

INSTITUTE OF CURRENT WORLD AFFAIRS

WW-17 How to Help the Havasupai?

"I'll Make a House-to-House Survey to See If They Want Hot Lunches"

El Vergel, Oaxaca  
Mexico  
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Mr. Richard H. Nolte  
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535 Fifth Avenue  
New York, New York 10017

Dear Mr. Nolte:

It has been said that an average Navajo household consists of a mother, a father, a grandparent, two-and-a-half children, and an anthropologist. Compared with the Navajo, the Havasupai are relatively unstudied, yet in the summer months several Havasupai families may have white men staying with them while poking around Havasu Canyon studying things. When I arrived, an economist was just leaving after a search for cooperative work groups among the Havasupai. Then a television news team came in and filmed a documentary. The Havasupai are used to being studied, gaped at, and treated as curiosities. They have become mildly chauvinistic about their whites-in-residence-- "pets" they call them. A pet anthropologist is more prestigious, for instance, than a pet college student.

My hosts Lee and Florence Marshall, have had lots of investigators, writers, film-makers, and travellers camped out under their big cottonwood over the years. They are patient and often amused with the questions we ask. But I would not want to be the one to tell Lee that another study is Washington's answer to the current Havasupai plea for land on the rim.

"Study? What are they going to study?" he would say. "We've been telling them how it is all along. That is our land. It always has been. We still live up there, when they let us. Our old people built earth tanks up there with nothing but mules and horses. We still have houses up there. That's our land. What are they going to study?" (Talking to me he refers to white people as "they," not "you." He explains, "Some of them are different, like you. But the rest of them--")

"We ought to study them, maybe. Find out why they can't understand what we've been telling them." He would look at me for a minute, then grin and laugh.

Politically, it seems that a study leading to "positive recommendations for the expansion of the Havasupai reservation" is the best the tribe could get from

Congress this time around. The Sierra Club opposed the bill in its entirety as long as it contained the Havasupai section as originally written. After the study, conservationist opposition to the transfer of federal land to the Havasupai will presumably be just as strong as before. The Havasupai will consequently be given private land, if any, not the land they have traditionally used and sought to own, the more than 150,000 acres currently used under permit. The reasons given by those who oppose the restoration of the permit lands are generally couched in terms indicating that the welfare of the Havasupai is a primary concern of all involved. Shorn of such adornment, the arguments advanced against the restoration of the permit land can be summarized as follows:

