

INSTITUTE OF CURRENT WORLD AFFAIRS

WW-16 Havasupai Relations with Washington

"I Don't Know What They Want Us to Tell Them"

El Vergel, Oaxaca
Mexico
January, 1974

Mr. Richard H. Nolte

Institute of Current World Affairs
535 Fifth Avenue
New York, New York 10017

Dear Mr. Nolte:

When the Havasupai refer to Washington, they may mean the President, the Secretary of Interior, the BIA, the Public Health Service, the Army Corps of Engineers, the Office of Economic Opportunity, or any of the congeries of public agencies and their representatives who get involved with Havasupai affairs. Washington represents bureaucratic delay, a court of last resort, and an inexhaustible supply of money available to those who know the tricks and the right people. Like most U. S. Indian people, the Havasupai, in their isolation, receive little of the publicity that the federal government puts out to counter distrust among the citizens. What Supai people do hear from Washington is generally bad news: that the selection of teachers for the current year at the little three-grade school has been made without even symbolic participation by Havasupai people; that the new, expanded school that should have been constructed this year will just now enter the planning stages; that a per capita payment of \$631.51 awarded to the Havasupai in 1969 for ancestral lands taken without remuneration will be delayed another six weeks; that in the month in which they finally receive their per capita payments, the old people will not receive their usual welfare checks; that mail rates are going up; that once the new houses have been completed, the government will not be responsible for their maintenance.

The Havasupai justify their low expectations of Washington by citing what seems to them to be the unmistakable lesson of their history, that Washington acts in ignorance of Havasupai culture, and regularly subordinates Havasupai needs to the interests of other, white Americans.

In 1880, Rutherford B. Hayes created the first Havasupai reservation. It is not known what he had in mind, but he apparently knew little of the Havasupai and

the terrain they inhabited. His order specified that the Havasupai should occupy a neat parallelogram about eight by twelve miles, including Havasu Canyon and pieces of surrounding rim land. The boundaries indicated in the order bore no logical relation to the bizarre land forms of the area. In two years, the Army failed to complete a survey of the parallelogram. At this time, the Havasupai were living in dozens of locations scattered over the south rim plateau, in and around Grand Canyon itself, and in Havasu Canyon. Apparently no effort was made to herd them all into the new reservation.

Then two years later, in 1882, President Chester A. Arthur changed the boundaries of the reservation to its present configuration, slicing away all but the bottom of Havasu Canyon. The Army immediately surveyed the much reduced reservation, but still allowed the Havasupai to live in many other locations outside the reservation.

What probably prompted the second order was a flurry of interest among white prospectors in mineral rights to the walls and benches encompassing the canyon bottom. We might know nothing of mining operations in the canyon at the time of the reduction of the reservation but for an accident that killed a miner named Mooney in 1880. Searching for abandoned Spanish mines and untapped veins around the largest of the three waterfalls downstream from Supai, Mooney had his companions lower him down the sheer face of the rock alongside the falls. He fell to his death. A year later his partners reached the base of the falls safely and buried Mooney on a little island there. The falls have since been known as Mooney Falls.

Silver mining activities in the 1880's, vanadium mining in the 1930's, and zinc and lead mining in the 1940's never produced enough ore to justify a sustained operation. Had miners been successful, the redrawn boundaries of the new reservation would have prevented the Havasupai from claiming a share of the profits. However arbitrarily it was fashioned, the first reservation at least had granted the Havasupai the walls of their canyon and a portion of the rim around them. The 1882 reservation gives them just the bottom land.

Talking about the mining and surveying in the 1880's, a Havasupai in his fifties told me:

"We didn't go out there and fight the miners and soldiers. We were just down here, peaceful. We don't have a treaty. Uncle Sam took all the land away from us, just for being peaceful to them. They built a wagon road right down through the canyon. If they had been Indians, we wouldn't have let them do that. I don't know why— we've always been that way to white men."



In the years between the establishment of the new reservation and the turn of the twentieth century, the Havasupai began to share the south rim plateau with white ranchers. Gradually the white man's cattle and sheep depopulated the rim of the game upon which the Havasupai subsisted in the winter-- deer, bighorn sheep, antelope, rabbit, raccoon, and squirrel. Arizona's territorial delegate to Congress reported in 1885 that livestock, "miners, prospectors, and tourists have all combined to render this vast hunting ground useless." By 1896, the Havasupai themselves had introduced a few head of cattle to their rim land, in addition to horses they had run there before. The scant written history of the area reports only a few clashes between the Indians and the white ranchers and miners. The rim-- arid, windy, inhospitable-- is nothing if not spacious. Anyway, "we've always been that way to white men."

