

Evaluations of the Field Matron Program

In October 1892, Merial Dorchester commended the introduction of the field matron program as part of her fourth annual report to the Commissioner of Indian Affairs on the status of the Indian School Service. Dorchester noted the parity field matrons brought to services on Indian reservations in comparing them to longstanding farmer position. She wrote that “While the number of these matrons is altogether out of proportion to the multitude of the homes or even of the farmers, still it is cause for rejoicing that the movement is inaugurated.” Perhaps in acknowledgement of the long hours and multifarious duties of field matrons like Raymond and her partner Eldridge, Dorchester noted that only someone truly acquainted with Indian Service work would understand the great good that field matrons could do, but also the how taxing the desire to fulfill the great need could be. “A person unacquainted with the reservation and Indian life has little idea of the amount of good which may be accomplished through the efforts of a wise field matron. There is no limit, save the strength limit, to the helpfulness of such a woman in the homes, and small limit to the influence she may acquire among the tribe.”⁴⁷

But Dorchester cautioned that only a certain type of field matron could succeed with Indian women on reservations. She warned field matrons not to “deceive the

⁴⁶ Ibid., 170-176.

⁴⁷ Ibid., 600.

people, for no one reads character more quickly or accurately than an Indian and none have better memories.” She assured the Commissioner that “With a tactful, unselfish matron, it will not be long before a perceptible change may be noticed in the homes and surroundings of many an Indian family—the mother will become a more intelligent and womanly adviser, and the tepee or cabin will begin to take on the look of a neat country home.” While Dorchester valued the field matrons’ work with Indian women on reservations, she was especially concerned with the urgency of their work with returning students: “But a special reason why these matrons should now be introduced into the reservations in large numbers is seen in the fact that at present there are many returned students at the agencies, camps, and pueblos, and these young people need assistance from white people.”⁴⁸

For Dorchester, it was Indian girls who were particularly at risk and in need of guidance from the field matrons. She brought to bear the opinions of a variety of people involved with reservation Indians to bolster her case. She cited Mary Frances Armstrong, a teacher at Hampton Institute, who had argued in 1882 that “There is not the regular employment for girls there is for boys. . . . The intelligent, decent Indian girl is a problem. . . . There is absolutely no position of dignity to which an Indian [girl], after three years of training, can look forward with any reasonable confidence. There is nothing for her but to enjoy and suffer as best she may.”⁴⁹ Dorchester also quoted an anonymous day school teacher, who effectively performed the work of a field matron. The teacher noted Indian boys could “find employment among white people” after leaving school, but she

⁴⁸ Ibid., 600.

⁴⁹ Ibid., 601. Dorchester quoted from *Hampton Normal and Agricultural Institute. Annual Reports for the Academic and Fiscal Year Ending June 30, 1882* (Hampton, VA: Normal School Steam Press Print, 1882), 35.

wondered what the girls could do for a living. She noted that she could find “a place for them” in a city, but she worried that “There are always bad men on the watch for such girls, and to send them to the city would be to send them to ruin.” In this context, the teacher, could “think of nothing better than to teach them some work they can do in their own homes. They must have something to do by which they can earn money, or they will be tempted to follow in the steps of their older sisters.”⁵⁰ In referring to following their older sisters, the teacher meant that the girls would return to traditional ways on the reservation.

Though neither Dorchester nor those she cited mentioned it, boarding schools would settle on domestic service as the best employment option for Indian girls. In addition to the lessons taught at the schools and the schools’ reliance on the labor of Indian girls (and boys) to function, many Indian girls were placed in white homes as part of the “outing” system to further their domestic education. The domestic training that Indian girls received at the schools was envisioned as useful in serving their own families at home, white families in their homes, or at schools in the Indian Service. After Commissioner Morgan’s reforms to the Indian school service and regimentation of its educational programs in the early 1890s, it became common at larger government boarding schools for Indian girls also to be trained in such skills as stenography, typing, bookkeeping, and nursing.⁵¹

⁵⁰ Ibid., 601.

⁵¹ Regarding the evolution of domestic training and employment for Indian girls at the boarding schools, see Robert A. Trennert, “Educating Indian Girls at Nonreservation Boarding Schools, 1878-1920,” *Western History Quarterly* 13, no. 3 (July 1982): 271-290; David Wallace Adams, *Education for Extinction: American Indians and the Boarding School Experience, 1875-1928* (Lawrence, KS: University of Kansas Press, 1995); Brenda J. Child, *Boarding School Seasons: American Indian Families, 1900-1940* (Lincoln, NE: University of Nebraska Press, 2000); K. Tsianina Lomawaima, *They Called It Prairie Light: The Story of the Chiloco Indian School* (Lincoln, NE: University of Nebraska Press, 1994), esp. 81-100.

Regarding the common assumption that upon returning to their reservations Indian boarding school students would relapse into barbarism, Dorchester cited Mr. Philip C. Garrett, the president of the Indian Rights Association and member of the Board of Indian Commissioners. Garrett lamented that a much greater number of Indian students returning from boarding school than would be preferred “relapse into a barbarous mode of life; especially is this so of the girls, who are bought of their fathers by some admirer for so many ponies, and not entirely loath, accept marriage under the old conditions, and soon become nothing but drudges to some lazy young buck.” He wondered how such a relapse could be prevented when children of both genders returned “to their parents in tepees and huts, with few of the accompaniments of civilized life.” In the reservation camps the children had no means to exercise the skills they had learned at school. On the contrary, their “parents will not let them introduce the better way, and deride them as ‘white folks.’” After dealing with such treatment for a period of time, the children “despair of carrying out the life they were taught to live at school, and in utter discouragement give themselves up to the barbarism around them. They know better, but are unable in this environment to apply their knowledge.”⁵² Garrett asserted that Indian girls were especially at risk both because of the control that male relatives exerted over their futures and because of the physical environment of the “tepees and huts” to which they returned to reside with their families.

Living in a log or wood house on the reservation also was not a guarantee that children would retain the civilized practices learned at boarding school. Dorchester cited an article, “Needs of the Indian Home,” from the Santee Agency, Nebraska, newspaper,

⁵² Ibid., 601.

the *Word Carrier*, to emphasize the deplorable conditions of the average Indian home.⁵³

For the article's author, "E.W.," the primary need for remediation was the home. E.W. noted that when Sioux gave up the "roving life," they transitioned from the tent to the log house. The log house was "a small, sod-roofed, floorless hut, with one or two dirty windows." Without irony, E.W. described what they considered to be the deplorable conditions within the Indians' Euro-American-style houses.

In the center of the room is the stove, nearly red hot. Around the sides are bedsteads, boxes, trunks, and parcels of all descriptions. On the walls hang all the clothing the family are not wearing [. . .]. In the corner is a cozy place for a family of puppies. Near by the ration of meat is piled on the floor and covered with a dirty blanket. [. . .] At night each person takes his pillow and blanket, if he has a pillow, and curls up in his own corner on the floor [. . .]. Instead of undressing each one rolls up in a blanket [. . .]. The air in these houses day and night can scarcely be imagined [. . .] It is vile in the daytime, but frequent passing through the door admits some oxygen. But at night the atmosphere is nothing but poison. Pack eight or ten comparatively clean people in a small room for an hour and you notice the impoverished condition of the air [. . .]. But think of the consequences when the room is full of people who have seldom if ever bathed, who sleep in garments worn for weeks, in bedding stiff with grease and dirt, and between walls that have never been washed. Then heat this air to 80° and you have a combination which makes one wonder how any Indian ever lives. Besides, a large per cent of the people are consumptives and add their disease-laden breath to the stench of the room.⁵⁴

The switch from the "tent" to the "log house" did not civilize these Indians; for E.W. it was merely a transfer of uncivilized, unhygienic practices from one structure to another.

The Sioux households described by E.W. had adapted their lifeways from their former type of domicile to the new structure advocated by the Indian Service on the reservation. However, E.W.'s characterization of the result is radically different from that described by Susan LaFlesche regarding the Omaha transition from mud lodge to

⁵³ E.W. "Needs of the Indian Home," *Word Carrier* 21, no. 4 (April 1892): 9. Dorchester's transcription is not exact, but it only makes small changes to the text, which do not change the E.W.'s meaning or intent. Where Dorchester omitted portions of the text, I have used bracketed ellipses.

⁵⁴ ARCIA 1892, 601.

wood-framed cottage. The lesson for the author (and Dorchester) was that the Indians must also learn Euro-American practices for living in this type of house. The author ended with a plea: “Can we help these women to realize what the word ‘home’ really means? Can we teach them the need of soap and water and fresh air? [. . .] Is there anything that an Indian home does not need to make it what it should be?”⁵⁵

Dorchester provided an answer in her report to the Commissioner: “Is there not need of scores and hundreds of field matrons sent by Government or by Christian societies for this work of educating the mothers, uplifting the homes, and thus saving many of these returned students, the first fruits, from despair and ruin? In my opinion it is as important to save what has been educated as to educate more.”⁵⁶ The field matron program was an essential part of the civilization efforts focused on Indian girls and women and deserved greater federal support.

As part of her report to the Commissioner, Dorchester also described a tour she made as a Special Agent for the School Service through several reservations in the southwest, including the Navajo reservation. Embracing a common theme of Navajo reservation agents in preceding decades, Dorchester described the Navajo ghost prohibition and its impact of their reluctance to adopt white standards of house architecture and permanence. She was not surprised that Navajos continued to live in hogans, given “the force of superstition among the Indians and the lack of instruction regarding architecture.” She explained that “in his present state of mental and spiritual darkness, the Navajo can not be expected to build himself a house at any considerable

⁵⁵ Ibid., 601. Dorchester omitted the sentence: “So much oxygen furnished on our wide wind swept prairies, still the lungs of these poor people are starving for it.” E.W. “Needs of the Indian Home,” 9.

⁵⁶ ARCIA 1892, 601-602.

expense” because of the ghost prohibition. Dorchester did note by comparison that “Most of the Indians who live in tepees burn the tent at the death of the individual owner, with all the belongings of that owner.” She blamed the continuing influence of the ghost prohibition and similar practices on other reservations on the “desultory and changeable character” of the civilizing efforts of the frequently changing employees, but optimistically noted that behaviors in Indian homes on other reservations had changed through education in housekeeping.⁵⁷

At approximately the same time that Dorchester made her case to Commissioner Morgan for the value of the field matron program, Emily S. Cook, an employee in the Washington, DC, office of the OIA, made a similar presentation to the tenth annual Lake Mohonk Conference. In her opening remarks, Cook referenced Alice Fletcher and her work to focus civilizing efforts on the Indian home. “Miss Fletcher has said that an allotment is only a site for a home. One might go a little further, and say that a house is only a place for a home.” Cook noted the many requests from reservation agents for field matron appointments and lamented the small appropriations for the program, while also recognizing that they were increasing. When choosing where to place matrons, Cook echoed Commissioner Morgan’s criteria for selecting reservations where allotments have been or are in the process of being made, houses being built, and new ways being introduced. The introduction of a field matron would “save the Indian woman from utter discouragement because she has not the appliances of civilized life and does not know how to get them nor what she wants.” The field matron would be able to offer this

⁵⁷ Ibid., 607.

because the Indian woman would be “receptive, and can easily be made to know things by a kind womanly tact and friendship.”⁵⁸

As Commissioner Morgan had asserted when lobbying the Senate, Cook made the case that the government had realized that Indian women were “susceptible to influence and improvement” and would do things for her children’s sake that “she would not do for herself.”⁵⁹ Again echoing Morgan, Cook delineated the rare combination of skills and attributes that a field matron must have in order gain the trust and friendship of Indian women, as well as to accomplish her duties.⁶⁰ It is unclear how the very low salary guaranteed this unique combination of qualities, though Cook’s comparison of field matron’s to missionaries suggests that both positions shared a self-sacrificing sense of mission and acceptance of deprivation as part of their life’s work. Cook suggested, following Fletcher’s lead in creating the Omaha Cottages, that the ultimate goal of both field matrons and missionaries was to convert Indians to a new system of belief and practice and to encourage these Indians to do the same with others of their tribe. That new system of belief was apparently a melding of Protestant Christianity with an acceptance of the foundational importance of property to civilization.⁶¹

⁵⁸ *Proceedings of the Tenth Annual Meeting of the Lake Mohonk Conference of the Friends of the Indian 1892* (LMC) (n.p.: Lake Mohonk Conference, 1892), 57-59.

⁵⁹ *Ibid.*, 58.

⁶⁰ “The field matron must have all the virtues and most of the graces. She must be somewhat mature in years, must possess tact, judgment, winning ways, must be very strong physically, and utterly indifferent to personal comfort; and the government has assured the possession of these qualities by making the salary as low as sixty dollars a month.” *Ibid.*, 59.

⁶¹ *Ibid.*, 59. Cook went further in describing the difficulties of performing the field matrons’ duties. “There are many hindrances to this sort of education. The appliances which the field matron needs are numerous. She may have to go long distances, and needs means of transportation; she ought to have some sort of house to which women can come in groups and learn the ways of a civilized home; and she ought to have a place where she can help particularly the returned students. I do not know any place where a field matron can do more work than by putting out an encouraging hand to a boy or a girl who has come back to the fire-damp of the reservation life till he gets a little breath to go on. She can organize lend a Hand Clubs, she can be a centre of influence.”

Cook also echoed Dorchester in describing the field matrons as creating parity with the long-standing farmer position. “An Indian man has a farmer who tells him how to build fences, and when to plant seeds, and how to draw the furrows, and how to work in the shops and forges and in the mill; and it is not expected that his boy will learn this all in school, and that he can wait to die, and let his boy take his place and carry out his lessons.” Further, Cook asserted that it was easier for the Indian man to learn the lessons of the farmer by example, though her analogy was strained when considering remote reservations with widely dispersed populations. “The Indian man can look over his neighbor’s fence and see how things are done. The Indian woman cannot look in at her white neighbor’s window: she must have some one come into her house to explain it. And the field matron has been provided for that purpose.”⁶² On the Navajo reservation, men and women could only metaphorically look over the fence or through the window after a significant, though often taken, journey.

Cook noted that while Indian boys and girls were put into schools, Indian women were largely neglected. Though, Cook noted, that neglect could come from the common practice among all women to work hard without seeking attention. “The Indian woman, like the white woman, is conservative. She is used to doing hard work, to being put in the background, and not used to being aggressive; and she is dominated by fashion. It takes a great deal of patience and effort to reach the Indian woman.” Yet, Cook believed that it was well worth the effort in reaching out to Indian women, because “I do not think that orderliness and cleanliness, and all the gifts and graces which go to make a home, are

⁶² Ibid., 58.

always intuitive: a woman's instincts will fail her sometimes, without a previous education to help her out."⁶³

Alice Fletcher was in the audience for Cook's presentation and spoke up to suggest a broader program for the education of Indian girls, which went beyond what she had advocated several years earlier and beyond the intentions of the field matron program. Fletcher advocated for teaching industrial skills to girls, as well as boys. "I do assure you that, if in your industrial schools you will make the girls a part of the working force of the shops, you will do a very large service in the matter of Indian homes." Her rationale was based on her knowledge of the necessity of going beyond gender-specific ideals on frontier family farms. She noted that a woman is expected to make bread in these families, but she is often also the person who used saw, hammer, and nails to build the table on which knead it. Fletcher advised the attendees to "Train your girls, then, into a knowledge of the use of tools. I do not want to see the mistake made with Indian women of taking them out of the field and making them devotees of the kitchen stove."⁶⁴

Fletcher also advocated that women and girls should be involved in gardening and farming. "Let the Indian woman learn to make her garden. One of the best pieces of work at gardening I saw at Santee, where the work was all done by girls. The lady in charge was herself a farmer's daughter." Fletcher reinforced her call for teaching skills beyond gender expectations, by noting that boys would benefit, as well. "I am never afraid to see a woman with a hoe in her hand, and I believe that the boys may well be taught to sew. It is a great deal healthier for boys and girls to have co-education on these

⁶³ Ibid.

⁶⁴ Ibid., 60.

lines.”⁶⁵ Fletcher’s comments infused some pragmatism into the idealized notions of inculcating middle-class gender norms into extremely rural Indian homes. Unfortunately, no responses to Fletcher’s recommendations are recorded in the meeting’s minutes, and Merrill E. Gates, the president of the Friends of the Indian, moved on to the next presentation.

While the field matron program had gained some stability with support from the Commissioner of Indian Affairs and appropriations from Congress, there was some concern among advocates that the election of President Grover Cleveland and the transition of administrations might hurt the program. In the spring of 1893, Congress voted to keep field matron program funding static at \$5,000 in the Indian Appropriation Act for Fiscal Year 1894. Joseph Janney of the Society of Friends again took up his lobbying role and wrote to Commissioner Browning to educate him about the value of the field matron program for civilizing Indian women and supporting returning students.⁶⁶

Whatever the influences that may have worked on Commissioner Browning, his first annual report, issued 16 September 1893, echoed the justifications of his predecessor for the field matron program and advocated for its continuation. Browning even opened the section of his report on field matrons by putting them in the long historical context of federal employees sent to teach Indians civilized practices on their reservations. He

⁶⁵ Ibid.

⁶⁶ In a year of changing administrations, the stable funding was of far less concern to program advocates than Cleveland’s appointments of Hoke Smith as Secretary of the Interior and Daniel M. Browning as Commissioner of Indian Affairs. Neither Smith nor Browning had any experience with Indian policy or the Office of Indian Affairs. Browning, a former judge from Illinois seemed less interested in Indians than in the patronage positions controlled by his agency. The appointment of General Frank C. Armstrong as Assistant Commissioner of Indian Affairs provided some balance to senior management. Armstrong had been born on a reservation and was a veteran of the Indian Service. Emmerich, ““To Respect and Love and Seek the Ways of White Women,”” 82-86.

noted that “The first recognition by Congress of the need and propriety of having persons paid by the Government to instruct Indians in civilized pursuits is contained in the act of March 3, 1819,” for which it appropriated \$10,000.⁶⁷ Browning stated that many of the subsequent treaties with Indian tribes contained provisions for the employment “not only of farmers but also blacksmiths, carpenters, millers, and other mechanics, who could both furnish Indian tribes the services needed in their respective lines, and also instruct Indian men to do such work for themselves.” He acknowledged that it was accepted that Indian men “could not be expected to plow a furrow, put up a house, shoe a horse, or manage a sawmill without continued and careful instruction.”⁶⁸

On the other hand, Indian women were expected to figure out as best they were able “the problem of exchanging a tepee or wigwam for a neat, comfortable, and well-ordered home according to civilized standards.”⁶⁹ Browning noted that while the federal government had approved an “item in the Sioux treaty of 1868, which provided \$500 annually for a matron, and one in the Chippewa treaty of 1865, which gave \$1,000 annually to pay for the ‘teaching of Indian girls in domestic economy,’” it had not made any general provisions of this sort until the OIA and philanthropists had pressured Congress to make the appropriation request of 3 March 1891 to create the field matron program.⁷⁰

⁶⁷ ARCIA 1893, 54. Browning also cited the language that accompanied the original authorization: “In every case where he shall judge improvement in the habits and condition of such Indians practicable and that the means of instruction can be introduced with their own consent to employ capable persons of good moral character to instruct them in the modes of agriculture suited to their situations; and for teaching their children in reading, writing, and arithmetic, and performing such other duties as may be enjoined, according to such rules and instructions as the President may give and prescribe for the regulation of their conduct in the discharge of their duties.”

⁶⁸ Ibid.

⁶⁹ Ibid.

⁷⁰ Ibid., 56.

Browning went a bit further than his predecessors in acknowledging that the government prescribed transition to Euro-American-style houses had caused some of the difficulties that Indian women now faced. Compared to E.W.'s critique of the Sioux transition from tents to log cabins, Browning recognized that the structure itself did not impart different habits to those living within. Browning wrote that "The result naturally was that into the one-roomed log houses were taken the inhabitants of out-of-door life—irregular meals, rarely washed cooking utensils and clothes, an assortment of dogs, a general distribution among corners and on the floor a not inconvenient substitute for bedsteads, tables, and chairs." The physical characteristics of the structures themselves required changes in practices. The open fire used in the well-ventilated tent became "the vitiated atmosphere of a close room overheated by a box stove."⁷¹ Sedentary practices resulted in accumulation of more surplus value and property.

Browning remarked that the "occasional cleaning of house and grounds, which was previously effected by the removal of the house itself to another spot, being no longer practicable . . ." resulted in "accumulations of refuse gathered both inside and out." From these, "Dirt, disease, and degradation were the natural consequences." Given these difficulties in transition, for Browning, it was "no wonder that Indians sometimes fail to take kindly to civilization presented in such guise, especially if, as is often the case, the floors are earth and the dirt roof leaks; nor was it a surprise that the "returned students" recoil from the squalid home, deprived of the freedom, fascination, and quasi dignity of a roving life."⁷²

⁷¹ Ibid., 55.

⁷² Ibid.

Instead of blaming Indians for being poor housekeepers, Browning made a characterization somewhere in-between that of many advocates, who attributed unhygienic conditions to the social evolutionary state of Indians, and Susan LaFlesche, who described Omaha dwellings kept to the same neat standards as their previous earth lodges.⁷³ For Browning, Indian families brought their previous housekeeping practices into their log homes and needed the assistance of the field matrons to learn the appropriate Euro-American practices to go with their new style of house. The distinction, paired with his comments about farmers, blacksmiths, carpenters, etc., acknowledged that Indian women should be provided with teachers to learn new technologies, just as Indian men had been for the previous seventy-four years.

The remainder of Browning's report followed themes common to his predecessors in advocating for continued funding of the field matron program: Indian women were a conservative element in their societies and needed to be persuaded on a more intimate level to adopt civilization; returning students needed reinforcement of the practices that they had learned in school; and field matrons, though poorly paid, needed to be self-sacrificing and ingenious jacks-of-all-trades, whose material needs should be supported by charities.

Assessing the Progress of the Civilization Programs on the Navajo Reservation

In April 1893, a new acting agent, First Lieutenant, Tenth Infantry, E. H. Plummer, was put in charge of the Navajo reservation. Black Horse's violent resistance to Shipley's attempts to remove Navajo children from their families in order to send them

⁷³ Susan LaFlesche, "The Home Life of the Indian," *Indian's Friend*, 4, no. 10 (June 1892): 39-40.

to school had led to the military being put in charge and Shipley being relieved of duty in January 1893. In his first annual report, Plummer wrote that “The condition of the Navajo Indians is worse than it has been for a number of years.” He cited “a succession of very dry seasons” as the main contributing factor, which “caused a great scarcity of forage, very poor crops, loss of many sheep and ponies from starvation during the winters, and a very poor yield of wool.” As a result, “Many of the Navajos are in a condition bordering on starvation.”⁷⁴ On the Navajo reservation, 1893 marked an economic collapse brought on by severe drought in the Southwest and the national Panic of 1893. The drought destroyed food crops for Navajos and forage for their livestock. The national economic crisis destroyed the market for their livestock and wool.⁷⁵

As with some previous agents, Plummer’s ethnocentric interpretation of Navajos’ animal husbandry practices led to his derogatory characterization of their work ethic; yet, he also recognized that the drought was having a significant impact on their ability to support themselves. “The Navajos are naturally of a roving disposition and of indolent, improvident habits. There seems to be little or no improvement or change in their habits, even with those who have built houses, many of which are deserted during the greater part of the year while the owners rove about with their herds, or cultivate farms at a distance from their houses.” Despite his acknowledgment that he could “give no reliable data as to progress, . . . judging from personal observation and investigation, it would appear that these Indians have rather gone backwards than forward during the past few years.” Despite having described Navajos as indolent and improvident, Plummer

⁷⁴ ARCIA 1893, 109. Plummer also noted that “Owing to the very poor yield and low price of wool this season, pawning of articles to traders commenced before the wool season was over.” *Ibid.*

⁷⁵ Bailey and Bailey, *A History of the Navajos*, 100-101.

interpreted this reversion to be “due, in a measure, to their being discouraged by continued failures of crops, loss of stock, decrease in the yield of wool, and the low price of that staple.”⁷⁶

Further, if improvement was to have been made over the previous years, he noted that responsibility should also be borne by the Navajos’ instructors in the ways of civilization. “If habits and conditions of living supposed to pertain to civilization can be taught the Indian at all example must certainly be the leading factor in his instruction, and a reservation Indian will naturally look to the agency for his model.” Continuing the long tradition of new agents on the Navajo reservation, Plummer decried the agency as no example able to convince Navajos of civilization’s benefits and barely “up to a par with the civilization of the surrounding Indians.” Upon taking charge of the agency, Plummer had found “the additional farmer, the families of the physician, the trader, the carpenter, and the blacksmith provided with one small privy for the use of all.” The agency’s employees lived “huddled in old dilapidated buildings in a way which is doubtfully superior to the one-room hogan family life of the Indians.” He found “Similar conditions of squalor exist in the school, to some extent, where the bathing facilities of 100 children consist of two tubs or tanks without water-pipe connections, and where to give them all a weekly bath on the same day it is necessary to bathe several reliefs in the same water.” In the boys’ dormitory, the mattresses gave “forth a stench that is disgusting even in vacation with everything exposed to fresh air.” He admonished that a “great deal of the property of the agency and school is stored in rooms or buildings which do not protect it from the weather. The stable is in a tumble-down condition, dangerous alike to man and

⁷⁶ ARCIA 1893, 109-110.

beast.” Plummer was not naïve as to how these conditions had come about. He noted without condemnation, “I understand that the condition of affairs at this agency has been frequently represented to the Indian Office, but lack of funds available has prevented improvement.” But he did make the same point as many of his predecessors that “Those who know the character of the Indian can not doubt the effect of such an example of squalor and shiftlessness.”⁷⁷

While acknowledging that the reservation covered a massive territory of 15,000 square miles, with many Navajos residing one hundred miles from the reservation, Plummer was dismayed to find that agency employees had barely done any work in the crucial area of inculcating agricultural practices among Navajos. “There are no data in this office, and no information in the possession of anyone or procurable from any source available, from which to give, with any degree of accuracy, an estimate of the amount or value of the crops of these people.” Further, he found that the employees responsible for teaching farming to Navajos were not just failing to keep records; they were not doing the actual work. He noted that “There are two additional farmers employed on this reservation at salaries of \$900 per year each. Upon assuming charge of this agency I found one of these farmers located on the San Juan River, near Fruitland, N. Mex., about 100 miles from the agency, but without a team, wagon, or plow to instruct and assist some 5,000 Indians in farming, along about 100 miles of river bottom.” He found the other farmer “at the agency performing the labor of teamster and general roustabout.” Despite seeds having been issued by the government and the planting season having begun, “this farmer had not visited a single Indian farm or rendered any Indian assistance

⁷⁷ Ibid., 110.

of any kind in farm work.” Plummer believed that the “helpless condition of these farmers is due to means not being provided to enable them to perform the duties that they should.” Plummer acknowledged that Congress had appropriated money the previous year for developing water on the reservation; however, he noted that it would take at least two years to develop such resources and that many Navajos currently were starving.⁷⁸ Decades of the government failing to follow through on its farming initiatives had left many Navajos in a desperate plight, when combined with stresses on their herds and low wool prices.

Plummer was even more explicit in his description of the failings of the current education activities on the reservation and his recommended solution. He reported that “The progress of the educational work has been seriously retarded and great prejudice against it aroused by the practice of kidnapping children for the school, sending children off of the reservation to school without the knowledge or consent of the parents, and by cruel treatment of children attending school.” The same policy that had resulted in the violent confrontation with Agent Shipley was still a significant issue. Plummer noted that despite these policies “The Navajos are desirous of having their children educated, but insist that it should be accomplished by humane methods as amongst white people.” To alleviate this problem, Plummer recommended “that at least ten day schools be established throughout the reservation under charge of field matrons carefully selected for the work.”⁷⁹ The day schools would allow children to live with their families and

⁷⁸ Ibid.

⁷⁹ Ibid., 110-111. Plummer did not provide details regarding the cruel treatment of Navajo children attending school. Searches through the Navajo Agency’s annual reports for two years before and after 1893 did not yield any mention of cruelty to the students, nor did searches of the Report of the Superintendent of Indian Schools for the same years.

assigning field matrons (as compared to the position of school matron) to run them would build upon the trust already garnered by Raymond and Eldridge and the philosophy of engagement behind the field matron program.

Plummer's discussion of the farming and childhood education activities on the reservation—the traditional core of the federal government civilization program—provides a stark contrast to his praise for the field matron program and its demonstrated success on the reservation. The one positive aspect in Plummer's 1893 annual report was the work of field matron Mary Raymond Whyte and missionary Mary Eldridge. (Sometime between January 19 and April 11, Mary Raymond had married Thomas M. P. Whyte, the proprietor of a trading post in the area.⁸⁰) In contrast to his critique of the other civilization programs proffered to Navajos and the employees charged with their execution, Plummer's praise for the work of Whyte and Eldridge was unequivocal and went beyond the goals of the field matron program: "It is only by personal observation that the full effect of the work of Mrs. Whyte and Mrs. Eldridge can be appreciated. Their reports convey no adequate idea of what they have accomplished. Their work has been of that type of missionary work that accomplishes more by deeds than by theories and is appreciable by the subjects through material benefit and assistance derived therefrom."⁸¹ Whyte and Eldridge's own annual reports for that year gave detail to the scope of their activities and to their commitment to assisting Navajos, which Plummer

⁸⁰ Mary Raymond, "Field Matrons," *Cambridge (MA) Tribune* 25, no. 51 (25 February 1893): 4; Mary Raymond Whyte, "From New Mexico," *Cambridge (MA) Tribune* 26, no. 11 (27 May 1893): 7; "Death of a Field Matron," *Cambridge (MA) Tribune* 27, no. 29 (22 September 1894): 2; Trennert, *White Man's Medicine*, 85; Emmerich, "'To Respect and Love and Seek the Ways of White Women,'" 103-104.

⁸¹ ARCIA 1893, 111.

had quickly recognized during his short time at the distant reservation agency headquarters.

The annual reports of both Whyte and Eldridge went into great detail to acknowledge how much the success of their work relied on the support of the WHMS and its members. Whyte noted that “My work here has been greatly facilitated by being associated with the work of Mrs. Mary M. L. Eldridge” and that the WHMS “has afforded me a home and a room for my Indian work.” Both noted that the WHMS supplied a great deal of money to provide the medicines that they distributed to Navajos. Member organizations and individual members of the WNIA in Massachusetts and New York donated packets of seeds or money to buy seeds. The Cambridge Indian Association donated \$75 for the purchase of “two small plows, shovels, axes, hoes, picks, grubbing hoes, a grindstone, hammer, etc.,” which Whyte and Eldridge loaned (upon receipt of a security deposit) to Navajos. These tools added to the “saws, files, brace and bit, sheep shears, and planes; also a handmill for grinding wheat and corn, and a large iron kettle for laundry use tanning deerskins and dyeing yarn” and “two spinning wheels,” which had already been donated. From Colorado, they received “a large tent, with damp stove, iron bedstead, and mattress, for use as a hospital.” They also received remnant fabrics and a sewing machine for making clothes. In line with Commissioner Browning’s expectations, Whyte and Eldridge’s annual reports illustrate that their work would not have been possible without the financial support and donations from the WHMS and WNIA and their members.⁸²

⁸² Ibid., 113.

With these donations and a great deal of perseverance and creativity, Whyte and Eldridge performed the multifarious duties that Commissioner Browning and the Office of Indian Affairs expected of the field matron program, as well as the comprehensive nature of the transformation expected for Indian women and their households. Whyte's statistical list of her own work demonstrated the range of ways that she engaged Navajos:

Days occupied in visiting Indian homes . . . 54
 Number of Indian families visited . . . 106
 Number of persons in above families, about . . . 610
 Number of families living in houses . . . 3
 Number of families living in tepees, hogans, or other Indian habitations . . . 103
 Number of Indian women actually instructed in—
 Care of house . . . 56
 Cleanliness . . . 305
 Preparation of food . . . 126
 Sewing and mending . . . 251
 Laundry work . . . 62
 Dyeing yarn and wool properly . . . 29
 Care and use of goat's milk . . . 54
 Care of sick . . . 347
 Care of children . . . 284
 Spinning on a wheel . . . 4
 Number of families furnished with garden seeds and seed potatoes . . . 125
 Medicine administered to sick . . . 503
 Grindings of corn and wheat done on our mill . . . 226
 Number of hospital patients . . . 4
 Money earned of us by Navajos . . . \$20.80
 Garments earned of us by Navajos . . . 61
 Garments given to sick persons . . . 98
 Garments given to old and very young . . . 84
 Boys' hair cut short . . . 2
 Visits received from Navajos . . . 4,680
 Meals earned of us by Navajos . . . 116
 Meals given to the sick . . . 139
 Combs given . . . 14

One girl was kept in family and taught housework; lessons in knitting to one; helped two Indians to make their tents.”⁸³

⁸³ Ibid., 114.

Whyte's visits to 106 Navajo families demonstrated the peripatetic aspect of her educational and medical duties. The visits she received from 4,680 Navajos demonstrated Navajos' continued interest in what she and Eldridge offered. While the 3,940 visits that she received during her first partial year on the reservation could have been attributed to curiosity or fascination on the part of Navajos, similar numbers for her second, a full year, indicate value in the services and materials available and the people providing them.