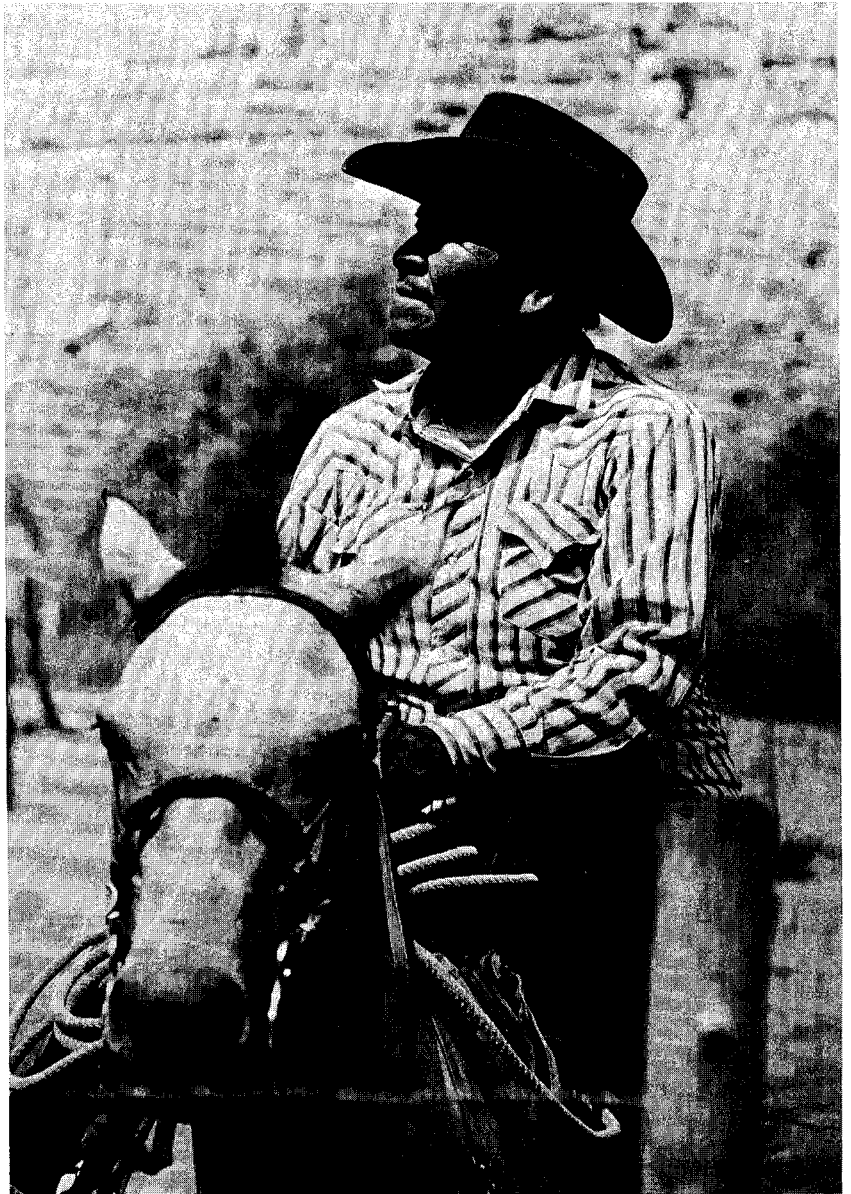
1. The Havasupai have no equitable claim to the permit land.
2. They cannot be trusted to protect it from ecological damage.
3. It is not the land that would most benefit the tribe.

I will discuss these arguments in order.

#### The Havasupai Claim

The Havasupai are of the Yuman linguistic and cultural stock, most closely related to the Hualapai and Yavapai, and more distantly to the Mohave, the Mission Indians, and the Seri. The "Pai" bands among the Yuman peoples aboriginally subsisted by hunting and gathering over wide ranges of the southwest of what is now the United States. By an accident of pre-contact geography, the Havasupai came to practice a dual system of subsistence-- hunting-and-gathering in winter, and farming in summer. Of all the Pai ranges, the Havasupai range extended furthest east, bringing them into commercial contact with the advanced agriculturalists of the Pueblos, particularly the Hopi. (The Havasupai were apparently favored proteges of the Hopi. The Hopi consider them guardians of the Grand Canyon, in Hopi cosmogony the birth hole from which the Hopi emerged from the underworlds. The Hopi ceremonial cycle includes a Havasupai kachina dance.) At the time of first European contact, then, while other Pai bands were still exclusively hunters and gatherers year round, the Havasupai were farming part of the year in their permanent canyon-bottom village, and spending the winters hunting and gathering on the rim. Early European reports of Indian life on the south rim unequivocally identify the Havasupai as its proprietors. At that time they were known to Europeans as Coconino, the Hopi word for the Havasupai. Today the south-rim plateau and the northwestern-most county of Arizona both bear the name Coconino.

Lee Marshall



The Hualapai, just to the west, never learned to irrigate, never settled into a well-watered canyon-bottom like the Havasupai for summer farming. They still inhabit as reservation the major part of their original range along the south rim. Their aboriginal title has never been challenged. Early explorers and later ethnologists visited northern Arizona only in the clement summer months, understandably, so the Havasupai came to be identified with their charming summer settlement. The other half of their life, up on the rim with the rest of us, was all but forgotten.