During these same years, Havasupai people living at Indian Gardens in the main gorge below what is now Grand Canyon Village, and others living in the woods at the edge of the Village itself, began to share their land with tourists. A railroad spur brought travellers from all over the world to the edge of the Canyon. The

Havasupai helped build the tourists lodges, maintained the trails, guided the tourists down into the Grand Canyon, and presumably lent the scene charming authenticity.

By 1900, the Havasupai were beginning to feel pressed. Ranchers fenced more and more land, leaving the Indians with the least well watered. The Forestry Department ordered them off "federal" property. Whites at Grand Canyon Village tried to expel from the Village-- and still do-- any Havasupai not employed by one of the tourist enterprises or the Park. Local whites began asking that the government enforce the 1882 order establishing the Havasupai reservation by interning the wide-ranging Havasupai in their summer homeland at the bottom of Havasu Canyon.

Under these circumstances, the Havasupai exulted over the words of President Theodore Roosevelt on his visit to the Grand Canyon in 1901. The last surviving witness of Roosevelt's visit died a few years ago. I heard about the visit from a Havasupai who lives up at Grand Canyon Village. He is a retired Park employee. His father had been there when Roosevelt visited, and told his son about it often.

"We knew Theodore was coming. They told us about it. He was riding a big white horse, from what they tell me. Theodore gave a medal to Big Jim, that was 1901, and said we could live here as long as we like." Big Jim died in 1952. He was living down in Indian Gardens when Roosevelt encountered him and gave him the medal.

This story is now the keystone in the popular Havasupai claim to residency rights in and near the Grand Canyon. The Park Service has no record of the meeting between Theodore Roosevelt and Big Jim, and dismisses the Havasupai claim. Even the Havasupai tribal attorney admits there is no legal case for their right to live in Grand Canyon Village, yet since 1926, when a sympathetic Park Superintendent designated a 160-acre plot on the edge of Grand Canyon Village as a "Havasupai residency area," the Havasupai have insisted that Theodore Roosevelt promised it to them.

The residency area is a neat cluster of six wooden cabins tucked away in a stand of pines along a service road rarely used by tourists. Driving past, you see the cabins through the trees only if you are looking for them. Only two of the cabins were occupied the afternoon I visited, but all of them were clean and well maintained (by the Park Service). The Park Superintendent is using every means but force to evict the Havasupai. Officially these cabins and their occupants do not exist. There is nothing in the Superintendent's budget to pay for their maintenance, and nothing in his job description to justify the time he spends attending to them. He referred to the residency area as "nothing but an eyesore" and "a bunch of junk."

Since "Theodore's" visit in 1901, Havasupai use of land on the south rim has

been steadily restricted, while on-site observers of the Havasupai predicament repeatedly called for the restoration of that land to the tribe. In a statement prepared for delivery before the House Subcommittee on National Parks and Recreation this past summer, the Havasupai quoted more than 20 letters and reports from the field to Washington since 1900, all recommending the restoration of some or all of the rim land then being used by the Havasupai under conditions imposed by the federal government. These letters and reports from Indian Agents, Congressional representatives, the American Indian Rights Association, and the like, make the same points again and again:

- the white man has ruined the south rim for winter hunting and gathering by the Havasupai;
- the Havasu Canyon reservation cannot support the tribe;
- the Havasupai have used certain areas of the south rim continuously for winter residence, hunting, and gathering, and-- in this century-- for grazing cattle and horses;
- local non-Indians recognize these areas as Indian land;
- private encroachment and government regulations prevent the Havasupai from using these lands as they had traditionally, and from so developing them as to increase their holding capacity.