Whyte and Eldridge recognized the value of the medical services they offered to Navajos in this part of the reservation, as well as the balance they tried to keep between advocating western medicine and challenging Navajo spiritual practices. Whyte commented in her report that "The physician at the Navajo Agency is beyond the reach of the San Juan Indians, being over 100 miles away." She noted that "they gave medicine to the sick 503 times, accompanied, when necessary, with some suitable food and warm clothing." She reported that Navajos valued their remedies, but admitted that Navajos also did a cultural balancing act in accepting such aid. "The Indians show much confidence in our remedies, but often when we have successfully carried a severe case through to convalescence the Indian medicine man has been called in, seemingly to prevent his displeasure." Instead of openly confronting what the government considered to be pagan practices, Whyte related that they followed a pragmatic approach of letting Navajos evaluate the competing services for themselves. "We have not openly antagonized the medicine man, though we always drop a case if he is called to it. Experience will teach them that our simple remedies do more good than songs, rattles, and feathers, and then we do not take the sick person's horses for pay as the medicine

men do.” Whyte and Eldridge also included the learning of the Navajo language into their efforts to gain the respect of their clients. “We have tried earnestly from our first arrival here to learn the Navajo language, and I hope to continue till I can tell the story of Christ to these people in their own tongue without an interpreter. We have now a dictionary of about a thousand words and sentences, subject, of course, to many corrections when we shall have learned the language better.” The difference between interactive, local approach of Whyte and Eldridge and the more autocratic use of coercion by the reservation agents on issues like school attendance may explain some of the differences in Navajos’ reactions to them.⁸⁴

In addition to describing the service that she and Eldridge provided as part of the field matron program, Whyte also offered her assessment of the work needed to civilize Navajos. According to Whyte, Navajos “must be helped to irrigate their land or in a few years they will be dependent upon the Government for their food.” Echoing the as yet unrealized vision of Alice Fletcher and Henry Dawes for the Navajo reservation, Whyte stated that “When the land is irrigated it will have to be allotted in 10 or 15 acres pieces, with the mountainous and unirrigated parts of the reservation left for a common range. After the land is irrigated and allotted the Navajos will build their houses and plant orchards and alfalfa fields.”⁸⁵

Whyte had been even more explicit about the transformational importance of irrigation in a letter she had written to the Cambridge Indian Association on 19 January 1893, which was published in the *Cambridge Tribune* a month later. Following a long description of her work with Navajos, she thanked the Association for their useful

⁸⁴ Ibid., 113-114.

⁸⁵ Ibid., 113.

donations and specifically asked them for money to buy “a plough, a scraper, and three or four shovels—and, if you can do more, money enough to hire a white man who understands irrigation thoroughly, to come for a day, and run the line for a good ditch.” In case anyone thought her request odd, she explained its necessity for her work. “You will not think it strange that I ask for a plough, etc., I, a field-matron, when you consider that these people must first have *houses* before we can teach the women to *keep* house, and a house is little use to a family unless surrounded by a piece of irrigated land. If they had such, they would send the flocks away to pasture with members of the family, and the rest stay at home, as a few of them do now.”⁸⁶

As with many reservation employees before her, Whyte believed that Navajos would only be ready for civilization after they had become sedentary. After irrigation, agriculture, allotment, and housebuilding, “Then will be the time for the work of the farmer and the field matron to show results. When the Navajos leave off their roving life and settle in permanent houses will be a critical time for the health of the tribe. . . . Irrigation, allotment of land, and education of all the children will civilize these people, and the love of God will save them.”⁸⁷ Whyte seems to have been suggesting that, in line with the official criteria for assigning a field matron to a reservation, once Navajos have gotten to the same stage in the government plan for civilization as Omahas, then they would be ready for the lessons prescribed by the field matron program. The services and projects taken on by Whyte and Eldridge were demonstrably broader than even the expansive vision elucidated in Commissioner Browning’s 1893 report. In order for Navajo women to be ready to receive the lessons of the field matrons, Whyte and

⁸⁶ Raymond, “Field Matrons,” 4.

⁸⁷ ARCIA 1893, 113.

Eldridge would need to teach Navajo men how to irrigate, plow, and sow fields, build houses, and request allotments: essential elements of civilization.

Mary Whyte carried on her field matron duties at the same pace and with the same quality of results into 1894. In her 1894 annual report, Whyte again provided an impressive list of tasks accomplished:

Number of Indian families visited 192, Number of persons in above families 685, Number of families living in houses 6, Number of families living in hogans 96, Number of Indian women actually instructed in – Care of house 78, Cleanliness 208, Preparation of food 156, Sewing 192, Laundry work 76, Dyeing and “setting” of colors for blankets 18, Care and use of milk 48, Care of sick 308, Care of children 266, Packages of seeds, assorted, given to Indians 149.⁸⁸

Whyte also noted that she had 4,176 Indian visitors during the year. Regarding issues related directly to Navajo homes, Whyte stated that five houses were built by Navajos, for which the agency supplied furnishing doors and windows in exchange for “blankets.” Thinking also of the necessity of hygienic design in the home, Whyte noted that “We insist upon a fireplace being built in each house as a means of ventilation.”⁸⁹

Of the 306 cases in which she cared for ailing Navajos, Whyte made specific note of a particularly successful medical treatment of a Navajo woman. “An Indian woman, given up by the medicine men to die, was brought to the mission and left nearly a month. She got well.” She noted approvingly that “The more progressive Indians are fast losing faith in their medicine men. It is no uncommon thing for the Indians to send 50 and 60 miles for medicines.”⁹⁰ The provision of medical care to Navajos without challenging their medicine was providing Navajos with empirical proof that western medicine provided superior results.

⁸⁸ ARCIA 1894, 102.

⁸⁹ Ibid., 103.

⁹⁰ Ibid.

Toward the end of her report, Whyte reflected on the broader impact of her work with Navajos. “In looking back three years we see a decided improvement in the work and aims of the Indians living along the San Juan. They are also getting dissatisfied with ownership in common, and I think the time is not far distant when the more progressive Navajoes will dissolve the tribal relations.”⁹¹ Officially, at least, she believed that her multifarious duties were leading to broad changes in Navajos’ world view.

Mary Eldridge also ended her annual report with a discussion of the importance of irrigation, house building, and property accumulation. As with her previous reports, she focused mostly on listing the materials that had been donated for Navajos’ benefit. But she also provided a brief reflection on the progress that had been made over the past three years along the San Juan River. As she reflected on the previous three years, felt “greatly encouraged.” She believed that “although the Indians here are very poor, and were it not for the promised work upon the irrigating ditches, I do not see how these people could live another year without help from the Government.” She echoed Whyte with her appraisal that the “tendency to take out ditches, and to cultivate land, to build little adobe or log houses is growing.” Eldridge also noted that “the dissatisfaction at the restraints imposed upon the workers, who feel compelled to share with those of the tribe who spend the summer gambling and roaming around, and in winter their more provident neighbors must feed them.”⁹² Navajos’ dissatisfaction with the tribal, communal economy and the accompanying drive to preserve the fruits of one’s labors instead of sharing them with the lazy and profligate indicated the desire to accumulate property and wealth for one’s own family: a key building block of civilization.

⁹¹ Ibid.

⁹² Ibid.

While Whyte's official reports were positive, the demands of the field matron duties and personal struggles proved debilitating. In response to a letter from Whyte, and in the vein of both his 1893 and 1894 reports, Agent Plummer wrote in June 1893 to advise her that "benefitting the Navajos is a rather hopeless task and seems to me almost an impossibility. If I could accomplish anything by work and devotion to the task, I would not despair[,] but the best efforts and intentions seem to accomplish so very little that it is most discouraging."⁹³ Whyte lamented to Plummer that Navajo families' frequent migrations made the extremely exhausting work even more difficult. Despite Navajos' expressions of gratitude, the job took its toll.⁹⁴ In late spring 1894, a pregnant Whyte separated from her husband, who had become abusive. Sometime after the separation, she gave birth to a son, who was "somewhat deformed," possibly due to the abuse that she had suffered. In May 1894, all of these pressures led Whyte to suffer a debilitating mental breakdown. Whether because of the mental breakdown or another illness, she also developed dementia.⁹⁵ At some point after she became ill, her friends signed a public petition that denounced her husband for unmanly conduct towards his wife.⁹⁶ Mary Eldridge spent considerable time over the next few months caring for her.⁹⁷

Following Whyte's mental breakdown, Plummer had written to Commissioner Browning to recommend that Eldridge should replace her as field matron. He stated that "Mrs. Eldridge understands medicine. She speaks a little Navajo and understands more.

⁹³ Plummer to Mary White, 22 June 1893, as quoted in Trennert, *White Man's Medicine*, 85-86.

⁹⁴ Trennert, *White Man's Medicine*, 85-86.

⁹⁵ Trennert, "Mary L. Eldridge Serving God and Country on the San Juan," 151.

⁹⁶ *Durango (Colo.) Herald*, 29 July 1894 as quoted in Trennert, "Mary L. Eldridge Serving God and Country on the San Juan," 170, note 15.

⁹⁷ ARWHMS 1893-1894, 81.

She has a very strong and most beneficial influence over the Indians living about her. They know her and trust her implicitly. I know of one case of a Navajo sending fifty miles to her for medicine, in preference to having a singing and treatment of a Navajo ‘medicine man.’”⁹⁸ E. W. Simpson, Secretary of the WHMS, also supported Eldridge for the position.⁹⁹ Eldridge took over the field matron position in July 1894 and Miss Mary Tripp took over the role of missionary.¹⁰⁰

Eventually, Whyte’s brother arrived to take her to Kansas for recovery. In Kansas, on 28 July 1894, she died, three days after her infant son.¹⁰¹ According to Whyte’s obituary in the *San Juan Times*, her marriage was “a union uncongenial and ill-advised, that resulted in great unhappiness.”¹⁰² At this remove and because of contemporary social constraints regarding reporting on intra-family issues and mental health, it is difficult to know exactly what led to Mary Whyte’s decline and death. However, it is clear that her demanding field matron duties in a very isolated part of the Navajo reservation had combined with a bad marriage and a prolonged and debilitating illness to cause Eldridge to spend much of her time caring for her compatriot.

Neither Eldridge nor Plummer mentioned Whyte in their August 1894 annual reports. Plummer noted that Eldridge had “recently accepted the position of field matron, and will continue her work in the same place.” He wrote approvingly that “Eldridge continued in her excellent work on the San Juan River, administering to and caring for

⁹⁸ Plummer to Commissioner Browning, 28 May 1894, as quoted in Trennert, *White Man’s Medicine*, 86.

⁹⁹ Trennert, *White Man’s Medicine*, 86.

¹⁰⁰ Trennert, “Mary L. Eldridge Serving God and Country on the San Juan,” 153.

¹⁰¹ “Death of a Field Matron,” 2; Trennert, “Mary L. Eldridge Serving God and Country on the San Juan,” 151; ARWHMS, 1893-1894, 81; Plummer to Commissioner Browning, 28 May 1894, as cited in Trennert, *White Man’s Medicine*, 86.

¹⁰² *San Juan (Farmington, New Mexico) Times* (August 17), as quoted in “Death of a Field Matron,” 2.

the sick and assisting the Indians in every possible way. . . . The benefits of her work are evident in many ways. Some of the most desperate characters of the tribe who have come under her influence have developed into steady, hard-working men.”¹⁰³

While Plummer’s report noted his impression that little had changed regarding the general conditions on the reservation, he was more explicit than Whyte or Eldridge had been regarding the increasingly precarious state of life for Navajos. While he noted that “There is apparently a slight tendency toward an improvement in the habits of these people—an inclination to make homes and farms,” he advised that “This tendency to change is due to several causes; one, the chief, perhaps, being their poverty and suffering driving them to seek subsistence from other sources than their flocks.” Plummer attributed a worsening of Navajos’ poverty and “unmistakable signs of starvation” to many having lost their entire corn crop that year and the continued low price of wool.¹⁰⁴ He noted that while “A Michigan farmer thinks it does not pay to keep sheep unless the wool pays \$1 per head. The Navajoes are receiving from 3 to 15 cents per head.”¹⁰⁵

¹⁰³ ARCIA 1894, 100.

¹⁰⁴ Ibid., 99-100.

¹⁰⁵ Ibid. In contrast to the dismal status quo on the reservation were the glowing reports of both Plummer and Commissioner Browning of the trip taken by Plummer and fourteen Navajos (eleven male leaders, one school girl, and two school boys) in October 1893 to the World’s Colombian Exposition in Chicago. The trip was sponsored and paid for by the Indian Rights Association with the intent of helping Plummer to convince Navajos of the power of the United States and the value of becoming civilized. *Annual Report of the Executive Committee of the Indian Rights Association 1893* (ARIRA) (Philadelphia: Indian Rights Association, 1894), 17-19. Plummer stated that “The event of the year for the Navajoes, and the source of many of the changes in them for the better was a trip of a party of chiefs and headmen to Chicago in October.” ARCIA 1894, 100. Browning approvingly wrote about the trip in the context of the increased attendance at the Navajo day school from 15 students in September 1893 to 197 by June 1894. ARCIA 1894, 4. However, Browning did note that “The Government for years appealed to the Navajoes to send their children to school; it should now with alacrity heed their appeal for schools to which to send them, and should furnish new buildings and equipments at once; 3,850 out of 4,000 Navajo children are yet to be provided for.” ARCIA 1894, 5. Browning wrote that “This awakening of the Navajoes is largely ascribed to a visit made to the Chicago Exposition by a party of fifteen of their representative men. . . . The delegation returned amazed at what they had seen, eager to related it to the tribe, and anxious to put their new ideas into practice.” ARCIA 1894, 5. Browning quoted at length from “formal reports” that the Navajo delegation made “to their friends.”

Agent Plummer's frustration with the conditions on the reservation and the lack of government support finally led to his resignation in November 1894. He had been threatened with replacement in August 1893 and had threatened to resign in September 1893 and May 1894. Constant Williams, a captain in the Seventh Infantry, took over as acting agent in December 1894.¹⁰⁶

Williams quickly learned of the dire conditions on the reservations and sought relief from the government and philanthropic sources. During his first month on the reservation, he requested a \$25,000 supplementary appropriation for the agency to stave off starvation for many Navajos. As with Plummer, Williams reached out to the head of

"We thought when we got back we could tell the children what we saw at the fair. That is what the agent took us there for. When we started from home we saw farms all the way. They don't lay around in the sun. There lots of white people work all the time for a living. I never dreamed of what I saw there. Now I have seen it. Coming back I never slept for thinking of it. You should let your children go to school. No difference how much you love them, better let them go to school.

I have wished a thousand times since I came back that I was a boy so I could put myself in school. I have put two children in, and a neighbor has put one in.

The headmen were ashamed of their hogans after seeing the houses the white men lived in. I have told the people that after we traveled for a night and a day, the white people were taking care of the earth all the way. Look at our country; we ought to be ashamed of it. Look at the difference.

The white people are like ants, industrious, working all the time; they are think, coming and going all the time. Before, we through the agent told lie when he told us how many white people there are. All believe now because so many of us saw. To see the progress of the white man, like the corn growing from the seed fast in one season. Old things are like the seed. From the old to the new is like from the cartia [Mexican cart with wheels of solid wood] to a Studebaker wagon.

We saw nice trains on the road, but a fine one at the fair. Indians not fit to ride in it. It seems that other tribes are ahead of the Navajoes. When I saw the big guns I told the medicine men what did they mean by telling the young men that they could protect the Navajoes against all the whites. Two white men with one of these guns could whip all the Navajo tribe.

I was asked by an ignorant Indian from Cotton Weed Wash if there were more white men than Navajoes. I showed him the dust and the grass, and told him I could just as soon try to count the white people; that they lived on water as well as on the land. Then he sat down and wanted me tell him all I saw. I told him I could not if I talked till I was gray." ARCIA 1894, 5.

As with all Indian responses translated by government officials that happen to say exactly what government officials would hope for, the veracity may be questionable. And, while correlation may not equal causation, Plummer did seem quite convinced that the trip had motivated Navajos to send their children to the reservation school in increased numbers.

¹⁰⁶ William T. Hagan, *The Indian Rights Association: The Herbert Welsh Years, 1882-1904* (Tucson: University of Arizona Press, 1985), 174; Bill P. Acrey, *Navajo History: The Land and the People* (Glorieta, NM: Rio Grande Press, 1979), 115.

the IRA, Herbert Welsh, for assistance. The IRA pressured the new Secretary of the Interior, Hoke Smith, to respond and sent out solicitations to its own members. Williams wrote again to Welsh in January 1895 with an even more alarming plea for assistance. Welsh committed the IRA to underwrite the purchase of 10,000 pounds of flour by Williams, if the government refused to reimburse him for its purchase. Welsh also wrote to Amelia Quinton and Sarah Kinney of the Women's National Indian Association and Merrill Gates, the president of the Board of Indian Commissioners, to request their assistance.¹⁰⁷

Mary Eldridge was also desperate for funds to help feed, clothe, and care for Navajos along the San Juan River. Eldridge and Tripp had little relief from their exhausting work during the final three months of 1894. During that time, Eldridge reported that 1,577 Navajos visited the mission, of which, she distributed medicine to 670, clothing to 376, and food to 240.¹⁰⁸ Despite financial assistance from the government, the WHMS, the WNIA, and the IRA, Eldridge felt the need to augment funding with her own money. Agent Williams reported to Commissioner Browning in January 1895 that "I learn from other sources that this noble woman is devoting more of her private means for charitable purposes among Indians than she can well spare; and this because her tender heart cannot withstand the piteous appeals so constantly made."¹⁰⁹

In order to get a better understanding of the plight of the Navajos, the IRA hired Alfred Hardy of Farmington, Connecticut, to evaluate the situation. Hardy had served as

¹⁰⁷ Hagan, *The Indian Rights Association*, 175.

¹⁰⁸ Report of Mary L. Eldridge, Field Matron, 30 September to December 1894, as quoted in Trennert, "Mary L. Eldridge Serving God and Country on the San Juan," 154.

¹⁰⁹ Constant Williams to Commissioner Daniel M. Browning, 26 January 1895, as quoted in Trennert, "Mary L. Eldridge Serving God and Country on the San Juan," 154.

an industrial school teacher at Fort Defiance from June 1892 to April 1893. He was hired by the IRA in January 1895. Hardy later reported to the 1895 Lake Mohonk Conference that he arrived at the agency around 7 February and remained on the reservation until July. During that time, he travelled “over eighteen hundred miles by wagon and horseback, visiting some of the more remote and best agricultural districts, and can fully verify the statements of the two agents named [Plummer and Williams] as to the absolute need at that time of the of government aid to avert a great calamity . . .”¹¹⁰ Hardy spent five weeks at the Jewett mission observing local conditions and Eldridge’s work. Hardy’s harrowing reports of temperatures twenty degrees below zero in February, decimation of livestock herds, and Navajos subsisting on horses and burros and boiled bark from trees gave the IRA the impetus it needed to pressure Congress to pass a special appropriation of \$25,000 and for Commissioner Browning to authorize Williams to spend \$100 to aid the poor and \$500 for necessary seeds for Navajos along the San Juan River. The IRA’s own campaign raised approximately \$1,300. Welsh and the IRA also helped over the next several months to raise funds to assist Eldridge in her travels around the reservation through the purchase a team of horses and harness, as well as flat-bottomed boat and cable to use as a ferry for the river.¹¹¹

At the end of Hardy’s presentation to the Lake Mohonk Conference, he made special note to commend the work of Eldridge and another field matron at the Hualapais’ reservation, which he had observed during his trip, and to advocate that the attendees

¹¹⁰ LMC 1895, 23.

¹¹¹ Hagan, *Indian Rights Association*, 175-176; Alban W. Hoopes, “Preliminary Report Upon the Correspondence of the Indian Rights Association in the Welsh Collection,” *The Pennsylvania Magazine of History and Biography* 67, no. 4 (October 1943): 384-386; LMC 1895, 23-24; Trennert, “Mary L. Eldridge Serving God and Country on the San Juan,” 155.

urge the government to better support them. He believed that field matrons filled a place second only to the agent, because she came into direct contact with Indians in their homes by acting as physician and counselor. In pursuit of these duties they rode many miles a day to visit the sick and on innumerable errands connected with their work, the families being scattered, the use of horses and often a vehicle is absolutely necessary; and, as there is not grass, the buying of forage imperative.”¹¹² Commissioner Browning was also in attendance and echoed Harvey’s call for greater appropriations during his own presentation on the state of civilizing the nation’s Indian tribes. He noted that the OIA had only a \$5,000 appropriation for the previous fiscal year and \$10,000 for the current one; however, he was requesting more.¹¹³

As the result of these and other expressions of support for the work of the field matrons, the conference attendees passed the following resolution: “*Resolved*, That we specially commend the work of the field matrons as productive of the best good of the Indian communities, through the instruction and elevation of the Indian women, and in that respect particularly necessary. We urge substantial additions to the appropriation for their support, and that their number may be largely increased.”¹¹⁴ Through these and other advocacy efforts, Congress increased funding for the field matron program from the \$10,000 Browning mentioned for fiscal year 1896 to \$15,000 for fiscal year 1897.¹¹⁵

Eldridge’s 1895 annual report provided a summary of horrible suffering among the Navajos along the San Juan River and detailed the grueling work that she and the new

¹¹² LMC 1895, 24.

¹¹³ Ibid., 42.

¹¹⁴ Ibid., 105.

¹¹⁵ Emmerich, ““To Respect and Love and Seek the Ways of White Women,”” 90.

missionary, Miss Mary Tripp, had engaged in for the past several months.”¹¹⁶ Eldridge focused on the harsh conditions under which Navajos had come to live, noting that the communities in the northern part of the reservation had benefited for years from good range, increasing numbers of sheep, goats, and ponies, and good prices for their wool and pelts. However, for the past few years, the range had been poor, causing hundreds of sheep to die every spring. Navajos in this area had survived off their flocks for the previous two winters and were not left with only their horses and burros to eat, which caused many to get “sick with stomach and bowel troubles and blood poisoning.”¹¹⁷

Eldridge and Tripp’s efforts at the mission to alleviate the depth of suffering experienced by many Navajos provided further insight into the necessity of the additional funds provided by the government and private philanthropy. Eldridge believed that many of the Navajos whom she and Tripp fed over the winter would not have survived without the food, medicine, and care they provided. They used the \$40 provided by the government to purchase “muslin, jeans, cheviots, etc.” for the little children, which constituted the only clothes many children had to wear. At one camp Eldridge visited in December, she “counted eighteen little children with neither moccasins, pants, or skirts, and their thin calico ‘A’s’ or shirts were no protection.” At the next camp, she “counted seventeen with practically no clothing at all.” The additional boxes and barrels of supplies provided for missionary work and by the Indian Rights Association helped to make many more old, sick, and young Navajos comfortable than would have been

¹¹⁶ ARCIA 1895, 120. The WHMS had appointed Mary R. Tripp to take over Eldridge’s position as missionary; she had begun work in October 1894. ARWHMS 1893-1894, 81.

¹¹⁷ ARCIA 1895, 120. Eldridge did note that “Some of the Indians got work from white settlers, receiving their pay in corn, vegetables, and some money. The settlers were very kind indeed to the Indians, giving them food and clothing.”

possible with government funds alone. When those funds were near exhaustion, Major Williams' permission to expend \$100 enabled them to continue their work until the annual appropriation arrived.¹¹⁸ As winter turned to spring and more money became available, Eldridge and Tripp turned their efforts to helping Navajos with planting crops.

Eldridge and Tripp spent most of their efforts helping Navajos on gaining the tools and supplies needed for digging irrigation ditches and planting crops, as well as procuring what rations they could to prevent Navajos from starving. Eldridge noted that "Some of the prominent Indians have said to us, when asking for tools or seeds: 'Years ago we had plenty from our flocks to live on; now we must either go to farming or starve. Show us how we can make water run up hill like the white man, so we can irrigate our lands and raise plenty for our families to eat.'" The motivation of some Navajos was clear in the irrigation work that they took on with only the most rudimentary tools in order to raise small plots of squashes, melons, corn, and wheat. One camp of Navajos had no money with which to purchase tools, so they began to dig a mile-long ditch, needing to be "12 feet deep at the heading" with an "ax and a broken-handled shovel." Another group of Navajos built an irrigation ditch with an ax and shovels made from small cedar trees. Eldridge requested that the Navajos be furnished with tools and seed for at least another spring, "so that they may thus be enabled to help themselves."¹¹⁹

Eldridge wrote a special appreciation in her annual report for an 1894 gift of \$375 from the Cambridge branch of the Massachusetts Indian Association (the state affiliate of the WNIA) for irrigation work.¹²⁰ The impetus for the gift likely originated with Mary

¹¹⁸ ARCIA 1895, 120.

¹¹⁹ Ibid.

¹²⁰ The amount of \$375 for irrigation work was noted in the *Annual Report of the Women's National Indian Association 1894* (ARWNIA) (Philadelphia: Examiner Publishing House, 1894), 17.

Whyte's 1893 requests to the Cambridge group for plows and digging materials to create irrigation ditches. Eldridge noted that the gift had enabled "a ditch which covers nearly 600 acres of land, and the families under it had corn enough to last them through the winter. With a little help in lowering the head of this ditch the land would support at least forty families, and the ditch could be carried on to cover several hundred acres more of good land."¹²¹ Alfred Hardy provided a direct report of his time along the San Juan and Eldridge's irrigation activities to the Cambridge branch at its November 1895 annual meeting, at which appreciative letters from Eldridge were also read.¹²²

Agent Williams confirmed the important work done by Eldridge and Tripp in his 1895 annual report. He noted that "There is a mission of the Methodist Episcopal Church, under the charge of Miss Mary A. Tripp, on the San Juan River, where a good work is going on. Here the material as well as the spiritual wants of the Indians have been attended to. The mission at the agency has been abandoned, but only temporarily, owing to the ill health of the missionary." Williams also wrote that "The work of Mrs. Mary L. Eldridge, the field matron on the San Juan River, can not be too highly commended. Her life is one of hardship and devotion, and whatever she undertakes she does well."¹²³

Given the demanding work of Eldridge and Tripp at the mission along the San Juan River and constant requests from Navajos for Eldridge to travel further into the reservation, E. W. Simpson of the WHMS wrote to Commissioner Browning in April 1895 to recommend that he hire Miss Laura E. Smiley as a second field matron at Jewett.

¹²¹ ARCIA 1895, 120.

¹²² *Annual Reports, Cambridge Branch of the Massachusetts Indian Association, November 5, 1895* (n.p., 1895), 1-3.

¹²³ ARCIA 1895, 118.

Simpson suggested that Eldridge could train Smiley, so that she could remain with Tripp at the mission when Eldridge needed to travel further into the reservation. Browning agreed. Smiley was the last field matron to be hired on the Navajo reservation at the recommendation of a missionary society. In early 1896, the Civil Service extended classification to field matrons and instituted a merit system and testing, which opened up application for the position to women without connections to religious organizations.¹²⁴

Eldridge, Navajo Rugs, and the Indian Industries League

Five years after starting work on the Navajo reservation, Mary Eldridge decided to travel east to visit her daughter and elderly father in Kansas and to attend the fourteenth annual Lake Mohonk conference (14-16 October 1896).¹²⁵ At the conference, she gave two presentations on her experiences with Navajos. She used the initial words of her first presentation to tell the attendees that “It is always best to remember that our Navajo Indians are not fed or supported by the government in any way, but are self-supporting.”¹²⁶ Given the goal of the Indian reformers in attendance to end of Indian dependence on the government, and their belief that self-reliance was a key value for their vision of Indian integration into American society, Eldridge’s blunt statement was intended to establish the uniqueness of Navajo society and culture.

¹²⁴ Emmerich, ““To Respect and Love and Seek the Ways of White Women,”” 43; Trennert, “Mary L. Eldridge Serving God and Country on the San Juan,” 156; Cathleen D. Cahill, *Federal Fathers & Mothers: A Social History of the United States Indian Service, 1869-1933* (Chapel Hill, NC: University of North Carolina Press, 2011), 70.

¹²⁵ In August 1896, she requested a paid thirty day leave of absence to travel east. Alfred Hardy, by that time back in Farmington, Connecticut, wrote directly to Commissioner of Indian Affairs to advocate the approval of Eldridge’s request and for her to travel to the Lake Mohonk Conference of the Friends of the Indians. Herbert Welsh and the Connecticut Indian Association raised funds for her to travel to the conference. Commissioner Browning approved Eldridge’s request for leave. Trennert, “Mary L. Eldridge Serving God and Country on the San Juan,” 156-157.

¹²⁶ LMC 1896, 30.

Eldridge also was frank about how unwelcome she and Mary Raymond were made to feel during their first months on the reservation. “Five years ago my friend, Miss Raymond, and myself were sent by the Missionary Society to work among the Navajoes. When the request went to the agent for a locality for us, he said, ‘Put those women just as far from the agency as you can; we don’t want any missionary women watching us and reporting.’” During the initial six weeks that they spent in a tent, “the Indians came about us and informed us that they had no use for white people and the quicker we got off the better it would please them.” But the attitude among the local Navajos changed after a serious crisis among the community. “Then a few weeks’ serious illness broke out among them; and, as they had been growing very poor for two or three years and were not able to employ a medicine-man, they came to us for help and we were able to help them by giving them medicine.” Eldridge noted that their assistance with the illness provide a turning point in their relationships with local Navajos. “At the end of six weeks we found that we were to be allowed to stay, and so we built a small house of rough timber and in that we stayed through the winter. The Indians gradually came to use more and more, and in this way we got hold of them.”¹²⁷

Eldridge continued her presentation with a variety of vignettes that related the hard working and independent natures of Navajos as a people, though she focused most on their desire to irrigate their fields. The irrigation of Navajos’ fields, everyone in the audience recognized, would further encourage sedentary, civilized practices, improve the land, and better enable individual families to be self-supporting. She finished with her requests for the government and philanthropies. She reemphasized that “we do not ask

¹²⁷ LMC 1896, 30. Eldridge did not provide details of the particular illness that befell Navajos soon after their arrival or the medicine she and Raymond used to aid their patients.

rations for our Navajoes. We do not want them to be fed. We do ask that they shall have tools to work with. They are not able to buy them. We ask that the government shall furnish all that they need for their work.” She also asked that they have good schools and noted that Navajos were asking for industrial training. Eldridge explained that some Navajos were seeking wage work; however, farmers were hiring them at fifty cents per day instead of the \$1.50 paid white men, despite admitting that Navajos worked harder. She noted with disapproval that “It seems to me that if an Indian does just as good work he should receive the same amount of money for it.” She ended with the unconvincing thought that “I supposed this will naturally right itself after a while.”¹²⁸

During the question and answer period that followed her presentation, Eldridge was asked a series of questions about a reference she had made to Navajo blankets. The questions and her answers illustrated the tensions between the reformers’ desire to bring Navajo women as workers into the market and Eldridge’s recognition that doing so would not only transform Navajo society but also the nature of one of its most valued products.¹²⁹ During her presentation, she had commented that “One of the blankets I have for sale here took a woman one hundred and twenty days to weave; and I do not suppose her work counted for more than twenty-five cents a day. The spinning of the yarn would certainly have taken another hundred days.”¹³⁰ An audience member asked, “If the Navajoes could have modern looms for weaving their blankets, don’t you think they would appreciate them?” Eldridge responded that “They would not be Navajo

¹²⁸ Ibid., 32.

¹²⁹ Regarding the tensions between Navajo craft production, the market, and notions of cultural identity and authenticity, see Erika Marie Bsumek, *Indian-Made: Navajo Culture in the Marketplace, 1868-1940* (Lawrence, KS: University of Kansas Press, 2008).

¹³⁰ LMC 1896, 31.

blankets then. They might appreciate the loom, but I do not think they would get money enough of them to make them appreciate the difference in the time saved; for, as I say, after all they would not be Navajo blankets.” Another audience member asked, “Have you ever made an effort to change their method of weaving?” Eldridge answer went to the conflict between her job description as a field matron and the actual work that she performed. “No, we have not; because our people have been on the verge of starvation, and our efforts have been in the line of getting them to raise farm produce to keep them alive. We have been farmers among them.”¹³¹ Following more questions on the color of wool used, the discussion turned toward the mass production of Navajo rugs for sale.

Philip C. Garrett of the Board of Indian Commissioners announced that “I have a theory that the Navajoes could be taught skilled industries and be enabled to make considerable money.” General Eaton, the former US Commissioner of Education, agreed with Garrett, stating that “It reminds me of efforts made in Europe to teach the women of different countries different industries. In Ireland, for instance, they found rude industries and taught the people how to improve them, and transformed the condition of about one hundred thousand people, so that where they had at one time no income, it amounted afterward to about \$80,000.” He opined that “If Mrs. Eldridge had a little help I think this could be done among the Navajoes.” A Mr. James Wood took Eldridge’s side regarding the unique nature of Navajo rugs, noting their high monetary value among whites and Indians alike because of their unique waterproof property. The conversation moved on to other topics, but Eldridge would further explore the possibility of increasing production of Navajo rugs for profit in the coming years.¹³²

¹³¹ Ibid., 33.

