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DECONSTRUCTING THE "APACHE" IDENTITY: A HISTORY OF THE SAN CARLOS APACHEAN PEOPLES

A DISSERTATION APPROVED FOR THE
DEPARTMENT OF HISTORY

BY THE COMMITTEE CONSISTING OF

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ABSTRACT

Historians of "Apache" history have continuously told the stories of the Chiricahua Apachean peoples and Goyathlay's (*Geronimo*) resistance to the incursion of the U.S. Army. However, the attention afforded to these peoples and the lack of understanding regarding the cultural contingencies of Apachean history, leaves the story incomplete and unfulfilled. Consequently, academics fail to provide two very important and necessary components of the Apachean and Indigenous histories at the San Carlos Reservation. First, that the issue of identity remained a point of contention for the Indigenous peoples consolidated near the San Carlos Agency during the nineteenth century, and second, the history of the Western Apachean peoples, specifically, continues into the twentieth and twenty-first centuries. The Apachean peoples of the "San Carlos Apache Tribe," as they are known in the modern-era, experienced a series of events that culminated in the creation of a "San Carlos Apache" identity. This adherence to a manufactured political identity dissuades members from incorporating traditional concepts of identity that, in conjunction with a Westernized tribal government, undermines traditional Apachean identifiers in favor of a colonial designation.

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DEDICATION

For my sons,

Cayden, Ethan, Isaiah, Jakin & Ezekiel Macktima,

and

the future generations of our peoples.

Introduction

Concerning the "Apache" Identity

Names connect Indigenous peoples to their cultural heritage and identity. The integral relationship between people names and place names, which are easily marred by outside influences, directly affect identity. Historically, these outside influences caused a ripple effect of identity crises throughout Indigenous communities across the North American continent in the late 1800s and into the modern era. Government interference and misidentification led to the distillation of many Indigenous peoples into a single collective of a tribal nation. The San Carlos Apachean peoples, located on a reservation by the same name, exemplifies this consolidation and problematic misnomer. As such, the public's general understanding of the Indigenous peoples of the United States often relates to a tribe's federal designation. These names serve to identify and distinguish between the numerous Indigenous tribes, peoples, or groups, and often stands as the first point of reference. In some cases, this contributes to the perpetuation of historical fallacies related to a particular peoples' identifier. Manufactured and federally sanctioned reservation names shape the ways in which an individual perceives Indigenous peoples and simultaneously alters the political and cultural identities of those who remain beholden to such labels. Removals, negotiations, and warfare placed many peoples onto the lands they currently inhabit, and the methods utilized by the federal government to identify the numerous tribes and groups within the United States functioned as a means to confine Indigenous peoples to the federal hierarchy. In the nineteenth and twentieth centuries the federal government incorporated the use of various assimilation tactics against Indigenous peoples to undermine traditional concepts of being and worldview. For the Apachean peoples of the contemporary San Carlos Reservation, these

manipulative maneuvers hindered, and continue to hinder, both the Western Apachean and non-Indigenous understanding of traditional Apachean lifeways.

The modern perspective on the organization of Apachean tribes and their history, as portrayed in both literature and media, leads one to believe that the peoples gathered into ravenous groups to commit atrocities and violence on the helpless colonial settlers in the nineteenth century. The end of such incursions by the Apachean peoples came only through the federal government's "taming" and eventual colonial control of the Apachean peoples. As a result of the U.S. Army's good deeds in protecting the welfare of the country, the federal government declared the American West civilized and habitable for settlers. In reality, federal intervention into the daily lives of the Apachean peoples permitted non-Apachean government agents to maintain control over everyday resources, social order, and the Indigenous political landscape. Furthermore, the Euro-American government ignored traditional concepts of identity and established modes of control that allowed agents to attempt to relabel Apachean groups for the benefit of their foreign entity. Federal agents intended to use these fabricated identifiers as a representation for the various Apachean tribes within the federalized western structure. In the case of the "San Carlos Apache Tribe" the continued use of this political moniker negates the historical and cultural practices that articulated and regulated Western Apachean identities.

Literature related to the study of Apachean history includes many instances of misidentification, and the authors who wrote these histories possessed very little knowledge or understanding of Apachean lifeways. Apachean peoples, in many cases, are spoken of in a collective manner and the continued use of the word "Apache" by academics, when applied to any branch of the Southern Athabaskan peoples, reveals the inherent misunderstanding of Apachean identity. The use of this name by both the colonizer and Apachean peoples disallows

the acknowledgement of traditional Western Apachean identities. It ignores the vast and intricate structure implemented by the peoples to display the inherent relationships and responsibilities contained within a given identity. A Western Apachean individual's identity reveals to whom they belong, their familial lineages, and their duty to the peoples.[1] Not all Apachean peoples subscribe to this system of identity and, as such, the word "Apache" remains a generic and misleading term that falsely concludes that all Apachean peoples conform to a single culture and language. Unfortunately, academia continues to propagate these misinterpretations and misunderstandings of Apachean culture and identity.[2]

Prior to Grenville Goodwin's examination of the Apachean peoples of the San Carlos Indian Reservation in the 1930s, anthropological studies on the culture of the "Western Apachean" peoples were limited and not clearly understood. Aleš Hrdlička's *Notes on the San Carlos Apache* in 1905 and Pliny Earle Goddard's *Myths and tales from the San Carlos Apache* in 1918 exhibit their apparent limitations in understanding the extensive nature of the Apachean kinship systems. Hrdlička identified only thirteen bands of the Apachean peoples residing on the reservation and did not clearly distinguish between the larger groups present on the reservation in 1905.[3] In contrast, Goodwin's examination of and consequential cooperation with the peoples on the reservation allowed him to obtain more precise information regarding familial structures and concluded that as many as 66 (or more) different bands of "Western Apachean" peoples resided

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[1] A note on terminology: I use the word "peoples," plural, to recognize the multiple lines of family that a Western Apachean individual is beholden to as the clan structure reveals the family of the mother and father, both of which hold equal weight in times of need.

[2] A note on terminology: I use the word "Apachean" to express that, while there are varying differences between the extensive number of tribes, bands, clans, and the like, there are still a great number of similarities and relationships that must be taken into account. Relationship is at the heart of the Apachean familial structure and to disregard that does a great disservice to the peoples as a whole. They share a cultural heritage and are of the same Athabaskan lineage, even if we do identify as separate peoples and tribes.

[3] Aleš Hrdlička, "Notes on the San Carlos Apache," *American Anthropologist* 7, no. 3 (1905): 480–95. http://www.jstor.org/stable/659042.

in Eastern Arizona. Goodwin used the term "Western Apache" to differentiate between the two larger groups of Apachean peoples in Arizona, and this expression acted as a means to convey a clear distinction between the Chiricahua and other Apachean groups.[4]

The current literature does not provide a fully comprehensible history for the Apachean peoples of the San Carlos Reservation, nor does it identify the underlying causes for the changes made to traditional identities. Prior to the establishment of the reservation systems in Arizona, the Apachean peoples had already created their own distinct Apachean groups. As was the case for the Western Apachean peoples, they developed identities rooted in familial relationships within a clan-band kinship network. The peoples removed to the San Carlos Reservation throughout the nineteenth century continued many of the traditional practices engrained in the establishment of their identity, however, in the twenty-first century a significant number of their descendants discontinued the use of these same traditional systems. Instead, they began to claim an identity rooted in a colonial structure. In the twentieth century, the Apachean peoples of the San Carlos Reservation relinquished the system tied to a series of complex familial responsibilities, in favor of a collective "tribe" that adopted a colonial identity where those eligible for enrollment into this new foreign governmental structure claim membership in the manufactured political entity of the San Carlos Apache Tribe.

The peoples currently residing on the San Carlos Reservation understand that divisions existed, and continue to exist, among the diverse Apachean communities, but many cannot recall the significant cultural events that explain the reasons for those historical divisions. The peoples themselves, do not incorporate the traditional clan-band systems, and, thus, the use of traditional identities cannot continue. There exists a significant number of written histories authored by non-

[4] Grenville, Goodwin, *Social Organization of the Western Apache,* (Chicago: University of Chicago Press 1943), 7.

Apachean individuals related to the Apachean peoples of San Carlos. These stories might assist an individual member's understanding of the reasons why the tribe ceased such traditional practices, though many of these works seem to only embellish on the U.S. Army's campaign against Goyathlay (*Geronimo*) and primarily focus on the histories of the Chiricahua peoples. The academy continues to fail the peoples of the San Carlos Reservation as they neglect to provide a history that serves the people directly. Very few academics deliver a historiographical work that integrates a Western Apachean perspective and features the development of the westernized political "Apache" government. More recently, historians and anthropologists have made strides in changing the academic landscape when referencing Indigenous peoples.

The works of Karl Jacoby in *Shadows at Dawn* (2008), Chip Colwell-Chanthaphonh's *Massacre at Camp Grant* (2007), Ian Record with *Big Sycamore Stands Alone* (2008), and Keith Basso's *Wisdom Sits in Places* (1996) all attempt to incorporate identity, as viewed by the people, into their works. Regarding the cultural understandings of the peoples, anthropologist Grenville Goodwin, a prominent figure in the study of the Western Apachean culture, wrote and published several pieces analyzing the cultural histories of those particular Apachean peoples of the San Carlos Apache Tribe. Goodwin published his research in the 1930s and 40s, but his intimate relationship with the elders and other important figures at San Carlos allowed him to obtain accurate and relevant information from elders who recalled a time when the people believed in the old ways. Goodwin's research is still used in the twenty-first century by both academics and Western Apachean peoples. His capstone work, *The Social Organization of the Western Apache,* remains the best and most accurate research written by a non-Apachean scholar, albeit not without disparities. Despite the efforts of non-Apachean scholars to include Apachean viewpoints, a complete and accurate understanding of Apachean practices, history,

and ceremonies persists as an ever-evading element of the non-Apachean academic. Currently published works continue to keep contemporary Apachean peoples at such a distance that the peoples find it difficult to connect with the history and stories told by non-Apachean individuals. Moreover, historians of the American West and American Indian history appear to focus primarily on histories of violence, and, for the Apachean peoples of the nineteenth century, writers seem to almost romanticize and fetishize these stories.

Unfortunately, violence did in fact occur between the Apachean peoples and others in the nineteenth century, and this fact remains a constant truth throughout Apachean history. The Apachean peoples experienced a great deal of trauma, and the current historiography illustrates the extent to which the ancestors of contemporary Apachean peoples endured these hardships. However, these stories, while relevant to the overall understanding of Apachean history, persist as a kind of trope within the scholarship. Many titles written by academics demonstrate the obvious focus and dependance on violence as a prominent feature within Apachean history. From Thrapp's *The Conquest of Apacheria* (1967), and Ogle's *Federal Control of the Western Apache* (1970), to Lahti's *War for Empire* (2017), and Magid's *An Honest Enemy* (2020), these select titles perpetuate the notion that "Apaches" and "violence" are inherently connected. While this research is important to the field, it detracts readers from understanding the multifaceted dynamics of Apachean history. Violence as a concentration often narrows a historian's frame of reference to the nineteenth century, an era that represents the peak of hostilities between the United States and the Apachean peoples. Consequently, it hinders the progression of time, and rarely does the narrative expand into the context of the twentieth and twenty-first centuries.

For years, the "Apache Wars" have defined the mannerisms and identity of the Apachean peoples, both now and in the past. Western movies and TV shows often featured the "hostile

Apache" as a renegade concerned only with committing barbaric acts upon the "noble" American settler. Lahti, in his article *Silver Screen Savages,* described best Hollywood's intentions for the Apachean peoples stating, "Hollywood's Apache films have been made by whites for the consumption of primarily white audiences, and thus they cater to white tastes, expectations, and agendas."[5] In the twenty-first century, the portrayal of the "Apache" as a "savage" persists as a prevalent characteristic. President Obama's administration demonstrated such a preponderance when they used Goyathlay's common name (*Geronimo*) as a designation for Osama Bin Laden.[6] Famous, or infamous, Chiricahua Apachean leaders such as *Mangus Coloradas*, *Cochise*, *Victorio*, and *Geronimo* have represented the perceived image of Apachean peoples for decades. Historians have written extensively about these Chiricahua leaders and their peoples, though, in the eye of the public, these stories tend to represent the entirety of the Apachean peoples.