Although the Havasupai have been driven out of the best of their original land—the forests and mountain meadows near San Francisco Peaks and Bill Williams Mountain, the arid remnant along the very northern edge of their range they have clung to with desperation. Havasupai still living remember childhood times when the tribe roamed over most of their original range. Spend an afternoon with Wallin Burro. He

will tell you about his boyhood near Red Butte, 50 miles east of Havasu Canyon, now off limits to the Havasupai. There he ran down rabbits in the snow, and feasted on deer and antelope. During his lifetime, more than 70 years now, he has seen houses on the plateau burned by the Park and Forest people when their Havasupai inhabitants returned to Supai in the spring, rebuilt when they returned to the plateau in winter, burned and built, and finally abandoned for good. The most recent burning I heard about occurred in 1968, but there may have been others since, and there may be others tomorrow. A few Havasupai still keep houses up there, partly, I think, to defy those who deny their right to keep them. Wallin Burro is philosophical talking about past clashes with the federal landlords. He spends mornings in the warmer months sitting on the stone foundation of his ruined house beside the trail out of Supai toward the Park Service campground. About midday he begins a slow constitutional along the trail to the sweatlodge beside the creek near Lee Marshall's house. He waits there talking aloud to nobody, waiting for someone to come along and "make a sweat." If by mid-afternoon no Havasupai men have come for a bath, he moves on. The work of making the fire and heating the stones is too much for him. Anyway, a sweatbath is a group experience. He walks slowly to the bench behind Lee's house, talking aloud as he goes. If you interrupt with a question in English, he is glad to answer. Like the other old men of Supai, Wallin Burro is both a curiosity-- Supai children bait him fondly-- and a document of tribal history.

Drive out onto the south rim from Grand Canyon Village, and you will see that the Havasupai presence still dominates the plateau. The fencing and road markers bear the stamp of the Forest and Park, but the weathered, delapidated shack at the side of the road, the only dwelling in sight, is Clifford Sayujá's winter place still standing. He goes up there from time to time. Out near Moqui Tank you can see where other houses used to stand. One old Havasupai gentleman pointed out the scarred ground where he helped build three successive houses in the 1930's. "We told the Park people, 'No, those houses been there a long time,' but they burnt 'em down. Now I see Claude's house, it's burnt down, too. I don't know who burnt that down. My last house, Willard was living in it, but they burnt it down, too, so he went back down to Supai."

Off to the east, up on a gentle rise, you find a fenced plot of perhaps 400 square yards, with horse bones dried white in the sun at the gate. On the barbed wire fence, a sign: "Supai Cemetery. Keep Out." Inside are three ponderosa pines, some low juniper, and perhaps 60 grave markers. The Havasupai have been burying their dead here since the turn of the century, when they ceased cremating. Yet



the cemetery, like the houses and the earthen watering tanks, is on Park land. To the Havasupai, the fact of their continued use of the land means that it is actually Havasupai land. "The thing is," one said, "the Park people don't make us feel welcome."

Flagstaff, Arizona, the birthplace of Andy Devine, is the place where a lot of Havasupai, Hualapai, Hopi, and Navajo go to do serious, sometimes extended drinking. There I met the first Indian ever to attend West Point. When cowboys and Indians mix on the street after dark, the air hums with menace between them. The white people own the town, and the Indians (and tourists) bring it revenue. A son of one of the early pioneer families that built up Flagstaff is the tribal attorney for the Havasupai. He is a lanky, sandy-haired bachelor with an easy Western grace that reduces the distance between Flag and Supai. Attorney Joe Babbitt has turned up evidence that greatly bolsters the Havasupai claim to unextinguished title to that rim land, evidence that indicates that the federal government itself has previously recognized Havasupai title.

In 1866, the government granted to the Atlantic and Pacific Railroad certain sections of land bordering a right-of-way through the Havasupai range. The grant states that the land adjacent to and interspersed with the granted sections remained under federal ownership and subject to the established aboriginal title held by the Havasupai Indians. Twenty years later, the granted sections were forfeited by the railroad. The

sections thus forfeited returned to federal ownership, and presumably then belonged to the Havasupai. On some federal maps, those sections of forfeited railroad land have been specifically marked as belonging to the Havasupai, while adjacent and interspersed sections have been marked as belonging to the Park Service.