¹³² Ibid., 33-34.

During her trip east, Eldridge also visited other gatherings of Indian rights advocates. On October 28, she attended the annual meeting of the Troy, New York, Indian Association at which nearly one hundred ladies listened to her presentation, took in her exhibition of Navajo blankets, and presented her with “a generous contribution of Christmas gifts and other supplies” to take back to Jewett.¹³³ She also attended the fifteenth annual meeting of the Connecticut Indian Association, at which she gave a talk on her work with Navajos along the San Juan River to her most reliable benefactors.¹³⁴

Soon after Eldridge returned from her leave of absence in the fall of 1896, she began to pursue the idea of increasing rug production for the market with Navajo women. Mary Raymond and Eldridge had tried to get Navajo women to experiment with spinning wheels and mass-produced dyes to improve their rug production process for the market as early as 1892.¹³⁵ Eldridge had publicly discussed the idea of developing a Navajo weaving industry as early as 1 March 1894 in an article in the *San Juan Times*.¹³⁶ At the December 1896 annual meeting of the WNIA, an offshoot organization, the Indian

¹³³ “News and Notes,” *Indian's Friend* 9, no. 4 (December 1896): 5; ARWNIA 1896, 17.

¹³⁴ “Anniversary of the Connecticut Indian Association,” *Indian's Friend* 9, no. 4 (December 1896): 9. While in Connecticut, Eldridge visited Alfred Hardy and his family for several days before returning to Jewett. During this visit, Eldridge discussed her work on the reservation, but one conversation would lead to some difficulty with Commissioner Browning. Eldridge was particularly unhappy with the work of C. H. McCaa, the agency farmer assigned to San Juan, who had recently resigned. Due to McCaa's lack of efficacy at training Navajos in agriculture, Eldridge had taken on this hard and laborious work, in addition to her own duties. In an effort to help Eldridge, Hardy wrote to the Office of Indian Affairs to recommend that it appoint W.A. Townsend, an industrious farmer that he knew. Hardy also asked that they reimburse Eldridge for the money that she had expended from her own pocket to feed Navajos, especially given that she was also bearing the financial burden of her elderly father being so near death and her daughter leaving college to care for him. While the OIA noted that it appreciated Eldridge's sacrifices, it reacted by accusing Hardy and Eldridge of attempting to circumvent Civil Service accounting regulations and hiring requirements. Hardy apologized for any misunderstanding, but Townsend was not hired. Trennert, “Mary L. Eldridge Serving God and Country on the San Juan,” 157-158.

¹³⁵ ARCIA 1892, 210.

¹³⁶ Erik Krenzen Trump, “The Indian Industries League and Its Support of American Indian Arts, 1893-1922: A Study of Changing Attitudes Toward Indian Women and Assimilationist Policy” (PhD diss., Boston University, 1996), 258.

Industries League (IIL), noted that “The League has now under consideration Mrs. Eldridge’s proposition to establish a simple industry among the Navajos . . .”¹³⁷ The IIL originated at the 1892 annual meeting of the WNIA, when Frances Campbell Sparhawk proposed establishing an independent Indian Industries League with the intent of preparing Indians for assimilation and alleviating poverty on reservations. By late 1893, Sparhawk and other Indian rights activists had formed the IIL. The IIL’s means to alleviating poverty on reservations was the teaching of civilized industries that would allow Indians to support themselves, such as dress making, harness making, or blacksmithing. Practicing these industries and earning wages would encourage sedentary living practices, help to inculcate civilized behaviors and values, free Indians from tribal bonds, and make individual families self-sufficient. As with the WNIA, the IIL focused most of its efforts on Indian women.¹³⁸

At the Fifteenth Lake Mohonk Indian Conference in October 1897, a letter from Eldridge on her efforts to make Navajos more self-sufficient by diversifying their economy was read to the attendees. She focused the majority of the letter on her efforts regarding a nascent Navajo blanket/rug industry. “Since coming home last fall I have been trying to get the women to weave the olden time waterproof blanket, and some of the women have promised to do so.” Eldridge also relayed some of the technical aspects required to produce that unique blankets. “They will also color the wool with their own dyes, which never fade or run. The women tell me that the blankets are made waterproof

¹³⁷ ARWNIA 1896, 13.

¹³⁸ Trump, “The Indian Industries League and Its Support of American Indian Arts, 1893-1922,” 2, 16, and *passim*. Sparhawk was a well-known writer whose novels and articles focused on the plight of boarding-school-educated Indian students returning to their reservations only to face pressure from older, conservative, mostly female Indians to return to their traditional ways. *Ibid.*, 5.

by putting into the hot dye the gum from the cedar and pinon trees. They also say that they much prefer to color and weave as they used to do, if only they can get enough for the blankets to pay them for the extra work and time.”¹³⁹

Eldridge then turned to the equipment and facility that would be needed for the industry that the IIL wished to support on the San Juan. The IIL “asked me to recommend some industry to be established among the Navajoes, and I recommended a mill to be built, and selected a site near the river, where the owner offered to donate seven and one-half acres of land.” Eldridge made the value of the proposition clear for her recommendation of the mill. “When I was among the Oglala Sioux, old Red Cloud paid \$65 for a Navajo blanket, which I could duplicate here for \$10 or \$12.” Eldridge’s plan was more complex than just getting Navajo women to produce the traditional blanket. She envisioned an industrial enterprise that would produce the traditional blanket and its composite materials, in addition to clothes and bedding made on modern machines. “The Navajo wool loses about 30 per cent in working up, and I think it would be a paying business to work up this wool into yarn, and have the old-time Navajo blankets woven, also bed blankets on looms, and to have a couple of knitting machines to knit cardigan jackets, hose, mittens, etc.” She noted the specific machinery and layout she envisioned within the mill. “In regard to looms, I have advised the I. I. League to put a couple looms into the mill Also a couple of broom machines, which trade, I am sure, our men would learn very easily. I proposed that the vats for washing the wool and the vats for coloring be in the basement, with facilities for raising the wool to the upper half story for drying. On the middle floor would be room for the carding machine and

¹³⁹ LMC 1897, 61-63.

spinning jenny, the looms and broom machines.” She also estimated the cost of the machinery. “Of course it is impossible for me to make any estimate of the absolute cost of machinery, as it is something I know nothing about; but I would begin in a small way, and add to the capacity as the business increases. The mill proper and the engine house would cost \$2,500 built of stone, a great deal of which would not have to be drawn, and coal is right at hand, and water never failing.” Eldridge even presented an analysis of the market for the products she proposed. She noted a poor market for raw wool in that it “has only brought from three and one-half to four and one-half cents per pound this year (the last few days it has gone up one and one-half cents per pound), but she was “sure there would be a good market for yarn, and then we would try to supply the traders in the north with Navajo blankets for sale.” The value-added products of the mill were a key to getting Navajos beyond the depressed market in raw wool. She advised that “I have such faith in the industry that if I had money I would not hesitate to put it all into such an industry, but I find the longer I live among the Navajoes the less money I have,—there are so many wants, and so much suffering to be relieved.”¹⁴⁰

While excited by Eldridge’s plans, the IIL was divided over the possibility of funding and building such a costly and complex facility. The IIL wrote to Eldridge in December 1897 to convey that her plans were beyond their means. Fortuitously, Eldridge had written to the IIL at nearly the same time to admit that the proposal project was beyond her ability to manage.¹⁴¹ They moved forward with a smaller scale vision. At the WNIA’s December 1897 annual meeting, the IIL noted that “The League is deeply interested in the noble work of Mrs. Mary L. Eldridge among the Navajos of San Juan

¹⁴⁰ Ibid., 61-63. ARCIA 1897, 1004-1005.

¹⁴¹ Trump, “The Indian Industries League and Its Support of American Indian Arts, 1893-1922,” 182-183.

Valley in New Mexico.” They commended her sacrifice of her own salary to feed Navajos during the previous winter’s threat of starvation. They noted that “The League considered helping toward the industry of those whom she would set to work, or who of their own accord would work if they were well, by sending to her a supply of medicine for those in need of it. Last May about twenty-five dollars went for this purpose.” In line with the notion of assisting those Navajos who would work of their own accord, “The League also bought a knitting machine, upon which the Lamb Knitting Machine Co. generously allowed a discount.” Further, in order to enable these activities, the IIL stated that “As Mrs. Eldridge was overburdened, the League during the Summer paid the salary of an efficient woman to take charge of her household work, leaving the matron more time for her work among the sick, and for the oversight of the weaving and farming.”¹⁴² Eldridge had taken on so many projects as field matron that she did not have time to keep her own home in the exemplary domestic order that was to serve as an educational model for Navajo women and girls. In many ways, she had taken on stereotypical male roles and was supplied with another woman to take on her stereotypically female responsibilities.

By June 1898, the IIL had decided to fund the building of an industrial room for a very small-scale wool weaving industry for the Navajo women working with Eldridge. The room would feature two hand looms, instead of power looms. The main difference between the proposed facility and traditional Navajo weaving practices would be that the work would go on inside, under a roof, instead of outside under trees.¹⁴³ The initial vision of modernizing Navajo weaving had shifted to regularizing traditional methods.

¹⁴² ARWNIA 1897, 25.

¹⁴³ Trump, “The Indian Industries League and Its Support of American Indian Arts, 1893-1922,” 183.

During the following months, the IIL broadened its fundraising efforts for the project. For example, in the December 1898 edition of the WNIA's *Indian's Friend*, the IIL requested aid for creating a building on the reservation for weaving Navajo textiles. When asking for assistance, the IIL reminded the readers that its intentions were "to open individual opportunities of work to Indians," and "to build up self-supporting industries in Indian communities." The IIL hoped "to put up on lands adjoining their reservation a building for the Navajo women living on the San Juan River and under the charge of Mrs. Mary L. Eldridge, field matron and also missionary." In the building, Eldridge would employ the women in weaving Navajo rugs, as well as teach them how to use the sewing machine, knitting machine, and hand loom. The ILL believed that the such "work would enable them to use the wool of their sheep more profitably than at present. It would also train them in regularity of occupation, and, perhaps best of all, into the perception that they can do something which has not yet been done amongst them—a stepping out into new possibilities; and, as in the old proverb, it is the first step that costs." The IIL explained that the work would begin on a small scale and progress as success warranted. The solicitation noted that the building, exclusive of interior furnishings, would require two hundred dollars.¹⁴⁴

In the IILs' report on their 1898 annual meeting, they noted their focus on building an industrial room for Navajo rug weaving on five acres of land donated by Eldridge and provided a more detailed description of the didactic intent of the enterprise. The IIL believed that the weaving project would "give self support to those eager for it." The report explained that the "enterprise will utilize the Navajo stores of wool to best

¹⁴⁴ "News and Notes," *Indian's Friend* 11, no. 4 (December 1898): 5.

advantage, and such a permanent industry will surely bring in its train systematic work, regularity of living, a surely growing civilization, and, combined with Christian teaching, will include what is most needed for the home life of these capable Indians.”¹⁴⁵ In some ways, the work envisioned for the industrial room was more in line with the official duties of a field matron than much of Eldridge’s work over the past several years.

In March 1899, the IIL wrote again to the readers of the *Indian’s Friend* to announce that it had reached its fundraising goal of \$250 “to build the Industries room for the Navajo women. And Mrs. Eldridge has given the League five acres of land upon which to put the building.”¹⁴⁶ The IIL also announced that it had incorporated in order to hold the property. By the fall of 1899, the industrial room was finished. Though it did not use steam power, it did include two new Singer sewing machines and a cooking stove.¹⁴⁷

The IIL’s annual report for 1900 went beyond previous descriptions of the purpose of the industrial room from inculcating the “system work” and “regularity of living” necessary for civilization to that necessary for “wage-earners.” The report noted that “The room is not merely for the weaving of their old-time Navajo rugs, so justly famous, but its purpose is expressly to be a place of initiation for these women into work of many kinds, and into our ways of doing work; and to lead them up to modern methods of weaving; also, as far as possible, to teach them to exchange their present desultory

¹⁴⁵ “The Annual Meeting,” *Indian’s Friend* 11, no. 5 (January 1899): 11. A similar summary and fund raising appeal was published in Frances C. Sparhawk, Letter to the Editors, *The Outlook* 6, no. 1 (7 January 1899): 75-76 and “Indian Industries League,” *New York Daily Tribune*, 9 November 1898, 9.

¹⁴⁶ “News and Notes,” *Indian’s Friend* 11, no. 7 (March 1899): 9.

¹⁴⁷ “News and Notes,” *Indian’s Friend* 13, no. 1 (September 1899): 5, 11; “News and Notes,” *Indian’s Friend* 13, no. 2 (October 1899): 5; Trump, “The Indian Industries League and Its Support of American Indian Arts, 1893-1922,” 259.

methods of work for that regularity necessary to wage-earners.”¹⁴⁸ The extension of the educational purpose to making Navajo women ready to be wage earners went beyond the scope of a field matron’s official duties, as well as beyond changes in lifeways and labor discipline that the Navajo women involved in the rug making were willing to make.

By 1901, the IIL began to be concerned about the status of the industrial room. Questions about the room no longer being used for industrial purposes were confirmed at the 6 February 1902 meeting of the IIL, where a recent letter from Eldridge reported that Navajo women were no longer using the room for weaving rugs, because they found that they could earn more money doing so at home.¹⁴⁹ Working on the rugs in their homes also would have allowed Navajo women to integrate this work with their other responsibilities. The envisioned didactic environment of the industrial room did not fit with traditional practices for creating Navajo rugs. The IIL was caught in the paradox of trying to preserve and commodify Navajo traditional weaving practices, while hoping to inculcate civilized behaviors through modern industrial work habits.

By November 1902, Eldridge wrote to inform the IIL that she would be relocating eighteen miles down the San Juan River. She also informed them that the Presbyterian Board of Home Missions had been storing medical supplies in the industrial room and would like to purchase the five acres of land on which it stood. While the IIL was

¹⁴⁸ IIL Annual Report, 1900, 5 as cited in Trump, “The Indian Industries League and Its Support of American Indian Arts, 1893-1922,” 260. The WNIA had focused its efforts on making teaching the civilizing power of domesticity to Indian women. During the early years of the IIL, its members struggled to define the notion of “industry” in the context of the changes they hoped to make for Indian women. To pursue domestic training would have differentiated the IIL little from the WNIA, yet to advocate for Indian women to enter civilized industries was a step too far. By the early years of the twentieth century, the IIL would settle on supporting traditional Indian industries or crafts in the context of marketing them as art objects. Trump, “The Indian Industries League and Its Support of American Indian Arts, 1893-1922,” 177-253.

¹⁴⁹ Trump, “The Indian Industries League and Its Support of American Indian Arts, 1893-1922,” 264.

disappointed that the industrial room had not been a success, they allowed Eldridge to take the equipment that they had purchased with her to the new location.¹⁵⁰

The industrial room project collaboration with the IIL was part of a larger plan of Eldridge's to expand the mission at Jewett. After the second field matron, Laura Smiley, left the reservation, Eldridge was effectively restricted to her work at Jewett and a new mission seventy miles away at Two Gray Hills, along with an occasional trip deeper into the reservation. The industrial room was part of Eldridge's larger plan to expand the mission at Jewett. The new mission run by the WNIA at Two Gray Hills existed in somewhat tenuous circumstances, because neither Navajos nor the federal government had given permission for its construction on the reservation. Despite this insecurity, the WNIA hired Mrs. T. E. Cole, a missionary nurse, to work at the new mission's hospital.¹⁵¹

In June 1898, Eldridge requested that the OIA designate a tract of reservation land for the expansion of the mission. She also worked through eastern Indian rights activists to bring the proposed expansion to the attention of the Commissioner of Indian Affairs. The OIA opposed church use of reservation land, so Eldridge donated a portion of a homestead that she owned just beyond the reservation boundaries for the purpose. Eldridge again appealed to her eastern Indian rights connections to fund the construction of the new facilities. By early 1899, the Ladies Missionary Society of New York offered funds for the construction of the new hospital, and the Cambridge Indian Association

¹⁵⁰ Ibid., 258-265.

¹⁵¹ Trennert, "Mary L. Eldridge Serving God and Country on the San Juan," 158; Trump, "The Indian Industries League and Its Support of American Indian Arts, 1893-1922," 135.

funded the furnishings.¹⁵² As noted previously, the IIL raised funds for the industrial room.

The new hospital, industrial room, and some farm-related buildings were constructed during the summer of 1899. The hospital contained two large rooms with four beds each on the first floor and living quarters for Eldridge and a nurse, Miss Mary L. Gaines on the second floor. The industrial building was eighteen by thirty-two feet and contained a knitting machine, two sewing machines, and a cutting table. Eldridge hoped to add tools for boys to learn to mend shoes and pants to the room. Mary Tripp, the missionary, donated a portion of her inheritance to start a combined boarding and day school at the facility.¹⁵³

During the first few years of the twentieth century, during the period when the IIL became worried about their venture with Eldridge, the Methodist Church decided to shift its priorities away from medical care to education. They discontinued support for the new hospital after 1900 and transferred the Jewett mission to the Presbyterian Church in 1903. The Presbyterians established a medical mission and school at the facilities. The WNIA also withdrew its funding. Eldridge had offered to sell the facilities and the land it sat on to the Methodists, but they declined. The Presbyterians purchased facilities and land for \$1,000 and the Methodist school and mission moved to Farmington, New Mexico. Eldridge and Gaines initially moved to Shiprock, New Mexico, with the intent

¹⁵² Trennert, "Mary L. Eldridge Serving God and Country on the San Juan," 159.

¹⁵³ Eldridge also had the company of her daughter, Ruth, who was in the area. Ruth had moved to Jewett soon after Eldridge's father died in 1895 to help with work at the mission. Ruth eventually married Harry Baldwin, the nephew of a local trading post and store owner, Hank Hill. Baldwin eventually bought out his uncle in 1900 and ran the business until 1916. Eldridge's familial ties to the trading post and store were a possible market for her envisioned Navajo rug weaving enterprise. *Ibid.*, 159-160. Trump, "The Indian Industries League and Its Support of American Indian Arts, 1893-1922," 261.

of setting up a mission and school, but that plan failed to materialize when the government set up a new agency and school at San Juan in September 1903. Eldridge then moved to Farmington to live at and continue her field work from the new Methodist mission.¹⁵⁴

Eldridge continued to be an outspoken advocate for Navajos and against what she perceived as problems on the reservation. Sometimes that criticism went through the government chain of command, other times it went to the IRA in the hopes that external allies could exert more influence. By 1905, tensions between Eldridge, the Office of Indian Affairs, and the superintendent of the San Juan Agency reached a high point and Eldridge was released from her job as the position was abolished. Eldridge did not agree with the reasons for her dismissal, protesting that seeking assistance from Indian advocate groups to make changes in government policy was often the only way to achieve results.¹⁵⁵

Despite losing her position as a field matron, Eldridge remained in the Farmington area and continued her work. Eldridge was soon hired by the IRA to operate a small hospital at the Methodist mission. She also remained involved with work at the mission. In October 1905, she opened a new five-room building at the mission, which housed an industrial room with sewing machines and equipment for making clothes.¹⁵⁶

¹⁵⁴ Trennert, "Mary L. Eldridge Serving God and Country on the San Juan," 160; Trump, "The Indian Industries League and Its Support of American Indian Arts, 1893-1922," 137.

¹⁵⁵ Trennert, "Mary L. Eldridge Serving God and Country on the San Juan," 162-163.

¹⁵⁶ *Ibid.*, 164.

Fight for Off-Reservation Property Rights

Eldridge had promoted farming and irrigation since her initial years on the reservation with the intent of helping Navajos to become self-sufficient but also as a way to encourage sedentary, civilized living practices through the improvement of land for the enrichment of individual families. The Navajo reservation had not gone through allotment under Dawes Act policies, and its borders remained relatively secure against the expansive interests of the increasing number of nearby white farmers and ranchers. The many Navajos who had lived outside the reservation's borders since returning from Bosque Redondo did not enjoy the same protection of their land rights from the government.

Near the end of 1905, Eldridge learned of threats to the land rights of a large group of Navajos who lived off the reservation southeast of Farmington. These Navajos had improved the land by developing a good water supply and irrigation using a catchment dam, which they used to raise grain and vegetables. They had built houses. They also had large herds of sheep and sold significant amounts of wool to market each year, in addition to producing and selling traditional Navajo blankets. They had achieved self-sufficiency through the methods that Eldridge had advocated for years. Despite the Navajos' years of living on the land and the improvements that they had made, some whites had chaffed at Navajo claims to water rights and restrictions on white grazing in the area for several years. The whites demanded that the Navajos be forced onto the reservation and their lands opened to white settlement. Violence occasionally broke out between white and Navajos over these issues. The recently appointed agency

superintendent for the area, William T. Shelton, defended the Navajos' rights, while state officials sided with white ranchers.¹⁵⁷

In the summer of 1905, agency superintendents Shelton and Perry requested that a section of public land measuring seventy miles north to south and twenty-four miles east to west be added to the reservation. Commissioner of Indian Affairs Francis Leupp visited the area and recommended implementing the plan. However, white ranchers had already occupied portions of the tract and managed to force a compromise.¹⁵⁸

The IRA requested in 1905 that the OIA assign a field matron to aid Navajos in the area. In 1906, Eldridge requested that the IRA intercede on behalf of the off-reservation Navajos to secure title to the lands upon which they had been living for many years. The IRA sent a party out to the area to investigate the situation. The IRA party visited Waro's Camp and observed the improvements made to the land and the long-term self-sufficiency of the Navajos. In late 1906, the IRA reported that it and the OIA had agreed to jointly fund the salary of a field matron for this task in 1907. Eldridge was chosen for the job and went to live at Waro's Camp, a large group of Navajos living some sixty miles southeast of Farmington. She assisted the Navajos in a variety of ways, including medical assistance and corresponding with the government and IRA to make the case for their land rights.¹⁵⁹

In the several years before New Mexico became a state in 1912, many white occupants of the areas closest to the reservation opposed Navajo allotments. A 1907 article in the *Farmington Enterprise* complained that Navajos were "being allotted all the

¹⁵⁷ Bailey and Bailey, *A History of the Navajos*, 114-115; Trennert, "Mary L. Eldridge Serving God and Country on the San Juan," 165.

¹⁵⁸ Bailey and Bailey, *A History of the Navajos*, 115.

¹⁵⁹ ARIRA 1906, 68-75; ARIRA 1907, 35-36; ARIRA 1908, 47-50.

government land which is worth having, south of the San Juan River, and east of the reservation.” The article also opined that “While all these matters will probably be adjusted in the course of time it will be a slow process, and it certainly seems to be a shame that it’s necessary to hold the development of the greater part of the best and most resourceful section of the Western slope back for a generation in order to accommodate the Indians.”¹⁶⁰

Not only did whites oppose Navajo allotments in the public domain, they also assumed that the reservation would eventually be dissolved and opened for white settlement. Major James McLaughlin, an Indian inspector met with a group of Navajos in Shiprock in 1907 to discuss leasing a portion of the reservation for oil and gas exploration. The *Farmington Times Hustler* endorsed the leasing process because “This step is the initial one that will ultimately lead to the allotment of all the lands and the throwing open of the entire reservation for settlement.” The paper also advised “Those who are interested in getting a portion of the best Indian reservation that yet remains unopened had better keep an eye on movements here. Of the 6,400,000 acres included in this reservation, there are many mesas that are as beautiful as gardens.”¹⁶¹ From this article, it was clear that some whites viewed resource extraction leases as a means to break up the reservation, gain access to its lands, and divide Navajos.

On 9 November 1907, President Theodore Roosevelt temporarily withdrew homestead eligibility from the area. The Navajos would have time to file for allotments under the Dawes Act and any unallotted lands would be returned to the public domain.

¹⁶⁰ *Farmington (New Mexico) Enterprise*, 7 June 1907, as quoted in Bailey and Bailey, *A History of the Navajos*, 116.

¹⁶¹ *Farmington (New Mexico) Times Hustler*, 14 March 1907, as quoted in Bailey and Bailey, *A History of the Navajos*, 117.

In 1907, the OIA created the Eastern Navajo Agency and placed off-reservation Navajos under its jurisdiction. The new agency began operations in 1909, with Samuel Stacher as its first superintendent.¹⁶²

The IRA discovered in 1909 that white ranchers had managed to delay Navajo allotment applications for over two years. While the OIA assisted Navajos with the allotment application process, the final approval was under the jurisdiction of the General Land Office. In 1910, Stacher reported 2,783 Navajo allotments in Arizona and New Mexico. By the fall of 1910, the annual report of the Commissioner of Indian Affairs noted that Navajo claimants had filed allotments for 54,880 acres in Arizona and 319,363 acres in New Mexico. Due to white opposition, the General Land Office had not approved any of the Navajo allotments on the public domain by the time that New Mexico became a state in 1912.¹⁶³

Living up to white rancher and settler expectations, the first New Mexico legislature requested Congress to allot the Navajo reservation and to open all remaining lands to white homesteaders. One of New Mexico's first senators, Albert Fall, was the most prominent opponent to expanding the reservation, granting Navajos allotments on the public domain, and consolidating off-reservation Navajo holdings. A compromise in 1914 limited allotments to Navajos who had lived on the public domain prior to 30 June 1913, but political opposition continued to interfere with Navajos' attempts to acquire land. A government inspector found in 1916 that the General Land Office had failed to approve approximately 2,900 allotment applications from Navajos in the area, and that

¹⁶² Bailey and Bailey, *A History of the Navajos*, 115-116 and Lawrence C. Kelly, *The Navajo Indians and Federal Indian Policy, 1900-1935* (Albuquerque: University of New Mexico Press, 1968), 23-24.

¹⁶³ ARIRA 1909, 15-16, 21-25; Bailey and Bailey, *A History of the Navajos*, 116-117; ARCIA 1911, 95-96, 206.

the applications were in danger of being canceled. The supposed justification for not approving the applications was that they did not meet residence or land improvement requirements; however, the General Land Office was withholding land patents for no legitimate reason due to local pressure.

In 1918, Arizona Senator Marcus Smith introduced and passed legislation that ended the ability to use executive orders to extend any Indian reservation boundaries within a state without Congressional consent. After the 1918 act was passed, the OIA sent a special allotting agent to investigate the situation. He could only find 2,410 Navajo allotment applications of which 610 had been approved, but only 100 had been patented. It turned out that the special agent who had been in charge of collecting Navajo allotment applications in this area of New Mexico had never filed any of the applications with the General Land Office. Most of the Navajos who thought they had allotments did not; the allotment process would have to begin again.¹⁶⁴

Mary Raymond and Mary Eldridge left the Indian School Service to become missionaries. Raymond ended up a field matron and Eldridge a missionary, though they shared the same work. After Raymond died, Eldridge took over as field matron and Mary Tripp as missionary, again sharing the work. The practical circumstances on the reservation and Navajo lifeways repeatedly transformed the intent of civilizing policies into results unique to the Navajo context. Though Raymond and Eldridge initially attempted to fulfill the expected duties of a field matron, the Navajos' scattered

¹⁶⁴ Bailey and Bailey, *A History of the Navajos*, 117. Kelly, *The Navajo Indians and Federal Indian Policy, 1900-1935*, 27-35.

settlements and seasonal migrations, as well as their medical and subsistence needs, led the matrons to adopt more practical and pragmatic strategies in their civilizing efforts.

In 1892, Merial Dorchester and Emily Cook envisioned the field matron program for women as providing parity with the farmer program for men. Instead of following the field matron program's civilizing plan to mold Indian women into civilized homemakers, which had envisioned a context much like that of the post-allotment Omaha reservation, Eldridge recognized that Navajo women and their families needed technical and medical assistance particular to the circumstances of their communities. She went beyond the OIA's vision of a field matron, taking on the roles of nurse, farmer, civil engineer for irrigation projects, trader, hospital administrator, fund raiser, policy advocate, cottage industry entrepreneur, and adoptive mother to Navajo children.¹⁶⁵

Though the original duty of the field matron program was to transform individual Indian women by changing their domestic practices and material culture preferences, Eldridge's plans and programs usually focused on bringing members of Navajo communities together for a common purpose. Often these plans and programs resulted in improvements to the land, built structures, or goods produced for consumption or the market. Similarly, Eldridge's advocacy for the land rights of off-reservation Navajos worked to preserve these same products of Navajo labor. The off-reservation Navajos had carefully built up their sheep herds and were selling these products to the market;

¹⁶⁵ Following her work with off-reservation Navajos and the IRA to preserve their property rights, Eldridge spent her remaining years serving the Navajo community in the Farmington area. She continued to operate her small cottage hospital near the Methodist mission. She raised several Navajo children and still visited local hogans, even living with a Navajo family for an extended period. She died in Farmington on 28 March 1933 at age eighty-three. Her obituary noted that "Never had Mrs. Eldridge been appealed to in vain for help for any kind by white man or Indian. Never was a storm too severe, the night too dark or cold for her to go to the assistance of the unfortunate when called upon and myriad indeed is the number of those who will arise to call her blessed." Malehorn, "The Tender Plant," 92-93 as quoted in Trennert, "Mary L. Eldridge Serving God and Country on the San Juan," 168.

they had improved the land through plowing and irrigation to produce food; they had built more permanent houses; they were pursuing ownership of the property they had transformed; and they were seeking the government's aid in protecting it from those who wished to claim it for their own. As portions of the government and white settlers conspired together in the early decades of the twentieth century to deny Navajos the right to individual allotments and to break up their collectively held property in the reservation, Navajos would find collective power to resist such demands.

CHAPTER FIVE

LAND USE, PROPERTY RIGHTS, AND NAVAJO SOVEREIGNTY

When Navajos returned home to their new reservation from *Hwéeldi* in 1868, they quickly spread beyond its borders to their traditional use areas. In the decades that followed, the federal government added millions of acres to the reservation's land base to accommodate the subsistence needs of a rapidly growing population in an arid environment. The rapid expansion of the reservation was justified in Washington, DC by reports of the uniquely industrious and self-sufficient Navajos and their swiftly multiplying herds of sheep and goats. The expansion was also easy because the Navajos lived in one of the more arid and underpopulated areas of the United States.

However, by the turn of the twentieth century, the expanding Navajo population and their herds met with an increasing population of white ranchers on the edges of their traditional use areas and white prospectors traipsing through their lands digging holes. Congress ended the expansion of reservations by Executive Order at the end of the second decade of the twentieth century to preserve western lands for white interests. The oil boom of the early 1920s brought eager oil companies to the reservation with hopes of acquiring lucrative resources extraction leases. And the drought of the 1930s brought strong government grazing regulations to prevent erosion and its devastating effects for entire regions.

The federal government demanded that Navajos deal with these needs of the surrounding non-Indian population in ways that contradicted traditional Navajo customs and with solutions that further limited Navajos' control over their own resources and

families. Though Navajos were forced to accept many of the policies foisted on them by the federal government, they managed to mold their implementation through determined resistance. Through acquiescence to only a few oil leases, Navajos managed to establish the collective ownership of all resource extraction proceeds. The Navajo Tribal Council, which was formed by the Secretary of the Interior to rubber stamp oil leases, became a semi-autonomous governing body through its opposition to the siphoning off of oil proceeds for non-Navajo projects. And the Navajo Tribal Council managed to harness years of Navajo protests against stock reduction and grazing policies into the power to take control of grazing rights on the reservation and to institute a uniquely Navajo form of heritable usage rights akin to private property. The struggles over resource extraction and land use rights during the 1920s and 1930s set the foundations for Navajo government laws and regulations that still shape economic and housing development on the reservation in the twenty-first century.

Homesteads, Allotments, and the Tightening of the Navajo Borders

While the social engineering intentions of the Dawes Act slowly trickled into the Navajo reservation through the efforts of superintendents, field matrons, and the day schools (as described in Chapter 4), the most prominent aspect of the legislation, its land allotment policies, had little or no negative impact. Article V of the 1868 treaty had already offered provisions echoed in the Dawes Act, but had little effect. Article V read:

If any individual belonging to said tribe, or legally incorporated with it, being the head of a family, shall desire to commence farming, he shall have the privilege to select, in the presence and with the assistance of the agent then in charge, a tract of land within said reservation, not exceeding one hundred and sixty acres in extent, which tract, when so selected, certified, and recorded in the 'land book' as herein described, shall cease to be held in common, but the same may be occupied

and held in the exclusive possession of the person selecting it, and of his family, so long as she or they may continue to cultivate it.¹

Despite both the language in Article V and the Dawes Act, Navajos did not take advantage of the opportunity to seek allotments from reservation land.² Even the government official in charge of implementing the Dawes Act policies, Commissioner of Indian Affairs Thomas J. Morgan, had not been in favor of executing allotment on the Navajo reservation. In his 1892 annual report, Morgan, in referring specifically to the Navajos and their “pastoral pursuits,” wrote “the solution does not lie, for the present certainly, in allotments, but rather in the development of a system of industry among the Indians themselves which shall facilitate, by judicious help, the growth of their native industries.”³ The civilizing efforts of the Indian Bureau’s employees on the Navajo reservation mirrored these policy prescriptions during the decades around the turn of the century; though, they did comment in their yearly annual reports that no lands had been allotted on the reservation.