Goyathlay embodies the essence of a distorted depiction of the veritable "Apache" warrior, and many historians and academics propagate this mentality. Authors feature the face of Goyathlay on the covers of countless works that attempt to provide a different interpretation of the life and history of the most famous, or infamous, Chiricahua. Several works focus on Goyathlay's war with the United States, as demonstrated in Robert M. Utley's *Geronimo* (2012), Odie B. Faulk's *The Geronimo Campaign* (1993), and Louis Kraft's *Gatewood and Geronimo* (2000). Others use Goyathlay as a kind of bookend when providing an extensive history of the Chiricahua, as represented in David Roberts's *Once They Moved Like the Wind: Cochise,*

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[5] Janne Lahti, "Silver Screen Savages: Images of Apaches in Motion Pictures," *The Journal of Arizona History* 54, no. 1 (2013): 51-84. https://www.jstor.org/stable/24459198.

[6] Kevin R. Kemper. "'Geronimo!' The Ideologies of Colonial and Indigenous Masculinities in Historical and Contemporary Representations about Apache Men." *Wicazo Sa Review* 29, no. 2 (2014): 39–62. https://doi.org/10.5749/wicazosareview.29.2.0039. 40

Geronimo and the Apache Wars (1993), and Edwin R. Sweeney's *From Cochise to Geronimo: The Chiricahua Apaches, 1874-1886* (2010). Others investigate the impact of the Chiricahua warrior within the American psyche, as William M. Clements does in *Imagining Geronimo: An Apache Icon in Popular Culture* (2013). Goyathlay, himself, took advantage of his own notoriety and with the help of Steven Melvin Barrett, he produced an autobiography entitled *Geronimo: His Own Story* (1906) where he described the events of the "Geronimo Campaign" in the nineteenth century.

Since the time of his surrender to General Miles in 1886, the image and fanaticism of Goyathlay, in the United States, has undergone a series of substantial changes. In that time, the public expressed feelings of both hatred and reverence for the Chiricahua War Chief. At several points throughout the history of popular culture, the public viewed him as the embodiment of American tenacity and rebellion, as both Kemper and Clements have examined in their works.[7] Both the public and academia continue to exaggerate the history of Goyathlay and his people, and the incessant focus on this one group labeled "Apache" does little to support the true depictions of Apachean peoples. These stories can only represent a very specific group of Apachean peoples. Historians seem reluctant to tell the stories and histories of the peoples who remain on the San Carlos Reservation and choose, instead, to convey these lavish retellings of Chiricahua "Apaches" who, collectively and historically, claimed no relationship to those at San Carlos. Not until the removals of the late nineteenth century and the dissolution of the Chiricahua Reservation did the Chiricahua Apachean peoples intermingle with some of the more northern Western Apachean groups. As the federal government redrew the lines of Apachean territory,

[7] Kemper, "'Geronimo!'", 40 and William M. Clements. *Imagining Geronimo: An Apache Icon in Popular Culture* (Albuquerque: University of New Mexico Press, 2013), 44

both the relationship with and the knowledge of homelands among the Apachean peoples slowly dissolved and were reformed into a concept of "Apacheness" that held no resemblance to traditional understandings.

In the modern era, the view of "*Geronimo*" within the Apachean community at San Carlos remains distorted. The peoples propagate an unceasing circulation of Goyathlay as a central San Carlos Apachean figure, and many within the Apachean communities hold tightly to the image and history of "*Geronimo*" as a rebellious Apachean fighter. The reluctance of the contemporary Apachean peoples at San Carlos to disassociate themselves from this warrior's image further removes them from their own stories and knowledge. In the early years of the San Carlos Reservation, after its establishment in 1872, the land became the home of several Western Apachean groups and did not include the Chiricahua. The ancestors of these peoples had associated with their own Western Apachean bands and clans for cultural continuity, and this practice continues into the twenty-first century. Currently, the San Carlos Apache Tribal enrollment office does not assign Chiricahua Apachean band designations and only utilizes those identified by Grenville Goodwin, who provided the tribe with a considerable amount of information related to clan associations. Regardless, Goyathlay remains a prominent figure at San Carlos, despite his stated hatred of the place and people who resided at the reservation during his incarceration.

Conversely, the San Carlos Apache Tribe, itself, uses the Chiricahua leader's name for the tribal forestry "Hot Shot" firefighting department. Even the Higher Education department offers a scholarship in his name, appropriately named the "Geronimo Scholarship," to support the educational endeavors of enrolled members at the college level. Traditional Western Apachean Chiefs such as Haské Bahnzin (Eskiminzin), Chief Bylas, and Chief Talkalai elude the

minds of many individual members of the San Carlos Apache Tribe. Outside of their original historical contexts, the familiarity of these names for many tribal members oftentimes relates only to specific locations throughout the reservation, such as Talkalai Lake and town of Bylas, AZ. As a result, identity among the Western Apachean peoples at San Carlos persists as a remnant of both the perceived fighting spirit of the Chiricahua and Goyathlay's resistance, perhaps as a coping mechanism for the struggles that many endure daily as modern prisoners of the reservation system.

This particular misunderstanding of the peoples originated from the similarities in culture and language exhibited throughout several of the Southwestern Apachean groups. It progressed to a point that, in the contemporary, tribal members unintentionally proliferate this perspective of cultural fluidity among the various Apachean groups. This problem persists as a repercussion of nineteenth century federal Indian policy for Arizona Territory and abides in the history of both the San Carlos Indian Reservation and those peoples removed to that place. Federal agents enacted policies that removed several Indigenous groups to the Fort Apache Indian Reservation. This reservation encompassed both the White Mountain and San Carlos agencies during the nineteenth century, prior to their separation in 1896. Under the Arizona Indian Concentration Policy administered in 1876 by John P. Clum, the Chiricahua, Yavapai, Mohave, and Western Apachean peoples witnessed the termination of their respective reservations and begrudgingly shared a reservation for a time.

In 1936, the federal government formally recognized the San Carlos Apache Tribe as a wholly new political organization, however, this agency carried no foundational component rooted in the traditional principles of Western Apachean identity. Prior to the federal government's acknowledgment of the tribal governments, there had never existed an "Apache

Nation." No singular Apachean culture exists, or existed, and the history and culture of the Chiricahua Apachean peoples cannot represent the entirety of "Apache" civilization. To bring the Apachean peoples who resided on the reservation into this collectivist "nation" undermines and erases the methods by which differing Apachean peoples expressed their culture and relationships in order to establish a traditional structure of identity. Furthermore, it situates in its place a colonial form of identity and governance based on nationalistic tendencies that disregards kinship structures vital to the Apachean worldview.

Creating the "San Carlos Apache" Identity and Identifying its Uses

This work addresses the history of removals to the San Carlos Reservation in the nineteenth century and the subsequent consequences of those actions by the federal government into the twentieth and twenty-first century. Moreover, it identifies the extent to which federal agencies and officials forced the Apachean and Indigenous peoples at San Carlos into a forced and manufactured political identity that, in many cases, held little value. Many of these identifiers contained geographical markers, and, in contrast to the federal agents' naming scheme, the Apachean peoples possessed a system of identity that represented more than a particular group's general geographical origin. Chapter one discusses the history of early governmental interactions, when they initiated first contact with the Western Apachean peoples, and, in their attempt to conquer *Apachería*, the U.S. Army relayed several suggestions that were meant to assist the government in either removing or exterminating these peoples. Simultaneously, in their attempts to bring Western Apachean peoples into a Euro-American system of subjugation, military and civilian agents ignored the practices, culture, and structure of individual Apachean bands and clans. Their ignorance allowed officials to organize Apachean

groups into factions based solely on their own presumptions and observations. Federal officials first identified Apachean groups by their geographical locations, then, labeled them based on their individual reservation associations, and finally forced them into a single entity through the creation of the White Mountain Indian Reservation in 1872.

This history of neglect by the federal government in properly identifying the Apachean peoples negated an entire culture of distinct and separate peoples. The Western Apachean culture relied on its own unique kinship system and structure, one that played a much more significant role than the federal government initially thought. Yet, in governmental reports, officials willfully misidentified the peoples, either through ignorance or for ease of operation. The year 1872 marked the beginning of a new era in Western Apachean history, specifically for those at the San Carlos Division of the White Mountain (Fort Apache) Indian Reservation. Association with a particular reservation became the measure by which federal agents identified Apachean individuals. The degradation of Western Apachean identities continued through various incidences in both the nineteenth and twentieth centuries, all of which culminated in the contemporary conception of a nationalistic "San Carlos Apache."

Key moments in the peoples' history demonstrate the ways in which the federal government administered this change in perception for the Western Apachean peoples at San Carlos, but they also exemplify the industrious capabilities of the peoples to use these changes for their own security. Chapter two explores the aftermath of the Camp Grant Massacre, an event where a mob of Tucsonans, Tohono O'odhams, and Mexicans murdered over 100 people from the Aravaipa Apachean band. Immediately following the massacre, Apachean peoples hesitated in trusting the federal government's ability to protect them from American colonizers, and, from a certain point of view, they were right. The federal government's inability to maintain numerous

reservations forced officials to initiate a series of removals that included Apachean and other Indigenous groups from all over Arizona territory. The Chiricahua, Yavapai, Walapai, and Tonto Apachean peoples, through federal interventions, left their homelands and resettled on the White Mountain Indian Reservation at San Carlos under Agent John P. Clum. As time passed, discussions related to the care of reservation lands included representatives from each group. A decisive point in 1892 demonstrated problems with this attempt at inclusivity as peoples who claimed no traditional or cultural ties to the land voted to relinquish portions of former Arivaipa Apachean lands, aptly named the "Mineral Strip," for mining prospects in exchange for an annual monetary allotment. This episode resembled the first attempt to bring together a reservation council that spoke for the collective whole, regardless of an individual's lineage, and the efforts to formalize a council continued into the twentieth century.

Chapter three begins at the turn of the nineteenth century during a time of environmental and economic downturns in Arizona Territory. Agents at San Carlos, assisted by the assimilation policies of the federal government, procured a small number of cattle to establish a tribal herd and train Apachean peoples in cattle raising as a process of assimilation. White Americans intruded upon reservation grazing lands, and farmers and ranchers throughout Eastern Arizona demanded a solution to the lack of available water sources for crops and livestock. Moreover, the Pima peoples pleaded with the federal government to resolve issues stemming from the Gila River's diminishing water levels as a result of excessive water use by White farmers along the river. In response to these demands, the Army Corps of engineers developed a possible solution to central Arizona's water issue and proposed a dam project on the Gila River within the boundaries of the San Carlos Indian Reservation. However, the federal government canceled the

project, and despite the geological and scientific objections, Arizona congressmen later revived the measure.

A decades-long dispute ensued in the halls of Congress and Arizona citizens debated the best use of Apachean territory, bereft of the involvement of Apachean leaders. To ensure Congress's approval for a dam project that would benefit both Euro-American ranchers and farmers, project leaders included the plight of the Akimel O'odham peoples. Officials testified that the Pima peoples deserved this multi-million-dollar project as they had historically maintained friendly relations with the United States. In reality, the water would primarily benefit White farmers along the Gila River. Consequently, the dam itself ended up causing considerable harm to the peoples of the San Carlos Indian Reservation as it flooded the San Carlos Agency and the best farmlands available on the reservation. Flooding from the dam forced the Apachean peoples to move twenty miles north of the former agency site and decimated an Apachean cemetery. In the end, Arizona, along with the entire country, celebrated the construction of the dam with fanfare and dedicated this structure situated on Apachean territory to former president Calvin Coolidge.

The peoples of the San Carlos Apache Reservation experienced extreme changes to their cultures, identities, and traditional hierarchies throughout the late nineteenth and early twentieth centuries. Throughout the United States, the federal government utilized cattle raising as a form of assimilation for Indigenous communities. By bringing the "yeoman farmer" culture to the San Carlos Indian Reservation, federal agents attempted to instill a sense of land ownership, commercialization, land development, and individuality. Superintendent Kitch's arrival to the reservation in 1923 signaled the start of a drastic change in reservation hierarchies. In collusion with the Apachean cattleman identity, Superintendent Kitch and Commissioner Collier

incorporated the Indian Reorganization Act (IRA) into reservation politics to force the creation of a federally established political identity that undermined the traditional kinship and leadership structures. Disputes between the Superintendent and Henry Chinn on the creation of a tribal council and constitution caused the Commissioner to intervene. Anthropologist Grenville Goodwin also voiced his concern with a political structure that separated the individual from the Apachean social hierarchies and believed that such a system ensured the destruction of the traditional Apachean society.