In the early 1940's, the Havasupai went through one of their periodic tantalizations by Washington liberals. The BIA backed the tribe's entreaty for an expanded reservation, the Park Service remained neutral, and the National Forest was said to "consider all lands west of the Havasupai Drift Fence as belonging to the Havasupai." The material result of this period of agitation and conciliation was the annexing of that 2,540-acre piece of canyon bottom to the reservation in 1944. More important for the Havasupai in the long run, probably, was a report written during these auspicious years on the basis of which the Interior Department expressly ruled that the former railroad grant sections belonged to the Havasupai.

Joe Babbitt calls the "Report on Tribal Claims to Released Railroad Lands in Northwestern Arizona" a "very painstaking and thorough examination of the facts and law involved in these claims." It probably represents the best research and analysis of the claims available then or now; one of its co-authors was Felix S. Cohen, the recognized authority on U.S. Indian law, and author of the definitive Indian law text American Indian Law. In the "Report," Cohen and co-author Abe Barker determined that the federal government originally granted lands to the railroad "expressly subordinate to the aboriginal rights of the Havasupais to occupancy and use of said lands. There has been no legal extinguishment of the rights of the Havasupai Tribe to occupancy and use of these parts of their aboriginal territory, the legal title to which has remained continuously vested in the United States."

The tribe's position, then, is that their aboriginal sovereignty over their hunting-and-gathering range was well established at the time of European contact, and that, despite encroachments displacing them from most of that range, they retain possessory rights over that portion now used under permit, because (1) they have never ceased to use it; (2) no one but the Havasupai has been permitted to use it; and (3) as the "Report" says, "those rights were even expressly recognized by the Congress of the United States in the Act of 1919 creating the Park, by the provisions of Section 3 authorizing the Secretary of the Interior to permit members of the Tribe to use and occupy land in the Park outside their reservation." The permits represent what Babbitt terms "the administrative method of recognizing Indian rights to use and possession.... There is no other explanation for the long-standing existence of the Indians' free use permits."



Havasupai aboriginal sovereignty over the Havasu Creek drainage— that is, their traditional rim range— was also recognized by the federal government in 1969, when the Indian Claims Commission awarded the tribe \$1,240,000 in compensation for about 2.2 million acres of rim land taken from the tribe without remuneration. The more than 150,000 acres used under permit, the land the Havasupai have been seeking to have restored, was included in the land for which the award was made. By accepting the Claims Commission award, "the Havasupai made the worst mistake they could have made," according to one Indian attorney involved in national Indian affairs. In effect, it can be argued, the tribe surrendered further claim to the disputed permit lands by agreeing to accept a cash settlement in compensation. One Park official dismissed Havasupai arguments based on aboriginal rights by saying, "We understand the Havasupai tribe will receive compensation for past iniquities involving land unjustly appropriated from them. The land claims have now been settled and are not a matter for conjecture."

In July last year, the Havasupai heard that the per capita payments resulting from the Claims Commission award might finally be disbursed to them within the next month or two (about four years after the Commission's decision). At the same time, Goldwater's bill-- particularly the Havasupai expansion— was meeting ruinous conservationist opposition in Senate hearings and the press. Under these circumstances,

the Tribal Council decided to take whatever action it could to offset the apparently crippling effect of the tribe's acceptance of the award. In a letter to the Claims Commission, the Council explained that "an error was made in the presentation of our claim....Included in the...area which we aboriginally occupied are some 200,000 acres of federal lands which we have continuously used and occupied since the creation of our reservation in 1882....These lands should not have been included in our claim against the government, since the government has never denied us use or occupancy of this 200,000-acre area. Accordingly we are setting aside \$100,000 from our award for return to the government at such time as the government finds it convenient."

The government, of course, would find it thoroughly inconvenient to reopen the Havasupai claim by excepting, after the fact, 200,000 acres of hotly contested rim land. The Commission responded that the case was closed. On the face of it, the tribe had sealed its fate by voting in 1969 to accept the award. Now that the vote seems to have meant surrender of further claims to coveted homeland, the Havasupai recount the circumstances of the vote with anger at one another for having been duped, and at various outsiders for having misled them.