While the land base of most Indian reservations was significantly reduced by the Dawes Act, allies of the Navajos worked to use aspects of the legislation to consolidate traditional use areas that Navajos had spread to into beyond the reservation after the return to their homeland in 1868. The Homestead Law of 1862 was made available to Indians in the mid-1870s, but few took advantage of it, and it was unclear if American Indians were actually eligible since they were not US citizens. The 1884 Supreme Court

¹ “Treaty Between the United States of America and the Navajo Tribe of Indians, Concluded June 1, 1868, Ratification Advised July 25, 1868, Proclaimed August 12, 1868,” in David M. Brugge and J. Lee Correll, *The Story of the Navajo Treaties*, Navajo Historical Publications, Documentary Series No. 1 (Window Rock, AZ: Research Section, Navajo Parks and Recreation, The Navajo Tribe, 1971), 90-91.

² Robert W. Young, *The Navajo Yearbook: 1951-1961 A Decade of Progress*, Report No. VIII (Window Rock, AZ: Navajo Agency, 1961), 148.

³ *Annual Report of the Commissioner of Indian Affairs for the Year 1892* (ARCIA) (Washington, DC: Government Printing Office, 1892), 98-99.

case of *Elk v. Wilkins* settled the issue when the justices determined that American Indians were not eligible for allotments because of their citizenship status. Indians finally became eligible when an amendment to the 1887 Dawes Act granted any Indian citizenship who received full control of an allotment or who voluntarily lived a civilized life apart from any Indian tribe.

While on a tour of reservations in the southwest in 1892, the Superintendent of Indian Schools, Daniel Dorchester reported his analysis of Navajo understandings of federal land laws to the Commissioner of Indian Affairs. As with many previous Indian Service employees he noted that “The Navajoes have always exercised the right which they say was given them by the terms of the treaty of 1868, to go and live wherever they choose.” But he noted that the issue of living beyond the boundaries of the reservation was becoming an important issue due to the incursions of white settlers into the area who had no love for Navajo and thought they should be limited to living on the reservation. Dorchester stated his belief that “It is impossible for the Navajoes to understand our land laws or the system of public surveys; and harder still for them to comply with the requirements of the homestead laws.” He acknowledged that American Indians had been made eligible for homesteads, he believed that “the Navajoes were too ignorant to comprehend the requirements. Generations of nomadic ancestors have made these Indians very unstable.”⁴ Whatever the reasons for Navajos choosing not to apply for off-reservation homesteads during the last decades of the nineteenth century, by the early twentieth century Navajos became strongly interested in their homestead rights.

⁴ Ibid., 579.

The incursion of white settlers and ranchers onto off-reservation Navajo lands became a significant concern for Navajos and their allies during the early decades of the twentieth century. The reservation, state, and federal struggle to apply for and approve homesteads for Navajos went on for decades. In addition to Mary Eldridge and the IRA, other local and federal advocates assisted Navajos in their attempts to gain homesteads. In an effort to secure Navajo title to traditional use areas bordering the reservation, the Father Superior at St. Michael's Mission near Window Rock, Anselm Weber, and the agency superintendent at Crownpoint, S. F. Stacher, helped thousands of Navajo families apply for allotments under the Dawes and Homestead acts during the first two decades of the twentieth century. While the Dawes Act was intended to break up reservations, it also allowed Indians to obtain homesteads off the reservation. The Commissioner of Indian Affairs from 1913 to 1921, Cato Sells, used the act to claim allotments for Navajos within the public domain. He also attempted to secure Navajo control of springs and watering holes with the goal of securing exclusive use of their traditional range lands, though he did not succeed.⁵

Despite these efforts, significant obstacles remained to consolidating Navajo traditional use areas into a contiguous whole with the reservation. Congress banned all further creation of Executive Order Reservations in 1918 and prohibited future Executive Order withdrawals of land from the public domain in 1919. By 1919, only about 600 Navajo applications had been approved out of the 2,400 who had applied, and only about

⁵ Francis Paul Prucha, *The Great Father: The United States Government and the American Indians*, vols. 1-2, unabridged ed. (Lincoln, NE: University of Nebraska Press, 1995), 660-686; Peter Iverson, *Diné: A History of the Navajos* (Albuquerque: University of New Mexico Press, 2002), 98, 104-108; Marsha Weisiger, *Dreaming of Sheep in Navajo Country* (Seattle: University of Washington Press, 2009), 144; Young, *The Navajo Yearbook: 1951-1961*, 148; David F. Aberle, *The Peyote Religion Among the Navaho*, 2nd ed. (Norman, OK: University of Oklahoma Press, 1982), 53.

100 of those had been patented and held in trust by the OIA. The General Land Office, which administered land allotment on the public domain, required allottees to make improvements, such as building hogans, erecting fences, damming arroyos on each quarter-section claimed – all of which were not cost or labor effective when the intended use was grazing. The unconsolidated, checkerboard pattern of the off-reservation, Navajo-held lands made the transhumance routes traditionally used in Navajo pastoralism significantly more difficult to traverse and removed some water and food resources from access.⁶

The areas that Navajos had improved tended to belong to women, which caused another set of problems. Until 1920, when the regulations changed, the land office rejected applications by married Navajo women because Congress restricted homesteads to “heads of families”: a category effectively restricted to males. Officials with the Office of Indian Affairs, recognizing that Navajo wives were truly the heads of families, followed Navajo custom by allotting homesites to women. By rejecting women’s applications, the land office deprived many families of their homes. Even after 1920, only a handful of women succeeded in patenting their titles in the traditional use areas bordering the reservation. The Indian Citizenship Act of 1924, which granted all Indians citizenship, did not change the trajectory of off-reservation land acquisition. The failure of government officials to secure Navajo possession of these lands in the 1910s and 1920s proved disastrous as white ranchers aggressively moved into the area. These

⁶ Weisiger, *Dreaming of Sheep in Navajo Country*, 144; Garrick A. Bailey and Roberta Glenn Bailey, *Historic Navajo Occupation of the Northern Chaco Plateau* (Tulsa, Oklahoma: University of Tulsa, Faculty of Anthropology, 1982), 628-655; Prucha, *The Great Father*, 772, 793-794; Donald L. Parman, *Indians and the American West in the Twentieth Century* (Bloomington, IN: Indiana University Press, 1994), 65-70, 76; Klara B. Kelley and Peter M. Whitely, *Navajoland: Family Settlement and Land Use* (Tsaile, AZ: Navajo Community College Press, 1989), 70; Lawrence C. Kelly, *The Navajo Indians and Federal Indian Policy, 1900-1935* (Tucson: University of Arizona Press, 1968), 33-34.

ranchers applied for homesteads in the public domain and leased land that had been set aside for railroad and school easements, as well as lands allotted to Navajos. As the ranchers gained increasing control over water resources and grazing lands in these areas, they used their political influence and increasing power strongly to oppose Navajo grazing access to lands they had used for generations.⁷

This increased competition for access to and control of land further solidified the borders of the Navajo reservation, effectively cutting off one of the last avenues of expansion, which had served since 1868 as release valves for the expansion of the Navajo population and their flocks. As the off-reservation struggle for land solidified the borders of the reservation, increased competition for resource extraction rights and grazing lands on the reservation set in motion events that inevitably led to the imposition of land use regulations and rights.

Land Rights and the Creation of a Navajo Central Government

World War I increased economic activity in the western United States, intensified demand for Indian held natural resources, and served to expand the region's infrastructure, thereby making many reservations less remote. As the United States transitioned to a post-war economy after World War I, its use of oil increased exponentially. Homes and businesses were converting from using coal to oil and ten million automobiles drove on US roads. American business and government leaders became gripped with a fear that domestic oil reserves would soon be exhausted. US

⁷ Weisiger, *Dreaming of Sheep in Navajo Country*, 144-145; Prucha, *The Great Father*, 772, 793-794; Parman, *Indians and the American West in the Twentieth Century*, 65-70, 76; Kelley and Whitely, *Navajoland*, 70; Kelly, *The Navajo Indians and Federal Indian Policy, 1900-1935*, 33-34.

foreign policy between 1919 and 1924 emphasized the Open Door to help US companies gain access to foreign oil fields. Internationally, though, US diplomatic efforts were weak and ineffective, and US companies were shut out of oil fields in the Middle East and on Pacific Islands by the British and Dutch governments and their support for their own domestic oil companies. In an effort to further increase production, US oil companies turned to the Western hemisphere and focused on exploration in Mexico, South America, and remote areas of the United States. It was in the context of this frenzy in 1921 that the Navajo reservation came to the attention of the oil industry.⁸

When oil was discovered in northern areas of the reservation in 1921, competing oil companies were faced with a history of earlier failed attempts to gain leases to drill. There was only one law in existence that dealt with access to oil resources on Indian reservations. An 1891 amendment to the 1887 Dawes Act (26 Stat. 794-795) revised a variety of Dawes Act provisions, including: the equalization of allotments among adult men, women, and children to 80 acres per person, the leasing of lands for farming, grazing, and mining, and the inheritance of allotments by children of cohabitants.⁹ Specifically on the issues surrounding leasing, the law stated:

⁸ The post-war frenzy in oil exploration would end in 1924 when the discovery of vast oil reserves in Texas, Oklahoma, Louisiana, and California made overseas searches less urgent. Gerald D. Nash, *United States Oil Policy 1890-1964* (Pittsburgh: University of Pittsburgh Press, 1968), 49-71; Norman E. Nordhauser, *The Quest for Stability: Domestic Oil Regulation 1917-1935* (New York: Garland, 1979), 2-7; Kathleen P. Chamberlain, *Under Sacred Ground: A History of Navajo Oil, 1922-1982* (Albuquerque: University of New Mexico Press, 2000), 19.

⁹ Commissioner of Indian Affairs Thomas J. Morgan and Alice Fletcher championed the 1891 amendment. Morgan pointed out the need to protect married women, who were excluded from allotments under the Dawes Act. Fletcher advocated before the Board of Indian Commissioners the equalization of allotments to women, as well as the young and able-bodied. Morgan and the Senate (through a bill introduced by Dawes) advocated equal allotments of 160 acres, but a compromise was made with the House for 80 acre allotments. Kelly, *Navajo Indians and Federal Indian Policy, 1900-1935*, 39; Robert W. Young, *A Political History of the Navajo Tribe* (Tsaile, AZ: Navajo Community College Press, 1978), 53-54; Prucha, *The Great Father*, 668, note 19; ARBIC 1889, 17; *Annual Report of the Board of Indian Commissioners for the Year 1889* (ARBIC) (Washington, DC: Government Printing Office, 1890), 8-9.

That whenever it shall be made to appear to the Secretary of the Interior that, by reason of age or other disability, any allottee under the provisions of said act, or any other act or treaty can not personally and with benefit to himself occupy or improve his allotment or any part thereof the same may be leased upon such terms, regulations and conditions as shall be prescribed by such Secretary, for a term not exceeding three years for farming or grazing, or ten years for mining purposes: *Provided*, That where lands are occupied by Indians who have bought and paid for the same, and which lands are not needed for farming and agricultural purposes, and are not desired for individuals allotments, the same may be leased by authority of the Council speaking for such Indians, for a period not to exceed five years for grazing, or ten years for mining purposes in such quantities and upon such terms and conditions as the agent in charge of such reservation may recommend, subject to the approval of the Secretary of the Interior.¹⁰

The Department of the Interior interpreted the phrase “bought and paid for the same” to mean lands on treaty reservations or bought for tribes and not those created by executive order (or extensions added by executive order).¹¹ The empowerment of “the Council

Though well intended by these advocates, the opening of allotted Indian lands to leasing proved detrimental to their stated goals. By 1898, 112,000 out of the 140,000 allotted acres on the Omaha and Winnebago reservations had been leased. The intended civilizing benefit working their own individual land holdings was circumvented when Indians chose, for a variety of reasons, to lease their land to (mostly white) others. Prucha, *The Great Father*, 673.

Nota bene: While only the 1891 law dealt with oil resources, the Metalliferous Minerals Leasing Act of 1918 covered mining deposits of “gold, silver, copper and other valuable metalliferous minerals.” Kelly, *Navajo Indians and Federal Indian Policy, 1900-1935*, 39-42. Peter Iverson, *The Navajo Nation* (Albuquerque: University of New Mexico Press, 1981), 19. Chamberlain, *Under Sacred Ground*, 19-20. For example, the Commissioner noted in his 1901 annual report that a mining lease had been issued on the Navajo reservation. “One mining lease in favor of George F. Huff. The lease is for the production of mineral oil, coal, and other minerals, and covers one square mile of land in the Carriso Mountains, situated near the northern line of the reservation; royalty, 5 per cent of the market value of all products mined.” ARCIA 1901, 77.

¹⁰ 26 Stat. 794. Fifty-first Congress, Sess. II, Chap. 383, Sec. 3, 1891.

¹¹ Kelly, *Navajo Indians and Federal Indian Policy, 1900-1935*, 39; Chamberlain, *Under Sacred Ground*, 19; Iverson, *The Navajo Nation*, 19; Philip Reno, *Mother Earth, Father Sky, and Economic Development: Navajo Resources and Their Use* (Albuquerque: University of New Mexico Press, 1981), 123; Donald L. Parman, *Indians and the American West in the Twentieth Century* (Bloomington, IN: Indiana University Press, 1994), 4-5.

Regarding Executive Order reservations and oil leasing: “On June 9, 1922, the Secretary of the Interior held that Executive-order reservations are subject to lease under the provisions of the oil-leasing act of February 25, 1920 (41 Stat. L., 437). Leases on such lands will be handled by the General Land Office.” ARCIA 1922, 23.

In the spring of 1923, Secretary of the Interior, Hubert Work, appointed the Advisory Council on Indian Affairs to discuss and make recommendations regarding the government’s Indian policies. The 100 members of the Council were given a number of questions and issues to consider during the summer of 1923, and sixty-six members of the Council met in Washington, DC in December 1923 to pass resolutions

speaking for such Indians” to lease reservation lands for “mining purposes” posed a distinct hindrance to the issuance of leases on the Navajo reservation, given that Navajos lacked a central government and used a decentralized, consensus-based, decision-making process.¹²

and make recommendations for changes in policy. Hubert Work, *Indian Policies: Comments on the Resolutions of the Advisory Council on Indian Affairs* (Washington, DC: Government Printing Office, 1924), iv.

Concerning the question of natural resource leases on Executive order reservations, the Council passed a resolution recommending the cessation of all such activity: “We recommend that the Secretary of the Interior suspend all departmental proceedings touching on the sale or lease of oil, gas, or minerals on or from Executive Order Indian reservations pending action by the Congress to vest the title of said reservations in the Indians occupying them.” In responding to this recommendation, on 6 December 1923, the Secretary recommended legislation to Congress “to authorize the deposit in the Treasury of moneys arising from leases on Executive order Indian-reservation lands to the credit of the tribe for whose benefit the reservation was created, such money to be subject to appropriation by Congress for expense of administration and for the use and benefit of Indians.” “A draft of a bill for this purpose was submitted to both Houses of Congress and was introduced as S. 876 and H. R. 2886 on December 10 by the respective chairmen of the Committee on Indian Affairs of the Senate and the House. The Senate bill was reported out of the committee on May 31, 1924, but failed of enactment.” Though introduced into both the House and Senate, neither body acted on the bills. Next, Work turned to the Attorney General with two questions on 12 February 1924: “1. What title is acquired by the Indians to lands withdrawn for their benefit by Executive order?” and “2. Are such lands subject to the leasing act of February 25, 1920 (41 Stat. L. 437)?” The Attorney General replied on the following day, 13 February 1924, in a letter addressed to the Commissioner of the General Land Office, that no further leases or permits should be approved or issued for lands within Executive Order Indian reservations. This decision affected about 400-500 applications. On 27 May 1924, the Attorney General issued his decision that the leasing act of 1920 did not apply to Executive order reservations. Twenty prospecting permits already had been issued prior to this decision and their legal limbo was left to the Justice Department to work out. Work, *Indian Policies*, 13.

¹² One of the earliest leases for mining on the Navajo reservation was granted by the Navajo Agent, Constant Williams. It is unclear whether Williams complied with the stipulations of the 1891 amendment to the Dawes Act. Williams noted in his 1896 annual report that “On the 19th of December, 1895, I granted a mining lease for ten years of one square mile of nonagricultural land in the Carrizo Mountains to Mr. John H. P. Voorhies, of Denver, Colo. This lease has been approved by the Department, but no work has yet been done under it, although a working party is now on the ground. If the existence of valuable mineral in paying quantity should be shown, it will be my object to make as many other leases as I can with advantage to the Indians.” In his own annual report of 1896, the Commissioner of Indian Affairs mentioned the approval of the lease “Navajo Reservation, Ariz.—One lease for gold and silver mining purposes in favor of J. H. P. Voorhies, for the period of ten years, to embrace an area not exceeding 1 square mile. The rate of royalty for the first three years has been fixed at 3 per cent of the net sampler returns; the rate of royalty for the remainder of the term to be fixed by the Secretary of the interior. The lease was approved February 10, 1896. Since its approval the lease has been assigned to the Carrizo Mining Company.” ARCIA 1896, 39, 113. In Williams’ 1897 annual report, he noted that “No work has been done under the lease of ground in the Carrizo Mountains for mining purposes since my last report. I have had no communication from the lessee for over a year, and I presume that the undertaking has been abandoned.” ARCIA 1897, 107.

Attempts to create such a council had begun soon after the signing of the 1868 treaty, but various iterations of such an organization remained local and sporadically organized until the early 1920s. Soon after the signing of the Navajo Treaty in 1868, Federal Peace Commissioner S. F. Tappan had asked Special Indian Agent John Ward of Santa Fe to make suggestions for the “rehabilitation” of the Navajos. Ward’s 14 August 1868 reply suggested, among other things, a political reorganization of the Navajos. He advised that Superintendents could appoint headmen, or what had traditionally been called *naat’áani* (peace leaders, as compared to *naatini* or war leaders) to represent Navajos in dealings with Indian agents. Further, these headmen could act in the traditional *naat’áani* role as mediators in disputes, but also to help in making tribal decisions. Over the remaining years of the nineteenth century, these headmen probably met with the Indian agents periodically to serve the suggested functions. In parallel to the headmen, the OIA developed a plan by 1900 to divide the reservation into six new jurisdictions for more efficient administration. By 1908, the six agencies had been established (with a headquarters for each): Southern (Fort Defiance), Western (Tuba City), Northern (San Juan, then Shiprock), Eastern or Pueblo Bonito (Crownpoint), Western extension (Leupp), and Hopi (Keams Canyon). While the role of the local councils of headmen may have significantly diminished after the OIA created the six agencies, such councils were still called during the first two decades of the twentieth century to express their opinions on issues affecting their communities, according to

Franciscan missionaries Father Berard Haile, Father Anselm Weber, and Father Leopold Ostermann.¹³

Late in the first decade of the twentieth century, Indian agents representing the six agencies began calling together groups of Navajos from their particular jurisdiction to consider oil leases. Such early attempts in the Fort Defiance and San Juan agencies were generally turned down by the assembled Navajos, for a variety of reasons, including belief that the land in question was sacred and not a commodity, distrust of government officials and mining interests, and inability to come to consensus among the assembled Navajos. Those few leases that were conceded were later canceled because of bureaucratic or legal technicalities. For example, while efforts to facilitate oil leases in the San Juan Agency and by some Fort Defiance Navajos attempted to satisfy the barest requirements of the 1891 law, both violated Article X of the 1868 Navajo Treaty.¹⁴ As a result, no oil leases existed on the Navajo reservation before 1921.¹⁵

¹³ Chamberlain, *Under Sacred Ground*, 7, 14-17; Louise Lamphere, *To Run After Them: Cultural and Social Basis of Cooperation in a Navajo Community* (Tucson: University of Arizona Press, 1977), 29-30; Iverson, *The Navajo Nation*, 11, 17; Howard M. Bahr, ed., *The Navajo as Seen by the Franciscans, 1898-1921: A Sourcebook* (Lanham, MD: Scarecrow Press, 2004), 59-60, 235-236, 282-288, 394-398, 423-426.

¹⁴ Article X stated that "No future treaty for the cession of any portion or part of the reservation herein described, which may be held in common, shall be of any validity or force against said Indians unless agreed to and executed by at least three-fourths of all the adult male Indians occupying or interested in the same; and no cession by the tribe shall be understood or construed as to deprive, without his consent, any individual member of the tribe of his rights to any tract of land selected by him as provided in Article 5 of this treaty." *Treaty Between the United States of America and the Navajo Tribe of Indians, With a Record of the Discussions that Led to Its Signing* (Flagstaff, AZ: K. C. Publications in cooperation with the Navajo Tribe, 1968), 23. Concerning the legal applicability of Article X of the treaty to the early oil leases, see Raymond D. Austin, *Navajo Courts and Navajo Common Law: A Tradition of Tribal Self-Governance* (Minneapolis: University of Minnesota Press, 2009), 13. Concerning Article V of the Navajo Treaty, see Chapter 2 above.

¹⁵ Chamberlain, *Under Sacred Ground*, 7, 14-17; Lamphere, *To Run After Them*, 29-30; Iverson, *The Navajo Nation*, 11.

When oil was discovered on the reservation in 1921, oil companies and the Secretary of the Interior were determined that Navajo intransigence and legal hurdles would no longer stand in the way of opening Navajo land to resource extraction leases. Because no governing body existed to represent all Navajos in the signing of leases, as required by the 1891 law, and because the OIA had been dealing with Navajos through the agency structure, Commissioner of Indian Affairs Charles H. Burke, Assistant Commissioner E. B. Merritt, and Secretary of the Interior Albert Bacon Fall heavily pressured San Juan Agency superintendent Evan Estep to put together councils of local Navajos to hear the proposals of oil companies for leases.¹⁶

Despite personal misgivings and Navajo opposition to the oil companies, between May 1921 and September 1922, Estep four times called together a council of local adult male Navajos to consider oil lease requests. At the 7 May 1921 council, the Navajo attendees refused all petitions. Elder Navajos were suspicious of the oil men, and the younger, boarding-school-educated Navajos, who were more inclined toward economic progress, deferred to the elders. The oil companies refused to accept this decision, so at a 13 August 1921 council meeting the attendant Navajos finally approved one lease to one company as a cautious experiment and in the hopes of being done with the oil men. The other competing companies continued to put pressure on the Interior Department; nevertheless, at a 25 March 1922 council meeting the assembled Navajos unanimously rejected all lease requests after only one hour of debate. At the fourth and final San Juan

¹⁶ Chamberlain, *Under Sacred Ground*, 21-25; Kelly, *Navajo Indians and Federal Indian Policy, 1900-1935*, 48-55; Kelley and Whitely, *Navajoland*, 71; Peter Iverson, *Diné: A History of the Navajos* (Albuquerque: University of New Mexico Press, 2002), 133; Young, *A Political History of the Navajo Tribe*, 54-58; Iverson, *The Navajo Nation*, 19-20; Young, *The Navajo Yearbook: 1951-1961*, 374-376; Reno, *Mother Earth, Father Sky, and Economic Development*, 123-124.

council on 29 September 1922, the attendees granted a single lease to one further company, which the Interior Department never approved.¹⁷

While the Navajos of the San Juan Agency continued to resist pressure to open their lands to full-scale oil exploration, some in the Fort Defiance Agency approved of doing so and attempted to find their own mechanism to approve leases. In January 1922, three prominent Navajo leaders—Chee Dodge, Charlie Mitchell, and Daaghachii Bekiss—formed an ad hoc business council to consider oil leases, but they did not represent the entire reservation community any more than San Juan agent's council. While San Juan Navajos had been reluctant to sign oil leases, they were adamant that any royalties from oil leases in the San Juan agency should go only to them. The Fort Defiance group, on the other hand, believed that any royalties should be shared by all Navajos equally. These opposing viewpoints created tensions among Navajos, between those whose lands would be disturbed, and those who wished to benefit from possible royalties.¹⁸

When oil was discovered at Hogback (Jewett), in September 1922, the Secretary of the Interior, Albert Bacon Fall decided to bypass the recalcitrance of local San Juan Navajos and remedy the problem of council approval required by the 1891 law. Fall

¹⁷ Chamberlain, *Under Sacred Ground*, 21-25; Kelly, *Navajo Indians and Federal Indian Policy, 1900-1935*, 48-55; Kelley and Whitely, *Navajoland*, 71; Peter Iverson, *Diné*, 133-134; Young, *A Political History of the Navajo Tribe*, 54-58; Iverson, *The Navajo Nation*, 19-20; Young, *The Navajo Yearbook: 1951-1961*, 374-376; Reno, *Mother Earth, Father Sky, and Economic Development*, 123-124.

¹⁸ Chamberlain, *Under Sacred Ground*, 27-28; Kelly, *Navajo Indians and Federal Indian Policy, 1900-1935*, 48-55; Kelley and Whitely, *Navajoland*, 71; Peter Iverson, *Diné*, 133-134; Young, *A Political History of the Navajo Tribe*, 54-58; Iverson, *The Navajo Nation*, 19-20; Young, *The Navajo Yearbook: 1951-1961*, 374-376; Reno, *Mother Earth, Father Sky, and Economic Development*, 123-124.

The 1922 annual report of the Commissioner of Indian Affairs noted that "On the treaty part of the Navajo Reservation four leases of tribal land, each covering approximately 4,800 acres have been executed and approved, three of them being on the southern part of the reservation under the jurisdiction of the superintendent of the Navajo Agency, Fort Defiance, Ariz., and one in the north under the superintendent of the San Juan Agency, Shiprock, N. Mex. Test wells are now being drilled." ARCIA 1922, 23.

appointed Herbert J. Hagerman as Special Commissioner to the Navajo Tribe to negotiate oil leases. Fall also wrote regulations that created a council to represent the entire Navajo tribe, which would consist of a chairman, a vice-chairman, and a delegate and alternate from each agency on the reservation. The delegates would be elected (or appointed by the Secretary, if elections were not held). The council would elect its chairman at its first meeting. The council would meet when the newly created Special Commissioner desired and could not convene without him in attendance. The Secretary could remove any council member for cause. Fall issued *Regulations Relating to the Navajo Tribe of Indians* on 27 January 1923.¹⁹

Secretary Fall had long been an outspoken proponent of opening all federal lands, including Indian reservations, to resource extraction and had spent his tenure aggressively attempting to achieve this goal in coordination with his friends in various industries. But before his new regulations for the Navajos could be executed, Fall was forced to resign under the shadow of the Teapot Dome investigation. He had been Secretary of the Interior for only two years. Fall's replacement, Hubert Work, reaffirmed Hagerman's appointment, but amended the new regulations to allow for council representation based on population, instead of just one representative per agency.²⁰

¹⁹ The 1923 *Annual Report of the Commissioner of Indian Affairs* noted that: "To promote better and more uniform administration of the affairs of the Navajo Tribe of Indians, particularly as to matters affecting their interests at large, such as oil, gas, and other mineral deposits, tribal timber and the development of underground water, regulations were approved January 27, 1923 (revised April 24, 1923), providing for the appointment of a commissioner to the Navajo Tribe and the organization of a Navajo Tribal Council with which administrative officers of the Government may directly deal in all matters affecting the tribe as a whole. Hon. H. J. Hagerman was appointed commissioner to the Navajo Tribe and the organization of a Navajo tribal council has been completed." ARCIA 1923, 18.

²⁰ ARCIA 1923, 17-18; Iverson, *The Navajo Nation*, 20-21; Chamberlain, *Under Sacred Ground*, 27-28; Kelly, *Navajo Indians and Federal Indian Policy, 1900-1935*, 61-65; Austin, *Navajo Courts and Navajo Common Law*, 13-14; Young, *A Political History of the Navajo Tribe*, 231; Young, *The Navajo Yearbook: 1951-1961*, 374-376. Regarding the Teapot Dome scandal, see Nash, *United States Oil Policy 1890-1964*, 73-81.

The Tribal Council met for the first time on 7 July 1923, in Toadlena under Hagerman's supervision. The Council's first act was to approve an Office of Indian Affairs proposal to give Hagerman power of attorney to sign oil and gas leases on behalf of the nascent Navajo government for lands described in the 1868 treaty. In return for the power of attorney, Hagerman promised the Council federal assistance in expanding the reservation. As the result of this first vote, the council was associated almost exclusively with oil development, despite their discussions of and attempts to deal with other matters. Most Navajos knew little if anything of the Council during its first decade of existence, and though delegates were supposedly elected, it is almost certain that agents chose them. Oil companies shifted their pressure from Navajos and the Council to Hagerman and higher ups in the Interior Department.²¹

As Hagerman, the Department of the Interior, and the oil companies moved ahead with planning to auction reservation oil leases, two problems were becoming apparent. First, Hagerman had no surveys or maps of the structures that were to be leased. The government did not produce any effective data on the structures prior to the auction in mid-October, so oil companies had to rely on whatever survey work they had paid for themselves. Second, the oil industry had overcome its shortage problem by 1923 and had a glut of petroleum due to large strikes in California. The result was a 50 percent decline in oil prices. People in the oil industry warned Hagerman that opening Navajo land to oil exploration at this time could further drive down oil prices. Hagerman apparently did not relay these concerns to any of the interested parties and the auction went ahead as planned, resulting in the sale of four exploratory leases on Rattlesnake, Tocito, and Table

²¹ Iverson, *The Navajo Nation*, 21; Chamberlain, *Under Sacred Ground*, 29-30.

Mesa, and several tracts on Hogback. Work was pleased with Hagerman's work and rewarded him with a new government car.²²

In January 1924, John Collier, the executive secretary of the American Indian Defense Association, published an article in *Sunset* magazine on the possible ramifications of the discovery of oil on the Navajo reservation.²³ "On the Navajo reservation oil has been found. A tribal fund of not less than \$100,000 from bonuses and royalties is assured, and there is prospective assurance of much larger sums. Thus a means for *capitalizing* the Navajo industry is provided—through it must be understood that immediate needs are greater than can be supplied from any likely revenue of oil."²⁴ Collier noted that "This oil has been found inside and outside the reservation line, round the northeast corner. Apparently the Navajo oil field—the part of it now being explored—is self-contained and can not be drained from outside the reservation."²⁵

Collier praised the actions of Hagerman and Secretary Work, describing Hagerman as a "hard-working, frank, amused, unofficial and transparently honest official."²⁶ Collier further noted that "After a study as careful as a layman can make, I am convinced that the oil question has been handled with businesslike honesty and in the best interest of the Navajos." He also noted that "Through tactful handling

²² Chamberlain, *Under Sacred Ground*, 31-32.

²³ John Collier, "The Fate of the Navajos What Will Oil Money Do to the Greatest of Indian Tribes," *Sunset* 24, no. 1 (January 1924): 11-13, 60, 62, 73-74.

²⁴ *Ibid.*, 11.

²⁵ *Ibid.*, 62.

²⁶ *Ibid.*, 12. "A commissioner-general of the Navajos has been appointed—H. J. Hagerman, former governor of territorial New Mexico and for many years a leader in tax reform. Mr. Hagerman has received apparently the steadfast support of Dr. Hubert Work, Secretary of the Interior. His main achievements to date have been three in number. First, he gained the liking and trust of the Indians, the Government employees, the traders, and apparently all others who are close to the Navajo situation. Second, he has worked out an honest, courageous, and businesslike handling of the oil leasing. Third, he has brought to the verge of practical accomplishment a plan, advantageous to the Navajos and the white cattlemen alike, which has hung fire for a decade past, for the readjustment of Navajo boundaries in New Mexico." *Ibid.*

Commissioner Hagerman was able to bring about a good choice of delegates to the Navajo council, and at a meeting in July these delegates conferred on him what amounts to power of attorney for oil leasing.”²⁷

Regarding the creation of a Navajo central government and its use by the Department of the Interior to facilitate oil leases, Collier had few qualms and deemed these developments necessary and expeditious. He noted that “The treaty of 1868 disregarded the class organization of the Navajos and required a three-fourths affirmative vote of the adult males for the legalizing of sales of property, etc.,” but countered that “The general leasing act of 1891 provided for action by tribal councils of the various tribes.” While Collier knew that both the 1868 treaty and the new council transgressed Navajo cultural and gender norms in giving all decision-making power to males, his own gender biases gave him little reason to challenge either. He also commented that “the Secretary of the Interior has an almost final discretion in the leasing of tribal properties, as in the sale of allotted lands held in trust.” Collier did admit that “Last spring a violent outcry was raised because the Indian Bureau had created by fiat a tribal council of the Navajos for the primary purpose of authenticating the oil leases” and that “It was said that this action violated the treaty of 1868.” But Collier deemed that “The violation is doubtful; in any case the mode of tribal action prescribed in the treaty was neither in accordance with the folk tradition of the Navajos nor with the practical requirements of tribal government.”²⁸

Collier believed that these actions were a positive step in answering “the question of uniting the clan organization and the religious system of the Navajos with the new

²⁷ Ibid., 62.

²⁸ Ibid.

secular government of theirs.” He opined that “if the esthetic and religious interests of the Navajos could be united with the work of a self-governing civic council piloted by a wise Indian Bureau, tremendous results of education and modernization, along with conservation of precious folk heritages, could be hoped for.”²⁹ This vision, espoused in 1924, was the essence of the Indian Reorganization Act that Collier would champion as the Commissioner of the Office of Indian Affairs a decade later.