The federal government usurped the Apachean peoples' identity in the nineteenth century. The late nineteenth century saw the relinquishment of Aravaipa homelands with a vote that included representatives from all those peoples residing on the reservation. This decision resulted in the land's subsequent reincorporation into the federal system as public lands opened for mineral exploration and mining in 1892. The turning point for the creation of a centralized and inclusive cooperative came in the 1930s when the IRA formally established a collective political identity that encompassed the reservation. All those individuals who registered as "Apache" with the reservation agency acquired a new label as citizens of the San Carlos Apache Tribe. While the differences between the peoples diminished in both their relevance and application to the culture, the Apachean peoples of the tribe weaponized their newly formed identity within the colonial structure to right past wrongs. By the mid-twentieth century, a majority of the Tonto Apache, Yavapai-Apache, Walapai, White Mountain, and Chiricahua Apachean peoples relocated to new reservations within their respective traditional homelands, or what remained of them.

By continuing the story from chapter two, chapter four brings the story of the Mineral Strip full circle. Between the 1930s and 70s, the tribe questioned the past relinquishment of over

200,000 acres to the federal government for mining and, with little to no monetary gains paid to the tribe from these prospects, the Apachean peoples petitioned the Secretary of the Interior to return their homelands. Various governmental actions slowly restored the subsurface and surface rights of the Mineral Strip, though their fight with the government generated several outlying casualties. These events forced the tribe into a position where they had to choose if they would require the displacement of those Euro-American homesteaders who had illegally been permitted to live within the Mineral Strip by the federal government. Moreover, the significance of these lands shifted from one relevant to cultural substance and into one of economic necessity and continued advancement. As such, the implication of identity as a unified political body under the assumed moniker of the "San Carlos Apache Tribe" became a necessary evil for the purpose of restoring these former lands. The tribe remained steadfast in its adherence to the collective politically recognized structure, and in this case, they benefited from its development.

The final chapter analyzes two significant, and more recent, land struggles; the fight for Dził Nchaa Si An (*Mount Graham*) in the 1980s and 90s, and the fight for Chi'Chil Biłdagoteel (*Oak Flat*) in the twenty-first century. The Apachean peoples struggled to maintain some mode of authority over traditionally sacred lands. In the 1980s, their fight lay not with the federal government, but with the Vatican and University of Arizona. The two foreign entities sought the placement of an observatory atop Dził Nchaa Si An (*Mount Graham*) near Safford, AZ, however, they faced several issues that included a claim by San Carlos Apache tribal members who expressed the site's cultural significance. The Apache Survival Coalition attempted to dissuade the Vatican and the University from continuing their plans to construct the telescope, and some tribal members went as far as traveling to Rome to discuss their concerns with the

Pope. The federal government, unfortunately, authorized the construction of the telescope, and in the mid-1990s, construction was finalized.

At Chi'Chil Biłdagoteel (*Oak Flat*), the Apachean peoples of the San Carlos Apache Tribe challenged Rio Tinto and Resolution Copper's quest to extract valuable mineral deposits that lay underneath Chi'Chil Biłdagoteel (*Oak Flat*) in central Arizona. Throughout the early twenty-first century, several congressmen introduced bills that would allow the federal government to conduct a land trade with the mineral corporations and permit the companies to begin mining operations. As a standalone bill, the congressmen failed in their endeavors to initiate the pre-planned land swap. In 2015, the congressmen received their long awaited opportunity when, in the last minutes before a vote on a must-pass military spending bill, Senator John McCain introduced an amendment that sanctioned the land deal. President Obama, supposedly unaware of the included amendment, signed the bill into law.

While many tribal members joined movements to save their respective sites, several others voiced their dissent and instead, favored the construction of the telescope and trade deal with the mining corporations. Some claimed the sites held no sacred or traditional significance, however, the histories of the fights for Dził Nchaa Si An (*Mount Graham*) and Chi'Chil Biłdagoteel (*Oak Flat*) clearly demonstrate the inherent issues of a single "San Carlos Apache" identity. Their ancestors had conducted ceremonies at specific locales, and the members who objected to the claims made by other Apachean members conveyed a culturally significant viewpoint, one rooted in the customs and traditions of those ancestors. This apparent split between the people represented the outcomes of a federally recognized identity that prohibited the use of traditional forms of identity and resulted in a combative nature between the peoples regarding significant points in their histories.

The manipulation of Western Apachean identities caused considerable damage to the people and those unaware of the intrinsically destructive nature of this westernized tribal government continue to accept and participate in this colonial form of governance on the San Carlos Reservation. This federally recognized identity did provide benefits in certain instances, but the costs significantly outweighed the benefits. The peoples have forgotten their clan heritage and remain prohibited from reclaiming their traditional practices as the current structure of the tribe can only operate within the settler-colonial governmental body. Indeed, the peoples' experiences at both Dził Nchaa Si An (*Mount Graham*) and Chi'Chil Biłdagoteel (*Oak Flat*) represent the problem with a colonialized Apachean identity.

The past experiences of Apachean peoples in the American Southwest display a pattern of disregard for the traditional lifeways of the Western Apachean peoples, specifically for those residing on the San Carlos Indian Reservation. The federal government and its numerous officials enacted measures that demonstrated an intentional ignorance of the distinctive differences between Apachean groups, solely for the ease of control and subjugation. In conjunction with a lack of awareness of cultural distinctiveness and differences between the Apachean peoples, these perspectives of both the federal government and Euro-Americans, alike, assisted in a kind of neglect and misunderstanding of Apachean culture.

Chapter 1

Western Apachean Structure, Place, and Federal Intervention

The origins of the Western worldview, according to V.F. Cordova, are tied directly to the development and accessibility of the written word. In contrast, the worldview of Indigenous peoples is generally founded in the oral and nonliterate traditions. Consequently, in the past, it was the Western outsider that attempted to record the stories, myths, legends, and histories of an Indigenous people. An outsider cannot do justice to the peoples they study without possessing the same cultural understandings as those they write about.[8] Concurrently, outsiders often fail to consider the aspects of an Indigenous worldview that allow for a deeper understanding of the events they experience. John Mohawk proclaimed that the "popular Western versions of the philosophy of history are anthropocentric."[9] This leaves little room for any kind of explanation of the relationships between the people, land, and environment in which they lived. Mohawk further stated that the philosophical approach to history from a western perspective usually sees history as a progressive movement toward a utopian future. This approach to understanding the history of Indigenous peoples relegates the cultures and societies developed by their ancestors and in-turn "conquered" by European forces, to a rung on the ladder headed towards civility and "progress." In reality, many Indigenous peoples view the state in which they live currently as a step backward.[10] In this regard, the approach towards writing Western Apachean history, or any Indigenous history for that matter, must include an understanding of the cultural implications of the actions taken by the federal government throughout the nineteenth century.

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[8] V.F. Cordova, *How it is: The Native American Philosophy of V.F. Cordova* (Tucson: The University of Arizona Press, 2007), 101.
[9] John Mohawk, *Thinking in Indian: A John Mohawk Reader* (Golden: Fulcrum Publishing, 2010) 17.
[10] Ibid. 18

Historians of Apachean history often neglect to incorporate the cultural foundations of the actions taken by Apachean peoples in response to those of the federal government, especially in episodes where the peoples are forced into confrontations with outside entities. This is true for both Indigenous and non-Indigenous interactions. Historical context and a comprehensive understanding of any given situation provides the best avenue to uncover the truth, and this is certainly the case when researching the past of the Western Apachean peoples. Culture explains the purpose for many misunderstood actions of Indigenous peoples. Robert K. Thomas explored concepts of peoplehood and established four prominent elements that he believed determine the foundations of a "people." Those elements included *Language, Land, Ceremonial Cycles* (revised by Holm et. al. from *religion), and Sacred History*. Indigenous peoples, both in the past and in the contemporary, perceive their worldviews through a lens that, theoretically, involves these same elements. Holm et. al., incorporated this same model into an explanation of Indigenous sovereignty arguing that the model provides a method of explaining a concept of organization that adds a new dimension of political thought when discussing the Indigenous political landscape.[11] This model allows for an explanation of identity that goes beyond the notions of nationality or allegiance to a central authority. The Peoplehood model is not applicable in every case, however, for the Western Apachean peoples this model provides a vehicle in interpretating the significance of governmental interference into the lives and culture of the various peoples.

Western Apachean peoples abide by a kinship system based on a clan-band familial structure where responsibilities and roles are determined by the mother's clan. Identity is

[11] Tom Holm, J. Diane Pearson, and Ben Chavis, "Peoplehood: A Model for the Extension of Sovereignty in American Indian Studies." *Wicazo Sa Review* 18, no. 1 (2003): 7–24. http://www.jstor.org/stable/1409431.

established through these structures and the mother's clan firmly establishes to which people an individual belongs, while the father's clan tells the people for whom they were born. Most often, larger family groups created bands where headmen maintained societal and cultural norms. However, authority for the headmen was easily revoked as families often disregarded the orders of the headmen. Additionally, women's roles and words carried significant weight and a woman's view of a headman significantly influenced the family's allegiance to him. Furthermore, the hierarchy of the Western Apachean peoples did not include a larger governing body. Goodwin's work in the early twentieth century emphasizes this concept of a non-cohesive group of Apachean peoples. He stated that many Western Apaches did not recognize a central authority, nor would they bind themselves permanently to an overarching political entity.[12]

There was never an established, centralized representative that could speak for ALL the Western Apachean clans and bands. Western Apachean peoples viewed their clan systems as separations between various local groups and utilized the larger groups for things such as marriages and familial relationships and responsibilities. For the U.S. Army and their leadership during the initial incursion into Western Apachean territory and throughout the "Apache Wars" of the nineteenth century, these separations were a major point of contention between them and the peoples. One group would have no knowledge of an event that transpired in one area but would still incur blame by settlers or Army officials for the actions of another Apachean group. The Bascom Affair represents one of the more famous examples of misidentification. In this instance, Lt. Bascom attempted to arrest Cochise for a crime that neither he nor his people committed. Despite their innocence, Bascom ordered Cochise's arrest, attempting to punish him and four of his men for the crime of kidnapping two Mexican children. Cochise escaped,

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[12] Goodwin, *Social Organization*. 10-11.

however, and Bascom hung his brother in retaliation. The Chief, insulted by these actions and accusations, went on the warpath, and killed several Americans. Even after it was revealed to Lt. Bascom that a different band of Apachean peoples had committed these acts, possibly a band of Coyoteros, he still continued to pursue Cochise.[13]

In some cases, meetings between the various Apachean peoples of the American Southwest did not provide the best opportunities for cooperation with American authority. For example, the Chiricahuas did not mix well with the bands at San Carlos. Jason Betzinez (Ft. Sill Apache Tribe/Chiricahua) and Goyathlay ("Geronimo," Chiricahua/Bedonkohé) made this point clear in their own writings as prisoners of war being held at the San Carlos Indian Reservation. Mangus' own band affiliation, which may possess lineages to that of the Coyotero band (Western Apachean), is questionable as historians and anthropologists firmly believe that his descendancy is tied to the Mimbreños peoples, which firmly establishes his place within a Chiricahua band. Many contemporary Apachean individuals on the San Carlos Reservation do not claim to possess any ancestry to the Chiricahua, and this is according to their own family histories.

Linguistically-speaking, a collective concept of an Apachean Nation does not exist within the Apachean language itself. Unlike other tribes on the North American continent, Goodwin explicitly explains that words describing the entirety of the Apachean peoples, as a whole, remains absent. The word "Ndee" is one that is used as a term to mean "people" much in the same way English speakers use the word "people" in English to mean everyone or as an identifying marker for a specific group. The same is true for "Ndee," however, it is only in recent history that the word has been applied to the Western Apachean peoples as a collective term to

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[13] James L. Haley, *Apaches: A History and Culture Portrait* (Norman: University of Oklahoma Press, 1981), 225.

mean the "Apache People." Other Apachean groups throughout the country do not abide by this same practice. The Apache Tribe of Oklahoma is a completely separate people, removed from the Puebloan influence experienced by their Southwestern Athabaskan cousins. Their language incorporates terminology that provides a collective identity for the people and uses the words "Naisha Tindé" or "Naisha." Their use of different terms to identify themselves is significant when trying to better understand the culture of these specific Apachean peoples. Concurrently, just after the formal establishment of the San Carlos Apache Nation's government in 1936, Goodwin advised the federal government against implementing this policy on the Apachean peoples on the San Carlos Indian Reservation. To do so would undermine the traditional and cultural practices that are central to the Western Apachean peoples' concept of peoplehood. This was certainly the case, and the "San Carlos Apache" moniker has done significant damage to traditional concepts of identity. This colonial policy further diminished Western Apachean peoplehood as well as the peoples' rights to represent themselves as separate and distinct bands and clans.[14]

Even the word, "Apache," does not display any resemblance to the traditional Apachean identifier. It is difficult to say with absolute certainty when exactly the southern Athabaskan peoples began associating themselves with these colonial idioms. European invaders used the word loosely and often used this term to refer to many different Indigenous peoples, as found various records. Historical variations of the word are widespread and very much dependent on the observer. Non-Apachean Indigenous peoples located in areas ranging from the American Southern Plains to the Southwest possess their own unique identifying terminology for the

[14] Grenville Goodwin, *Report on the San Carlos Indian Reservation*. File no. 8962, 1943, San Carlos, 042. Washington, D.C.: United States Department of the Interior Office of Indian Affairs. 1937.