The tiny, far-away Havasupai Indian tribe has apparently had few real enemies in Congress through the years, but, just as damaging, it has had few real advocates. Public sentiment has often run in favor of their being given a piece of their traditional south-rim range, yet legislation affecting the Grand Canyon area has unerringly disappointed the Havasupai and favored instead the well-lobbied interests of the ranchers, the National Forest, and the Park Service. In 1908, Congress created the Coconino National Forest, which embraces a large part of the Havasupai rim range. To accommodate the Havasupai, the Forest Service granted them grazing permits renewed annually at no cost. It is important to note that these permits did not grant the Havasupai the right live, hunt, gather, bury their dead, or undertake range improvement on the permit land. These activities have all continued since 1908 as before, though at a much reduced level. The Havasupai are permitted simply to graze specified numbers of cattle and horses. The area so used amounts to about 230,000 acres, or one-fifth of their pre-contact range.

Grand Canyon National Park was created in 1917 through legislation introduced by then Congressman Carl Hayden. As originally drafted, the bill made no mention whatever of the Havasupai, who were to be entirely swallowed up by the new park. That oversight was corrected by the exclusion of the Havasu Canyon reservation,

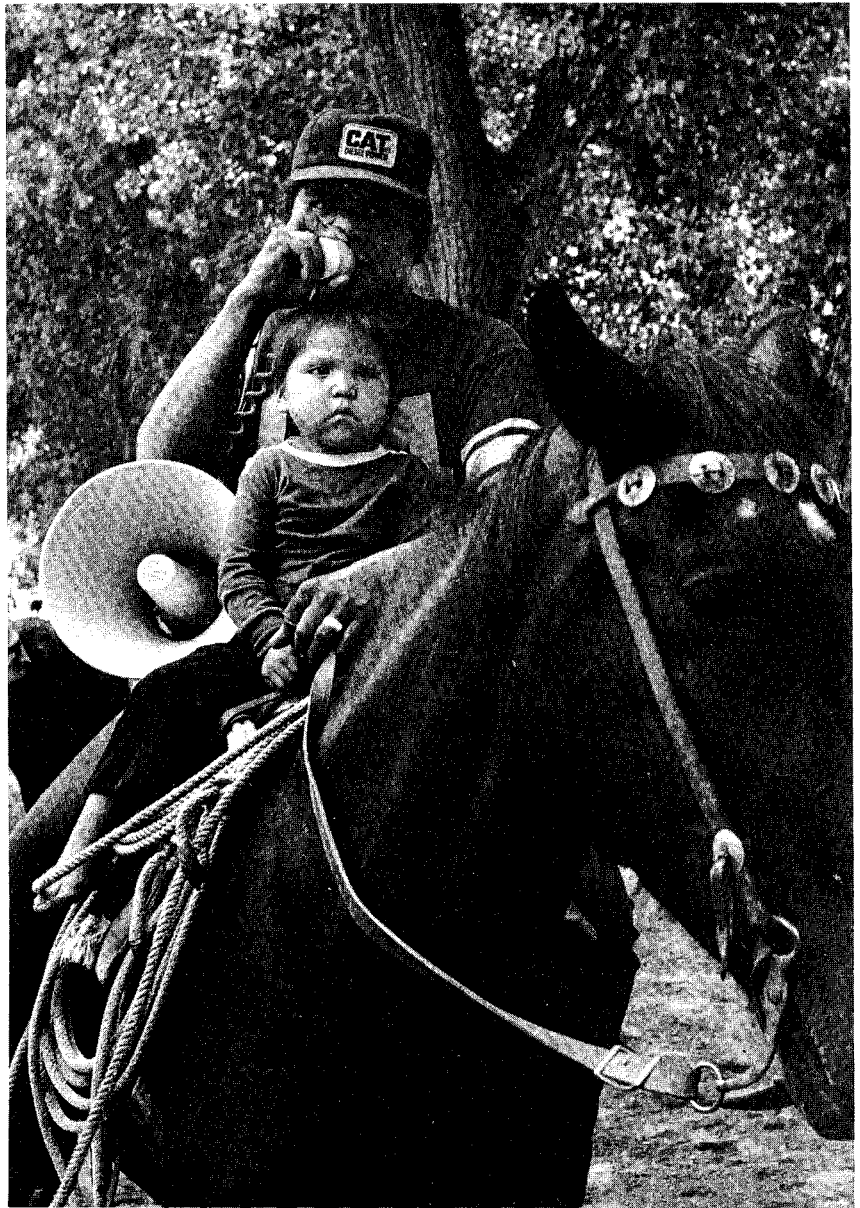
and a section recognizing the government's obligation to grant the Havasupai free annual grazing permits for the rim range to be included in the park.