The Chairman of the Tribal Council in 1969 was the tribal sheriff. He is a small, quick, hard-riding, clean-living lawman. His eyes have more than the usual Oriental look to them, and his mouth and jaw are set in a serious, uncommunicative clench. In those days, he spoke very rarely in public, and almost never in English. Now he has been to the BIA training center for tribal policemen. His English is good, and he has a sense of the struggle going on among Indian people around the country. He is one of the two Havasupai men who refused a free BIA pre-fab house. Instead he has built his own tight clapboard house with deep foundations and a coat of lemon-yellow paint. As a policeman, people say, he knows when to stay out of things and when to act. When he acts, he acts forcefully and simply until the job is done. He talks the same way.

"I don't think the people knew what they were voting for. They just wanted the money." He talks in English, for the benefit of white visitors to the Council meeting, but slowly, so that Supai people will have a better chance of understanding.

"I was against it. I was against taking money for the land. I said so."

There were not many in 1969 who spoke out against the Claims Commission award. It meant about \$2500 in cash for a typical Supai family, doubling the family's income for the year. By the terms of the Congressional authorization of the award, 25 per cent is distributed in cash per capita, thirty-nine per cent is used for reservation development, and the rest invested in behalf of the tribe by the Secretary of Interior. These are percentages of the amount left after the attorney



representing the tribe before the Commission has taken his ten per cent of the award "off the top." That attorney, since replaced by Babbitt, came in for most of the frustrated abuse at this particular Council meeting.

"But the lawyer," the sheriff goes on, "he didn't explain very much about what it was for. People didn't know. They just wanted the money. Now they know. They know they were wrong.... What is \$651.31, anyway? They could make that in a week down here on the housing."

A white man who has worked for the tribe for many years, and before that for the BIA, recalls that the attorney "said that if you accept the land settlement, it would not affect your request for more land."

The sheriff: "I said we should fight for our land instead of money. It's our land. White people should have permits from us. But we took the money."

Since 1969, several tribes have received in settlement a combination of land and money, the most famous being the Native Alaskans. The Yakima of the State of Washington specifically excepted certain lands in advance from their claim, in order not to pre-judice later claim to the land itself. The Florida Seminole have refused any cash settlement, holding out for an award of their original land. The Oneida Nation in New York State plan to insist on a combination of traditional lands and money. One wonders why the Havasupai were not counselled to except the permit lands from their claim.

If the study authorized by the Grand Canyon bill seriously attempts to examine the equitability of the Havasupai claim to the permit lands-- and Goldwater's legislative aide assures me that such is the intent of the legislation, it must answer some delicate questions involving points of pre-history, recent history, anthropology, and U.S. Indian law.

- Do the Havasupai have rights of sovereignty by virtue of aboriginal possession and continuous use?
- Was the permit land wrongly included in the territory for which the Claims Commission awarded compensation?
- When the Havasupai voted to accept the award, were they inadequately informed as to the implications of their vote, particularly with respect to the effect of acceptance on their claims to the permit land?

If the answer to any of these questions is yes, 'presumably the Havasupai still have a chance to recover title to the land. If the answer to all these questions is no, the study's recommendations regarding land for the Havasupai would be based not on points of law and justice, but on the exigencies of politics.

Potential Havasupai Impact on Rim Land

A political settlement will almost certainly mean not restoring the permit land. As Congressman Stuart Udall said when he introduced the Goldwater bill in the House, the provision transferring Park land to the Havasupai "is one of the more controversial in the bill, because it might lead to the opening up of the Park to private interests."

What would the Havasupai do with the land if they owned it? So far as I could discover, the tribe has no detailed plan for the use of the permit land once it has been restored. Almost certainly they would haggle over any of it that was available for the use of individual families. But probably most of the land would be devoted to a tribal cattle operation replacing the marginal, ill-managed private cattle businesses of about ten Havasupai families.

Under the terms of their permit, the Havasupai are allowed to run 138 head of cattle and 322 horses.\* Twice each year a cattle dealer from Williams drives trucks out to the permit land, loads up Supai cattle, and drives them to the cattle yards in Phoenix. The Havasupai operation is now too small and too isolated to justify an auction on the Havasupai range. The Williams dealer, say the Supai stockmen, does them a favor by taking range delivery on the few head they sell each year. The price the dealer pays them averages between two-thirds and one-half of the price they would get in Phoenix.