Southern Athabaskan peoples. The etymology of the English terminology used to name the peoples in North America is situated within the languages of other Indigenous local groups whose lands bordered areas that the Spanish called *Apachería*. The etymology of the word is something of a mystery, with its many variations, and has many possible origins. Some scholars have concluded that it is a derivative of a Spanish or Mexican word, or a word from another Indigenous group.[15] Others have conjectured that the word is a combination of words where the term *Apachu*, from the Zuni word for "enemy," mixed with Spanish terminology, including the name of a people the Spanish called the *Apaches de Nabaju*, or the Navajo.[16]

Whatever the case, the word is not of Western Apachean origin. This word was neither given, nor used by any "Apache," yet it was continuously incorporated into the language of European and Euro-American entities. In its contemporary form, "Apache" is a marker of the continuing attempts to dissuade the use of the peoples' original identities. In a modern setting, identity is typically tied to a kind of nationality or heritage, which has its own distinction as being something more than *people*. Likewise, the same could be said for the term "Ndee," but, given the current political state of the tribe, this word has been adopted in place of "Apache" in order to facilitate a more traditional sense of identity. It should be noted that "Ndee," in this particular case, is being used specifically for the Western Apachean peoples and is not intended to include other Apachean groups.

The Apachean peoples' historical presence ranges from the plains to the eastern and western regions of the American Southwest. Each group of Apachean peoples possessed a

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[15] Morris Opler, *Handbook of North American Indians,* Vol. 10., s.v. "The Apachean Culture Pattern and Its Origins" Washington: Smithsonian Institution, 1983. 389.
[16] Ralph H. Ogle, *Federal Control of the Western Apaches 1848-1886* (Albuquerque: University of New Mexico Press, 1970), 5.

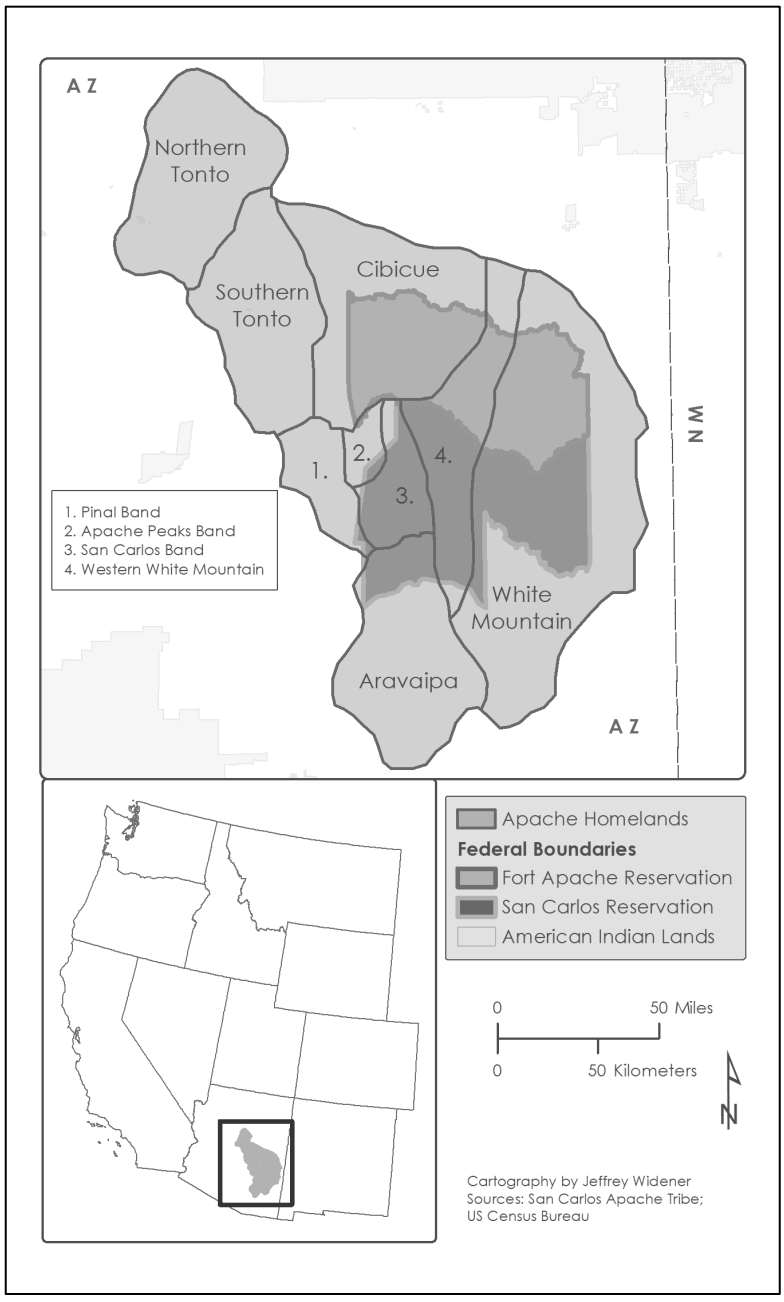


Figure 1: San Carlos Reservation with Traditional Western Apachean homelands; Cartography by Jeffrey Widener

complex system of social organization that brought the people clarity and understanding, however, for the colonial and Western methods of organization, this complexity was an inconvenience. In an effort to establish a method of control and a recognizable Western hierarchy, colonial powers reorganized traditional Western Apachean structures in a way that lead to a disregard of Western Apachean relationships, both with each other and also with their lands. In the more recent past, Euro-American powers identified Apachean groups according to their respective regions and separated the peoples accordingly. Euro-Americans incorporated names used by the Spanish and Mexicans, like *Sierra Blanca Apaches* or the White Mountain Apaches, into their own vocabularies to identify the various groups. In the deserts of Eastern Arizona, there remained a considerable amount of Apachean peoples and groups who resided in their traditional homelands

at the time of Euro-American incursion into the Southwest. Found among these Apachean peoples were bands labeled by Grenville Goodwin as the Aravaipa, Pinaleño, Apache Peaks, Coyotero, Western White Mountain, and Eastern White Mountain Apacheans peoples. These identifiable bands do not include all of the Apachean bands within the state of Arizona, but these larger band groups include those whose traditional and historical land bases remain, entirely or partially, within the boundaries of the current San Carlos Apache Reservation.

Basso's intimate involvement with the White Mountain Apachean peoples of Cibecue, AZ allowed him to provide a narrative of various Western Apachean perspectives on the significance and interrelatedness between their identities and place. While the White Mountain Apachean peoples are not the same as the San Carlos Apachean bands, they do share a common cultural heritage and a traditional understanding of the land and its purpose in Western Apachean culture. In fact, the close relationship between the two reservation groups is enough for them to share spiritual dancers, healers, and medicine men, a concept that does not exist between Western Apachean peoples and the Chiricahua. The concept that land has a prominent place in who they are as Apache, exemplifies the necessary aspects of Indigenous identity that literally keeps Indigenous peoples grounded in their respective cultures. For this reason, Thomas's model includes land as one of the four grounded elements for peoplehood, and without this vitally important component of Indigenous identity, indigeneity does not exist. The significance of land comes from this inherent sense of belonging. Deloria described it best stating, "The Indian is Indigenous and therefore does not have the psychological burden of establishing his or her right to the land in the deep emotional sense of knowing that he or she belongs there."[17] Basso relays

[17] Vine Deloria Jr., *God is Red: A Native View of Religion* (Golden: Fulcrum Publishing, 1994), 60.

this insight to the readers by utilizing the perspectives of the people themselves to describe the views of the people in relation to land.

Names contain significant meaning among Indigenous peoples. Even the correct pronunciation of a name holds a certain weight of responsibility and represents relationship. Basso's experience with his close friend, Charles, a White Mountain Apachean member who guided him throughout their territory to visit important sites, provides a great example of this significance. In one particular account, Basso attempted to pronounce a White Mountain Apachean placename but failed to do so, given his unfamiliarity with the language. Basso considered this hurried failure to be irrelevant because he had recorded the pronunciation, and he nonchalantly stated, "It doesn't matter."[18] Charles immediately responded, "It's [sic] matters." Charles and his counterpart, Morley, another Apachean friend, spoke to each other in their language about how Basso's hurried mispronunciation, followed by the quick dismissal and refusal to correct himself when speaking the language of their ancestors, demonstrated a kind of disrespect. At the same time, they acknowledged that he needed to be told this.[19] This conversation unequivocally exemplifies the significance of Apachean concepts of placenames. The offense lay not in the fact that Basso was pronouncing the name wrong, but in the fact that he was in a hurry to say the name. The name becomes familiar and pronounceable in the same way that a friend becomes familiar and who's name, subsequently, becomes significant and understandable. Basso had to know the land and become familiar with the land, from the Apachean perspective. This is not explicitly stated within Basso's writing, but it can be inferred by those who experienced the culture. Despite this, in true Apachean fashion, they attempted to

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[18] Keith Basso, *Wisdom Sits in Places: Landscape and Language Among the Western Apache* (Albuquerque: University of New Mexico Press, 1996), 10.
[19] Ibid. 10.

allay Basso's concerns and break the tension with humor saying that the reason he could not pronounce the name correctly was because the man who told him the name did not have enough teeth to say it properly.[20]

The Apachean peoples understand these placenames to possess a profound meaning. Basso quotes Charles, who explains, "The names do not lie…They show what is different and what is still the same."[21] Basso explains that these names are like a photograph that record the look of the land as it was when their ancestors came to this place.[22] The understanding of the land as a provider for the people is a common sentiment for the Apachean peoples. Placenames are representative of that perception. The Apachean peoples believe that they are *of* the land. In one telling of an Apachean clan origin story, Charles explains how the *Juniper Tree Stands Alone* people received their clan name. These people wandered the land searching for a good place to settle, and once they found it, they began to plant corn. They knew that if the land provided for them, then that land would be the place they called their home, because it meant the land would take care of them. However, the reciprocal nature of this relationship is in the understanding that they will also take care of the land, as the land has done for them.

The staple crop of the Western Apachean peoples was, and continues to be, corn, and its significance lies in the sustenance it receives from the earth. Charles states, "Our corn draws life from this earth, and we draw life from our corn. This earth is part of us!"[23] The corn they consumed was sustained by the substance given from the earth to the corn, and the corn was consumed by the people, who are, in-turn, consuming the earth. The earth becomes a literal part

[20] Ibid. 10.
[21] Ibid. 16.
[22] Ibid.
[23] Ibid. 21

of the people, and they are now *of* this land. As a result of this established relationship, the people name themselves for the place that they are a part of, and the *Juniper Tree Stands Alone* people named themselves accordingly. Furthermore, this concept of identity being tied to place is demonstrated in other parts of Apachean lifeways.

The significance of where the Apachean people, literally, place roots is foundational to the people themselves and is a determining factor in the way they conduct their kinship systems. The people's relationship structures work within a matrilineal society. Understanding what this means within Apachean societies is a difficult concept for the non-Indigenous to grasp. Basso illustrates the significance of this system by using Charles' explanation, "Groups of people named themselves for the places where their women first planted corn. That is why our lines [clans][sic] go through women. That is why we belong to the line of our mother. We are *of* our mother's line and *for* the line of our father."[24] The children of the father's line were significant in that the children a woman bore were intended *for* the father's line and, as such, his offspring received a label as being *"children of."* Women within Apachean societies have always been seen as having an important and significant role within the community. They give life to their children, and because of this, they ensure the survival of the people. This strengthens the tie that the people have with the earth, as the earth provides life in the form of sustenance for the people, and it is the women who cultivate the land for this necessary provision. The life-giving earth is tended by the life-giving women. Determining identity and where an individual is from is centered around the line of the mother, who received her clan name from the place her people are *of,* which is tied into the place where the corn was first cultivated. This illustrates the

[24] Ibid.

significance and complexity of the concept of place in the view of the Indigenous and serves as a literal grounding to the land.