Now the Havasupai pleas for restoration of land faced more than ignorance and apathy in Washington, and the influential lobbyists of ranching and mining interests. Now they were opposed by two new branches of the federal bureaucracy, the National Forest and the Park Service, whose function was specifically to maintain strict proprietorship over the public lands entrusted to them. When hearings began in the early 1930's into the condition of the American Indian, the Chairman of the Senate Subcommittee on Indian Affairs responded to a Havasupai petition for land by saying,

"We will be glad to recommend more land for grazing purposes for your Indians." This was an era of exceptional federal beneficence towards Indians, but pro-Havasupai legislation was never introduced.

In the early 1940's, another campaign was mounted by Havasupai leaders and white sympathizers. The goal was, again, restoration of about 260,000 acres of rim land then used under permit. The Park Service reportedly agreed that the Indians "sorely and urgently" needed land of their own. In 1944, a Congressional act granted the tribe 2,500 acres of unwatered land thirty miles south of Havasu Canyon. It has been of no use to the Havasupai. Since 1944, one other legislative initiative raised hopes briefly. In 1968, Arizona Congressman Sam Steiger introduced a bill to restore all the Havasupai permit land. It never left committee.

Effectively the response of Congress and the Executive to the Havasupai pleas for rim land has been a stingy concession wrested from them by necessity. Since the Havasupai continued to inhabit portions of the south rim long after the establishment of the reservation, particularly the most inaccessible and unpromising portions overlooking Havasu Canyon, it seemed unlikely they could be abruptly removed without bloodshed. Yet to grant that land to the Havasupai outright would have seemed like an act of recognition of aboriginal sovereignty in an era when federal Indian policy was intended to foster not cultural pluralism but deliberate assimilation. By allowing the Havasupai to use their traditional rim land under permit, the government satisfied humanitarian obligations, avoided conflict associated with removal, and still denied Havasupai sovereignty over the land. The permit compromise also keeps alive for the tribe the spectre of dispossession at the end of each permit period at the whim of the National Forest and the Park Service. It is no wonder that today, after 70 years in this relationship of suffrance, the Havasupai bear the Forest and Park people the



cynical ill-will typical of tenant to landlord, and that the Forest and Park people in turn fault the Havasupai for their sullen ennui.

I have been visiting Indian communities in the U.S. and Mexico for nearly three years as a Fellow of the Institute, and for two years before that. One of the patterns I see emerging is that the public image of the most isolated Indians deteriorates as one moves closer to their territory. The pathetically subdued Lacandón Mayans in the jungle of Chiapas have a reputation as cannibals among the mestizos of the frontier towns edging the Selva Lacandón. White ranchers near the Papago reservation in Arizona advised me to carry a gun if visited the western, most traditional districts of the Papageria. Recently I visited some Zapoteco people in isolated mountain villages in the the extreme southern part of the state of Oaxaca. Mestizos in the non-Indian towns nearest the Zapoteco villages warned me

that those are bad Indians, that they kill outsiders.

At the Truxton Canyon BIA Agency, according to a former employee there, the Havasupai have a reputation for violence. Among the Hualapai Indians, the Havasupai's nearest relations geographically and culturally, the Havasupai are known as "the wild Indians." In fact, the Havasupai community is riddled with jealousy and grudges, not surprising in a community cut off and inbred, crowded, poor, and outmoded, but no Havasupai has ever killed an outsider. That is well known. Several Havasupai told me that without my asking.

Their reputation for feisty hostility-- non-violent-- to people from Washington seems to be well earned. While I was in Supai, the chief of the Truxton Canyon Agency (the BIA branch that administers services to the Havasupai) helicoptered in one morning to meet with the Havasupai and explain some forms they would have to fill out in order to receive their per capita payments for the stolen ancestral lands. He wore a plastic white hardhat. He is a familiar figure in the canyon, but no one spoke to him or sat with him at lunch in the cafe. The public meeting was attended by three of the seven councilmen and a handful of women and old men. The BIA man leaned against a side wall at the front of the hall, looked out over the heads of his few listeners, and recited instructions. An old woman interrupted with a question. He said he had just explained that. A young councilman, from a family known for its pugnacity, started railing at him from behind. The councilman had been into the contraband over the lunch break, and it showed. He listed past grievances, added new ones, attacked federal Indian policy in general, and scolded the BIA man personally. The BIA man stood impassively without turning until the young councilman stopped, some minutes after he had begun. The other Havasupai in the room did not react. The BIA man passed out some forms and left the hall.