The Havasupai propose to create a tribal herd of 1,000 head, supported by new water tanks, fencing, corrals, loading facilities, and water supplies. The tribe has pointed out to various parties in Washington that the neighboring Hualapai run 4,000 head on about 500,000 acres of comparable south-rim land, and gross \$225,000 annually. By these standards, the Havasupai could expect to gross about \$50,000 annually. If that amount were distributed evenly through the population, it would increase per-family income by about 20 per cent, assuming the expanded cattle operation absorbed currently unemployed labor.

An expanded cattle operation of this sort does not mean ecological disaster for the south rim. In 1969, the National Forest and the Park Service themselves approved a plan that called for major improvements to the permit land and a total carrying capacity of 1,043. (The plan was never executed.) One specific conservationist complaint, that cattle will crowd out the desert bighorn sheep that inhabit the rim

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\* The Park Superintendent said that the number of horses actually exceeds 500. He said the Havasupai keep them just as vanity items. Many Havasupai agreed that there were too many horses running wild on the rim.



and breed in the upper canyons, would be satisfied by the erection of more fencing where necessary.

What horrifies friends of the Grand Canyon, Sierra Club and Havasupai alike, is the vision of private interests getting hold of the disputed rim land. If it is necessary, these days, to cite examples of the effect of uncontrolled development on what is left of America's open space, I refer you to Flintstone Village. This is a cluster of giant, mock rock models of the Flintstone cartoon characters and their habitat frozen in mid-hilarity at the intersection of the two highways by which tourists approach the Grand Canyon. It lies in the heart of what was once the Havasupai hunting and gathering range. Inside you can meet Rocky and his friends. Outside you see only the highways, the plateau, and Red Butte, the 500-foot ochre mesa at the foot of which Wallin Burro was born.

Driving toward Kaibab National Forest and Grand Canyon Village, you encounter billboards on both sides of the road urging that you invest in this unspoiled land today to be rich and secure tomorrow. As the Forest boundary approaches, the signs loom up still more insistent, finally mounting an articulated appeal over seven successive billboards, a hard sell debasement of the old Burma-Shave technique, until the road crosses into the sanctuary of the National Forest.

What inchoate plans the Havasupai have for tourist developments on the rim do not include the likes of Flintstone Village or, for that matter, Fred Harvey's Grand Canyon Village. (It irks Havasupai people to hear the conservationists warn against untoward commercial developments on the permit land. Where were the conservationists, they ask, when Fred Harvey and other white developers descended on the Grand Canyon? Now that white men have exploited the Canyon, Indians are prevented from doing so in the name of ecology.) From what I learned about the Havasupai, I deduce that they have become involved in tourism entirely by force of circumstances geographical and economic. They need the income derived from packing, the tourist lodges in Supai, and the cafe, but clearly the Havasupai are not driven by visions of grandiose, high-profit tourism operations. They are unenthusiastic about the modest tourism operation they already run, and they manage it badly. The better of the two lodges is ill-maintained, primitive without rustic charm, and so located and constructed as to be almost intolerably hot in the peak tourism months. Another lodge is about to be built. It is some measure of the priority of tourism in the Supai scheme of things that in more than a year of internecine haggling no deal could be made between the Council and any of the families that "own" the more attractive sites for the new lodge. Consequently it will be crowded into the very center of the village, hemmed round by other buildings and well within earshot of the little jail.

If the Havasupai had the right to build on the rim, they would probably build an overnight facility at the trailhead at Hualapai Hilltop. (This was a specific part of Barry Goldwater's vision as he talked to the Council last January.) Today the trailhead is a strategic bottleneck, where tourists pile up without food or shelter while waiting for guides and pack animals. The trailhead is several hours by car from the nearest adequate tourist facilities, and several hours by saddle or on foot from Supai. The Havasupai themselves need an overnight facility on the rim, to reduce the number of trips by packers and guides without tourists, to provide temporary storage for goods moving into the canyon by mail, and to serve as a terminal for transportation back and forth between the trailhead and towns along Interstate 40.