Basso's examination provides clarity as to why the land holds such a prominent part in the identities of Indigenous peoples throughout North America. While the Apachean story is told here, the application of this knowledge is transferable to other Indigenous societies who share a similar understanding within their own cultures. However, this does not negate the complexity of each Indigenous peoples' culture. This model can be adapted to suit the needs of any specific people who might understand the land they call home in a manner that is vastly different from the Apachean worldview because land is inherently significant to Indigenous peoples. However, within settler-colonial systems, land is only viewed as having significance when there is historical context connected to that place. "Sacredness," as viewed from a Western religious perspective, is relative to the events that transpired there and often lacks the sense of rootedness and permanence that Indigenously identified sacred sites possess.[25] The relationship is central to the understanding of place, and for the Western Apachean peoples specifically, they see the land as being a literal part of them. They are linked to their homelands through their mothers, who are subsequently connected with the place that chose to provide for them.

Federal Intervention

Expansion into Apachean territory resulted in numerous battles and skirmishes between the federal government and the Apachean peoples, and, of course, countless deaths. Attempts at negotiating or creating treaties with the "Apaches" proved to be futile as treaties had little or no impact on the actions of the people as a whole. Because each group was unique and separate

[25] Deloria Jr., 66

from others, a treaty with one group did not constitute an arrangement with another band or clan of Apachean peoples. This proved to be problematic for the federal government whose representatives sought to establish "law and order" in Arizona Territory and "tame" the wild "Apaches."

Many of the names that were used to identify the various groups of Apachean peoples were carried over from the Spanish, and later Mexicans. This pattern continued after the United States' appropriation of Northern Mexico in 1848. The federal government used these names as official designations. Government officials who reported on the activities of the Apachean peoples in Arizona Territory often applied the term "Tontos" practically to all Indians found between the White Mountains and the Colorado River.[26] These names displayed a type of geological assumption and were used to place the various Apachean peoples into specific locations to more accurately identity the peoples, disregarding the traditional identifiers. Most times, they were wrong. Early mentions of the Western Apachean peoples appear in the Annual Reports of the Commissioner of Indian Affairs in 1865, the same year the federal government expanded its operations into the Arizona deserts after the American Civil War. Their constant movements confused many White observers, and they found it difficult to distinguish between the various bands.

By 1865, the federal government had grown familiar with the other Apachean peoples in different regions of the United States and had interfaced with them for almost two decades. Plains Apachean groups were party to treaties with the Comanche, Kiowa, Cheyenne, and Arapahoe. However, those Apachean groups residing in the current state of Oklahoma

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[26] Frederick Webb, Hodge, *Handbook of American Indians, North of Mexico*. Govt. Print. Off., 1912. As cited in Averam B. Bender, *A Study of Western Apache Indians 1846 – 1886* (New York: Garland Publishing, 1974), 11.

represented an entirely different group of Apachean peoples who spoke an Apachean language with a drastically deviating dialect from the Apachean peoples of the Arizona mountains and deserts. The federal government interacted with Apachean peoples in Arizona Territory that they called "Apache Mojave" and "Apache Mansos" or "Tame Apaches" prior to 1865. However, the Annual Reports for 1865 do not provide any details that expressly state whether these tribes identified as an Apachean peoples. Scholars conclude that the term "Apache Mojave" referred to the peoples known as Yavapai-Apache today, but with these early accounts, the reluctance of government officials to dive into the culture of the peoples may discredit this assumption. One reports that, when dealing with those tribes under federal oversight who received allocated appropriations, the correspondences included, "…the Tame Apaches, a small number of well-disposed persons of the extensive tribe which causes so much trouble in that region."[27] The federal government inferred that they were a sub-group of "hostile Apaches," making a distinction between who was "tame" and "hostile" based on the cooperation they exhibited with negotiators in discussing their removal and containment. Government representatives possessed the same mentality as previous Spanish and Mexican officials who had similarly determined the actions of Indigenous peoples as "hostile" or "tame" based on the peoples' willingness to cooperate within the old Spanish and Mexican Mission system.[28] These "Apache Mansos" or "Tame Apaches" were familiar with the Mission System situated around the Tucson area and developed a considerable amount of understanding in negotiating with the Euro-Americans, who viewed them as a friendly, cooperative and peaceful people. Opler believed the term "Apache" represented a misnomer and considered the probability that the peoples did not possess any

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[27] United States, Bureau of Indian Affairs., *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior* (Washington D.C.: GPO, 1865), 13.
[28] Bender, 16-17.

Apachean heritage. Early descriptions of the peoples' culture, as observed by the Spanish, do not describe a culture that resembles the practices of an Apachean people.[29]

The Chiricahua made their presence known to the federal government immediately following the Treaty of Guadalupe Hidalgo in 1848. Much of their land stretched across the territories of both Southern Arizona and New Mexico. The homelands of the Chiricahua sat on the border between the United States and Mexico, and the raiding practices of the peoples did not cease after the signing of the treaty. Consequently, the diplomatic obligations in obtaining and securing captives from Indigenous raids forced the United States into Chiricahua territory in order to exercise the measures established in Article 11 of the 1848 treaty, an obligation that ceased after the Gadsden Purchase in 1854.[30] Mangus Coloradas and Cochise cooperated with the U.S. Soldiers who had established outposts near Apache Pass. The pass provided access through the mountainous region, and its proximity to a nearby natural spring provided a much-needed resource in the middle of a desert. However, the Chiricahua peoples claimed Apache Pass as part of their homelands, forcing the U.S. to negotiate for a place near the valuable locale. The Butterfield Overland Mail Company also saw the value in this place and marked it as a stop for its mail and passenger routes through the Southwestern United States to California.

Within the federal Annual Reports, government officials made little attempt to identity the various Apachean groups in Arizona. In the 1866 report, Herman Ehrenberg, Indian Agent for the Mojave at the Colorado River Indian Reservation, shared his opinion on the need for an

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[29] Opler, 388.

[30] The Treaty of Guadalupe made provisions for the United States to negotiate on behalf of the Mexican Government and its citizens for the return of captured Mexicans by raiding Indigenous peoples in the former Northern Mexican Territory. This was a very costly endeavor for the Federal Government and the U.S. Army, and, consequently, Article 11 was renegotiated in the Gadsden Purchase of 1854 where the land south of the Gila River in Arizona was purchased from Mexico and the article nullified.

"imaginary" line at the 113th and 111th longitude points in order to separate the Eastern Arizona territory from the rest of Arizona and differentiate between two groups of Indians. A great amount of the Apachean peoples resided within the Eastern portion of the territory, and federal officials viewed the majority of these peoples as an uncivilized and hostile people. Ehrenberg stated, "First, all the territory east of this line, excepting that of the Moqui Pueblos, is occupied by roving and robbing Indians, by the various tribes of the Apaches…"[31] This vast region of land included the homelands of numerous Apachean peoples, but Ehrenberg's language within the report implies that the federal government still possessed no definite knowledge of who exactly resided within the Eastern portions of Arizona Territory, and presumed only "Apaches" lived in this area. The Spanish often interacted with the Apachean peoples and developed a familiarity with the peoples that resided within the "untamed" regions identified by Ehrenberg, but not even their *Presidios* extended north of the Gila River. For the most part, this area appeared to be free from Euro-American, and European, incursion until as late as 1866.

Starting in the 1867 Annual Report, officials began to include distinctions between the known Indigenous and Apachean groups in Arizona Territory, though it mainly assisted in labeling the various Indigenous groups as either a "hostile" or "tame" peoples. However, Superintendent Leihy acknowledged that the Apachean peoples possessed a significant portion of the territory and Leihy provided a better understanding on the organization of the people. The Superintendent stated that the name *Apache* "…is given to the Indians occupying nearly the whole of the eastern half of the Territory. They bear many local names, and a few divisions of

[31] United States, Bureau of Indian Affairs, *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior* (Washington D.C.: GPO, 1866), 109.

them are sufficiently large to entitle them to the consideration of distinct tribes."[32] Leihy documented the first attempt of a federal agent to demonstrate the complexities of identity and culture among the Apachean peoples in Arizona. Despite these attempts, the Annual Reports provide little information as to the government's intentions for these peoples. Regarding the "Apache Experts" of the time, Capt. Whittier, the Assistant Inspector General in Arizona territory, stated in his 1868 report, "…although we find officers and citizens who speak in great confidence of their knowledge … of the Apaches, when their statements are sifted down we often find them mere speculations."[33] Regardless, the federal government continued to use the term "Apache" as they saw fit.

Prior to 1868, on-the-ground reports, written by various civilian leaders and officers of the U.S. Army, documented a number of interactions with groups of the Western Apachean peoples. Many of them clearly identify the peoples with whom they negotiated as Yavapai and Tonto. The proclivity of Euro-Americans to mention the Chiricahua, Yavapai, and Tonto groups by name in official documents and reports suggests that the Western Apachean peoples who currently reside upon the San Carlos Indian Reservation did not interact with Euro-Americans as much as the other Apachean groups. While agreements between government officials and the Western Apachean groups branded the "Camp Grant bands," resulted in the creation of the Camp Grant Reservation in 1866, these groups broke out and the federal government subsequently dissolved the reservation.

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[32] United States, Bureau of Indian Affairs, *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior* (Washington D.C.: GPO, 1867), 153.
[33] United States, Bureau of Indian Affairs, *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior* (Washington D.C.: GPO, 1868), 141.

By 1868, the military instituted new measures with the intention of subduing the Apachean peoples until all groups were removed or exterminated. General Devin's operations in Eastern Arizona resulted in an expedition that brought him and his men deep into Western Apachean territory. After a supposed attack by unidentified Apachean peoples on two large cattle herds, the District of Arizona headquarters authorized the military to move against a Pinal Apachean group. Devin moved 100 cavalry and 50 infantrymen throughout central and eastern Arizona territory moving south of the Mogollon Rim, north of the Gila River, and along the Salt River, but failed to capture any Apachean peoples. Concurrently, Apachean peoples housed on reservations at Camp Grant and Fort Goodwin refused to accept terms established by the U.S. Army on the reservation, and, as a result, Devin dissolved both reservations.[34]

The U.S. Army's movements throughout Arizona Territory inevitably brought them into contact with the Western Apachean peoples. Annual Reports in 1868 identify Western Apachean groups by their more common names. Previously, these names did not make it into the Annual Reports, but as campaigns and incursions into Western Apachean territory grew more frequent, the Reports started to reflect the Apachean resistance to colonial authority. Federal officials first used these names to refer to individual bands in the 1868 Reports. These first mentions of the Tonto, Pinal (Pinaleño), Aravaipa, Coyotero, and Sierra Blanco (White Mountain) Apachean bands in the Annual Reports meant they had received federal attention at the highest level, though not for the betterment of the peoples. When the U.S. Army started to explore previously unknown areas of Arizona, they made a very important realization as recounted by Capt. Whittier in his 1868 report. He stated, "From the number of Apaches reported in different

[34] Bender, 68-69.

localities I come to the belief that it is much larger than is adopted in general opinion."[35] While the number of groups of Apachean peoples known to federal officials had increased, Whittier's 1868 report indicates that they still knew very little of the Western Apachean peoples' cultural diversity and organization.

In the 1869 report, Lt. Col. Roger Jones, Assistant Inspector General, demonstrated some understanding in the distinctiveness of the Western Apachean groups. However, he simultaneously made the mistake of classifying two groups as being the same. He divided his report for the Arizona territory into sections that included a description of all the various groups of Indigenous peoples residing within the territory. For the Coyoteros and Sierra Blancos, Col. Jones defined them as, "…one and the same tribe; the latter taking the name of the mountains they inhabit, while the Coyoteros proper live in the country north of the Gila and east of the San Carlos [River]…"[36] Each description was brief and gave very general information regarding the people, primarily about their residence. However, Col. Jones' report on the Coyotero and Sierra Blancos Apachean peoples demonstrates the fact that they had a distinct place, as represented in their names, that solidified the fact that they were not the same. The clearly distinct locations recorded by the Colonel demonstrates that these Apachean peoples were in fact different from each other, much in the same way as other bands of Apachean peoples. This distinctiveness between bands is easily understood by the peoples themselves but can only be understood by those who are familiar with the ways in which the peoples live.