I saw him again the next morning. Every day about 7:00 a.m., people riding out of the canyon gather in front of the little post office before setting out-- Supai packers going up to meet tourists, other tourists riding out of the canyon with their guides, and an assortment of Havasupai riding out on private errands. I was riding out to spend a few days in Flagstaff. I rode up to the hitching post near the post office, picked a switch from a cottonwood branch, and joked a little with some of the Supai packers I recognized. The BIA man rode up. To the Havasupai he was apparently invisible, and they to him. We rode out in a group, twelve animals and eight men. The BIA man was at the lead, with another white man. Before we had left the village, he was well out of talking range. When we crossed the creek and headed up into the dry, dusty shadows of Hualapai Canyon, I saw him and his partner for the last time,

rounding a bend 100 yards ahead at the gallop. He was still wearing his white hardhat.

Barry Goldwater's visit and the new initiative to restore rim lands came at a time when Havasupai relations with the Park Service, National Forest, and BIA were unusually strained. In March, 1971, the Havasupai discovered by chance that the Park Service was developing a Master Plan for the management of the Grand Canyon, including the Havasupai grazing areas, without consulting the tribe. Hearings were about to be held to which the tribe had not been invited. Responding to the charge that he had been derelict in not conferring with the Havasupai about the Master Plan, the Park Superintendent later said: "We have consultations with the Havasupai in periodic meetings....We feel that much of the Master Plan draft incorporates their desires for assistance in working cooperation with the tribe (sic)."

Lee Marshall, then Council Chairman, led the Havasupai delegation to the Master Plan hearings. "You want to talk about the Grand Canyon?" he asked. "I am the Grand Canyon." He went on to berate the Park Service for planning a Park to entertain tourists while ignoring the vital needs of the permanent residents of the Grand Canyon. It was at these hearings that the Havasupai first encountered the interests that have since become, in the Havasupai view, the arch enemy: conservationists. Representatives of three Arizona conservation groups spoke at the hearings, and suggested, among other things, that the area now used for grazing under permit be converted into an inviolate wilderness area. At the same hearings, the Park service let it be known that if the Havasupai would accept certain parcels of rim land as their own, as annexations to the reservation, the Service would then feel justified in terminating grazing permits on the rest of the contested permit land within ten years. These hearings raised the possibility yet again that the Havasupai and the Park Service might reach an agreement on the return of rim land to the tribe, but at the same time, as in the past, the tribe saw evidence of an attempt ultimately to restrict their rights even further, to reduce their grazing area to an annexed area surrounded by their former permit land now off limits to Havasupai stock.

Over the next ten months, the Havasupai negotiated with Park and Forest representatives to reach agreement on a deal to be included in the Master Plan. The tribe wanted title to their grazing land, at last, ending the cold war for good. The Park Service offered 60,500 acres of the least desirable land. The Council was heartened by the offer but dissatisfied. The tribe has generally maintained that it must have more than 150,000 acres to mount a profitable cattle operation. The BIA

agent "advising" the Havasupai urged them to accept the offer. He maintained it was the best they could hope for. The tribe wrote the Secretary of Interior a letter asking him to intervene in their behalf with the Park Service. The Secretary did not respond to the letter or take action to help the Havasupai. The Park Service heard of the letter and withdrew their offer altogether, refusing to negotiate further.

In their desire for an adequate foothold on the south rim, the Havasupai let slip the first firm offer of restoration since the creation of their reservation. Four months later, in December of 1972, they heard, again by chance, that Barry Goldwater was preparing legislation affecting the Grand Canyon, and that he wanted to help the Havasupai. An intrepid young white man who writes, lobbies, and xeroxes for the Tribal Council invited the Senator to visit, and he accepted.