If the permit lands were transferred to the Havasupai, other "private interests" might insinuate themselves into a position on the rim. Non-Indian interests have leased for subdivision most of the land of the Tesuque Pueblo near Santa Fe, and a similar attempt has been made to subdivide Cochiti Pueblo. Private interests have strip-mined Black Mesa and constructed at Four Corners a power plant that pollutes the air for Navajo, Ute, Apache, and Anglo for hundreds of miles around. Private interests have created an artificial lake surrounded by summer homes for white outsiders in the middle of the land of the Menominee people in Wisconsin. In each case the federally recognized governing body of the tribe has been accomplice to the incursion of these private interests.\* It is the responsibility of the Secretary of the Interior to guard against dangerous exploitation of Indian resources, and the Goldwater bill included the stipulation that "no development within such enlarged Havasupai Indian reservation... shall be made without the written approval of the Secretary. In view of the Secretary's past failures to protect both the Indians and the environment, that stipulation does not satisfy conservationist objections. Yet to oppose restoration of the permit land to the Havasupai in part because the Secretary cannot be trusted to fulfill his responsibility seems to punish the Indians for the shortcomings of government.

#### Which Land Will Most Benefit the Havasupai?

Since the mid-1960's, more and more people have been trying to help the Havasupai, each in his own way. This summer a schoolteacher from California wrote the Council saying he was looking around for a nice Apaloosa stallion to give the tribe. ("Ooooh" from Supai people at the Council meeting.) A long-time friend of the tribe wants to finance a tramway into the canyon. (The sheriff: "This canyon is our living room. How would you like a tramway in your living room?") An education officer with the BIA meets with some Supai parents to start off the year on a cooperative note. "I want you to know," he says, "that I think it is wrong to hire teachers for your school without your advice. I mean, what if they were black people from the south? I told them that (at his BIA headquarters), but I'm just one voice crying in the wilderness." (The sheriff: "Take me with you. I've got a big voice.") A young teacher beginning her third year in the canyon, speaking to the parents: "Do you think you want a library?" No response. "Let's vote. Okay, all opposed or in favor of having a

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\*In most cases the Tribal Council or similar body has since claimed that they were misinformed as to the nature of the developments. In other cases, members of the tribe have challenged the legitimacy of the Council or its authority to enter into such agreements with private interests.

library." (No response.) Then she asks if they want hot lunches for the children. (No response.) She announces that she will do a house-to-house survey on the point. A group of Mormon missionaries help by running a model farm, renting out their tractor (one of three motor vehicles in the canyon), and arranging for children to live with Mormon foster families outside the canyon and attend local public schools. (One Supai commented: "The people here go with the Mormons so their kids can go to good schools.")

I reluctantly share with most of the people close to the Havasupai fight for land the assumption that the real, unstated objective of the coming study is to rationalize the purchase of private land for the Havasupai, not to decide whether private or federal permit land better suits Havasupai needs. But if those conducting the study should actually attempt a systematic evaluation of alternative ways of helping the Havasupai through expansion of the reservation, their first great challenge would be to determine what the Havasupai themselves want and need. Plenty of non-Havasupai who are deeply involved with the tribe will have helpful, and not so helpful, versions of what the people want and need. Steve and Lois Hirst, for instance, have been helping the Supai people since 1967. They built up the Headstart program, educated parents to be active and successful in influencing their children's education, helped the Council get a hearing in Washington, and just generally showed the people that there are more sources of aid and centers of political power than those of the BIA. Like a handful of other whites in the canyon, the Hirsts are widely trusted. They are patient and respectful with the Havasupai, good examples of "community organizers" envisioned by those who created the Office of Economic Opportunity.

Steve Hirst acts as a sort of unofficial secretary and executive assistant to the Tribal Council. In that role he influences the wording of resolutions and letters, and the direction of tribal policy. He is dedicated to the cause of recovering the tribe's traditional rim range, and by my judgement he has been a significant force moving the tribe toward the near-success of the moment. The Hirsts, of all the outsiders who try to help the Havasupai, have the inside view of the tribe and the outside experience in Washington to enable them to interpret the needs of the Havasupai to outsiders. But even this graceful young couple from Ohio have their own ideas, ideas inevitably different from Supai ideas. As they would probably agree, the people to ask what is best for the Havasupai are the Havasupai.