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[35] United States, Bureau of Indian Affairs, *Annual Report of the Commissioner of Indians Affairs to the Secretary of the Interior* (Washington D.C.: GPO, 1868), 141.
[36] United States, Bureau of Indian Affairs, *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior* (Washington D.C.: GPO, 1869), 223.

Until the establishment of the San Carlos Reservation in 1872, subsequent federal reports continued to use the same names as those presented in previous years albeit they held no significance for the people themselves. The Apachean peoples' resistance of the invading force of the United States Army threatened both the federal government and the growth of the country. In the first reports of the Apache "menace" in the Arizona deserts, Indian Agent Herman Ehrenberg stated his intentions for the territory in 1865 remarking that, "1st [sic] The pacification of the Apache Indians. This can only be consummated either by the discovery of extensive placer (gold) mines in the Apachería, and a large influx of miners, or through a *systematic* and *unceasing* campaign, with not less than 5,000 men."[37] Presenting the importance of expansion and the needs of the country, he continued, "Economy and humanity should prompt us to pacify the country in from five to twelve months at the utmost…"[38] Ehrenberg believed that the well-being of the American economic structure predominated the needs of the Indigenous peoples that they had invaded.

One plausible explanation for this misidentification by the federal government is found in the misunderstanding surrounding the habitual movement by numerous Apachean bands throughout the territory. Various groups of Apachean peoples presumably came into contact with outsiders as they made their way through familiar lands, however, these seasonal movements gave an appearance of instability as they differed from those of more a sedentary people. This purported lack of stability appeared to influence the perception of government officials. In the Annual Report of 1865, the superintendent stated that, "The Apache is a lazy and roving

[37] United States, *Annual Report,* 1865, 138.
[38] Ibid.

Indian…"[39] which insinuates that some government officials viewed the "Apache" is a wanderer, aimlessly scouring the deserts and mountains.

Identifying bands without any knowledge of the inner workings of each individual band made applying accurate identifiers an impossible task. Passages through Indigenous lands were typically made by and explicitly designed for the people that used them, and, in many cases, these routes took them far into Mexican territory. The establishment of a colonial power in the areas today known as Mexico unlocked a new opportunity and source sustenance for the Apachean bands, and they began to routinely make their way into Mexico to acquire goods through raids. It must be noted that "raids" and "warfare" retain two completely different connotations. The perception of "raids" within the Apachean society constitutes provisioning the means to acquire material necessary to sustain the people while "warfare is incorporated as a way to enact revenge against a person or group. Culturally, the concept of "warfare" in the western sense did not exist, nor was there a desire or need to conquer other peoples for the purposes of advancing themselves or their lands.[40] The arrival of colonial powers into their territory brought an opportunity for the Apachean peoples. Sources of sustenance and goods, not previously available, became accessible, as well as new technologies and modes of transportation, such as firearms and horses. European colonization on the North American continent did not instigate a sense of loss, instead, the Apachean peoples viewed the newcomers as another potential source of supply.[41] Prior to U.S. and Mexican hegemony over northern Mexico, the Spanish Government attempted to alleviate the fears concerning Apachean raids of

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[39] United States, *Annual Report,* 1866, 110.
[40] Keith Basso, *Handbook of North American Indians,* Vol. 10., s.v. "Western Apache" (Washington: Smithsonian Institution, 1983), 406.
[41] Ibid.

presidios and *rancherias*. They were successful for a time, until Mexican independence from the Spanish made the situation exceedingly more complicated.

The western understanding of warfare is clearly demonstrated by European attempts to assert dominance over Indigenous peoples on the North American continent. Conversely, Apachean peoples never claimed the need to completely rid themselves of the colonial powers encroaching upon their territory. Instead, they sought keep them off their lands in order to retain the ability to continue in their traditional ways. Coincidentally, warfare embodied something entirely different for the Apachean peoples. Palmer Valor, a member of the White Mountain Apache Trip, who was over ninety-five years old at the time of this telling in 1932, recounted his first raid into Mexico, which killed two of their warriors:

> When we got to Mexico, we killed about twenty Mexicans and captured one Mexican man…When we got back home to where our people were at Ash Flat, we made a victory dance. That night they made the Mexican dance with them. The next morning an old woman there took up a spear and ran at the Mexican and stuck it right through him and kill him. This old woman was the sister of one of the two men.[42]

As exemplified by Valor's account, revenge and warfare took on a different form for the Apachean peoples. Warfare did not translate into a long arduous campaign against an entire people, rather, Apachean peoples used it as a way to seek revenge for wrongs done to them. This occasionally occurred when raids resulted in the loss of one of their warriors.

If Apachean peoples traveled throughout the territory, apart from seasonal migration, it usually meant one of two things: raiding or warfare. When pioneers, settlers or military officials observed a group of roving Apachean peoples, it induced such trepidation that attempting to distinguish between the various bands became a superfluous aspiration. Without an

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[42] Grenville Goodwin, *Western Apache Raiding and Warfare*. Ed. Keith H. Basso (Tucson: University of Arizona Press, 1971), 46.

understanding of the raiding routes designated by each individual band or the knowledge of which band journeyed on the warpath, travelling towards battle, these outsiders remained at the mercy of the Apachean peoples. Furthermore, they did not possess the knowledge to annotate the proper identifications necessary for accurate reporting. While raiding and warfare could happen at any time, it was not the only reason that Apachean peoples traveled throughout their territory.

Reports regarding the Western Apachean peoples during the beginning of the U.S. federal government's "oversight" of Apachean territory tell of a non-agrarian, and primarily nomadic, society. Yet, they fail to mention the subsistence farms managed by the peoples, a point which forces a shift of perspective on this supposedly "non-agrarian" and warlike culture. Prior to American hegemony, Spaniards and Mexicans understood that the Apachean peoples had developed a culture of farming. In many instances, Apachean farms became targets for Spanish forces if they failed to capture Apachean peoples at their camps.[43] The culture of the peoples included a migratory pattern that involved individual clan-based farms and, in the off-seasons, they left their farm sites to gather other food sources, though they always returned to their farms. During the winter months, the peoples conducted raids that provided the necessities to survive the harsh desert winters. Beyond this, wild, seasonal foods grown throughout the year provided supplemental nutrition, provided they travelled to gather these foods. While a different wild food grew to maturity and was ready for harvesting nearly every month, they planned their travel accordingly, and designated a time for planting crops at their farms. The Apachean peoples planted a variety of foods, but relied on harvesting mescal, saguaro, acorns, mesquite beans, piñon nuts, and juniper berries in the winter and spring.

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[43] Babcock, Matthew, *Apache Adaptation to Hispanic Rule* (New York: Cambridge University Press, 2016). 115.

Grenville Goodwin examined the food practices of traditional Apachean peoples on the San Carlos Indian Reservation in the 1930s and provided details regarding the farming and food collecting practices of the Apachean peoples, some of which are still conducted in the contemporary era. The people recognized that the new harvest season always began in spring, around the month of April. Mescal was the first crop to be harvested and, since it grew primarily along rivers, many would venture to river sites and constructed temporary camps. The time for planting crops on the farms came in May and a chief would often encourage the people to take care of their farm sites, declaring, "You should go to your farms. Build up your ditch and dam well and put in your corn carefully."[44] During this time, families would prepare for the planting season by maintaining, repairing, and cleaning their farm sites. From May to the first half of July, the families would remain at their farm sites, waiting until the crops grew to about six or eight inches in height. At this point, some of the peoples would move to the lower part of the Gila Valley, gathering the Saguaro after it ripened and became good for gathering, though not many sought this food out. Incidentally, the more prominent food gathered by the peoples during the month of July included acorn from the Emory Oak Tree. This species of Southwestern acorn does not resemble the typical acorn envisioned by the masses, as seen throughout the country. After the Apachean peoples harvested these small nuts, they would typically crack and grind it to produce a yellow powdery substance that they used in a meat stew. This is still very much a common practice for a majority of the Apachean peoples at San Carlos.[45]

In late August, mesquite beans became ripe, but this crop did not generate the type of group movements that the other harvests produced. In September, farmed crops grew to maturity

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[44] Goodwin. *The Social Organization of the Western Apache*. 156.
[45] Ibid.

and were ready for harvesting. The headmen told their people, "Let us all move back and make use of our crops," and families prepared to return to their farm sites to gather their ripened crops.[46] Once families received their bounties, they remained there for some time, usually until the end of October, as the first half of November brought with it the harvest of the very sought-after piñon nuts and juniper berries. Apachean peoples still gather piñon nuts today, much as they do the acorn. Towards the end of autumn came the season for hunting deer, and at the onset of winter, raids increased to provide the necessary means required to survive the winters.[47]

This constant movement of the Apachean peoples between locales within their territories led to the inaccurate classification of being a nomadic people. However, without the combined knowledge of raid routes and seasonal migrations to locations that produced necessary food sources and crops, it became nearly impossible for non-Apachean people, specifically government officials, to make the appropriate distinctions between the numerous bands, clans, and local groups. The Apachean peoples moved constantly, but not because they wandered and scoured the desert aimlessly to collect any food available. They developed a method, a well-known routine put into place by the Apachean peoples of the Arizona deserts through their relationship and knowledge of the land. Thereby maintaining a reason for each movement made by the peoples and a purpose for each destination. Many of the contemporary Apachean peoples at San Carlos recall and continue to use this traditional knowledge. Though, the danger of potentially losing relevant details regarding traditional harvesting sites looms over the people with the passing of each elder who holds this knowledge. The loss of a significant portion of traditional knowledge makes a modern-day attempt to produce an accurate mode of re-

[46] Ibid. 157
[47] Ibid.

identification through the old traditions impossible. Understanding that each community retained their own lands and farming sites, typically grouped by families from a certain clan or band within a specific area, supports the conclusion that the various bands of Apachean peoples demonstrates a society of separate peoples.

The Western Apachean social structures endure as the origin of identity for individual bands and clans. It is imperative to understand the distinction between the two; while bands usually consist of more than one family who associate together, clans are typically more centered on blood and familial ties associated with specific family groups. Marriage only occurred between members of different clans, and clans were passed down in the matrilineal style. The women of the clans and bands held great power and authority over the people, even more than the chief at times. Within an Apachean family group, men typically associated with the wife's clan and family once they married. However, this did not mean that the man's clan carried little importance or significance in a child's life. While a child was born for the mother's clan, the father's clan played a very prominent role in a child's upbringing. A male child learned the ways of an Apachean man from his fathers, uncles, and brothers who provided knowledge that helped a young man prepare for his role in providing for his own family. Young women, once they reached child-bearing age, carried the responsibilities of assisting family members in making a camp in preparation for the *Sunrise Dance* ceremony, a coming-of-age ceremony for girls where they demonstrate their abilities to both make a home, literally, and endure hardships. All these associations, parts, and groups held a purpose and meaning. Identity gave an individual a sense of belonging, but also functioned as a way of providing support and stability. The new, modern identity of the nineteenth century forced the people to conform to a colonial society, one that

sanctioned the breakdown of this traditional and functional support system, leading many Apachean peoples into a state of confusion of their own identities.

Since the establishment of the San Carlos Apache Reservation, many of original names and meanings of clan and band names have been lost. Consequently, the loss of names equates to the loss of families. Thankfully, many band and clan names have survived because of concerted tribal efforts to preserve what is still known by the members and elders. Goodwin documented and reported on 60 individual clans of Western Apachean peoples in Eastern Arizona.[48] A portion of these clans are still identifiable by Goodwin's work and retain a lineage to the six bands that claim traditional ties to the area around the San Carlos Apache Reservation. These bands, as identified in English, include the Arivaipa, Pinal, Apache Peaks, San Carlos Proper, and the Eastern and Western White Mountain bands. Goodwin used these names to identify the locales of which the peoples claimed to belong, and also to provide clarity on the use of the names previously incorporated into official documents. In the modern era, the political entity of the San Carlos Indian Reservation adopted the names to be more accessible to the general public and its members. These names specify a geographical association that was given to them during the time of Spanish and Mexican hegemony but was later translated into English during American occupation of Apachean territory after the Treaty of Guadalupe Hidalgo in 1848. The chart below provides a representation of the transitions in name usage between each of the colonial powers and their subsequent translations. The names are based on the traditional understandings of the peoples and their claimed homelands as revealed to Goodwin on the San Carlos and White Mountain (Ft. Apache) Reservations. The U.S. Identifiers are taken from the Annual Reports in 1869 as this is the first mention of these specific Western Apachean bands in

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[48] Goodwin. *The Social Organization of the Western Apache*. Appendix G.

reports that garnered a higher level of attention. Also included, are the reservations that include the specific Western Apachean homelands identified by Goodwin.