The Navajo Council, though created by the Department of the Interior as a tool for approving oil leases on the reservation, began to resist the wishes of the Secretary of the Interior and Hagerman on just that issue. At the July 1925 Navajo Council meeting, the delegates considered the issue of how oil revenues would be distributed. When the San Juan delegates recognized that their plan to have oil revenues distributed to the Chapter on which the lease resided did not have enough support, one of their number, Deshna Clah Cheschilligni, proposed that Navajos hold the oil and gas rights and revenue in common, as opposed to distributing the income on a per capita basis. This decision served Navajos well in years to come. While unscrupulous whites found numerous ways to gain control of individual Osage oil leases in Oklahoma during the 1920s, these strategies could not succeed when the leases and revenues were controlled by the Navajo government. The oil revenues also would become the financial underpinnings of the Navajo government in years to come.³⁰

Navajo delegates also pushed back against attempts to extend existing oil leases on the reservation. In May 1924, Congress had passed the Indian Oil Leasing Act, which

²⁹ Ibid.

³⁰ Chamberlain, *Under Sacred Ground*, 34-36.

amended the 1891 law.³¹ This amendment effectively lengthened any oil lease on Indian land to the duration that oil could be pumped from the ground. When Hagerman attempted to get the Navajo Council to amend Midwest Company's oil lease in July 1925 from ten years to the new standard of the Indian Oil Leasing Act, the delegates denounced his plan.³²

By 1926, the Council had further reason to resist the dictates of the Department of the Interior and Office of the Indian Affairs regarding uses of their lands and oil revenues. On 26 February 1926, Congress authorized a bridge over the San Juan River at Lee's Ferry, Arizona. On March 4, Congress charged the Navajos \$100,000 for the construction of the bridge and asked for an equal amount from the state of Arizona. It was clear to members of the Navajo Council that the bridge would benefit few if any Navajos; but it would be a great boon to the Fred Harvey Company, which owned the concessions at the Grand Canyon, because it opened an automobile route for tourists. Secretary of the Interior Work, though, praised the bridge as an asset for Navajos. And Commissioner Burke also defended the project, but promised to spend tribal moneys on developing water resources, agriculture, and breeding sheep.³³

³¹ "Unallotted land . . . subject to lease for mining purposes for a period of ten years . . . may be leased . . . by the Secretary of the Interior, with the consent of the [Indian] council . . . , for oil and gas mining purposes for a period of not to exceed ten years, and as much longer as oil or gas shall be found in paying quantities, and the terms of any existing oil and gas mining lease may in like manner be amended by extending the term thereof for as long as oil or gas shall be found in paying quantities: *Provided*, That the production of oil and gas and other minerals on such lands may be taxed by the State in which said lands are located in all respects the same as production on unrestricted lands, and the Secretary of the Interior is authorized and directed to cause to be paid the tax so assessed against the royalty interests on said lands: *Provided*, however, That such tax shall not become a lien or charge of any kind or character against the land or the property of the Indian owner." Act of May 29, 1924, ch. 210, 43 Stat. 244, 25 U.S.C. § 398.

³² Chamberlain, *Under Sacred Ground*, 37.

³³ *Ibid.*, 38-39; Donald Parman, *The Navajos and the New Deal* (New Haven, CT: Yale University Press, 1976), 20-21. Congress had begun such a practice in 1914, when it authorized projects on Indian lands with the understanding that they might one day be reimbursed from tribal funds.

John Collier also took notice of the appropriation of Navajo revenues for the bridge project and accused the government of looting Navajo coffers. Collier's associate, Matthew Sniffen, secretary of the IRA, visited the Navajo reservation and found no Navajos living within twenty-five miles of the proposed construction site. Sniffen also noted that there was no road to the site; therefore, the bridge would require \$300,000 to construct a road to and from it. Congress' use of reimbursable debt for projects on and around the Navajo reservation continued to grow. In 1926 and 1927, Navajos were charged nearly \$900,000 for several off-reservation bridges, bridge repair, and road construction. These costs were eventually apportioned to the various reservation districts and paid through oil revenues: a practice, which, if it continued, would guarantee that Navajos would have little say in the spending of their funds and that they would have little chance for eventual self-sufficiency.³⁴

Beginning with the first auction of Navajo oil leases in 1923, the reservation witnessed a relative oil boom from 1923 to 1927, but it ended in overproduction and chaos with oil companies pulling out for more lucrative fields elsewhere.³⁵ By 1928,

³⁴ Chamberlain, *Under Sacred Ground*, 38-40.

³⁵ The 1924 *Report of the Commissioner of Indian Affairs* noted that "A sale of leases on unallotted lands of the Navajo Treaty Reservation, N. Mex., on which oil was discovered last year netted to the Indians \$80,598. The sale included exploratory leases on the Tocito, Table Mesa, Rattlesnake, and Beautiful Mountain structures in undeveloped portions of the reservation, requiring extensive drilling operations. On the Rattlesnake structure, which is located about 12 miles west of the discovery well on the Hogback structure, three producing wells and one dry hole have been drilled. The oil produced from both these structures is from the same formation and is encountered at a depth of about 800 feet. No oil has yet been found on the other three structures. At the end of the year 16 wells had been drilled on the reservation, 8 of which are producers, with an estimated capacity of from 90 to 1,200 barrels per day each. Plans are under way for the construction of a pipe line to the field, which will mean a market for the oil, expansion of the field, and more revenue to the Indians." ARCIA 1924, 14-15.

The 1925 *Report of the Commissioner of Indian Affairs* reported that "During the year six wells were completed on leases located on the Navajo treaty reservation, four of which are producing. There are now 14 producing wells on the reservation, the oil from which is of a very high grade and contains a large gasoline content. A deep test well is being drilled on the Rattlesnake structure for the purpose of testing out the sands in the lower horizons. The Midwest Refining Co. has laid a 3-inch pipe line from its lease on

most of the leases made between 1923 and 1926 had been abandoned. By 1929, oil prices across the United States had dropped even further as the result of overproduction from the fields in east Texas and California. As oil revenues began to drop and questions about the use of those revenues mounted, increasing scrutiny fell on Hagerman and his oversight of Navajo resources. Whereas John Collier had initially praised Hagerman, the Office of Indian Affairs, and the Department of the Interior for their work on Navajo oil leases, questions about oversight of the companies pumping oil from the reservation and the spending of oil revenues on projects of questionable value to Navajos led him to levy severe public criticism at these parties. Over the next few years, Indian rights advocates, including Collier, from the American Indian Defense Association, the Committee of One Hundred, the National Popular Government League, and the Women's Federation wrote

the Hogback structure to Farmington, N. Mex., a distance of 20.1 miles. The Santé Fe Co. has laid a 2-inch pipe line from its lease on the Rattlesnake structure to connect with the west end of the Midwest Refining Co.'s Hogback line, a distance of about 14 miles. The United Oil Co. has built a small refinery at Farmington, N. Mex., which will take care of at least part of the production from the Rattlesnake structure. Based on the report and recommendation of the Bureau of Mines the department pm April 25, 1925, approved, as a price basis for computing royalties, a differential of 60 cents per barrel above the mid-continent price for 36-38.9 gravity oil produced on the hogback structure and a differential of 45 cents for oil produced on the Rattlesnake structure." ARCIA 1925, 18.

The 1926 *Report of the Commissioner of Indian Affairs* reported that "Within the treaty portion of the Navajo Indian Reservation, N. Mexico, nine wells were completed during the year, seven of which produced oil. There are now 19 wells on the Navajo Reservation producing oil of about 62° A. P. I. gravity. The second sale of tribal leases within that reservation was held June 23, 1926, at which time 12 additional leases were sold embracing 18,160 acres. The bonus received for these leases amounted to \$62,400. At the same sale two exploratory leases on approximately 9,300 acres on the Ute Mountain Reservation were sold for which a bonus of \$2,400 was received. A pipe line has been constructed within the Navajo Reservation by the Continental Oil Co. from the Rattlesnake and Table Mesa structures to Gallup, N. Mex., a distance of 97 miles. Several large storage tanks were also built in connection with its pipe line by that company which is the owner of an interest in the Rattlesnake lease. This additional means of transporting and marketing of oil will no doubt stimulate a greater interest in this field and result in increased oil runs from wells already producing, some of which have probably not been operated to their full capacity." ARCIA 1926, 12.

In 1929, the *Report of the Commissioner of Indian Affairs* noted that "Within the Navajo Treaty Reservation, Ariz., a test well on the Rattlesnake structure was completed to a depth of 6,765 feet. This well has been reported to have an average daily production of about 750 barrels of 38 Baumé gravity. There are now 25 producing oil wells in the Navajo fields, a number of which were considerable pinched during a part of the year. The total production therefrom has yielded to the Navajo Tribe \$115,595 for the year." ARCIA 1929, 18.

letters and editorials and held forums to bring attention to the OIA's mismanagement of Navajo resources.³⁶

In January 1931, John Collier and a group of progressive leaders in the US Senate held hearings with the intent of bringing the Secretary of the Interior and the Commissioner of Indian Affairs to account and removing Hagerman from his position. Collier had compiled hundreds of damaging documents and marshaled a coalition of OIA employees and reformers for this purpose. Despite significant evidence that Hagerman's representation of Navajos had been lackluster and distracted, if not necessarily as sinister or calculating as Collier portrayed, the hearing concluded without recommendation. Hagerman's support did wane, though, and Congress eventually voted to remove him from office in March 1932, effective 1 July 1932, on the grounds of incompetence and poor performance.³⁷

The power of attorney given to Hagerman continued to be in effect until John Collier, the new Commissioner of Indian Affairs under Franklin D. Roosevelt, met with the Navajo Council in the fall of 1933 on the reservation in Tuba City. Collier advised the Council to rescind the authority that it had given to the Special Commissioner ten years earlier. On 31 October 1933, the Council rescinded the authority and bestowed it on the Chairman and Executive Committee of the Council. Although begun inauspiciously, the Tribal Council was slowly asserting more Navajo autonomy and attempting more control over the reservation's lands and resources. But every assertion

³⁶ Chamberlain, *Under Sacred Ground*, 38-55; Prucha, *The Great Father*, 936-938; Parman, *Indians in the American West in the Twentieth Century*, 76-92.

³⁷ Chamberlain, *Under Sacred Ground*, 57-65; Parman, *Indians in the American West in the Twentieth Century*, 91-92.

of autonomy by the all-male Tribal Council also moved the Navajo central government further away from traditional, matrilineal, clan-based, consensus decision making and closer toward the federal government's ideal patriarchal, centralized authority.³⁸

Land Use and the Evolution of Navajo Sovereignty

The Navajo population on the reservation had increased significantly since its creation in 1868, from approximately 9,000 to over 30,000 in 1920 and over 40,000 in 1930.³⁹ This population increase, combined with Navajos' successes in sheep and goat husbandry and other factors, such as drought, led to increasing stresses on the land and a relative decrease in the amount of pasturage to which each family had access.⁴⁰ Navajo families previously had migrated from winter to summer homesites; however, as they increasingly became confined to one area year-round, their subsistence demands on the land multiplied.⁴¹

By the early twentieth century, there was significant competition among Navajo families for grazing land. In many areas of the reservation, the use right areas of Navajo kin groups became more exclusive and geographically defined. Kin group members exerted greater efforts to occupy and control both their winter and summer use right areas. Every community had at least one large-scale Navajo stockowner whose herds

³⁸ Chamberlain, *Under Sacred Ground*, 28-65; Iverson, *The Navajo Nation*, 21; Austin, *Navajo Courts and Navajo Common Law*, 13-14; Bailey and Bailey, *A History of the Navajos*, 111; Young, *The Navajo Yearbook: 1951-1961*, 376.

³⁹ 9,000 (1868), 11,850 (1878), 18,000 (1888), 20,500 (1898), 29,032 (1908), 31,250 (1918), 34,892 (1928), 41,786 (1930), 44,025 (1935). Trib Choudhary, "Overall Economic Development Program: 1998-1999," Report prepared for the Navajo Nation, Division of Economic Development, Window Rock, AZ, 2000, 4, copy in possession of the author.

⁴⁰ Kelley and Whitley, *Navajoland*, 101-136; White, *The Roots of Dependency*, 250-254.

⁴¹ There was also concern that overgrazing on the Navajo Reservation would increase the sediment load in the Colorado River and impede power generation from the Boulder Dam, thus frustrating ambitious development plans for the Southwest. White, *The Roots of Dependency*, 250-252.

competed directly with those of individual families. The large stockowners' herds pushed small owners' further and further onto marginal grasslands within the reservation and on the borders, which put them in competition with white and Hispanic ranchers. Further, Navajos in areas of good grazing land, like Black Mountain, resented the incursions of non-local Navajos from overgrazed regions. Complaints to the Office of Indian Affairs about grazing competition increased significantly and tensions rose. Missionaries and government officials who paid attention to these increasing conflicts raised alarm about subsistence and grazing conditions on the reservation.⁴²

The recognition of the need to take constructive action to preserve grazing resources gained momentum in the 1920s and was discussed with the Tribal Council in 1928. But anecdotal observations and complaints did not provide adequate data to determine the nature and scope of the problem, nor how to address it. As a result, William H. Zeh, a Forester with the OIA, was directed to survey range conditions on the reservation and to report recommendations for improvements. Zeh's 23 December 1930 report noted that large sections of the reservation's grazing lands were depleted. As others had before him, Zeh pointed out that the lack of water for livestock caused an uneven distribution of animals across the reservation, putting greater stress on more fertile areas. Zeh argued that the Navajos' 1.3 million sheep and goats exceeded the carrying capacity of the range by a factor of two or three. He recommended that non-

⁴² Alexander John Thal, "Fairness in Compensation Procedures: A Case Study of Navajo Tribal Land Acquisition Policies" (PhD diss., State University of New York at Buffalo, 1981), 17-18; Weisiger, *Dreaming of Sheep in Navajo Country*, 150. "In historical times, Navajo society was described as one composed of classes identified as 'ricos' (wealthy ones) who had vast herds, and intermediate class owning modest numbers of livestock, and 'pobres' (poor ones) who owned little or no livestock, and who worked as herders for the larger owners. The latter constituted a significant proportion of the population and one which was especially vulnerable in any social or economic upheaval." Young, *The Navajo Yearbook: 1951-1961*, 151.

productive animals be culled from herds to make more forage available for those that remained. Despite Zeh's warnings, grazing surveys of the reservation were not begun until 1933 and not completed until 1935. The surveys found that the reservation range was more than 100 percent overstocked. And the depressed wool market of the 1930s was exacerbating the rapid increase in surplus livestock on the reservation.⁴³

In 1933, with the beginning of the Roosevelt administration, the Office of Indian Affairs' most vocal critic for the previous decade became its Commissioner. Through experiences in urban social welfare and activism on behalf of various Indian groups, John Collier had developed a vision of Indian policy with cultural pluralism at its heart. He viewed Indian cultures as vital and deserving of preservation for their own uniqueness. While his vision of preserving Indian cultures had somewhat romantic roots, his pragmatic policies drastically altered the direction and intention of federal Indian policy. Where the intention of federal Indian policy for nearly a hundred years had been the eventual assimilation and dissolution of Indian tribes, Collier's programs sought to revitalize reservation economies in order to stabilize tribal social matrixes. He hoped to achieve these goals and Indian self-sufficiency by ending allotment, consolidating the checkerboard of various status reservation lands, replacing white lessees, and providing credit for economic development. Much of the Collier administration's early work concerned organizing the Indian Division of the Civilian Conservation Corps (CCC-ID).

⁴³ Young, *The Navajo Yearbook: 1951-1961*, 150; White, *The Roots of Dependency*, 252-253; Donald L. Parman, *The Navajos and the New Deal*, 22-23; Weisiger, *Dreaming of Sheep in Navajo Country*, 34. Iverson, *Dine*, 143.

The CCC-ID programs provided a much-needed economic infusion to reservations and supplied jobs and consequent skills to many Indians.⁴⁴

The greatest impact of the Collier administration on reservations, however, was that of the Indian Reorganization Act of 1934. It permitted the creation of tribal governments that had the power to charter businesses and borrow money from a revolving fund to be set up by the Office of Indian Affairs. The Secretary of the Interior was also empowered to create new Indian reservations. The Act advocated the stance that Indian education would help to preserve Indian heritage and prepare students to take jobs on reservations or in the Office of Indian Affairs. The Reorganization Act repealed the Dawes Act and formed plans to consolidate tribal lands by giving individuals land shares instead of individual holdings and returning surplus lands. Two million dollars was authorized to acquire additional lands for reservations each year.⁴⁵

Collier pressed strongly for tribes to form governments and adopt constitutions, and many did. But, as critics pointed out, the prescribed governmental model was patterned on Euro-American institutions, these forms were not always well suited to local conditions, and that Indians of mixed racial heritage had unfair advantage in them because of their usually greater skill with the English language and political machinations. Even for the tribes who adopted new governments, OIA officials still held great authority in tribal administration.⁴⁶

⁴⁴ Parman, *Indians in the American West in the Twentieth Century*, 93-94; Prucha, *The Great Father*, 940-957.

⁴⁵ Prucha, *The Great Father*, 957-963. Oklahoma, however, was excluded from the legislation until the passage of the Oklahoma Indian Welfare Act of 1936, reversed the decision.

⁴⁶ Parman, *Indians in the American West in the Twentieth Century*, 94-100; Prucha, *The Great Father*, 957-963.

The government's response to the complex set of issues taxing Navajo land and threatening white development was the stock reduction program enforced by John Collier and the OIA. The massive extermination of livestock affected all Navajo stock owners, but the devastation of livelihood affected lower income Navajos to a greater degree than the powerful, who could sacrifice the culls of their herds. In addition to the economic loss, the cultural ramifications of destroying a significant percentage of animals important to Navajos' cultural practices tormented communities for decades and further highlighted Navajos' powerlessness before the OIA bureaucracy.⁴⁷

Commissioner Collier held his first meeting with the Navajo Tribal Council at Fort Wingate, New Mexico, in July 1933, at which they discussed the range problems. Later, in November 1933, Collier again met with the Council at Tuba City to discuss emergency range conservation work, which had already begun on the reservation, and to propose a program for livestock reduction. Collier outlined his plan for livestock reduction and encouraged the Council to adopt a resolution supporting it. He also recommended that attempts be made to gain additional grazing lands for Navajo use and that the range conservation program be expanded and continued. Additionally, he proposed an educational program involving the construction of fifty day-schools. The federal funds involved in achieving these objectives were intended by Collier as both compensation for the reduction in livestock and as an incentive for the Council's support. Wages for employing Navajos to aid in the conservation programs would mitigate some

⁴⁷ Colleen O'Neill, *Working the Navajo Way: Labor and Culture in the Twentieth Century* (Lawrence, KS: University of Kansas Press, 2005), 24; O. N. Hicks, "Sketch History of the Navajo Grazing Situation," Navajo Area Office, Branch of Land Operations, June 1, 1966, <http://www.azwater.gov/Adjudications/documents/HopiContestedCaseDisclosures/Navajo%20Initial%20Disclosure/Images%5CCDV001%5CBROWNBAIN%5CC0045%5CA005.pdf>.

losses sustained by individual stock raisers, while improved breeding practices would increase income from the remaining livestock.⁴⁸

This first attempt at livestock reduction was a failure. The Tribal Council was in charge of its enforcement. The goal of the reduction program was the purchase of 100,000 sheep by the Federal Emergency Relief Association (FERA), with a particular quota for each of the agencies on the reservation. Agency officials quickly realized that few Navajos wanted to sell their stock and that a voluntary program would not work. Consequently, the government imposed a 10 percent reduction on every stock owner, regardless of the size of their herd. The impact of the imposed reduction was amplified because the government required that ewes make up 75 percent of the animals sold. Due to considerable opposition to the reduction program, FERA only purchased about 86,000 sheep. The program ended up taking mostly good stock from small owners who could not afford such losses, while it took only the culls of large owners' herds. Navajos viewed the stock reduction program with suspicion and alarm, fearing that it would destroy their means of subsistence. They did not understand the intent of the program or the ecological science behind its conclusions. Also, although Navajos were engaging in occasional wage work in increasing numbers, they generally did not give the same cultural value to wages as they did to livestock, which were agreed-upon measures of wealth and security.⁴⁹

The stock reduction program took a much darker and more devastating turn in 1934. In March 1934, the Tribal Council convened at Fort Defiance. Collier told the

⁴⁸ Young, *The Navajo Yearbook: 1951-1961*, 151-152.

⁴⁹ Ibid., 153; Aberle, *The Peyote Religion Among the Navaho*, 56; Bailey and Bailey, *A History of the Navajos*, 187.

Council that legislation that had been introduced to Congress to extend the boundaries of the reservation depended on further stock reduction. With this inducement and much pressure, the Council eventually approved a reduction of 150,000 goats and the optional sale of 50,000 sheep in July, but limited the reduction to large stockowners, with families who owned fewer than 100 animals exempt. The exemption was not popular with large owners or those who owned no stock and were dependent on the large owners for work. Increasing Navajo resistance to reduction and poor management by the government led to tribal police putting considerable pressure to “voluntarily” sell portions of their herds.⁵⁰

The disposal of purchased animals posed major problems and resulted in emotional trauma and bitterness that are still remembered and felt on the reservation today. While some animals were herded to railroad depots and shipped to other areas of the country, the market was so weak that most had to be disposed of on the reservation. Some animals were butchered, and the meat given to the owners. Others were shot, stacked in piles, and burned with gasoline. Thousands starved to death in holding pens. Using these methods, officials removed approximately 148,000 goats and 50,000 sheep from the reservation in 1934. For Navajos, who placed these animals at the center of their culture, such destruction was horrifying and unforgiveable.⁵¹

While the “voluntary” reduction program continued into 1935, Navajo opposition had become so intense that the Tribal Council refused to support any continuation. Only about 16,000 sheep and 15,000 goats were purchased in the fall of 1935, and the

⁵⁰ Young, *The Navajo Yearbook: 1951-1961*, 154-155; Bailey and Bailey, *A History of the Navajos*, 187-188; Aberle, *The Peyote Religion Among the Navaho*, 56-57; Weisiger, *Dreaming of Sheep in Navajo Country*, 8-9.

⁵¹ Young, *The Navajo Yearbook: 1951-1961*, 154-155; Bailey and Bailey, *A History of the Navajos*, 187-188; Aberle, *The Peyote Religion Among the Navaho*, 56-57; Weisiger, *Dreaming of Sheep in Navajo Country*, 8-9.

voluntary phase of stock reduction ended. During this phase of stock reduction, the government had purchased approximately 316,000 sheep and goats, but the number of adult animals on the reservation had only declined by about 175,000 due to natural increase. All stockowners continued to do their best to sell only culls from their herds and saved their most productive animals with the intent to replenish their herds as quickly as possible.⁵²

While the voluntary phase of stock reduction was exceedingly traumatic for Navajos and had little effect on reducing pressure on the rangelands, it had not been envisioned by the government as a final solution to overgrazing. A longer term plan was already in the offing. Congress created the Soil Conservation Service in 1935, and one of its first projects was a comprehensive survey of the Navajo reservation's livestock, soil, water resources, vegetation, and population distribution. Under the guidance of William McGinnies, the director of the reservation's land management program and an expert in desert rangelands, range managers began a program to transform Navajo pastoralists into modern ranchers by altering their traditional methods of animal husbandry, controlling their transhumance, and tying families to specific tracts of land.⁵³

McGinnies and the range managers sought completely to transform Navajos' herding practices. Generally, Navajos corralled their herds in the same place every night, leading them out twice per day to feed and water, traversing the same land every day. This pattern resulted in excessive trampling of grasslands, as well as denuding areas surrounding corrals, water sources, and hogans. McGinnies' plan was to advise Navajos

⁵² Bailey and Bailey, *A History of the Navajos*, 188; Aberle, *The Peyote Religion Among the Navaho*, 59-70.

⁵³ Bailey and Bailey, *A History of the Navajos*, 188; Weisiger, *Dreaming of Sheep in Navajo Country*, 56, 195.

to gather their flocks into large communal herds, which would be kept out on rangelands full time for as long as a month by adult male shepherds—a practice known as “bedding out.” But this plan would have transformed far more than just the patterns for moving the herds; for Navajos it would have meant splitting their families into two groups: one that herded and another that cared for house and home. This plan would have also forced Navajos into adopting Euro-American gender norms for work and family responsibilities. Men would leave home for work, while women cared for the home, and children would be freed from their normal herding duties to attend government schools.⁵⁴

These practices made no sense to Navajos, and they thoroughly rejected them. Navajo women resisted separating themselves from animals that they, themselves, owned, cared for, and herded. Navajos believed that no sane person would sleep alone on the range, given the malevolent spirits and witches that crept around at night. And leaving large herds of goats and sheep with little protection on the range would offer easy prey for the coyotes that prowled the reservation.⁵⁵

While the range managers attempted to reform Navajo animal husbandry (and transform Navajo family ideals in the process), McGinnies developed a plan to divide the reservation into eighteen “land management units,” within which each Navajo family would be assigned to a specific grazing district.⁵⁶ Once assigned to a specific grazing district, Navajos would be prohibited from taking their stock beyond its boundaries without written permission. The land management units were initially envisioned along

⁵⁴ Weisiger, *Dreaming of Sheep in Navajo Country*, 196.

⁵⁵ *Ibid.*, 197.

⁵⁶ Commissioner of Indian Affairs, “Grazing Regulations for the Navajo and Hopi Reservations,” *Federal Register* 2, no. 114 (15 June 1937): 1023; Weisiger, *Dreaming of Sheep in Navajo Country*, 319 note 63; Young, *The Navajo Yearbook: 1951-1961*, 155.

ecological criteria to include the land associated with individual watersheds, but over the first few years of their existence they were redrawn to better reflect the social landscape of Navajo family groupings that cooperated on a variety of subsistence practices. The social landscape of these “land use communities” included the summer and winter ranges that they frequented, as well as the trading posts and sheep and goat dipping vats they used. The land management units still provided range managers with a way to organize their study of plants, animals, water sources, soil condition and composition, as well as damage such as erosion, and then to estimate the carrying capacity for sheep, goats, horses, and cattle. But the range managers recognized that to achieve control over Navajo herding it made more sense to organize the units around Navajo social patterns rather than watersheds.⁵⁷

In order to construct these land management communities, range managers traveled from hogan to hogan in some of the districts gathering survey data about where families lived in the winter and summer, the number of livestock they owned, the trading posts they patronized, and where they dipped their sheep and goats. While these surveys did give the range managers some notion of the Navajo social landscape in certain regions, the questions posed were not nuanced or culturally sensitive enough to give a full picture of the complexity of Navajo transhumance patterns. For example, Navajo families did not travel back and forth from a summer habitation to a winter habitation, where they maintained residence for a considerable period of time. Family transhumance patterns more accurately resembled a loop with frequent movements in search of more forage or water or to visit relatives to reinforce obligations of *k'é* or to obtain or sell

⁵⁷ Weisiger, *Dreaming of Sheep in Navajo Country*, 197; Aberle, *The Peyote Religion Among the Navaho*, 66.

goods at a trading post. Also, while families tended to use land associated with their matrilineage and clan, they did not claim or have specific sites assigned to them.⁵⁸

Although the data collected did not give a full picture of the Navajo social landscape and the cultural responsibilities motivating movements across it, range managers were able to discern that transhumance patterns were becoming increasingly restricted. While some families continued to move from place to place along a generally established route, as they left an area they were quickly replaced by another family: the result being that the range land was not allowed time to recuperate as it had been in the past. The growth of the Navajo population and their herds not only increased competition for grazing land but also meant that fewer and fewer areas were left alone for periods of time necessary for plants to regrow and recover. As related Navajo families gathered to renew acquaintances and observe obligations of *k'é*, their concentrated herds put significant pressure on favored water sources and grazing lands. The increased competition for grazing lands and the rotating but constant occupation of many areas pushed some families to begin to stay in the same location year round, guaranteeing that location would not be allowed to recuperate. Whereas transhumance had once served to keep the range from being overtaxed, these new developments combined to destabilize the system and lead toward critical forage and water shortages, as well as ecological destruction.⁵⁹

McGinnies perceived two ways to manage Navajo grazing and repair the damage overgrazing had done to the land and the reservation economy. One was to regulate the numbers of livestock on the reservation: the option that had tragically failed in the

⁵⁸ Weisiger, *Dreaming of Sheep in Navajo Country*, 197-198; Kelley and Whitely, *Navajoland*, 43-137.

⁵⁹ Weisiger, *Dreaming of Sheep in Navajo Country*, 198; Kelley and Whitely, *Navajoland*, 43-137.

previous few years. The second was to divide up the range into districts and force Navajos to take responsibility for their impact on the land, creating a system akin to private property. McGinnies perceived that Navajos held the land in common, not recognizing that they observed a tradition of usage rights, through which interrelated families shared access to particular areas of land. But the system was flexible enough to allow families to pass through areas used by groups to visit their extended families, when necessary. While the Navajos' tradition of land use rights was not the same as the system of private property that had evolved in Western society, it did provide mechanisms to regulate use and access to land. However, those regulatory mechanisms were in a state of flux and under great stress due to increasing human and animal populations, the effective inability to expand into new range lands, increased competition both within and from without the reservation, and the accumulation by large Navajo stockholders of control of significant sections of the reservation.⁶⁰

As news spread that the Indian Service planned to partition the reservation into land management districts, outcries of fear and opposition spread through the reservation. Based on his previous experiences with opposition to stock reduction, Collier and his men eschewed any actions that acknowledged Navajo self-government and presented the plan to the Tribal Council as a done deal.⁶¹ The Tribal Council implemented the new system of land management units when it passed a resolution on 24 November 1936, which appointed a committee to develop a set of "Special Grazing Regulations for the Reservation." On 2 June 1937, the Council put into effect the regulations that had been

⁶⁰ Weisiger, *Dreaming of Sheep in Navajo Country*, 199; Kelley and Whitely, *Navajoland*, 65-137.

⁶¹ Weisiger, *Dreaming of Sheep in Navajo Country*, 199-200.

developed by the committee.⁶² The authority to devise and implement the new 1937 “Grazing Regulations for the Navajo and Hopi Reservations” was based on the “General Grazing Regulations,” which had been approved on 28 December 1935 by the Assistant Secretary of the Interior and authorized by the Commissioner of Indian Affairs “to regulate the grazing of livestock on Indian lands,” as well as the authority of the Grazing Committee of the Navajo Tribal Council (acting under a resolution of the Navajo Tribal Council of 24 November 1936). The 1937 regulations stated that “Grazing permits will be issued for that number of stock plus the issue of such animals, including those which exceed the six-months age during the year, which the family group will be permitted to graze during the rehabilitation period.” Further, the regulations stipulated that “Grazing permits issued to family heads owning sheep and goats shall include all classes of livestock. Numbers of cattle, horses, mules, and burros belonging to each family group will be determined by round-ups or other methods of counting stipulated by the Superintendent.”⁶³

The terms “family group” and “family head” were significant and signaled another aspect of the stock reduction program’s attempts to reengineer Navajo society and cultural norms. A “family group” consisted of “A single home economic unit, living closely associated in one or more grouped hogans or houses, which shares its livestock and agricultural in common and recognizes one individual as the family head.” The “family head” was “the person who exercises control of a family group either because of the responsibility placed on him by blood relationship, moral or economic obligations, or

⁶² Young, *The Navajo Yearbook: 1951-1961*, 155.

⁶³ Commissioner of Indian Affairs, “Grazing Regulations for the Navajo and Hopi Reservations,” 1023. The grazing regulations were signed by John Collier on 2 June 1937.

otherwise.”⁶⁴ The regulations asserted that grazing permits would be issued to family heads. By distinctly placing the masculine pronoun “him” in the definition of a “family head,” the OIA and Department of the Interior ignored their existing knowledge that a significant percentage, if not the majority, of sheep and goats owned by Navajos were owned by women and that such ownership remained intact whether or not there were married. The regulations, in stating that they recognized “one individual as the family head,” assumed the appropriateness of patriarchal control of the household and its property, as well as effectively imputing the Western concept of coverture. The 1937 regulations directly challenged deeply held Navajo associations of sheep and goat ownership with female identity and horse and cattle ownership with male identity. While both genders could and did own all these types of animals, it was these pairings and the number of each that a person owned that gave them individual freedom (through the animals’ value) and signaled their power and place in Navajo society. By removing recognition of Navajo women’s ownership of livestock and their place as leaders in their families and clans, the 1937 regulations attempted not only to reduce livestock and control overgrazing, but also to upend Navajo gender norms and institute patriarchal control of the family and its property.⁶⁵

In order to implement the new regulations, the Indian Service conducted the first and only comprehensive Navajo livestock census in 1937. Individual or family holdings, actual livestock, and carrying capacity were all expressed in “sheep units.” A sheep unit was the amount of grazing one sheep did in a year. Each sheep or goat equaled one sheep

⁶⁴ Commissioner of Indian Affairs, “Grazing Regulations for the Navajo and Hopi Reservations,” 1024.