When the Senator's helicopter set down beside the cafe, the Chairman of the neighboring Hualapai tribe stepped in ahead of the official Havasupai welcoming party and greeted the Senator in behalf of the Hualapai. The Hualapai want to build a dam on the Colorado at the northern edge of their reservation, and had come to Supai to press their claim with Goldwater. They do not come down to Supai often. They come to the Peach Festival rodeo each summer, the only Havasupai public event, and tend to outperform the Havasupai riders. The Hualapai stay sober, win more than their share of prize money, and then return to their rim-land reservation until the next Peach Festival.

When the Hualapai had made their statement, the Havasupai Council and Senator Goldwater went into closed session in the Community Building. The Council members were impressed by Goldwater's detailed knowledge of the geography of the canyon, and by his optimism that the Havasupai would be able to expand their reservation. He said that the tribe had a better chance than it had had for many years. He said the Secretary of Interior was on their side. He surprised the Council by asking whether they wanted the three falls below Supai included in the restoration, to which the Council answered yes without hesitation.

Outside the meeting room, Goldwater talked with the Havasupai people at large. He encouraged them to be optimistic. "I have no hesitancy offering the whole ball of wax," is the way the Senator put it. He mentioned the various parcels of rim land that would be included in the Havasupai annexation, and gave his opinion as to the likelihood of each piece surviving the legislative process and becoming law. Some pieces the tribe could regain without trouble, others with more trouble, and others probably they would not be given.



He talked in low tones with old William Little Jim, who had grown up at Indian Gradens down in the main gorge, was evicted, then lived on the rim, was evicted, saw his house there destroyed, and now lives in Supai. Another old man, Duke Iditicava, shuffled up to talk with the Senator about his boyhood on the rim. A woman came up with a bead necklace for the Senator, then asked him what the Park Service wanted to do with the Havasupai lands. "They don't want to do anything," he answered. "They just don't want to give them up." By the time he flew out of Havasu Canyon, an hour and a half after his arrival, Goldwater had given the Havasupai hope. Soon after, when the bill foundered, they became resentful again, not of Goldwater in particular, but of Washington in general.

Senate Bill 1296 was written "to further protect the outstanding scenic, natural, and scientific values of the Grand Canyon by enlarging the Grand Canyon National Park in the state of Arizona, and for other purposes," including the addition of 169,000 acres of federal lands (Forest and Park) to the Havasupai reservation, "to assist the Havasupai Indians in implementing their desire for greater land base and an opportunity to control their own social and economic life." The bill's principal

effect would be to consolidate about 1.2 million acres of Canyon lands, now under the jurisdiction of eleven different agencies, into one unit under the National Park System.

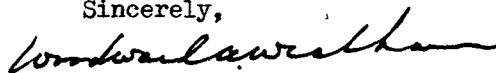
In June, 1973, a small delegation of Havasupai and their white aide flew to Washington with high hopes of a favorable hearing before the Senate Subcommittee on Parks and Recreation. The Havasupai had heard that the Park Service would speak in support of the sections of the bill restoring Havasupai lands. At the hearings, the Park Service spoke in opposition. The Sierra Club spokesman, representing the position that no land should be deleted from National Parks for any purpose whatsoever, said that "if additional land for the Havasupai is needed, then it appears to us that the purchase of...private lands would better serve the Havasupai." The Secretary of Interior, who theoretically acts as advocate for Indians in the legislative process, lent the Havasupai no support at the hearings, and only some days thereafter submitted his scarcely helpful statement on the legislation. In a letter to the Senate Committee on Interior and Insular Affairs, an Interior Department Assistant Secretary wrote: "We...strongly recommend that any decision on transferring land from the National Park System, as well as any other Federal land, to the Havasupai reservation, be deferred for a year until the Department is able carefully to review this proposition."

The bill emerged heavily rewritten under the influence of conservationist lobbying, including a letter-writing campaign by Sierra Club members. Conservationists quickly became the whipping-boys of the Havasupai. Barry Goldwater resigned from the Sierra Club in a huff.

In August, the Tribal Council asked Lee Marshall to fly to Washington for hearings scheduled on the same bill introduced into the House of Representatives. Sitting out behind his house the afternoon that the Council had asked him to represent them, he stared at the ground for a long time, then turned to me and said, wearily:

"Sure, I'll go if the Council says so. I can talk to those people. But I don't know what they want us to tell them. They don't seem to listen."

Sincerely,



Woodward A. Wickham

Received in New York on February 11, 1974