Spanish (Pre-American Hegemony)	U.S. Identifications Annual Report (1869)	Goodwin's Band ID's (Soc. Org. of W. Apache, 1942)	U.S. Reservation Designation (Modern Day)	Traditional Band (Recorded by Goodwin, 1946)	English Translation
Sierra Blanco	Sierra Blanco	Western White Mountain	White Mountain (Ft. Apache)	lá-nbà-há	many go to war
Sierra Blanco	Sierra Blanco	Eastern White Mountain	White Mountain (Ft. Apache)	dzìyà á or bìyá-gùlkìjn	on top of mountain people or spotted on top people
Sierra Blanco	Sierra Blanco	Eastern and Western Combined		ndé-'íltànánì-gé	all mixed together
Pinaleño	Pinal Apache	Pinal	San Carlos Apache Reservation	tì-s'é-và	large cottonwoods growing thickly
Aravapa		Aravaipa	San Carlos Apache Reservation	tcéjìné	dark rocks people
		San Carlos Band Proper	San Carlos Apache Reservation	sà'hndè-dò-t'án	separate it has been placed beside something fire people
		Apache Peaks Band	San Carlos Apache Reservation	nàdà dògùlnìné	tasteless mescal people
Tonto Apache	Tonto Apache	Tonto Apache	Tonto Apache Reservation	bìnì-édìné	
Coyotero	Coyotero	Overall "Apache" Term applied to Many Peoples	Potentially used for the White Mountain Peoples	See Above	See Above

Table 1: Spanish, English, and Traditional Names of the 6 Bands of Apaches still identified on reservation lands. Sourced from Annual Reports 1865-1874, and Grenville Goodwin's Social Organization of Western Apache.

The chart provided in *Table 1* illustrates the crossovers between Spanish, American, and Western Apachean names, which is significant because it demonstrates the differences between place names and traditional names. Names used by traditional Western Apachean peoples encompass a description that tells of the peoples themselves and relates to their own individual identities. In comparison to the geographical place names, these names provide a vague

description of the people in plain English but might only look like a jumbled mess of words from an outsider's perspective.

In contrast to the colonial methods of identification used to describe the Western Apachean peoples, the names used by the various bands included a much more precise descriptor related to the people's identity. From the Indigenous perspective, these names told much more than just their name. Identity went deeper than the band name and its meanings. Clan name held just as much, if not more, significance than the band name. Layers of identity would have to be sifted through in order to truly find an individual's true place of connection. Between the two identifiers, clan was typically the stronger link. Regarding clan identification, role was designated within the family, or group, and the clan with which one was associated, "…may be referred to as *nì-nt'ì'* (your lineage)."[49] This type of designation helped in identifying which network of obligation an individual would partake in, should they be requested or needed. For example, when a Sunrise Dance is held, the clan members are called up to partake in the needs of the family in facilitating the dance. This meant that each individual, depending on their place within the clan, were obligated to fulfill certain roles prior to, during, and after the dance.

Family groups, or *gòtà,* encompassed multiple families, and each cluster, when combined with other family groups, could make up a band. The band names derived from interactions with other groups who, in some cases, bestowed upon them a designation that was relevant to them and told of their societal nature. Association with a band expressed to others which people they belonged, however, each part of a Western Apachean identity included both clans and bands, which were numerous. Both the father's and mother's clan spoke to the individual's lineage and familial roles, while the family groups that made up a band exemplified to other Apachean

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[49] Ibid. 98.

groups the people with which they interacted. These various identities, in essence, created a web of relations with familial ties in more than one clan and band, with membership never pinned to single group. With all of these familial facets working in tandem, it ensured support from others and provided an identity that extended out further than the western nuclear family. The connections and obligations created as a result of this structured society guaranteed a role for everyone, with each person viewed as a needed and necessary member.

To understand the actions of the Western Apachean peoples throughout their early history with the United States, historians must consider the culture of the peoples in their retellings of the peoples' history. The Western Apachean social structure represents a diverse and complex system of identity that places individual members into a system of belonging where each person understands and exercises their personal obligations. Conversely, colonial systems of identity follow the typical western model where political representation overshadows the importance and significance of individual roles within both the familial and social hierarchies. Initial interactions between the Western Apachean peoples and the United States demonstrated the federal government's intentions for the peoples as they disregarded and then reorganized Apachean identity to better suit their own understanding. Government officials presented their own unique attempts at navigating the vast Apachean territories and numerous people groups who conducted themselves according to their own traditions and cultures. The resulting federally sanctioned names and identifying markers misidentified the peoples and did not represent their true nature. The continued use of non-traditional names while the San Carlos Reservation was being established provided an opportunity to subvert and diminish Western Apachean hierarchies and identity.

Chapter 2

Removing and Replacing

Between 1871 and 1896, the federal government attempted to place the Western Apachean peoples under a form of Euro-American authority. Military and government representatives offered promises of protection and support to the Apachean groups of Arizona Territory, however, these negotiations often came with a measure of subjugation. American negotiators invoked these practices to lure the Apachean peoples into a system of control and dependency. Gathering the Apachean peoples, along with other Indigenous groups, onto a single reservation provided a means to track and manage the actions of the various tribes. However, the federal agents charged with managing these governmental systems of control on the reservations exhibited an array of cultural misunderstandings that often created confusion resulted in the misidentifications of Apachean peoples.

Hashké Bahnzin, or Eskiminzin, acted as the headman of the Aravaipa and Pinal band of Western Apachean peoples. His traditional lineage tied him to the Pinal Apachean peoples by birth, but he married into the Aravaipa band. As a member of these two peoples, it fell upon this Apachean leader to ensure the safety of both bands. He negotiated an end to the war between the Americans and the Pinal and Aravaipa bands. Americans from the city of Tucson, however, believed that Hashké Bahnzin's peoples, in particular, had recently moved against American settlements, committing atrocities against them and other settlers. As a result, Tucsonans gathered with a group of Tohono O'odham peoples – the Apachean peoples' historical enemy – and Mexican combatants to avenge their past losses and annihilate the Apachean peoples protected by the U.S. Army at the Camp Grant Reservation. During a pre-dawn attack on the morning of April 30, 1871, at the combined Aravaipa and Pinal Apachean settlement near Camp

Grant, the mob wrongfully attacked the peaceful encampment. The coalition sought to murder the peoples as a retaliation for years of Apachean raids on American settlers. Ultimately, the mob succeeded in killing over 100 of the Aravaipa and Pinal Apachean peoples, with a majority of the dead consisting of women and children. Haské Bahnzin's own family, one wife and 4 of his children, lay among the dead. In the aftermath, the surviving Aravaipa and Pinal peoples left the reservation and took refuge in the surrounding mountains, refusing to return to the reservation until they received an assurance of their safety by U.S. Army and federal representatives.

Among the great number of Apachean peoples, the Aravaipa and Pinal peoples willingly sought a form of mutual understanding and cooperation in exchange for a cessation of hostilities between them and the Americans. Just prior to the attack, they actively pursued peace with the military officials at Camp Grant in Arizona Territory. The massacre that occurred on April 30th greatly scarred the Aravaipa and Pinal Apachean peoples, and the response to the news of this tragedy by other Apachean groups played a significant role in their continued discussions with the United States.

This atrocity hindered negotiations with other Apachean groups in Arizona Territory as the United States began to actively colonize and settle *Apachería*. Identifying Apachean peoples throughout the, now, American Southwest, after the relinquishment of the territory by Mexico in the Treaty of Guadalupe Hidalgo in 1848, created a unique problem for the U.S. Army, Indian Agents, and American invaders. No episode reflects this problem better than the Massacre at Camp Grant. "Hostile" acts committed against Tucsonans by "Apaches" enraged them so much that they endeavored to attack innocent Apachean peoples at Camp Grant who, in fact, did not hail from the same Apachean group as those who conducted the raids on those Americans that Tucsonans claimed as innocent. Because officials routinely performed population counts, they

could account for the Aravaipa and Pinal Apachean bands under their care. Lieutenant Whitman, acting commander of Camp Grant at the time of the attack, adamantly proclaimed the peoples' innocence in 1872 and stated that the Camp's ration distributions spoke to this fact.[50] If any of these specific Apachean peoples who resided at the Camp Grant Reservation engaged in the raids, as Tucsonans claimed, the population and ration counts would clearly demonstrate the number of absent individuals from the Camp at the time of the supposed acts. Apachean peoples certainly might have engaged in raids on American settlements in the area, but these engagements did not include the Apachean peoples settled at the Camp Grant Reservation. Both the ration counts and Army officials attest to their innocence.

Attacks on "friendly" Apachean groups by American settlers were often the result of an absolute distrust and hatred for all Apachean peoples in Arizona territory. American newspapers, beginning with the *Tucson Citizen* and their account of the organized attack, influenced the narrative of the time and their writings justified the move by the attackers as a retaliation against the "savage" and "cruel" "Apache" for the many depredations perpetrated by the Apachean peoples. The *Alta California* even suggested that the federal government should take a permanently aggressive approach against the Apachean peoples in the territory saying, "if necessary to that end, the extermination of the Apaches."[51] In the case of the Camp Grant Massacre, proper identification of the Apachean peoples did not matter to the Americans, and the attack itself represented a penance for past deeds and a lesson to be learned by all Apachean peoples, if they continued to raid American settlements.

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[50] Chip Colwell-Chanthaphonh, *Massacre at Camp Grant: Forgetting and Remembering Apache History* (Tucson: University of Arizona Press, 2007), 59.
[51] Karl Jacoby, *Shadows at Dawn: A Borderland Massacre and the Violence of History* (New York: Penguin Press, 2008), 222.

The impact of this event, in conjunction with other significant changes in U.S. Indian policy and negotiations between Apachean peoples and Americans during the nineteenth century, created a ripple effect felt by both the Americans and the Apachean peoples throughout Arizona Territory. This one episode resonated among the many other Western Apachean bands and created a level of distrust between the peoples and the U.S. Army and Indian Agents. Until the federal government overcame this obstacle, it remained nearly impossible to continue negotiations with the other Apachean bands. Federally sanctioned removals to various reservations in Arizona Territory became difficult as many Apachean headmen grew leery of the federal government's inability to fulfill their promises. They challenged the U.S. Army's ability to simultaneously protect them, their people, and provide for their well-being while confined to a reservation. Moreover, the continued American invasion into Apachean territories created concerns regarding the potential loss of access to homelands. Conversely, some bands did not hold these same concerns, but instead sought refuge from attacks by incoming settlers, regardless of the loss of lands.

In the aftermath of the Camp Grant Massacre, the federal government encountered complications in removing various Indigenous groups to reservations. Despite the political difficulties, the federal government initiated forced removals with little justification. Historians often overlook the cultural intricacies of the various Apachean peoples prior to the removals of Apachean bands and other Indigenous peoples to the Fort Apache Indian Reservation in Eastern Arizona. Further investigation by historians into the cultural implications that resulted as a consequence of federal removal policies allows for a better understanding of contemporary resonances. The concentration policy ordered by the Commissioner of Indian Affairs in Washington D.C. and administered by San Carlos Agent John P. Clum certainly impacted the

cultural practices of those peoples. To think otherwise negates the complex familial social structures of the Apachean peoples, a structure that includes access to their traditional homelands. The U.S. Army and its officers incorporated the use of broad labels into their identification practices to establish a point of reference that allowed them to better identify peoples in official documents. Words like "Coyotero," and "White Mountain Coyoteros" were used as a means to classify certain Apachean peoples who resided north of the Gila River. This included the Tonto Apachean, Aravaipa Apachean, "Apache Mohave" peoples and even Cochise's band, despite belonging to the Chiricahua Apachean peoples, who the Western Apachean peoples viewed as a separate and different people.[52]

It is undeniable that removals throughout the United States had a profound impact on Indigenous peoples. The irreprovable damage caused by these traumatic experiences, and felt in contemporary Apachean communities, includes the compulsory discontinuance of certain Apachean familial practices. Removals to unfamiliar and unclaimed lands in the nineteenth century diminished inherent traditional and cultural land ties foundational to Western Apachean identities. Moreover, the names of the reservations assigned to various Indigenous peoples in Arizona Territory often defined the political identities of those peoples, specifically as it related to control and authority.