⁶⁵ Regarding Navajo gender norms for the family and animal ownership, see Weisiger, *Dreaming of Sheep in Navajo Country*, 97-99. These gender norms are well illustrated in Walter Dyk, *Son of Old Man Hat: A Navaho Autobiography* (1938; repr., Lincoln, NE: University of Nebraska Press, 1966), *passim*.

unit; each head of cattle equaled four sheep units; and each horse equaled five sheep units. The intent was then to give each owner or family a permit allowing a certain number of sheep units on their land, of which no more than ten could be in horses.⁶⁶

Range riders (about thirty mostly Euro-American cowboys) and tribal police conducted the survey while patrolling the reservation. The range riders and police counted sheep and goats when they were brought in for dipping and, as prescribed by the 1937 regulations, rounded up all the cattle and horses on the reservation. Despite these efforts, the census was not completely accurate because some Navajos hid their animals, refusing to have them counted. At least three Navajos were beaten by tribal police for refusing to comply with the census.⁶⁷ Also, as per the regulations, federal officials assigned entire family flocks to a “family head,” instead of the actual owners. Only unmarried, divorced, or widowed women were allowed to be registered as stock owners. A few married women managed to be listed by taking their sheep and goats through the dipping vats themselves, but this designation did not last long.⁶⁸

Using the 1937 livestock census as a baseline for ownership, the first grazing permits were issued in 1940. The objective of the federal government was to reduce the livestock count to the estimated carrying capacity of the reservation: 560,000 sheep units. The roster of permittees was also based on the 1937 livestock census. Anyone omitted in error or because they hid their livestock during the census had to petition to be issued a

⁶⁶ Young, *The Navajo Yearbook: 1951-1961*, 155; Aberle, *The Peyote Religion Among the Navaho*, 66-67; Bailey and Bailey, *A History of the Navajos*, 190.

⁶⁷ Parman, *The Navajos and the New Deal*, 114-115; Bailey and Bailey, *A History of the Navajos*, 190. Commissioner of Indian Affairs, “Grazing Regulations for the Navajo and Hopi Reservations,” 1023; Weisiger, *Dreaming of Sheep in Navajo Country*, 207.

⁶⁸ Weisiger, *Dreaming of Sheep in Navajo Country*, 209.

permit. Also excluded were minors and unborn children; they could only get a permit by inheriting all or part of one from a parent.⁶⁹ It was from this initial list of permits that access to land and land use rights for Navajos has evolved over the following several decades.

In the face of staunch opposition, the grazing permit system was implemented in fits and starts over the next few years; but by the early 1940s, Collier softened his commitment to enforcement as the result of strong opposition, as well as his own recognition that the regulations needed to be adapted to reflect Navajo social and cultural needs. In early 1938, supervisors of the land management districts began issuing certificates granting grazing rights printed on special paper and stamped with a red seal. Many Navajos refused to accept the permits, some even burned them. Across the reservation, Navajos signed petitions denouncing stock reduction and Collier. In January 1938, under pressure from Collier, the Council endorsed the imposition of grazing permits and further livestock reduction. But in May 1939 the Tribal Council had asked for an extension of the date for compliance with the grazing regulations until July of that year. In exchange, the Council agreed to assist in the distribution of the permits so that stock owners would get one and be assured of their rights and privileges. The Council renewed that pledge in June 1940, but only with the understanding that reductions would not be implemented until the fall of 1941 for land management districts that cooperated. When 1941 came, the Council pleaded for special permits to allow the retention of extra livestock, if, in return, they would support the grazing regulations and aid in the removal of surplus horses from the range. Collier had begun to realize that the stiff opposition to

⁶⁹ Aberle, *The Peyote Religion Among the Navaho*, 68; Young, *The Navajo Yearbook: 1951-1961*, 155.

stock reduction was not solely recalcitrance, but that such reductions left families with too few animals to guarantee subsistence or to provide animals to daughters and sons needing to start their own families. With this recognition, Collier instructed some of his employees to devise changes to the permit system that would facilitate Navajo traditions of descent and give young Navajos the chance successfully to start new families.

Abundant rainfall and light snow in 1941 fortuitously produced better forage than anyone had seen in years; this gave Collier the cover he needed to relax stock reduction and support the issuing of special permits. The special permits for up to 350 sheep units were issued in five districts with limits as low as 104 sheep units or less. The special permits and relaxed restrictions eased tensions on the reservation, and many large stock owners eventually complied with their permits.⁷⁰

The early 1940s marked a shift in stock reduction enforcement from the federal government to the Navajo Tribal Council. Beginning in the early 1940s, legal opinions from a variety of sources validated the government's right to regulate stock levels on the reservation. In the case of *United States of America v. Jake Yellowman and Lucy Yellowman* (1940), the United States District Court at Prescott determined that the Secretary of the Interior had the right to enforce grazing regulations through the Federal Courts. In 1942, the special permits were extended, but all regular permit holders were instructed to sell all excess livestock by 1 December 1942. The Tribal Council responded by passing a series of resolutions repudiating stock reduction and the range conservation programs, extending special permits indefinitely, and allowing small-scale stockowners

⁷⁰ Aberle, *The Peyote Religion Among the Navaho*, 67-68; Weisiger, *Dreaming of Sheep in Navajo Country*, 211-212, 219-220; Young, *The Navajo Yearbook: 1951-1961*, 155; Bailey and Bailey, *A History of the Navajos*, 192.

to exceed their permits. Collier vetoed the Council resolutions, and the OIA continued to enforce the more restrictive permits.⁷¹

As a result of the Tribal Council's resolutions in opposition to stock reduction policies, the associate solicitor for the Department of the Interior, Felix Cohen, issued an opinion in September 1943, in which he argued that Navajo grazing regulations rested on the assent of the Council. According to Cohen, since the Council had rescinded that consent, the OIA could continue to limit large herds under the general Grazing Regulations for all reservations, but it could not prevent Navajos with few or no animals from increasing their herds. In 1947, federal personnel questioned the legality of only issuing grazing permits to men, so they quietly began to follow Navajo practice and issued permits to women in their own name.⁷²

In June 1948, in light of the Navajo economy's collapse after World War II and desperate poverty on the reservation, the new Secretary of the Interior, Julius Krug, acted on recommendations of his assistant Lee Muck and declared that grazing regulations that limited small flocks and kept families in poverty were immoral and probably illegal. Krug terminated the stock reduction program and ended the negotiability of grazing permits. But by the fall of 1952, the Secretary of the Interior had re-established the negotiability of grazing permits, thereby permitting their sale and purchase among Navajos.⁷³

Despite the successes of Navajos in reversing and taking control of some aspects of livestock reduction and grazing regulations, the overall results of the policies were

⁷¹ Young, *The Navajo Yearbook: 1951-1961*, 156; Weisiger, *Dreaming of Sheep in Navajo Country*, 221-222.

⁷² Weisiger, *Dreaming of Sheep in Navajo Country*, 222.

⁷³ Young, *The Navajo Yearbook: 1951-1961*, 156-7; Weisiger, *Dreaming of Sheep in Navajo Country*, 222.

devastating. Between 1930 and the end of voluntary reduction in 1935, Navajos lost between 16 and 27 percent of their livestock. Between 1935 and the issuance of permits in 1940, Navajos witnessed a drop of 15 to 30 percent. The decline in Navajo livestock continued through World War II, and, by the nadir in 1952, Navajos had 36 percent of the 1930 levels. By 1959, Navajos had 49 percent of their 1930 stock. That said, the per capita figures tell a worse tale. Navajos had per capita holdings of 20 mature sheep and goats in 1930, but only 4 in 1951, a loss of 80 percent. These numbers demonstrate the effective loss of livestock raising as a livelihood by many Navajos, when one considers that a family of 5 could not make a living from 20 mature sheep and goats.⁷⁴

The Tribal Council authorized the creation of district Grazing Committees in 1953. In general, Navajo traditionalists comprised the Grazing Committees and tended toward reinstituting the traditional livestock economy through their exercise of authority. From January-March 1954, the Advisory Committee of the Tribal Council and the Grazing Committees drafted new grazing regulations, which the Tribal Council approved in June. From August 1954 to March 1955, the Navajo government and the Commissioner of Indian Affairs negotiated changes to the regulations. The regulations were approved by the Tribal Council on 27 January 1956, the Secretary of the Interior on 25 April 1956, and published in the Federal Register on 1 May 1956.⁷⁵

The grazing regulations set out the rights and responsibilities of grazing permit holders. All grazing permits would be renewed automatically on an annual basis until terminated. No person was allowed to hold a grazing permit in more than one grazing

⁷⁴ Aberle, *The Peyote Religion Among the Navaho*, 72-73.

⁷⁵ Young, *The Navajo Yearbook: 1951-1961*, 156-9; Thal, "Fairness in Compensation Procedures," 26, 28; Aberle, *The Peyote Religion Among the Navaho*, 83.

district on the reservation. Grazing permits could be sold, willed, inherited, sublet (with the approval of the local Grazing Committee and Agency Superintendent), or assigned. Any dispute over the rights to grazing permits, such as might arise from divorce, separation, contested wills, or dying intestate, was to be handled by the Navajo Courts of Indian Offenses. Use rights under the grazing permits included both those of the permit holder and customary land users, and there could be many customary use areas within one grazing permit. The grazing permits allowed for a number of habitation sites, which were occupied by the permit holder and her/his nuclear and extended family. Over time, increased crowding reduced seasonal movement and led to fewer habitation sites per family. Also, not all permit holders continued to live on the land covered by their grazing permit, choosing to live elsewhere or off-reservation while relatives used the rights.⁷⁶

Navajos were relatively unaffected by government attempts to divide up and do away with reservations through the Dawes Act's system for allotments. As noted in Chapter Four, through the assistance of sympathetic white government officials and missionaries, a few were able to obtain off-reservation allotments with the ultimate hope of making those lands part of the reservation. Yet, the relatively modest impact of the Dawes Act had no more to do with the intentions of Navajos and their allies than it did with the relative lack of interest from whites in the resources of the reservation prior to the twentieth century.

⁷⁶ Secretary of the Interior, "Title 25—Indians, Chapter I—Bureau of Indian Affairs, Department of the Interior, Subchapter I—Grazing, Part 72—Navajo Grazing Regulations," *Federal Register* 21, no. 84 (1 May 1956): 2812-2814; Thal, "Fairness in Compensation Procedures," 28-29, 35; Austin, *Navajo Courts and Navajo Common Law*, 190.

This lack of interest in Navajo reservation lands rapidly changed in the early 1920s with the discovery of oil. The ups and downs of the 1920s oil boom and bust on the reservation led both to the formation of a Navajo central government and to rules assigning to that government control over oil and gas leasing rights and their proceeds. Though begun inauspiciously, the Navajo Council would grow in power and influence in the 1920s and 1930s to become a relatively powerful counterweight to the OIA and the Department of the Interior on the reservation. The early efforts of the Council to take more control over oil and gas leasing and the revenues from these leases produced the more cohesive body that challenged John Collier and the stock reduction policies of the 1930s. Further, most Navajos has little knowledge that the Council even existed during the oil boom and bust of the 1920s, because it had little impact on their day-to day lives. The stock reduction efforts of the Office of Indian Affairs made Navajo families feel the power of the federal government in ways that they had not experienced since the Long Walk and incarceration at *Hwéeldi*. The loss, and especially the massacre, of so many of their sheep, goats, and horses brought about a strong, concerted, and relatively organized resistance from Navajos. The Council was the brunt of nearly as much anger as John Collier and the OIA, because it was the representative body that the federal government used to force acceptance of stock reduction and grazing restrictions. Yet, because of its untenable place in between Navajos and the federal government, organized Navajo opposition to these policies also gave the Council some leverage to craft compromises. That leverage also gave increasing social power to an all-male central government, which was effectively screened by agents of the federal government and which was separate from the social governing structures of the matrilineal Navajo clans. A byproduct of the

fight between the Navajos and the federal government over stock reduction was the Grazing Permit system of land use management on the reservation.

The creation of the Grazing Permit system as part of stock reduction efforts was intended to take stock management all the way down to the family and individual level. The system set maximum family and individual stock levels, but it also put in place a system of family and individual land use rules and regulations, which evolved over time to be the rough legal equivalent of private property on unallotted Navajo reservation lands held in trust by the federal government. While the stock reduction programs achieved some of the OIA's short-term goals by reducing the number of animals on the Navajo range, it ultimately failed to enforce the strict limits that were foreseen as necessary for the grasslands to rebound. Yet, despite court rulings that the stock reduction programs were illegal and the turning over of the management of such responsibilities to the Navajo Tribal Council in the 1950s, the Grazing Permit system remained in place, and the land usage rights established in the 1930s gained ever stronger protection in the Navajo legal system with the addition of the rights to heritability and subdivision. In addition to the strength added by legal protections and the increasing weight of past practice, the trauma caused by forced stock reduction engendered a fierce determination among Navajos to protect, retain, and pass on their Grazing Permits and all the rights embodied in them. All these factors combined to make Navajo families (nuclear and extended) exceptionally tied to the land detailed in their permits—a tie to a particular area of land that had been strong before the creation of the reservation was intensified many fold by decreasing mobility during the early years of the twentieth century and the eventual demarcation of land-use boundaries in the Grazing

Permits. This combination of exclusive legal use and intensified cultural and familial ties to particular pieces of land evolved to be the most important factor affecting housing and economic development on the reservation: a rough legal equivalent to private property and a cultural ideology to support its defense as central to Navajo identity.

CHAPTER SIX

DENOUEMENT

After attempting to change Navajos' choice of housing and notions of private property for several decades, the United States government and its allies in enacting assimilation policies and programs had decidedly mixed results. In 1915, Navajo (Southern) Agency Superintendent Peter Paquette and four Navajo assistants conducted a federal Indian census on the Navajo reservation.¹ The census of Paquette's agency was unique in the level of detail that it collected and its demonstrated understanding of Navajo culture.² The census enumerated 11,915 persons in this particular agency of the reservation. In addition to recording the name, age, gender, familial relationship, clan, and address (area of the reservation) of each individual, the census counted the number of sheep, goats, horses, cattle, and houses and/or hogans that each individual owned.

While Paquette and his assistants counted 766 houses and 2,075 hogans, their distinctions between the two were vague and make gauging degrees of assimilation difficult. Further, they acknowledged that "The number of hogans is far in excess of 2075 but that number is what are occupied continuously." The notion of continuous occupation is also slippery. The census explained that "Each family has two or three hogans each, a summer and winter home and frequently one family will have two, three

¹ *Navajo Nation Census 1915*, ed. Larry S. Watson (Yuma, AZ: Histree, 1995). The Navajo assistants were James Damon, Tom Catron, John Gorman, and Monroe Ashley. *Navajo Nation Census 1915*, 2. By 1908, the six agencies had been established (with a headquarters for each): Southern (Fort Defiance), Western (Tuba City), Northern (San Juan, then Shiprock), Eastern or Pueblo Bonito (Crownpoint), Western extension (Leupp), and Hopi (Keams Canyon). Garrick Bailey and Roberta Glenn Bailey, *A History of the Navajos: The Reservation Years* (Santa Fe: School of American Research Press, 1986), 107-111.

² Marsha Weisiger, *Dreaming of Sheep in Navajo Country* (Seattle: University of Washington Press, 2009), 95.

or even four hogans in one place—not all occupied.” The census takers also did not note whether *ch’įdii* hogans were included in those that were unoccupied, making it more difficult to distinguish between seasonally unoccupied and abandoned hogans.

Despite recording a distinction between house and hogan, Paquette and his assistants provided little information to define the difference between the two. With respect to the character of the houses enumerated, the census noted that “Nearly all of those houses are one rom [sic] houses, without windows and with one door, dirt floor and board or dirt roof.” Conceivably, this description could have included cribbed, corbeled, or many legs hogan types as houses, as compared to the forked stick hogan. Paquette did make a further distinction for a few dozen houses, which he described as “good.” He wrote that “The following parties have good houses: Chee Dodge has a good, stone house which cost about \$5,000. There is one good stone house at the Cornfields. About twenty other families have two room houses which are fairly good. Mr. A. C. Damon, a white man, married into the tribe has a good house. Also Mr. Albert Arnold, a white man (intermarried) has a good home.”³

When compared with the yearly housing statistics compiled by Navajo reservation agents for the *Annual Report of the Commissioner of Indian Affairs*, the 1915 census further demonstrates the suspect character of these purported gauges of assimilation. For example, the 1914 statistics for the Navajo Agency listed 100 Navajo families living in “permanent houses” without floors, 50 in permanent houses with floors, and 500 living

³ *Navajo Nation Census 1915*, 2-4, 6. As a further indicator of assimilation and wealth, relative to the vast majority of other Navajos on the reservation, the census listed a total of five cars owned by Navajos on the reservation: “Chee Dodge Dodge car, Tom Damon Ford car, Willie Damon Ford car, Hosteen Yaza Ford car, Clitsei Dedman Ford car.” *Ibid.*, 9.

“In tents, tepees, etc.”⁴ In 1915, the year of the census, the statistics listed 3,500 Navajo families as living in “permanent houses” without floors, 400 in permanent houses with floors, and none as living “In tents, tepees, etc.” The report noted that the 3,500 permanent homes included 3,000 hogans and that the number had been “underestimated last year.”⁵ By 1916, the statistics had reverted to numbers similar to the 1914 report, with 766 Navajo families in “permanent houses” without floors, 366 in permanent houses with wooden floors, and 1,628 living “In tents, tepees, etc.”⁶ Peter Paquette served as the superintendent of the Navajo Agency from October 1908 to November 1924, except for a seventh month gap in 1919, so the fluctuation in the housing statistics was not a function of a change in agency leadership.⁷

The housing statistics, which had been compiled by agents since the early years of the reservation, were an annual reporting tool used by the Commissioner of Indian Affairs to gauge assimilation progress on reservations through what the government considered key social indicators: housing types, clothing choices, reading ability, and acceptance of land allotments. The statistics were compiled in a way that did not allow for noting fine-grained variation or nuance in reasons for adoption. Their intention was to note annual progress toward particular assimilation goals, as compared to a more anthropological interest in the direction or rationale for changes adopted by Navajos.

⁴ *Annual Report of the Commissioner of Indian Affairs for the Year 1913* (ARCIA) (Washington, DC: Government Printing Office, 1914), 136.

⁵ ARCIA 1915, 137.

⁶ ARCIA 1916, 130. The statistics for 1914-1916 listed the Western Navajo Agency separately from the Navajo Agency. The ARCIA does not make clear how the six existing Navajo agencies were represented in these two categories.

⁷ Robert W. Young, *The Navajo Yearbook of Planning in Action* (Window Rock, AZ: Navajo Agency, 1955), 126.

In contrast to the federal government's interest in tracking the results of its assimilation programs, the Franciscans of the St. Michaels Mission were more interested in the reasons that some Navajos changed the physical construction of their housing and their relationship to it. St. Michaels was a short distance south of Fort Defiance on the reservation. In 1917, Leopold Ostermann, O.F.M., one of the Franciscans at St. Michaels, published an article titled "Navajo Houses" in the periodical *Franciscan Missions of the Southwest*. The article was a synthesis of material from his publications during the first decade of the twentieth century and provides some context to the difference between houses and hogans on the reservation during the years leading up to Paquette's 1915 census.⁸

Ostermann joined the Franciscan team of missionaries at St. Michaels in 1900, two years after the mission's founding. He began visiting Chinle (then Chin Lee), Arizona, on the reservation in 1902 with an interest in establishing a mission there; in 1904, he rented a building and began periodic residence in Chinle; and, in 1906, he and two other Franciscans were transferred there formally. He was Superior and pastor in Chinle from 1907 to 1923, when he returned to St. Michaels because of poor health. He remained at St. Michaels until his death in 1930. During his time on the reservation, Ostermann was reported to be respected and viewed affectionately by the Navajos he served, honored by his superiors, and recognized as committed to and content with his work and with living in conditions materially little different from the surrounding

⁸ Leopold Ostermann, "Navajo Houses" *Franciscan Missions of the Southwest* 5 (1917): 20-29.

community. As part of his work at St. Michaels and Chinle, Ostermann learned the Navajo language and wrote many articles for Catholic periodicals.⁹

Ostermann's article, "Navajo Houses," provided a detailed description of the Navajo hogan and the intricacies of the process of building and blessing it. He cautioned his readers not to underestimate the complexity of the task or the skill needed to complete a hogan. "Rude and primitive as a Navajo hogan may seem to a person who sees one the first time, or who reads a description of the manner and style in which it is built, it requires nevertheless a certain amount of knowledge, skill and experience to build it properly and practically." He further warned that "Whites who attempt to build a hogan, using their own skill and judgment, generally make a failure of it. Either on account of too much slope to the sides, or for some other reason, the hogan of the white man will not remain in good order and must be repaired after every hard rain to keep it in a habitable condition." For example, Ostermann related that he knew several traders who had

⁹ Osterman had been invested in 1882 and ordained in 1890. During the following decade, he taught seminary, was an assistant pastor in Canada for four years, and had a pastorate in Illinois. Ostermann wrote a regular series entitled "Franciscans in the Wilds and Wastes of the Navajo Country" for the *St. Anthony's Messenger* from 1901 to 1909. He also contributed to the *Catholic Pioneer* during its one year run in 1905-1906 with a series titled "Places and People of the Southwest: The Navajo." During the following decade, he wrote a series of articles for the short-lived annual *Franciscan Missions of the Southwest*, which were often combinations or extensions of previous publications. Ostermann published little in his last decade, most notably a series in 1927 and 1928, titled "Little Mission Stories from Our Own Southwest," in the *St. Anthony Messenger*. Ostermann's article "Navajo Houses" was based on a synthesis of material he had published on Navajos during the first decade of the twentieth century in the following publications: Leopold Ostermann: "Franciscans in the Wilds and Wastes of the Navajo Country," February 1901-October 1909. Series published in *St. Anthony's Messenger*, nos. 1-4, 15-16, 20-26, 28, 41-46, 48-53, 55-57, 60-78, 80-99, 101-102. Leopold Ostermann, "Places and People of Our Southwest: The Navajo," *Catholic Pioneer* 1 (July 1905): 8-9; (August 1905): 7-9; (September 1905): 3-5; (October 1905): 14-16; (November 1905): 12-14; (December 1905): 10-11; (January 1906): 12-14; (February 1906): 10-12; (April 1906): 10-12. Leopold Ostermann, "Little Mission Stories from Our Own Southwest," *St. Anthony Messenger* 34 (February-May 1927): 466-467, 524-525, 578, 634-636; 35 (June-November 1927): 22-23, 75-77, 301; 36 (November 1928): 309-311. Howard M. Bahr, ed., *The Navajo as Seen by the Franciscans, 1898-1921: A Sourcebook* (Lanham, MD: Scarecrow Press, 2004), 182, 606, and passim. "Recalls Work Among the Indians: Rev. Leopold Osterman [sic], Who Was Born Here, Dies in New Mexico," *Hamilton (Ohio) Daily News*, 11 April 1930, 3.

constructed large hogans near their establishments to provide lodging for Indians who arrived late in the evening or had traveled significant distances. He noted that “For some reason or other the ground does not seem to stick on as fast as it does on the hogan made by the Navajo, whose plan and manner of building is based upon the experience of his forefathers rather than upon the practical suggestions and advices of the omniscient paleface.”¹⁰ What he assumed would seem a “rude and primitive dwelling” to most whites, was for Ostermann a complex, practical, and effective structure, honed through generations of improvements by the forebears of the current Navajo population.

As a daily observer of Navajo life for decades, Ostermann was well positioned to notice and comment on changes in housing structures and patterns. Cosmos Mindeleff had reported that during the closing decades of the nineteenth century some Navajos were beginning to adopt Euro-American housing patterns and structures.¹¹ Ostermann observed a further shift in that direction: “During the past fifteen or twenty years quite a number of Navajos have built for themselves rectangular houses of stone or logs, having sometimes two, or even three rooms, with a flat, or occasionally a slant gabled roof, glazed windows, wooden doors, boarded floors, and regular chimneys.”¹²

¹⁰ Ostermann, “Navajo Houses,” 25. Cosmos Mindeleff reported much the same result when whites tried to build hogans: “Rude and primitive as these structures see, a certain amount of knowledge and experience is necessary to build them. This has been discovered at various times by whites who have attempted to build hogáns and failed. An instance occurred not long ago where a trader, finding it necessary to build some kind of travelers’ house, where Indians who came in to trade late in the evening or on Sunday could spend the night, decided to build a regular hogán. He employed several Navaho to do the work under his own supervision. The result was a failure, for, either on account of too much slope to the sides of for other reasons, the hogán does not remain in good order, and constant work on it is necessary to maintain it in a habitable condition.” Cosmos Mindeleff, “Navaho Houses,” *Seventeenth Annual Report of the Bureau of American Ethnology 1895-96* (Washington, DC: Government Printing Office, 1898), 499.

¹¹ Mindeleff, “Navaho Houses,” 485-487.

¹² Ostermann, “Navajo Houses,” 26-27.

During the 1880s and 1890s, Robert Shufeldt, Alexander MacGregor Stephen, and Mindeleff had noted the inclusion of Euro-American building techniques, including the adoption of the squared shape, and the beginnings of the abandonment of the east-facing orientation. Ostermann reported a further evolution with the subdivision of some houses into multiple rooms and the inclusion of wooden floor boards, both of which transgressed the cosmological meanings and uses of the traditional hogan.¹³ Ostermann went beyond Shufeldt, Stephen, and Mindeleff's studies by adding contextualizing details about particular Navajos who had adopted such changes. He observed that "Such houses, as a rule, belong to the richer and more progressive Navajos, and are furnished with stoves, tables, chairs and bedsteads, with mattresses, and other consequences of civilization."¹⁴ While wealthy Navajos would be better able to afford to build larger, subdivided houses and to buy or build the furniture that Ostermann listed, he added the second adjective, "progressive," which is even more telling. In this context, more progressive Navajos tended to be richer because such an orientation led them to more direct contact with white government agents and private commercial interests. Also, "progressive" indicated a Navajo's willingness to alter traditional beliefs and practices or to adopt those espoused by white Christians, leading to further interaction with non-Navajos. Increased wealth, interaction with non-Navajos, and openness to new beliefs and practices were all qualities that would dispose Navajos to be willing to build such houses and to accumulate large, heavy, and difficult to transport pieces of furniture. Such

¹³ Robert Wilson Shufeldt, "The Evolution of House-Building Among the Navajo Indians," *Proceedings of the United States National Museum*, vol. 15 (Washington, DC: Government Printing Office, 1892), 279-282, Plates XLI-XLIII; R. W. Shufeldt, "A Comparative Study of Some Indian Homes," *Popular Science Monthly* 41, no. 6 (1892): 798-810; Alexander MacGregor Stephen, "The Navajo," *American Anthropologist* 6, no. 4 (October 1893): 362.

¹⁴ Ostermann, "Navajo Houses," 27.

larger, expensive houses and significant pieces of furniture all indicated a willingness to be rooted to a particular place and an income source predictable enough to mitigate the need to relocate seasonally with flocks of sheep and goats.

Ostermann believed that Navajos did not develop these alterations to the traditional hogan on their own but from observing other cultures around them. He believed Navajos to be “very imitative, docile, I may almost say self-adjustable people.”¹⁵ He asserted that “The form and shape of these houses they have copied from their neighbors, the Mexicans and the Pueblo Indians, except the gabled roof of some of the houses, which are copied from the Americans.”¹⁶ While some of the more progressive Navajos may have adopted Euro-American house styles as an indication of their status as social and cultural intermediaries, the majority who altered traditional Navajo building techniques and structures did so because they had observed the utility of the houses of their long-term neighbors, Pueblo Indians and Mexicans. If Ostermann’s conclusion was correct, then the federal government’s decades of efforts to bring about Navajo assimilation through encouraging the adoption of Euro-American house styles was at best ineffectual.

To the question of why Navajos had waited until recent decades to adopt these architectural details, Ostermann cited the ghost prohibition against touching or inhabiting *ch’íidii* hogans. He cited Dr. Washington Matthews’ supposition that the ““superstition is becoming weakened, or they have found some mystic way of averting the supposed evil”” in suggesting why the ghost prohibition might be weakening among some Navajos.¹⁷ In

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Ibid.

a way, Ostermann partially had answered the question when he noted that progressive Navajos were the ones who had adopted such architectural transformations; they had already demonstrated their disposition to transgress traditions.

Similar to Mindeleff's example of Navajos who moved the near-dead from their hogans or houses to let them die outside, Ostermann cited a creative and elaborate solution devised by the Navajo silversmith, Adildoni the Shooter, who lived within sight of St. Michaels Mission.¹⁸ Ostermann noted that Adildoni "had built himself a solid, good-looking house of nicely hewn logs, the nicest Navajo house in the neighborhood. Some years ago his wife took sick and was seemingly getting lower every day." Adildoni had an existential decision to make regarding the house that he had put so much effort and expense into building. Instead of opting to lose his house or to let his wife die outside to preserve it, "Adildoni, to save his nice house from destruction, built an old temporary hogan near by and had his sick wife transferred thither until she would die or get well again. The old lady subsequently recovered, and the hogan still stands near the house, ready to assist the owner to save his stately mansion in a similar emergency."¹⁹ While Adildoni adopted Euro-American building techniques for his house, he still respected the ghost prohibition and devised a solution that would both protect his significant investment and guard against the danger posed by a haunting.²⁰

¹⁸ Mindeleff, "Navajo Houses," 487.

¹⁹ Ostermann, "Navajo Houses," 27.

²⁰ In the same issue of *Franciscan Missions of the Southwest* Ostermann published "Navajo Houses," Berard Haile also noted that some Navajos remove an ill relative from a hogan to obviate the need to burn it. However, he noted that Navajos still observed the practice of destroying the hogan, if someone died in it. Berard Haile, "Some Mortuary Customs of the Navajo," *Franciscan Missions of the Southwest* 5 (1917): 32. A decade later, Gladys Reichard noted the same preference to remove an ill person from a hogan, as well as the observance of destroying or abandoning the hogan when someone died in it. Gladys A. Reichard, *Social Life of the Navajo Indians*, Columbia University Contributions to Anthropology, vol. 8 (New York: Columbia University Press, 1928), 141-143.

Paquette's census and Ostermann's article demonstrated that little had changed with Navajo hogans or federal goals for Navajos to build houses over the decades since Shufeldt, Stephen, and Mindeleff's work. Most Navajos still resided in hogans, some were adopting different elements into the construction of their homes, and some were figuring creative new ways both to keep their homes and to observe the ghost prohibition.

However, the assimilationist era of federal Indian policy ended with Franklin Roosevelt's appointment of John Collier as Commissioner of Indian Affairs in 1933. With Collier came a shift toward valuing American Indian cultures and an embrace of scientific management techniques for everything from land management to public health. Half way through Collier's tenure as Commissioner, Indian Service employees on the Navajo reservation began a program to change hogans and Navajos' relationship to them. The program intended to demonstrate the benefits of changing certain aspects of hogans at schools across the reservation. Among the recommended changes were the addition of hard floors of wood or packed clay (depending on a family's financial circumstances), windows with screens to bring in more light and keep out flies, and inexpensive, simple, homemade furniture to keep Navajos off the floor. Further, they recommended larger, better constructed hogans, more permanent types of homes, and a change in Navajo tradition to locate them near water as beneficial for Navajo health. If timber was scarce in a particular area, then stone or adobe would suffice. And a stove would be a healthful improvement to an open fire. In many ways, the Indian Service's recommendations echoed those of the field matron program fifty years earlier. However, the field matron program's Victorian belief in the power of domesticity was substituted with the Progressive Era's focus on scientific analysis of public hygiene issues and a post-Boasian

willingness to allow Navajos to make less drastic improvements to their traditional dwellings.²¹

Partially as an evaluation of this Indian Service program and partially to compare the homes it recommended versus traditional hogans, US Indian Service employee Clay Lockett prepared a paper titled “Hogans v. Houses” in the spring of 1939.²² The Progressive Era’s focus on scientific management had influenced Indian policy by increasing attention on hygiene, and post-Boasian anthropology’s cultural relativism had resulted in re-evaluation of traditional American Indian culture.²³ Lockett wrote the report to address debates going on among non-Navajos regarding how best to improve the welfare of the tribe’s members, especially regarding health and land management problems. He noted that “After visiting numerous hogans, they often bring forth the idea that before proper health or range management can be effected, the hogan must go and decent houses substituted.”²⁴ Lockett laid out what he considered “pros and cons” of the Navajo hogan.²⁵ Lockett began his consideration of the positive aspects of hogans with

²¹ Clay Lockett, “Hogans vs. Houses,” in *For the Dean: Essays in Anthropology in honor of Byron Cummings on His Eighty-ninth Birthday, September 20 1950*, Erik K. and Dale S. King, eds. (Santé Fe, NM: Hohokam Museums Association and Southwestern Monuments Association, 1950), 140-141.