The bill as it is emerging now stipulates that the study will be carried out "in close cooperation with the Havasupai Tribal Council." The Tribal Council, to bureaucrats on the outside, seems to be the legitimate representative body of the Havasupai. The Council exists specifically to solve the problem of wresting a

consensus from a community riven with domestic quarrels and factions. But like every tribal council, the Havasupai Council is an ersatz creation. Tribal Councils were born in the 1930's to foster representative government on the reservations, to replace the multitude of different forms of governance on the various reservations with a single form specific to the European experience, and to make more efficient the administration of BIA programs through an uncomplicated interface between the BIA and the tribe. The Havasupai Council, again like other councils on other reservations, today functions technically according to the rules of its constitution, but in fact reflects the idiosyncrasies of Havasupai self-governance as it existed before the adoption of a council form of government in 1939.

Traditionally the Havasupai recognized several chiefs among them, one or two of these being distinguished as "big chiefs." They acted as moral authorities, preaching the standards of behavior to others and occasionally settling disputes when they reached extremes of ill-feeling or danger to the community. The authority of chiefs generally descended from generation to generation within a given family, but occasionally it was inherited not by a son or blood nephew, but by another male unrelated by blood. The chiefs did not function as a council, nor did they lead the tribe in the sense of making and executing decisions affecting the whole tribe. These decisions apparently were made within families, and then were confirmed by the tribe as a whole through some informal consensual process.

The Tribal Council today is a caretaker body that transmits information between Supai and Washington, and a figurehead for outsiders dealing with the Havasupai. The Supai people do not expect the Council to take forceful action without laborious public hearings, to act in the name of the people as a city council or other legislative body might. Council members rarely last for more than one term in office; it is almost impossible both to fulfill the legislative and executive responsibilities of a Council member as prescribed by the constitution and to avoid the censure of the Supai people for having asserted oneself in violation of Havasupai standards of modesty and reserve. The Council, faced with the question of what would be best for the Havasupai, would probably favor recovering the rim land, but it would shrink from forging a plan without extensive community participation.

In the community as a whole, a significant number of Havasupai recognize the value of the private lands over the long sought permit lands. The private land is almost as near the present reservation as the permit land, is generally better watered and developed, and could be put into service supporting an expanded cattle operation virtually as soon as it is transferred to the tribe. If those who conduct the study

go to the Havasupai themselves to find out what would serve them best, they might find a surprising number in favor of what to others seems unacceptable, the annexation of private ranch lands bordering the permit land on the south rim.

Almost certainly the study will confront a bewildering multiplicity of perceived goals and needs, expressed by outsiders and insiders, Havasupai and Anglo.

The stubborn dedication of the majority of Havasupai opinion leaders to the recovery of the permit lands and the intransigent opposition of the conservationists may be just the conditions in which a useful, humane compromise can be reached. The Havasupai are disappearing, in various ways. The oldest, those who lived the traditional life, are losing their influence over the young, and one by one they are dying. The middle-age Havasupai are scattering outside the reservation, but returning despite themselves because of the difficulties of the leap to white America from Havasu Canyon. The young openly desire a way to live in the rim world to which they have been educated, but they too have roots still, however tenuous, in the canyon. In fifty years I doubt much will be left of the Havasupai tribe as a cohesive community geographically centered in Havasu Canyon. The dispersion of the Havasupai is a painful experience for them, I suspect, and a process that we influence on purpose or through neglect. By granting the tribe at least some of its traditional rim land, especially the cemetery, the areas most used and best known, most sacred in the memory of the old, we can ease the pain of disappearance. By granting them ample and useful rim land for cattle-raising and, eventually, a village on a level with the rest of us, we can ease the transition into our life, if they want to make that transition. From a settlement on the rim, they could commute to jobs in the white world, and to the canyon bottom for relief from time to time.

Sincerely,



Woodward A. Wickham



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