²² Lockett, “Hogans vs. Houses,” 137-141. Lockett had a B.A. and M.S. from the University of Arizona and later became a prominent figure in the popularizing and sale of Southwestern Indian arts and crafts. He prepared the paper in April 1939. It was not revised before being published in the 1950 volume. While Lockett’s paper was not published in its entirety until 1950, a significant portion of it was excerpted in a highly influential report, *The Navajo Indian Problem*, published by the Phelps-Stokes Fund in 1939. Phelps-Stokes Fund, *The Navajo Indian Problem* (New York: Phelps-Stokes Fund, 1939), 82-85. The Phelps-Stokes Fund report omitted all portions of Lockett’s report that demonstrated cultural relativism in the analysis, including issues of morality regarding large families living in a single room hogan and the social and cultural consequences of imposing assimilation policies on Navajos.

²³ Lawrence C. Kelly, *The Assault on Assimilation: John Collier and the Origins of Indian Policy Reform* (Albuquerque: University of New Mexico Press, 1983); Kenneth R. Philp, *John Collier's Crusade for Indian Reform, 1920-54* (Tucson: University of Arizona Press, 1977); Lisa E. Emmerich, “‘To Respect and Love and Seek the Ways of White Women’: Field Matrons, the Office of Indian Affairs, and Civilization Policy, 1890-1930” (PhD diss., University of Maryland, 1987), 243-312.

²⁴ Lockett, “Hogans vs. Houses,” 137.

²⁵ Ibid.

the acknowledgment that “Navahos take a racial pride in this, their traditional type of home.” Like Osterman, Lockett considered Navajos to be “great borrowers and assimilators” from other cultures, noting the adoption of “weaving, silversmithing, farming, stock-raising, styles of clothing and kinds of household utensils.” However, he believed that at the time of the report’s writing that two aspect of Navajo culture remained relatively unchanged since contact with whites: the Navajo language and hogans.²⁶

Lockett’s statement that the Navajo hogan had remained largely unchanged since contact, let alone seventy years since the creation of the reservation, demonstrated that a significant portion of the Navajo population still actively constructed and lived in them. Archaeological evidence indicates that while the forked stick hogan had all but disappeared from areas of the reservation in frequent contact with the outside economy, such as Fort Defiance, by the 1920s, it did not disappear from new construction in more remote areas, like Black Mesa, until the 1940s.²⁷

Lockett emphasized that Navajos preferred to live in hogans. In the vein of Susan LaFlesche’s commentary on the Omaha shift from earth lodges to cottages fifty years earlier, he appreciated that hogans were traditional Navajo dwellings and essential to Navajo ceremonies, in addition to being very practical structures. He reported that hogans were easy to build for Navajos and were practically the only type of structure possible to build in areas where pinion and juniper were the only trees available. Further,

²⁶ Ibid.

²⁷ Regarding the prevalence of forked stick hogans in the first half of the twentieth century, see Miranda Warburton, “Culture Change and the Navajo Hogan” (PhD diss., Washington State University, 1985), 183, 201.

he noted that hogans were practical given the ease with which they could be taken down and set up by families who moved frequently with their livestock, especially given the problem of overgrazing.²⁸

Lockett considered the notion that living in hogans contributed to land management problems on the reservation to be generally specious. He acknowledged that the practice of taking sheep out and bringing them back at least once a day from a central location caused overgrazing and led to erosion, but, he noted, that this practice was independent from the dwelling type. Therefore, the problems with overgrazing that plagued the Navajos should not be used as a rationale for pushing a transition from hogans to houses.²⁹

Given the simplicity of hogan construction, it was easy for a Navajo family to own more than one and practical for several reasons. Lockett emphasized the hogan's durability by explaining that even when one was vacant for a considerable period of time, it was easily repaired with a bit of chinking between logs or some bark or dirt thrown on the roof. He noted that in addition to their ease of construction, portability, and durability, they were also efficient to heat and a far more effective use of space than a house. "By closing the single door at night, with only the smoke hole at the top open, coupled with body heat radiating from many individuals, the temperature inside is made quite comfortable with a minimum of fire." By comparison, he advised that "It would be almost impossible to heat a three-room house with only a little wood or browse." As a matter of basic geometry, a circular building with the same wall length as a square one

²⁸ Lockett, "Hogans vs. Houses," 137-138. Pinon and juniper provide only short log lengths. Susan LaFlesche, "The Home Life of the Indian," *Indian's Friend*, 4, No. 10 (June 1892), 39-40.

²⁹ Lockett, "Hogans vs. Houses," 140.

has more floor space. Lockett also recognized the practicality of the simple, easy to construct, inexpensive hogan, given Navajo proscriptions against contact with *ch'íidii* hogans.³⁰

Despite these positive, practical attributes of hogans, Lockett acknowledged that they had deficiencies regarding hygiene. Dirt floors and the common practice of spitting on them led to dust and accompanying germs in eyes and food. Flies had access through the open door and smoke hole to bring in more germs. Eyes and lungs were irritated by smoke from the open fire. It was difficult to maintain personal hygiene in a hogan due to lack of water for bathing and the habit of five to ten people sleeping on the floor around a single fire in the same clothes that they wore during the day. Such overcrowding helped to spread disease, because sick people could not be isolated. Since the hogan door was closed at night and during the winter, very little fresh air could circulate. Further, according to Lockett, the presence of an open fire in the center of the hogan led to many serious burns.³¹

While Lockett acknowledged hogans' unhygienic environment, he demonstrated discomfort with the negative perception that a one-room structure was "conducive to a laxness in morals."³² He displayed a distinct post-Boasian cultural relativism when noting that "The question of morals is, of course, a very relative one varying from one civilization to another, and it has not been definitely established that what may be conceivably immoral to ourselves is not completely moral in a different cultural setting.

³⁰ Ibid., 138-139. "For example, a circular hogan with a wall length of 64 feet could contain 326 square feet. In contrast, a square house with a wall length of 64 feet has only 256 square feet – approximately 27 per cent less floor space." Ibid.

³¹ Ibid., 139.

³² Ibid., 140.

This alleged disadvantage of the hogan needs considerable additional study.”³³ Lockett’s own relativistic inclinations aside, his inclusion and dodge of the issue of morality (and privacy) with regard to a one-room dwelling indicated his awareness of his own culture’s continuing predilections toward the subdivision of a home into rooms for different purposes, as well as for individual privacy.³⁴

By far, the most telling difference between Lockett’s evaluation of hogans and those of government employees during the assimilation era was his concern for the ramifications to Navajo society if they were to rapidly adopt Euro-American multi-room houses. He cautioned that “Desirable as it might be to have all Navahos living in modern two-, three-, or four-room houses, no one is able as yet to state what effect such houses might have upon the economy of the group.”³⁵ Gone or severely muted was any concern that Navajos must immediately assimilate or risk eradication before the onslaught of white colonization.

Alice Cunningham Fletcher had championed the use of the multi-room cottage as a classroom for assimilation and the adoption of and desire for Euro-American household goods as transformative experiences that would drive American Indians into the cash economy. The Women’s National Indian Association (WNIA) had financially enabled her vision to make loans to young Indian couples to create islands of civilization on reservations with their cottage. When this plan failed, the field matrons took training in domestic economy into American Indian homes across the United States. The WNIA,

³³ Ibid.

³⁴ Regarding American cultural rationales for the subdivision of homes into multiple rooms, see Catherine E. Beecher, *A Treatise on Domestic Economy, for the Use of Young Ladies at Home, and at School*, rev. ed. (Boston: Thomas H. Webb & Co., 1843), 258-280; Gwendolyn Wright, *Building the Dream: A Social History of Housing in America* (Cambridge, MA: MIT Press, 1983), 73-89; Richard Bushman, *The Refinement of America: Persons, Houses, Cities* (New York: Alfred A. Knopf, 1992).

³⁵ Lockett, “Hogans vs. Houses,” 141.

the Indian Industries League, and field matrons like Mary Eldridge had sought to bring Navajo women into the market by selling their traditional blankets.

Lockett questioned the impact and wisdom of pushing exactly such changes on Navajo society. He cautioned that “Habitations of this type are usually an index of a standard of living with increased desires and wants, and such general change might put so great an additional burden on the reservation resources that only half as many people could be taken care of with these same resources.”³⁶ Not only was he concerned about the impact on Navajo society, but he extended the ecological concerns of the Office of Indian Affairs about carrying capacity to the broader Navajo economy and its ability to satisfy the increased consumer desires of the current reservation population. Whereas Fletcher had supported the Dawes Act’s reforms and allotted the Omaha and Nez Perce reservations with a savior’s assurance that the result could only be better than a life of savagery, Lockett cautioned that “Substitution of modern houses for the present rather serviceable hogans is a change that should be made only after full consideration of the economic angle of the problem.”³⁷ Lockett’s report embodied the sea change that John Collier had brought to federal Indian policy when he ended the assimilationist program of Henry Dawes, Alice Fletcher, and the other Friends of the Indian.

Much as Mary Raymond and Mary Eldridge transgressed the assimilationist agenda of the government and their benefactors by being willing to provide health care to Navajos on their patients’ own terms, Lockett suggested relying on changing Navajo minds and allowing them to adopt changes to their world on their own terms. Lockett

³⁶ Ibid.

³⁷ Ibid.

advised that “the first and greatest step in the solution of the problem is not through changes in the habitation but through changes in Navaho thinking.”³⁸ While on- and off-reservation education had been a staple of federal Indian policy since the beginning of the nation, it was and would continue to be for decades a vehicle for assimilation and the elimination of Indian cultures. However, Lockett noted that Navajos had no traditions regarding notions of a home being unsanitary in a scientific sense or even a word for “germ,” instead attributing diseases to spirits that had been offended in some manner. Rather than attempting to force the elimination of the hogan because of its unhygienic aspects, he advised that solutions for health and land management concerns relied on education, not a change from a hogan to a house.³⁹

Despite nearly seventy years of government efforts to cajole Navajos to give up their hogans and the social and cultural practices embodied in them, few had done so. Of those who had opted for Euro-American houses, some sought to demonstrate their status, while others had become more engaged with the outside economy and/or federal agents and had developed strong incentives to gain approval by demonstrating their split from traditional Navajo ways. Even some who built a Euro-American house for its status value did so in a purely symbolic, or perhaps cynical, way. Lockett gave the example of “instances where Navajo men with means have built houses near their hogans. This apparently was done primarily to gain more prestige. In reality, the houses were used for storage and for warehouses and the family lived most of the time in the hogan.”⁴⁰

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ Ibid., 137.

Whatever their intent, these Navajos seem to have made their choices to retain or alter their housing style for pragmatic reasons.

While some Navajos opted for houses instead of or in addition to hogans, the Navajo language maintained telling distinctions between these various types of structures. Lockett's observation that Navajos' hogans and their language remained the least changes aspect of the culture was bolstered in 1942, when Father Berard Haile, O.F.M., one of the Franciscans at St. Michaels Mission and a prominent authority on Navajo language and culture, published the article "Why the Navaho Hogan."⁴¹ In the article, Haile noted that "Even in its anglicized form the term hogan approximates the Navaho *xóyan* 'place home' our English 'a or any hogan'; thus, *xóyan si'á* 'there's a home place' is commonly understood by residents to mean: 'there's a hogan.'" Haile explained that the reference is generic because the speaker does not think of the builder; the "*xóyan*, regardless of its builder, is in that spot. It may be vacated or abandoned for the time being, but possessory rights are too obvious for mention." Haile was careful to point out that the "prefix *xo-* is not a personal pronoun, but in Navaho is a place pronoun, not found in English." If one wanted to specifically note a particular person's (this man/woman's) home, then one would use "*xayan*." He explained that the "stem *-yan* may be used to designate the home of man or animal, as a matter of course; thus, *diné dabayan* Navaho homes; *máí bayan* a coyote den." That said, *xóyan* did not apply to all homes of men and animals, because its use was strictly limited to a Navajo hogan.⁴²

⁴¹ Berard Haile, "Why the Navaho Hogan," *Primitive Man*, 15, nos. 3-4 (July-October 1942): 39-56. Regarding Haile's scholarship, see Regina Flannery Herzfeld, "Berard Haile, O.F.M. (1874-1961)," *Anthropological Quarterly* 35, no. 1 (January 1962): 33-34 and Donald M. Powell, "A Preliminary Bibliography of the Published Writings of Berard Haile, O.F.M.," *Kiva* 26, no. 4 (April 1961): 44-47.

⁴² Haile, "Why the Navaho Hogan," 40.

The Navajo language also maintained a distinction between *xóyan* and “*kin* 'house.’” Haile noted that a *xóyan* could be built of logs or stone, “for instance, *cé nas t’lingo bé xóyan* ‘round hogan of walled-up stones’ in localities where logs are scarce, or a native takes a fancy to that sort of structure.” The key to identification as a *xóyan* was the traditional form of the entrance, placement of the smoke hole, and, presumably, east-facing orientation. On the other hand, Haile explained that “the dwelling of modern design, built of stone or logs with windows, doors and chimneys of foreign pattern will never be recognized as a *xóyan*; they are either *cé be’ekin*, houses of stone, or, *cin be’ekin*, log houses.” Further, when Navajos found houses grouped in traditional Euro-American patterns in surrounding towns and cities, they referred to them as “*kintah*, ‘among houses,’ or by *kin sñil*, ‘houses are there.’”⁴³

As with Mindeleff, Ostermann, and Lockett, Haile emphasized that the Navajo religious connection to the hogan explained the primary reason for its continued use into the mid-twentieth century. Hogans and the Navajo religion had evolved together. While the hogan itself was not sacred, it became so through the performance of religious ceremonies. Haile emphasized that “because a hogan can be sanctified by any native ceremonial and alone serves every requirement of Navaho rituals it has a strong appeal for which so-called modern improvements have not been able to offer a suitable substitute.”⁴⁴ He pointed out that ritual actions such as the “exorcisms of injurious influences by blowing them through the smoke hole, or removing ashes and charcoal through the smoke hole, the prescription of making a motion to the sun in the east, or of

⁴³ Ibid.

⁴⁴ Ibid., 45.

raising the doorway curtain, of taking position at the cardinal points in and outside the hogan, seem easy of observance in this type of hogan.”⁴⁵ Adapting these actions to another structure could dangerously compromise the efficacy of the ritual. Echoing Ostermann and Lockett, Haile observed that if a Navajo wishes to have a modern house, then they also build a hogan where ceremonies could be performed. He acknowledged that in time preferences might change from the need for a traditional hogan for the performance of ceremonies, but he believed that would not occur without “radical changes made in Navaho ceremonialism.”⁴⁶

A decade later, in 1954, Haile published a revised version of his master’s thesis *Property Concepts of the Navaho Indians*.⁴⁷ This short, yet wide-ranging work encompassed his half century of research on Navajo culture and language, beginning with material produced for St. Michaels Mission’s *An Ethnologic Dictionary of the Navaho Language* (1910) through his 1929 master’s thesis in Philosophy at Catholic University and expanded with extensive field research in the years leading to publication.⁴⁸ In this work, Haile went beyond the Navajo linguistic distinction between traditional hogans and modern houses of Euro-American design to consider the differences in the Navajo cultural concept of property for the two types of structures.

Haile noted that the main difference between Navajo perceptions of ownership of a traditional hogan and a modern house focused on the value of each. He explained that

⁴⁵ Ibid., 45-46.

⁴⁶ Ibid., 56.

⁴⁷ Berard Haile, *Property Concepts of the Navaho Indians*, The Catholic University of America Anthropological Series, no. 17 (Washington, DC: The Catholic University of America Press, 1954).

⁴⁸ Ibid., iii. Franciscan Fathers, *An Ethnologic Dictionary of the Navaho Language* (St. Michaels, AZ: Franciscan Fathers, 1910).

traditional hogans cost little to build, beyond the labor to construct them. In putting a small value on the traditional hogan, Haile specifically differed from anthropologist Gladys Reichard, Alexander MacGregor Stephen, and Mindeleff, who all had commented on the significant cost to hire a singer to perform a dedicatory ceremony.⁴⁹ Mindeleff indicated that a variety of mental, physical, and property ills would befall Navajos who did not have the ceremony performed within several days of the construction of the hogan. Haile asserted that the construction of a hogan did not require the singing of hogan songs and that these songs were only used for specific ceremonies. Regardless of whether Haile or the previous authors were correct, whether the dedication ceremony had never been required or not or had been required previously but had gone into disuse, the difference in value would be only that of paying for the dedication ceremony. The value of modern houses was also based on the cost of material and labor to produce them, which far exceeded those of the traditional hogan. As with Paquette and Ostermann, Haile explained that only Navajos of financial means could afford to build them. Further, Haile noted, similarly to Lockett, that wealthy Navajos built modern houses more for status and to provide storage, while still maintaining a traditional hogan for ceremonies.⁵⁰

⁴⁹ Stephen, "The Navajo," 351; Mindeleff, "Navaho Houses," 506; Reichard, *Social Life of the Navajo Indians*, 51. Reichard was a student of Franz Boas and received her PhD from Columbia University in 1925. She then took a position at Barnard College, where she taught her entire career. She did her first field work among the Navajos in 1923. Reichard's work was overshadowed by Clyde Kluckhohn of Harvard University and Berard Haile, who were more influential on other anthropologists. Marian W. Smith, "Gladys Amanda Reichard," *American Anthropologist*, new ser. 58, no. 5 (Oct., 1956): 913-916; Esther S. Goldfrank, "Gladys Amanda Reichard, 1893-1955," *Journal of American Folklore* 69, no. 271 (Jan.- Mar., 1956): 53-54; Herbert Landar, "American Indian Linguistic Contributions of Gladys A. Reichard A Bibliography," *International Journal of American Linguistics* 46, no. 1 (Jan., 1980): 37-40; William H. Lyon, "Gladys Reichard at the Frontiers of Navajo Culture," *American Indian Quarterly* 13, no. 2 (Spring, 1989): 137-163; Louise Lamphere, "Gladys Reichard Among the Navajo," *Frontiers: A Journal of Women Studies* 12, no. 3 (1992): 78-115.

⁵⁰ Haile, *Property Concepts of the Navaho Indians*, 10-11.

While the means for valuing traditional hogans and modern houses differed, Haile explained that Navajo concepts of ownership and use rights were the same for both types of dwellings and generally followed cultural notions of individual ownership. According to Haile, “Individual ownership knows no discrimination of sex and age and comprises all kinds of material goods. Personal property includes hogans and houses, livestock and other produce, the products of the land, water rights by development, and all fruits of personal labor.”⁵¹ The builder or person who paid for the materials and labor was the owner. If more than one person contributed to the cost of construction—a husband and wife for example—they jointly owned the structure. While family members always had free use of the dwelling, the owner(s) had the right to sell, remove, dispose of, or forbid the use of it. However, if the dwelling was not occupied and the entrance not barred, then travelers were free to use it; though, they were responsible for any damage they caused. Included in the right to dispose of the dwelling was the right to destroy, burn, or vacate it if someone died within. Haile noted that it had become common practice to care for the sick at some distance from the dwelling, especially when it was a modern house.⁵²

While Haile focused on putting Navajo notions of ownership in the context of the Euro-American emphasis on individual ownership, he also noted that, in many categories, Navajos tended to favor family ownership over individual. While Navajo husbands and wives owned separate herds of sheep, they would often allow them and their children’s sheep to mingle and the natural increase to accumulate in a single herd. The decisions

⁵¹ Ibid., 52-53.

⁵² Ibid., 10-11. Reichard differed from Haile on Navajo conceptions of hogan ownership. “I could get no response except astonishment about the ownership of a house and farm adjoining. A man has a hut built where it is necessary by *he* does not *own* it. Neither does his wife nor his children nor any of his relatives. Everyone owns it who uses it. The idea that a house could be individual property amazed Navajo who had had very little contact with whites.” Reichard, *Social Life of the Navajo Indians*, 92.

about which animals to retain, eat, or sell were made on a family basis. Further, grown children could continue to cultivate portions of their parents' fields and use the produce for their own households. In the same vein, farm implements and tools were often purchased by the combined effort of an extended family, with each having the right to use them. In these ways, individual and familial properties often blended with no special regard given to assigning definite ownership.⁵³

Haile's thesis on property covered everything from housing to personal items to intangible property such as a singer's unique performance of ceremonies. But he chose to begin his thesis with an explanation of Navajos' traditional communal rights to land and natural resources, reflecting a growing tension between these and the demands of the US government and its citizens for individual property rights and access to reservation resources. Navajos understood that their lands belonged to the entire tribe, that no Navajo could sell a portion of the land held in common, and that treaty provisions prevented non-Navajos from occupying any part of the reservation without the consent of the tribe and the Secretary of the Interior.⁵⁴

However, Haile noted that the discovery of oil in the northern part of the reservation had disrupted Navajos' understanding of land ownership and use rights on the reservation. He explained that some educated Navajos in the Shiprock area of the San Juan agency, where the oil had been found, had contended that benefits should go to the local residents instead of the whole tribe. While Secretary of the Interior Fall worked to create the Navajo Tribal Council by early 1923 to deal the issue of resource extraction leases, Haile indicated that the main concern for Navajos was the contention by the

⁵³ Haile, *Property Concepts of the Navaho Indians*, 13.

⁵⁴ *Ibid.*, 1-2.

Shiprock contingent of exclusive local rights versus the Navajo tradition of common ownership. The Council's eventual decision that natural resources, such as oil, timber, and coal, and revenues or royalties from them would be held in common by the tribe reinforced Navajo cultural practices, as did their continuing assertion of their rights in granting leases and disposing of revenues. Further, Haile noted that the Council's education in the value of land had spurred them to pursue the purchase of adjacent parts of the checkerboard lands that had been reserved for railroad right of way.⁵⁵

Aside from the clamor for resource extraction leases on the reservation and white competition for off-reservation traditional use lands, Haile noted that Navajo notions of common ownership of natural resources remained in practice on the reservation. Not only were such natural resources the property of all, but no one would be taken seriously if they attempted to assert that a particular cluster of trees belonged to them and were off limits to others. He explained that Navajos could gather firewood or surface coal for fuel or pinon nuts for food wherever they liked within their traditional use areas without worry of confrontation. They could cut down a tree anywhere on the reservation for their own use. Once they had trimmed or altered the log, they could leave it to season without worry that anyone would take it; the alteration of the log was sufficient to demonstrate ownership to anyone who came upon it.⁵⁶

⁵⁵ Ibid., 2.

⁵⁶ Ibid., 3. Reichard's research confirmed Haile's characterization of Navajos' notions of common ownership of natural resources. "Pasture land and water supply really go together in the minds of the Navajo. Anyone may pasture his stock where he will and he may use the available water. . . . There are no definite limits as to where stock may be kept and absolutely no restrictions on use of springs or streams. . . . Once in a very long time a Navajo might be found who is stingy with land or water. Public opinion is sufficient to demand more altruistic behavior. Public opinion would put him down as a miser, he would be despised and life for him would be very unpleasant." Reichard, *Social Life of the Navajo Indians*, 91-92. On the other hand, while Stephen agreed that "springs and waters are generally regarded as common property of the tribe," he claimed that "the arable spots in their [springs and waters] vicinity are distinctly held by individuals as real property." Stephen, "The Navajo," 349.

While property concepts and practices concerning oil, coal, and timber remained consistent, the same could not be said for pasture. Navajos had traditionally moved seasonally within contiguous geographic areas, which were usually delineated by natural features like mountains, plateaus, lakes, and springs, as well as by cultural boundaries of clan association. Within this use area, a Navajo family could hunt, gather wood, and use water. By common practice, Navajos reserved mountain areas for summer range and low areas for the winter. Contrary to these practices, Haile explained, government agents restricted these seasonal movements within established districts, which Navajos “resented as contrary to tribal unity.”⁵⁷

Between the federal government’s creation of the Navajo Tribal Council in 1921 to approve resource extraction leases and the publishing of revised grazing regulations in 1956, Navajos went through a profoundly destabilizing and painful reorientation of their notions of property. While the federal government initially had intended the Council to be a legally necessary rubber stamp for oil leases, its creation put it in a position to negotiate on behalf of Navajos during the struggle over stock reduction. Though the Council was ineffectual during the initial phase of “voluntary” stock reduction, by 1935 it refused to support any continuation of the program. The Council’s resistance forced the federal government increasingly to negotiate with it over the institution of grazing permits, the creation of grazing districts and the committees overseeing them, and the revision of grazing regulations. Protests by the Council postponed the further reduction in stock proposed under the grazing permit system through the continuation of special permits into the early 1940s. The Council resolutions of summer 1943 repudiating stock

⁵⁷ Haile, *Property Concepts of the Navaho Indians*, 3.

reduction and range conservation efforts and extending special permits indefinitely forced a reconsideration by the Department of the Interior. The associate solicitor for the Department of the Interior, Felix Cohen issued an opinion that summer that the stock reduction program rested on the assent of the Council; therefore, the federal government could not regulate stock on the reservation beyond what was allowed under the general Grazing Regulations for all reservations. Secretary of the Interior Krug officially ended the stock reduction program in 1948. By 1953, the Council appointed Grazing Committees to oversee the Districts. These Committees of Navajos and the Council negotiated with the federal government for the next three years, eventually producing revised grazing regulations in 1956. The Council and the Grazing Committees had effectively taken control of stock population levels and range management away from the federal government; however, in the process, they accepted the framework of the grazing permits and their mode of managing use rights.

As the dust settled on the decades-long struggle over stock reduction and range management on the reservation with Navajos firmly in control of the administration of grazing permits and districts, the adjudication of conflicts over the use or inheritance of the permits required solutions that the Navajo government was poorly prepared to manage. Navajo headmen traditionally acted in peacemaking capacities, but the hybrid nature of the grazing permit system went beyond traditional Navajo notions of property and use rights. At the direction of Secretary of the Interior Henry M. Teller, Commissioner of Indian Affairs Hiram Price had created Courts of Indian Offenses in 1882. Secretary Teller had approved rules for the Court of Indian Offenses on 10 April 1883, which were intended to punish Indians for uncivilized behaviors. The Office of

Indian Affairs had issued revised rules in 1892, and listed the following as offenses: ceremonial dances, plural or polygamous marriages, the practices of medicine men, destroying property of other Indians, immorality (cohabiting without marriage), intoxication or distributing intoxicants, and a variety of misdemeanors, including “if an Indian refuses or neglects to adopt habits of industry, or to engage in civilized pursuits or employments, but habitually spends his time in idleness and loafing.”⁵⁸ It was not until 1892 that Agent David L. Shipley formed a Court of Indian Offenses on the Navajo reservation. The agent oversaw three appointed Navajo judges who heard cases on a monthly basis. Commissioner of Indian Affairs Collier issued a new set of regulations for the Navajo and Hopi tribes on 2 June 1937, which eliminated the civilizing offenses of 1883 and 1892 and replaced them with regulations similar to state criminal laws. From 1937 until the 1950s, the Navajo Court of Indian Offenses handled mostly criminal matters, because Navajos continue to use headmen for traditional means of dispute resolution.⁵⁹

The Navajo court system underwent a complete transformation during the 1950s, within the local context of the reconfiguration of the Navajo government and the national context of the Termination policies of the Truman and Eisenhower presidencies. The Termination agenda, which began in the 1940s as a backlash against John Collier’s policies, was intended to end the federal government’s administrative responsibilities and transfer them to state and local governments as soon as individual tribes met certain criteria. Termination also involved the elimination of federal trust over tribal lands and

⁵⁸ ARCIA 1892, 30.

⁵⁹ ARCIA 1892, xviii-xx; ARCIA 1883, xiv-xv; ARCIA 1892, 209; Phelps-Stokes Fund, *The Navajo Indian Problem*, 72-80; Raymond D. Austin, *Navajo Courts and Navajo Common Law: A Tradition of Tribal Self-Governance* (Minneapolis: University of Minnesota Press, 2009), 19-25.

the distribution of any tribal income on a per capita basis to its members. In August 1953, House Concurrent Resolution 108 and Public Law 280 became the legal framework for enacting Termination policies during the Eisenhower administration. HCR-108 declared that American Indians should be subject to the same laws and entitled to the same rights, privileges, and responsibilities as all US citizens. PL 280 permitted California, Minnesota, Nebraska, Oregon, and Wisconsin to exercise civil and criminal jurisdiction over reservations within their jurisdictions. When Arizona moved in 1957 to implement PL 280 on the portion of the Navajo reservation within its borders, it spurred the Navajo government and its lawyers to strategize how to get federal court affirmation of its sovereignty and take control of court and police functions on the reservation. On 16 October 1958, the Navajo Tribal Council established the “Judicial Branch of the Navajo Nation Government,” which went into operation on 1 April 1959.⁶⁰

The Navajo government reorganized its court system and established a judicial branch with the intent of instituting a method of adjudicating cases that balanced the demands of the US legal system with traditional practices. Arizona had provided the Navajo government the sovereignty issue it had been seeking on 7 January 1958, when the Arizona Supreme Court ruled that the non-Indian owner of the Ganado Trading Post, Hue Lee, could sue a Navajo couple living on the reservation, Paul and Lorena Williams, in Arizona state court to collect a reservation-based debt. The issue of debt collection was a significant concern to tribal officials, because it was particularly ripe for a challenge to

⁶⁰ Donald L. Parman, *Indians and the American West in the Twentieth Century* (Bloomington, IN: Indiana University Press, 1994), 135-136; Francis Paul Prucha, *The Great Father: The United States Government and the American Indians*, vols. 1-2, unabridged ed. (Lincoln, NE: University of Nebraska Press, 1995), 1041-1046; Peter Iverson, *The Navajo Nation* (Albuquerque: University of New Mexico Press, 1981), 74-75; Austin, *Navajo Courts and Navajo Common Law*, 25-29.

tribal legal authority. The Navajo government's assertion of judicial authority was greatly augmented on 12 January 1959, when its attorney, Norman Little, prevailed in the landmark case of *Williams v. Lee* before the US Supreme Court. In its decision, the Supreme Court ruled that state courts lacked jurisdiction over Navajos and their property on the reservation. Therefore, the Navajo court system was the only recourse for creditors seeking to collect debts incurred by Navajos living on the reservation. *Williams v. Lee* was also a significant blow to the termination movement and signaled the beginning of its end. Then, on 17 November 1959, the Tenth Circuit Court of Appeals ruled that the First Amendment of the US Constitution did not apply to the Navajo government's prohibition of the religious use of peyote on the reservation in *Native American Church of North America v. Navajo Tribal Council*. These two rulings affirmed the Navajo government's adjudicatory and regulatory powers, significantly strengthened the sovereign powers of all American Indian tribal governments, and supported the position that Navajo courts (and those of other tribes) could become effective institutions of self-government. In the vein of asserting its independence and right of self-governance, the Navajo government passed a resolution in 1969 to declare that the Navajo people would be officially known as the Navajo Nation.⁶¹

Over the following decades, the Navajo court system worked to establish new legal understandings of use rights and property on the reservation that respected Navajo cultural traditions, while maintaining the judicial standards expected by off-reservation

⁶¹ *Williams v. Lee*, 385 U.S. 217 (1959); *Native American Church of North America v. Navajo Tribal Council*, 272 F.2d 131 (1959); Robert W. Young, *The Navajo Yearbook: 1951-1961 A Decade of Progress*, Report No. VIII (Window Rock, AZ: Navajo Agency, 1961), 27-29, 248; Robert A. Williams, Jr., Foreword to *Navajo Courts and Navajo Common Law: A Tradition of Tribal Self-Governance*, by Raymond D. Austin (Minneapolis: University of Minnesota Press, 2009), xi; Iverson, *The Navajo Nation*, 55, 74-75; Austin, *Navajo Courts and Navajo Common Law*, 27-31; Peter Iverson, *Diné: A History of the Navajos* (Albuquerque: University of New Mexico Press, 2002), 209-210, 245.

federal, state, and local governments. The Navajo courts remained relatively unchanged from the time of their creation in 1959 until the Navajo Tribal Council instituted significant reforms through the Judicial Reform Act of 1985, which included replacing the Navajo Court of Appeals with the Navajo Nation Supreme Court.⁶² In a series of cases, from the early 1970s through the 2000s, the Navajo courts developed uniquely Navajo legal concepts and practices regarding the adjudication of property rights, particularly in the areas of just compensation in the use of eminent domain, assigning grazing permits, and customary trusts.

In the 1970s, the Navajo Court of Appeals issued a series of fundamental decisions regarding property rights. The court affirmed in the probate case *In re Estate of Lee* (1971) that “a land use permit shall be considered an interest in land that may pass by will or inheritance or be sold or assigned all subject to the supervision in the proper case by the Navajo Courts, the Land Boards and the General Superintendent.”⁶³ The court ruled in *Dennison v. Tucson Gas and Electric* (1974), that the plaintiffs were entitled to just compensation for a portion of their grazing permit that the Navajo government had taken by eminent domain. In this decision, the court used the term “traditional use area” in referring to the portion of land that the Navajo government had taken as right-of-way for a Tucson Gas and Electric Power line.⁶⁴ The court strengthened the comparability of a grazing permit to private property in the probate case *In re Estate of Nelson* (1977)

⁶² Navajo Tribal Council Resolution No. CD-94-85 (December 4, 1985).

⁶³ *In re Estate of Lee*, 1 Nav. R. 27; 1971 Navajo App. LEXIS 3, at *2.

⁶⁴ *Dennison v. Tucson Gas and Electric Co.* 1 Nav. R. 95; 1974 Navajo App. LEXIS 1; Alexander John Thal, “Fairness in Compensation Procedures: A Case Study of Navajo Tribal Land Acquisition Policies” (PhD diss., State University of New York at Buffalo, 1981), 36-37; Daniel L. Lowery, “Developing a Tribal Common Law Jurisprudence: The Navajo Experience, 1969-1992,” *American Indian Law Review* 18, no. 2 (1993): 413; Austin, *Navajo Courts and Navajo Common Law*, 196.

when writing that “In the Navajo Nation, we hold that a grazing permit is the functional equivalent of a deed and is therefore an instrument which transfers real property.”⁶⁵ In these cases, the Navajo Court of Appeals affirmed or established principles in Navajo law that would be recognizable to off-reservation jurisdictions.

By the early 1980s, the Navajo Council and courts began to revive traditional Navajo methods for achieving justice by writing them into laws and court opinions. In *Johnson v. Johnson* (1980), the court followed Navajo tradition in ruling that when a person gives a grazing permit to a younger family member, the gift is intended to benefit the entire family, especially the children. While a permit is registered in the name of the giftee, it is not their sole property; it is their responsibility to use it in the most beneficial way to support the entire family.⁶⁶ In *Tome v. Navajo Nation* (1983), the court expressly established the centrality of land to Navajo identity and the survival of the Navajo Nation. The court noted that there are “valuable and tangible assets which produce wealth” and that these assets “provide food, income and the support of the Navajo People.” Of these assets, “The most valuable tangible asset of the Navajo Nation is its land, without which the Nation would [not] exist and without which the Navajo People would be caused to disperse like the Jewish People following the fall of Jerusalem. Land is basic to the survival of the Navajo People.”⁶⁷ The court then strengthened the conception of the Navajo Nation by stating that “While it is said that land belongs to the clans, more accurately it may be said that the land belongs to those who live on it and depend upon it for their survival. When we speak of the Navajo Nation as a whole, its

⁶⁵ In re Estate of Nelson, 1 Nav. R. 162; 1977 Navajo App. LEXIS 30 at *2.

⁶⁶ *Johnson v. Johnson*, No. A-CV-02-79, 1980 Navajo App. LEXIS 14, at *3.

⁶⁷ *Tome v. Navajo Nation*, No. WR-CV-153-83, 4 Nav. R. 159; 1983 Navajo Dist. LEXIS 2 at *2.

lands and assets belong to those who use it and who depend on it for survival—the Navajo People.”⁶⁸ Later in 1983, in *In re Estate of Joe*, the court affirmed the importance of access to the productive capacity of land to Navajo individuals and families. It noted that “In Navajo common law a grazing permit is one of the most important items of property which a Navajo may own. A permit means that an individual may have the means of sustenance of a traditional Navajo sheep [to] provide income, food, and clothing.”⁶⁹

In the probate case *In re Estate of Wauneka* (1986), the Navajo Supreme Court established the fundamental importance of the concept of “customary use area” in Navajo common law. The court noted that “Every acre of land on the reservation not reserved for a special purpose is part of someone’s customary use area.”⁷⁰ The court explained that land use is not like private ownership off the reservation; however, while Navajos do not own land on the reservation “there exists a possessory use interest in land which we recognize as customary usage. An individual normally confines his use and occupancy of land to an area traditionally inhabited by his ancestors. This is the customary use area concept.”⁷¹ While the court did not create a test that lower courts could use to determine which lands fit the definition of a customary use area, it used the following criteria to establish that a customary use area existed in this particular case: (1) “the decedent

⁶⁸ *Id.* It is interesting to note that Haile claimed that Navajo clans did not traditionally exert ownership, other than when compensation was demanded from an offender by the clan of a victim that had been killed or raped. Haile, *Property Concepts of the Navaho Indians*, 5-9. See also Lowery, “Developing a Tribal Common Law Jurisprudence,” 414 note 257.

⁶⁹ *In re Estate of Joe*, No. A-CV-43-81, 4 Nav. R. 99; 1983 Navajo App. LEXIS 22, at *1.

⁷⁰ *In re Estate of Wauneka*, No. A-CV-26-84, 1986 Navajo Sup. LEXIS 1, at *2.

⁷¹ *Id.* The court went on to note that just compensation had been established for customary use areas in a variety of contexts in Navajo law, including the following: 16 N.T.C. § 1402, CJA-18-60, *Dennison*, 1974 Navajo App. LEXIS 1, the Navajo Bill of Rights and the Indian Civil Rights Act, 25 U.S.C. § 1301 et seq. (1968).

exercised continuous and exclusive possessory use of the land during his lifetime”; (2) the “decendent's use was never disputed by either the sovereign, the Bureau of Indian Affairs, or other land users from the immediate area”; and (3) the “farmland is fenced and readily ascertainable.”⁷²

In determining not to allow the division of the farmland in question in *In re Estate of Wauneka*, the court also reinforced the Navajo legal dictum that courts handling probate cases should distribute property to the heir most able to put it to beneficial use. The court justified its decision by noting that “Inevitably, progressive fragmentation decreases the usefulness of the land and the benefits derived from the land diminishes [*sic*].”⁷³ Further, in this case, the court noted that the appellant was unemployed, did not have rights to any other land, possessed the implements necessary to operate and maintain the farmland, and made his living solely from the land. In contrast, the other heirs were either employed or lived away from the farmland in question, did not possess the equipment to maintain and operate the land, and had received equitable distributions of other property in the estate.⁷⁴

The following year, the court used the probate case *In re Estate of Benally* (1987) to clarify implementation of the *In re Estate of Wauneka* decision for the benefit of district land boards and grazing committees, which are charged with regulating the sale or inheritance of all grazing permits. The court advised that these boards and committees must consider policies that ensure that: (1) land use and grazing permits are of adequate

⁷² *In re Estate of Wauneka*, 1986 Navajo Sup. LEXIS 1, at *2-3. Austin, *Navajo Courts and Navajo Common Law*, 196-197.

⁷³ *In re Estate of Wauneka*, 1986 Navajo Sup. LEXIS 1, at *3.

⁷⁴ The court did comment on the use of a customary trust but found that it would not fit the situation in question because the dissension among the heirs did ruled out the necessary participation and cooperation by all concerned. *Id.*

size to be economically viable, (2) “land is put to its most beneficial use,” (3) such permits should be transferred to the “most logical heir,” (4) permits are not fragmented to protect the rights of all heirs, and (5) only those who are in the best position to make beneficial use of the land may inherit it.⁷⁵

The court further noted in *In re Estate of Benally* that in a probate case a court could consider the following options in dealing with land management and grazing permit use: (1) “a customary trust with right of survivorship under the laws of the state where the property is located”; (2) “a tenancy in common, with restrictions on transfer of interests to non-family-members and provisions prohibiting later division and distribution of the land”; (3) “awarding one or both permits to the most logical heir who can make the most beneficial use of the permits”; or (4) “dividing one or both of the permits, but only if the resulting division, when combined with other land and grazing permits owned by the awardee in the same district, are large enough to be productive and economically viable.”⁷⁶

In determining whether or not to use a customary trust, in *In re Estate of Benally* the court agreed with the dictum in *In re Estate of Wauneka* that customary land trusts should only be created between parties that can cooperate with each other. The court also explained that customary trusts aided the equitable distribution of benefits from the land to cooperating participants during their lifetimes. Once a customary trust was established, the participants in the trust could not divide their share among their heirs, because doing so would cause the trust to be split up at their death and fractionate to more and more owners over time. A customary trust would be kept intact and would

⁷⁵ *In re Estate of Benally*, No. A-CV-21-85, 1987 Navajo Sup. LEXIS 18, at *4.

⁷⁶ *Id.*

facilitate inheritance of the land or grazing permit by having it go the last surviving participant.⁷⁷

The Navajo Supreme Court went into greater detail to explain the cultural context of the customary trust in *Begay v Keedah* (1991). The court noted that Navajo judges had created the customary trust to protect group property rights, in contrast to English common law as used in the United States, which does not respect group rights. The court explained that “Families and subsistence residential units (as they are sometimes called) hold land in a form of communal ownership.”⁷⁸ Further, it noted that grazing rights are a land use right for the benefit of Navajo families and relatives, not an individual right. In explaining the “most logical heir” concept from *In re Estate of Benally*, the court stated that “The usual pattern of the trust is for an elderly Navajo permittee to give the permit to a child, to be held ‘in trust’ for other children or grandchildren. Usually the most responsible child, and one who makes actual use of the permit, will hold the permit in his or her own name, but to be shared and used by the other children.”⁷⁹ However, in *Begay v Keedah*, the court explained that the participants in a customary trust could have their rights to a grazing permit quieted, if they failed to make use of the land in question. The court referenced the five criteria listed in *In re Estate of Benally* to declare that “Another aspect of traditional Navajo land tenure is the principle that one must use it or lose it.”⁸⁰ If the heir to a customary trust did not make beneficial use of the land or grazing permit, then the court could award it to their heir who would most logically make use of it.

⁷⁷ *Id.*

⁷⁸ *Begay v. Keedah*, No. A-CV-09-91, 1991 Navajo Sup. LEXIS 17, at *3.

⁷⁹ *Id.* The decision in *In re Trust of Benally*, 1 Nav. R. 10; 1969 Navajo App. LEXIS 3 demonstrated the same concept of an elderly Navajo appointing a trustee to manage a grazing permit for the other children in the family, but the court did not use the term “customary trust” nor provide a broader cultural explanation of the practice.

⁸⁰ *Begay*, 1991 Navajo Sup. LEXIS 17, at *4.

The Navajo Supreme Court considered the contending concepts of property within Navajo jurisprudence in *Hood v. Bordy* (1991), when attempting to determine the limits of property ownership created under the concept of customary use. The court referenced *Tome v. Navajo Nation* and *In re Estate of Benally* in noting that the Navajo Nation's lands belong to the Navajo People and in declaring that "Private ownership of land, as by fee simple in the Anglo legal system, is unknown in the Navajo Nation."⁸¹ However, the court referenced *In re Estate of Wauneka* to affirm that "individual Navajos who use or improve the land with buildings, corrals, fences, etc. create for themselves a customary use ownership interest."⁸² The court cited Berard Haile's *Property Concepts of the Navajo Indians* to affirm that "the customary use ownership concept encompasses the right to sell or otherwise dispose of the improvements made on the land."⁸³ However, the court noted limitations to this ability by stating that the plaintiff had not created a customary ownership interest in an abandoned apartment building because they: (1) only fixed a portion of an existing structure, (2) could not wrest control of property from the Navajo government through adverse possession, and (3) could not acquire customary use in a condemned property.⁸⁴

In making its determination about the limitations of customary use ownership in *Hood v. Bordy*, the court highlighted that the Navajo Nation had taken steps in recent years "to encourage its citizens to document their claims of customary use ownership, by

⁸¹ *Hood v. Bordy*, No. A-CV-07-90, 1991, Navajo Sup. LEXIS 7, at *4.

⁸² *Id.*, at *4.

⁸³ *Id.*, at *4. "The native type of dwelling follows the same rules; ownership is vested in the builder. The free use of buildings by any family member is always implied. . . . The owner or owners, however, have the right of disposal, the right of sale and removal, of forbidding others the use of the premises (corrals, shelters, etc.), and of exacting damages for willful destruction. Haile, *Property Concepts of the Navajo Indians*, 11.

⁸⁴ *Hood*, 1991, Navajo Sup. LEXIS 7.

applying for homesite leases.”⁸⁵ The court noted that “This move toward a more formalized property rights system was prompted by the need for an orderly method of providing for the increase in population of the Nation, and by the requirement of financial institutions for some sort of ownership document for those wishing to borrow funds to build homes.”⁸⁶ Despite this push toward homesite leases, the court noted that the Navajo Nation and its court system “continue to recognize the legitimacy of customary use.”⁸⁷

In two cases over the following decade the Navajo Supreme Court provided important clarifications to its previous decisions related to grazing permits. The court explained in *Yazzie v. Catron* (1992) that “A grazing permit can be sold, inherited or otherwise transferred and can be sub-leased to anyone eligible to receive it through inheritance.”⁸⁸ Yet the court also noted in this decision that permit holders could not exercise it unless they had concurrent customary use rights. In *In re Estate of Kindle* (2001), the court clarified that “a grazing permit is only a license to graze animals in a given area, and it gives no land ownership interests. However, there is a traditional tenure by way of customary residence”⁸⁹ With this statement, the court narrowed its statement from *In re Estate of Nelson* that a grazing permit transfers real property.

⁸⁵ *Id.*, at *4. See 16 Navajo Tribal Code §§ 801 et seq.

⁸⁶ *Hood*, 1991, Navajo Sup. LEXIS 7, at *4. See Navajo Tribal Council Res. CJ-14-53 (passed January 16, 1953); and Navajo Tribal Council Res. CO-58-58 (passed October 8, 1958).

⁸⁷ *Hood*, 1991, Navajo Sup. LEXIS 7, at *4. The court referenced the preamble to Navajo Tribal Council Res. CJA-18-60 (passed January 22, 1960), with which the Tribal council adopted 16 N.T.C. §§ 1401 et seq.

⁸⁸ *Yazzie v. Catron*, No. A-CV-13-91, 1992 Navajo Sup. LEXIS 8, at *2. The court further noted that “All such transactions and subleases are subject to the approval of the District Grazing Committee and the Agency Superintendent.” See also, 3 Navajo Tribal Code §§ 784, 786.

⁸⁹ *In re Estate of Kindle*, No. SC-CV-38-99, 2001 Navajo Sup. LEXIS 11, at *3.

In *Riggs v. Estate of Attakai* (2007), the Supreme Court of the Navajo Nation affirmed that the set of five criteria for determining the award of a grazing permit, which had been determined in *Begay v. Keedah* (1986), were consistent with Navajo Fundamental Law.⁹⁰ Navajo Fundamental Law—which consists of Traditional Law, Customary Law, Natural Law, and Common Law—is essential to the maintenance of *hózhó, k'é, and k'íí*.⁹¹ The court further noted that the role and authority of Navajo women in society is an important aspect of Navajo Fundamental Laws, because they traditionally “central to the home and the land base” and are the “vein of the clan line.”⁹² The court explained that the clan maintains the land base on which it lives for agricultural, grazing, ceremonial, and medicinal purposes.

In order to explain why women are attached to grazing permits and the land base and why Navajo maternal clans maintain traditional farming and grazing areas, the court cited principles set out in *Diné Bahane'*, the Navajo creation story.

The crucial role of women is expressed in the principles established by White Shell Woman and are commonly referred to as *Yoolgail Asdzáan Bi Beehazáanii*. These principles include *Iiná Yésdáhi* (a position generally encompassing life; heading the household and providing home care, food, clothing, as well as child bearing, raising, and teaching), *Yódi Yésdáhi* (a position encompassing and being a provider of, a caretaker of, and a receiver of material things such as jewelry and rugs), *Nitl'iz Yésdáhi* (a position encompassing and being a provider of and caretaker of mineral goodness and protection), *Tsodizin Yésdáhi* (a position encompassing spirituality and prayer).⁹³

⁹⁰ *Riggs v. Estate of Attakai*, No. SC-CV-39-04 2007 Navajo Sup. Lexis 15.

⁹¹ Navajo Fundamental Law forms four sections in Title One of the Navajo Nation Code: “(1) Traditional Law (*Diyin Bits'ááqéé Bee Haz'áanii*—laws of the Great Spirit); (2) Customary Law (*Diyin Dine'é Bits'ááqéé Bee Haz'áanii*—laws of the Holy Beings); (3) Natural Law (*Nahasdzáan dóó Yádilhił Bits'ááqéé Bee Haz'áanii*—laws of Mother Earth and Father Heaven); and (4) Common Law (*Diyin Nookookáá Diné Bibee Haz'áanii*—laws of the Diné).” Austin, *Navajo Courts and Navajo Common Law*, 42.

⁹² *Riggs*, 2007 Navajo Sup. Lexis 15, at *2.

⁹³ *Id.* For reference, see Paul G. Zolbord, *Diné Bahane': The Navajo Creation Story* (Albuquerque: University of New Mexico Press, 1984).

The court explained that women are often the most logical persons to receive land use rights and hold them in trust for the family because of their roles as keepers of the “clan line” and land base.⁹⁴

However, in a concurring opinion, Associate Justice J. Benally disagreed with what she considered a conflict created by the court between Navajo statutory and common law. Benally did “not dispute that Navajo society is both matrilineal and matrilocal,” but disagreed with the addition of female gender preference as a dispositive factor in addition to the Keedah factors, because doing so ran contrary to the protection from the denial or abridgement of rights based on an individual’s sex contained in the Navajo Bill of Rights.⁹⁵ Benally further noted that “Navajo Fundamental Law is to be is [sic] used to interpret statutory law not to evade the operation of the law.”⁹⁶ Benally explained that “Under the gender preference of the majority's opinion a male that had extensive grazing experience would lose to a female that may not have any experience with managing grazing. Neither a female nor male gender assures the beneficial use of land.”⁹⁷ Chief Justice Herb Yazzie countered that the majority opinion did “not mean that the gender of the claimant was dispositive.” Yazzie stated that the majority opinion applied the Keedah factors “along with traditional law principles to decide the case.” Further, Yazzie asserted that the court was following the Navajo Tribal Council’s mandate that it should “reconcile statutory and Fundamental Law to define the law of the

⁹⁴ *Riggs*, 2007 Navajo Sup. Lexis 15, at *2.

⁹⁵ *Riggs*, 2007 Navajo Sup. Lexis 15, at *4. 1 N.N.C. § 3 (2005).

⁹⁶ *Riggs*, 2007 Navajo Sup. Lexis 15, at *4. Regarding the relationship between Navajo Fundamental Law and statutory law, Benally cited 7 N.N.C. § 204 (2005).

⁹⁷ *Riggs*, 2007 Navajo Sup. Lexis 15, at *4.

Nation.”⁹⁸ In its decision in *Riggs v. Estate of Attakai*, the court clearly followed the Keedah factors in determining whom would logically make the most beneficial use of the land based on the appellant’s history of managing it; however, Benally’s concurring opinion indicated that she was more concerned that court’s explicit inclusion of Fundamental Law concepts regarding the role of women in Navajo culture would set precedent for going beyond the Keedah factors in future decisions.

The dissent within the Navajo Supreme Court illustrated the ongoing tension within the Navajo government as it attempted to balance Navajo traditional practices, codified under Navajo Fundamental Law, with a system of statutory laws that are recognized and accepted by local, state, and federal jurisdictions in the United States. At the center of this tension is the land of the reservation.⁹⁹ That division lies behind the contemporary housing crisis in Indian Country, which reflects not only the relative poverty on most reservations but also the tangled interaction between two different ways of being in the world—one which possesses far more institutional and economic power, not to mention a history of exclusionary racist practices. Racial prejudice and outdated views of Indians, along with reservations’ jurisdictional separation, led white communities to develop separated from or around reservations. Indian communities

⁹⁸ *Id.*, at 2-3, note 5. The Navajo Tribal Council’s mandate is contained in 1 N.N.C. § 203(E): “The leader(s) of the Judicial Branch (Alqajj’ Hashkééj’ Nahat’a) shall uphold the values and principles of Diné bi beenahaz’áanii in the practice of peace making, obedience, discipline, punishment, interpreting laws and rendering decisions and judgments;”

⁹⁹ Raymond Austin, an Associate Justice on the Navajo Nation Supreme Court from its creation in 1985 until 2001, explained the centrality of land to Navajo identity and the future of the Navajo Nation and its people in the following way: “Land guarantees that future generations of Navajos will seek guidance from the Holy Beings as their ancestors did to ensure continuation of Navajo culture, language, spirituality, sense of place, and identity. Land is so integral to a Navajo’s physical, mental, and spiritual well-being that the Blessing Way Ceremony uses land and sacred places, the gifts of Mother Earth, to restore troubled Navajos to the state of hozho. When one realizes that Navajo culture, language, spirituality, sense of place, and identity are inextricably with land, it is easier to understand the Navajo people’s belief that their lands are sacred.” Austin, *Navajo Courts and Navajo Common Law*, 197-198.

became islands bereft of connections to transportation and utility grids, aside from highways, railways, and electrical lines that carried commodities and electricity across them without sharing their benefits or the ambiguous possibilities of direct commerce with the US economy.

American culture had entered the twentieth century obsessed with homeownership as the key to full respectability, even citizenship. This cultural focus on the home as a prime measure of status combined in insidious ways with assumptions about risk assessment and racial inferiority that bankers and politicians brought to their regulatory roles. Various historical studies have chronicled how lending institutions, realtors, and politicians worked within endemic American racism to create mechanisms to deny mortgage lending to racial minorities and to segregate undesirable portions of the population in tenuous geographic and financial situations.¹⁰⁰ Such a characterization is familiar to students of race and urban and suburban development in the United States. Over the past several decades, politicians and homeownership industry leaders have written elaborate social engineering intentions into the federal, state, and local laws controlling the housing and homeownership industries. Further, the financial products offered by lending institutions and supported by the federal government have fostered and sustained the housing market associated with middle class aspirations of homeownership.

¹⁰⁰ Kenneth Jackson, *Crabgrass Frontier: The Suburbanization of the United States* (New York: Oxford University Press, 1985); Douglas S. Massey and Nancy A. Denton, *American Apartheid: Segregation and the Making of the Underclass* (Cambridge: Harvard University Press, 1993); George Lipsitz, *The Possessive Investment in Whiteness: How White People Profit from Identity Politics* (Philadelphia: Temple University Press, 1998); Beryl Satter, *Family Properties: How the Struggle Over Race and Real Estate Transformed Chicago and Urban America* (New York: Metropolitan Books, 2009).

As small-time lending and public welfare programs were transforming across the United States, the modern structure of the “American Dream” came into being in the late 1920s and early 1930s through the homeownership initiatives of Presidents Herbert Hoover and Franklin Roosevelt. Before the New Deal, only about forty percent of Americans lived in their own homes. Financially secure families in the nineteenth century were expected to pay outright for their homes, so mortgages carried a stigma. After World War I, though, rising housing costs and increasing consumer debt made mortgages more typical in financing a home. During the 1920s, homeowners generally paid cash in full or down payments of at least thirty percent. Mortgages matured in five to ten years, with rates as high as eight percent and large balloon payments at the end. But the government’s lack of involvement ended with the Depression. By the spring of 1933, half of all home mortgages were in default, and home foreclosures reached the astounding rate of more than 1,000 per day. The home financing system was drifting toward complete collapse.¹⁰¹

Following approaches already suggested by the Hoover administration, the New Deal brought into existence three new entities that drastically altered the mortgage market. The Home Owners Loan Corporation (HOLC), the Federal Housing Administration (FHA), and the Federal National Mortgage Association (Fannie Mae) stabilized the mortgage industry and removed much of the risk to lenders that had previously stunted its growth. The HOLC was an emergency agency that refinanced endangered mortgages, thus protecting both the homeowner and the lending institution. The FHA insured long-term mortgages, in much the same way that the Federal Deposit

¹⁰¹ Jackson, *Crabgrass Frontier*, 193.

Insurance Corporation secures savings deposits. And Fannie Mae created a secondary mortgage market by providing private lenders a mechanism to resell mortgages. This market increased liquidity and freed up more money for further loans.

The new mortgage market provided increased access to homeownership to many (though mostly white) Americans adding significantly to their ability to accumulate wealth (through equity). New Deal era reforms took hold when pent up savings flowed into a consumer economy unleashed from wartime restrictions, and homeownership became the primary vehicle for Americans to gain, maintain, and pass on wealth to future generations. Those members of American society who were able to buy in during the initial years of the current mortgage system had the best chances for guaranteeing their progeny secure economic status. Those groups (mostly minorities) who, for a variety of reasons, did not have adequate capital or social access to purchase property became increasingly discriminated against by lending markets as collateral became more important to secure loans.¹⁰² While poor whites also lacked adequate capital and social access to purchase property, their skin color increased the possibility that a sympathetic loan agent would take a chance on them. Therefore, while the New Deal-spawned mortgage industry made homeownership a reality for many more Americans than the previous system had done, its mechanisms for reducing risk for lenders by streamlining the process within narrow standards made the dream of homeownership increasingly illusive for those of lower socio-economic status, a majority of whom were racial minorities, notably American Indians.

¹⁰² The well-paying salary of a new middle or upper class job and its earning potential mattered significantly less than property assets.

Another part of President Hoover's initial intention in fostering homeownership was to develop the infrastructure of the United States and grow its economy. As suburbs spread during the post-World War II housing boom, highways, rail lines, and utilities reached out to connect them to urban centers in order to facilitate the transportation of workers and goods from areas of production to depots of consumption. Utility and transportation network access became essential components of a mortgage-worthy property—such access became increasingly necessary with rising standards of living and quickly influenced the relatively new federal practice of calculating poverty standards. Homes without indoor plumbing and electricity rapidly became less viable on resale markets and resultantly less likely to receive mortgages for purchase. Transportation networks and utilities spread toward areas of growth partially through private investment, but most significantly through government support. American Indian reservations had few if any of the above requirements to draw government or private capital to maintain pace with the rapidly modernizing US economy. Therefore, not only were American Indians systematically prevented from gaining mortgages, more than any other racial group, they were prohibited access to the primary vehicle for wealth growth and community development in the United States.

Whereas racist elements of society have used redlining and restrictive covenants to segregate minorities (especially in cities and suburbs) American Indians were already effectively incarcerated on reservations by the end of the nineteenth century and did not begin to move into urban areas in large numbers until after World War II.¹⁰³ The

¹⁰³ Once in urban areas, American Indians were absorbed into minority ghettos, though, as with most ethnic groups involved in chain migrations, they established enclaves to aid transition to the alien cultural and social expectations of large cities. Donald Fixico, *The Urban Indian Experience in America* (Albuquerque: University of New Mexico Press, 2000).

homeownership industry—a driving force in transforming the economy and geography of the post-World War II United States—almost entirely ignored the reservations. White control over the extension of road, water, sewage, and electrical grids throughout the country led to a rapid rise in off-reservation standards of living and a reconceptualization of standards of poverty and understandings of community. Housing legislation and the mortgage industry constructed further financial barriers both to off-reservation emigration and to the influx of the massive mid-twentieth century outlays of federal development capital. Therefore, attempts by American Indian communities to improve infrastructure and increase homeownership provide a unique perspective from which historians can gauge the social and cultural coercive power deployed by the systems governing mortgage lending, consumer credit, fee simple property ownership, transportation, and utility planning to homogenize community development on and off-reservation.

The main reason why the homeownership industry ignored American Indian reservations, while managing to serve other rural communities, lies in the nature of reservations themselves: the federal government holds American Indian lands in trust, inalienable. The commodification of land in the United States legal code rests on the alienability of property; therefore, attempts by Indian nations, nonprofits, private industry, and the federal government to foster homeownership in Indian Country run against the fundamental tenets of property ownership in the United States. Traditionally in the United States, part of the collateral for a mortgage is both the house purchased *and* the land on which it sits. On Indian trust land, only the house can be foreclosed upon. The private sector mortgage industry and the quasi-governmental secondary mortgage

market have evolved to limit risk, with a consequence being narrow tolerance in standards for a mortgageable property. Consumer housing built on trust land falls outside those standards. Despite this lacuna in mortgage products, relatively little research has been published on the housing conditions on American Indian reservations, even less on actual homeownership.¹⁰⁴ Additionally, few of these studies investigate American Indian homeownership outside the context of federal Indian policy. Comparing homeownership on the present-day Navajo reservation to the off-reservation market sheds light on both the accumulated social engineering encrusting the American Dream and potential alternatives to the racially influenced and parochial mechanics of risk-benefit analyses in mortgage banking and infrastructure development.

Over the past century and a half, interaction with the US economy and its accompanying values for organizing social and cultural relations has put pressure—relative to the degree and frequency of interaction—on Navajos to adapt their cultural and social practices to those of the colonial power. Historical changes in the structure of Navajo hogans, their shifting use as sacred and profane space, and changes in residency patterns do not represent a continuum of assimilation; they are attempts to adapt aspects of traditional Navajo culture to the demands of living in two cultures simultaneously. Further, the concepts of *k'é*, *k'éí*, and *hózhó* are important factors in shaping these adaptations, whether they be the physical shape and spatial orientation of housing or the

¹⁰⁴ Kathryn L. S. Pettit, G. Thomas Kingsley, Jennifer Biess, et al., *Continuity and Change: Demographic, Socioeconomic, and Housing Conditions of Native American Indians and Alaska Natives* (Washington, DC: Urban Institute, 2014); David Listokin, Robin Leichenko, Juliet King, Scott A. Bruton, et al. *Housing and Economic Development in Indian Country: Challenges and Opportunities* (New Brunswick, NJ: Center for Urban Policy Research, 2005); G. Thomas Kingsley, Virginia E. Spencer, John Simonson, et al., *Assessment of American Indian Housing Needs and Programs: Final Report* (Washington, DC: Urban Institute, 1995); Richard Pottinger, "Sheltering the Future." *American Indian Culture and Research Journal* 18, no. 1 (1994): 119-146; David Stea, "Indian Reservation Housing: Progress Since the 'Stanton Report'?" *American Indian Culture and Research Journal* 6, no. 3 (1982): 1-14.

interaction with wage-labor and credit. These adaptations are not way stations on a path to full acculturation, but are important methods to buffer Navajo culture from the homogenizing pressures of US culture. Educating agents of economic development—American Indian governments, federal, state, and local bureaucracies, lending institutions, and nonprofits—about these methods for cultural retention can, hopefully, reduce pressures to adopt off-reservation development models within the Navajo Nation’s borders. Furthermore, acknowledging the cultural context of Navajo economic patterns can lead to more effective housing and economic development solutions for one of the most chronically underserved populations in the rural United States.

The Navajo Nation is as complex as any other society and culture in the United States. While some Navajos still practice their traditional religion, strictly observe cultural mores, husband sheep and goats, and speak Navajo almost exclusively, others observe Christian-based religions, live in cluster-style suburban-like developments, work a “9-5” schedule in office complexes, and speak English, knowing little or no Navajo. Over two hundred thousand Navajos live in between and beyond these characterizations, but all share membership in the Navajo Nation.

The housing crisis on the Navajo Nation is multifaceted. Middle-income Navajos cannot get mortgages to build homes on family land. Many low-income Navajos are forced into public housing complexes, and these small communities of duplexes place unrelated Navajos in close proximity to one another, thereby weakening traditional Navajo extended family social structures. Some Navajos who wish to live in traditional hogans can only get assistance to build homes if they are built according to American social norms—rectangular and split into many rooms with a concrete or wood floor. The

housing market (or the lack of one) on the reservation does not serve the needs of the vast majority of Navajos, nor do the government programs that attempt to provide housing on the reservation.

In considering standards of poverty relating to housing (i.e. minimal expectations of housing structure and utility and transportation access) it is important to note that a log dwelling, with a dirt roof, earthen floor, and no connection to utilities or paved roads remains the desired habitation of some Navajos. Yet other Navajos wish that they could return from urban and suburban communities around the southwest and transplant the associated opportunities and amenities to the reservation. While some Navajos avoid having electricity in their homes because of the traditional concern over the health and spiritual effects of lightning, other Navajos seek connection to the electrical grid to power televisions, radios, and other appliances. While some worry that paved roads will bring increased traffic and the incursion of unwanted outsiders to their communities, others wish for more rapid access to jobs, shopping centers, far away relatives, and medical facilities, as well as reduced wear and tear on their automobiles. There are probably very few Navajos who hold exactly the opposing views listed above, with many embracing some mix, depending on their personal beliefs and situations.

Changes in the Navajo economy caused Navajos to adapt their social structures and cultural practices to new items of material culture. While this pathway of stimulus-response may seem too simplistic, after the creation of the reservation in 1868 the US government exercised a great deal of control over the Navajo economy, as witnessed most poignantly with the stock reduction programs of the 1930s and 1940s. While such programs were imposed or enacted by an outside government, Navajos made

innumerable individual decisions everyday as to how to shape their own lives, those of their families, and their communities to their advantage. Over time, these responses coalesced into social patterns for how to deal with such things as credit and automobiles. As more and more Navajos accepted and engaged in these new practices, Navajo cosmology evolved. And these social adaptations and material adoptions were shaped and given meaning within the context of Navajo cultural obligations, or *k'é* and *k'éí*.

Following the end of the Termination and Relocation policies in the 1960s, the federal government stopped its vacillation between accepting its treaty-guaranteed responsibilities to American Indian nations and attempting to end all such responsibilities by dissolving reservations and assimilating their residents. During the last third of the twentieth century, this stability in federal Indian policy combined with stronger assertions of tribal sovereignty, by federal courts and the tribes themselves, and the Red Power movement to usher in a new era in American history. Federal anti-poverty programs were extended to reservations in the 1960s and the federal government officially endorsed self-determination and self-governance as the basis for Indian policy in the 1970s. The policy of self-determination coincided and fit with a several-decades-long political trend of devolving federal responsibilities to state governments. While reservation residents still experience significant economic, social, educational, and health problems at far higher rates than in off-reservation communities, the rights to tribal self-determination and sovereignty effectively have been removed from question in the political realm.

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