[52] United States, Bureau of Indian Affairs, *Annual Report of the Commissioner of Indians Affairs to the Secretary of the Interior* (Washington D.C.: GPO, 1871), 33-34.

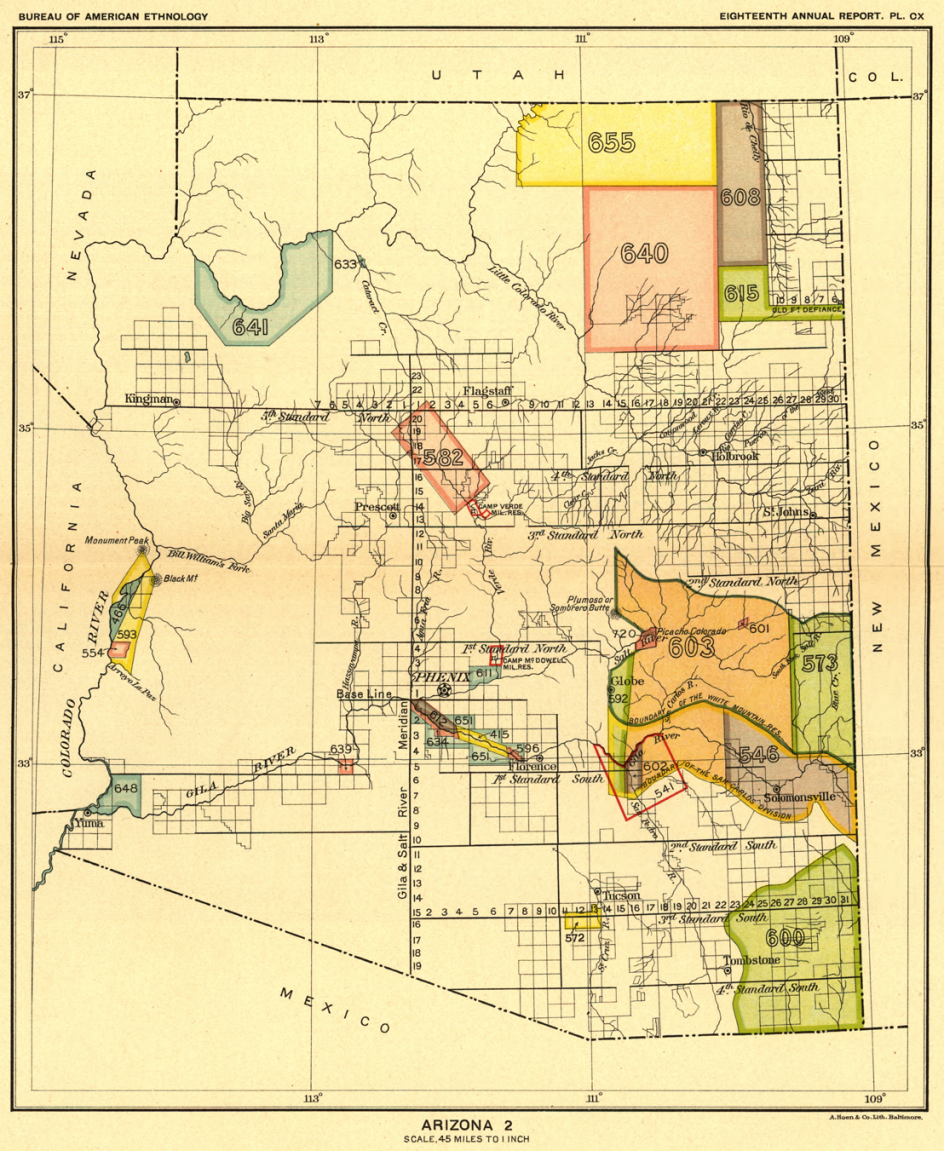


Figure 2: 18th Annual Report of the Bureau of Ethnology, 1892; Map of Arizona Reservations, current and land cessions

Throughout the 1870s, the U.S. Army negotiated with Apachean and other Indigenous groups to remove and gather the peoples onto the San Carlos division of the Fort Apache Reservation. The U.S. Army and Indian Agents succeeded in their mission and subsequently terminated the reservations of the removed peoples. Subsequently, they placed the Apachean peoples, along with the "Verde Indians" who had traveled to San Carlos from Camp Verde in Northern Arizona, on lands near the San Carlos Agency at the Fort Apache Indian Reservation,

later renamed the San Carlos Indian Reservation. A single event in 1896 exemplifies the consequence of placing foreign peoples onto the traditional homelands of the Aravaipa Apachean peoples. In a meeting between Inspector McCormick and the Indigenous collective, which included representatives from each group residing on the reservation, the peoples voted against the Aravaipa to relinquish the remaining portions of traditional Aravaipa homelands, referred to as the "Coal Strip," and later the "Mineral Strip." This move placed the parcel into the public domain and allowed the federal government to lease the lands on behalf of the conglomerated tribe of Indigenous peoples at San Carlos for potential coal mining operations. The consultation for this land transfer involved tribal representatives from those peoples removed to the San Carlos Reservation, a place in which they possessed no significant cultural interest. The conglomeration of these different Indigenous groups onto a single reservation came with its problems, and the United States failed to consider the cultural perspectives and repercussions for each of these peoples removed from their traditional homes and onto a foreign land. This concentration of Indigenous peoples onto Western Apachean homelands resulted in the diminishment of Western Apachean authority over their own territory and displaced them from lands relevant to traditional concepts of identity.

Indigenous Removals to San Carlos

After the Camp Grant Massacre, the United States faced the problem of securing reservations for the Apachean peoples who actively avoided the U.S. Army and Indian Agents. In the 1871 Report to the Board of Indian Commissioners, Colyer stated that the White Mountain Apaches, specifically, grew suspicious of the Americans as they searched for the peoples and attempted to bring them to a reservation. After the massacre at Camp Grant, over 600 Apachean

individuals residing at the White Mountain Reservation north of the Salt River in Eastern Arizona, led by Escetecela, fled the reservation and sought refuge in the nearby mountains in an effort to protect themselves from similar attacks.[53] The Chiricahua Apachean peoples also heard of the attack and appeared reluctant to continue discussions of a removal to a reservation near the Mexican border. Cochise, distressed by the news of the massacre, reported that he knew the identities of those who murdered the Aravaipa peoples in the Aravaipa Canyon.[54] For the Apachean peoples in Eastern Arizona, the political climate developed into one filled with distrust. The fragile peace that existed prior to 1871 quickly deteriorated into conflict, and after the massacre, reestablishing peace with the Apachean peoples became a priority for the U.S. Army commanders at Camp Grant.

Despite the attack, the Aravaipa peoples expressed their desire to remain in their homelands. Hashké Bahnzin's (Eskiminzin's) farm lay within the canyon near Camp Grant, and expressed his desire to stay in the land of his ancestors.[55] Colyer reported that both the Aravaipa and Pinal peoples did not want to leave their homelands in the Aravaipa and San Pedro Valleys. Furthermore, they refused to hear any proposals for removal to the White Mountains. In response to the demands of the Apachean peoples at Camp Grant, and for the sake of peace, Colyer provided a set of boundaries for a temporary reservation until Congress approved and formalized the reservation.[56] Negotiating for peace proved difficult for both the United States and the Aravaipa. The peoples remained cautious, and while they awaited peace, they experienced several episodes that forced them to question their reliance on the United States to keep its

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[53] Ibid., 41
[54] Jacoby, Shadows at Dawn, 248.
[55] Colwell-Chanthaphonh, Massacre at Camp Grant, 73.
[56] United States, *Annual Report*, 1871, 47.

promises. Hashké Bahnzin, along with several of his people, returned to the site of the massacre several days after the attack to tend to the burial needs of the slain. A small contingent of Hashké Bahnzin's family resettled on the land, only to be attacked again by a small number of soldiers moving through the area from the White Mountain Reservation.

After these events, the Aravaipa and Pinal bands met with the newly appointed agent for Indian Affairs in Arizona Territory, General Oliver O. Howard. Upon the General's arrival at Camp Grant, he found over a thousand Apachean peoples on the verge of fleeing the reservation. A lack of necessary natural resources for survival in Central Arizona contributed to the degrading relationship between them and the White settlers who claimed lands near the reservation. The situation motivated the Arivaipa and Pinal bands to seek a conference with General Howard to discuss a possible move to a "healthier" location.[57] They also petitioned the General to reinstate Lieutenant Whitman as their agent who, after the Camp Grant massacre, incurred three court-martials based on several false charges brought by citizens of Tucson. Tucsonans sought revenge for his testimony in federal court on the events of the massacre, which had displayed his sympathy for the Apachean peoples under his observation.[58] In an effort to dissuade the Apachean peoples from fleeing the reservation, General Howard agreed to meet with them and recalled Lieutenant Whitman from his incarceration at Camp Crittenden to gain favor with the Apachean peoples. Their conference in May 1872 resulted in the removal of the Aravaipa Apachean peoples at the Old Camp Grant Reservation to a new location directly south of the White Mountain Reservation with an agency at the intersection of the San Carlos and Gila Rivers.

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[57] Ogle, 104-105.
[58] Richard J. Perry, *Apache Reservation; Indigenous Peoples & the American State* (Austin: University of Texas Press, 1993), 112.

As a result of General Howards negotiations with the Aravaipa Apachean peoples at Camp Grant, President Grant, through Executive Order, created the San Carlos Division of the White Mountain Indian Reservation in the winter of 1872.[59] Pinal and Aravaipa Apachean peoples began to relocate to the new reservation in February 1873, and a number of Tonto Apachean peoples followed in September of that same year. A formal boundary that separated the two agencies did not exist, and the San Carlos Agency remained under the jurisdiction of the White Mountain Reservation. Official government reports disclose the terms used by officials to identify these Apachean peoples, wherein they continued this trend of integrating reservation designations into Apachean identifiers. The peoples removed from the Camp Grant Reservation received such a label with a designation as the Camp Grant Reservation Indians. Identifiers changed to reflect the continued use of reservation identities for the Indigenous peoples after the founding of the San Carlos Agency. The practice also applied to those who resided north of the San Carlos Agency, namely, the White Mountain Indians. By 1873, the term "San Carlos Indians" included the Aravaipa, Pinal, and Tonto bands, while the term "White Mountain Indians" applied to the Coyotero, Chilocco, and other Tonto bands not assigned to the San Carlos Agency.[60] The Camp Apache Agency, located further north, often accommodated Tonto bands, however, familial cultural practices extended beyond the inconsequential colonial boundaries and Apachean families extended into the areas surrounding both agencies.

The reservation administration was fraught with complications and mismanagement. In September 1873, Eskelulegoo, a member of the White Mountain Apachean peoples, fled to San

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[59] Ulysses S. Grant, *Executive Orders Relating to Indian Reserves from May 14, 1855 to July 1, 1902* (Washington: Government Printing Office, 1902), 34.
[60] Ibid. 32. The term "Chilocco" was used by Commissioner Vincent Colyer during his tour of the Arizona reservations. It is unknown at the time of this writing as to which band of Apachean Peoples he is referring.

Carlos to escape punishment for murders he committed at the White Mountain agency. In an attempt to arrest the supposed fugitive, Eskelugoo fatally stabbed John M. Logan and while fleeing, an agency employee, George H. Stevens, shot and killed Eskelulegoo. Issues related to the management of the reservation plagued the agency. The problems persisted when the Secretary of the Interior attempted to consolidate control on the reservation by temporarily closing the San Carlos Agency and merging it with the Camp Apache Agency in the White Mountains.[61] The Secretary eventually reopened the agency, but struggled to retain reliable agents. John P. Clum noted, when he first arrived at San Carlos in 1874, that the conflict between civilian and military authorities created a sense of unease and confusion. Coupled with the lack of steadfast agents to maintain some semblance of westernized order on the reservations, the problems between the Apachean peoples and the various federal authorities worsened. The peoples did not know who they could trust to ensure that federal representatives upheld their promises. Consequently, some Apachean peoples saw the government's incompetence as a sign of trouble, as ration distributions slowly diminished in size. Breakouts on the reservation and raids conducted by some of the more desperate and radical Apachean groups, consisting mostly of younger Apachean men, grew more frequent, which, in-turn, impacted the effectiveness of Grant's Peace Policy in the public eye.

After the removal of the Aravaipa Apachean peoples from their homes near Old Camp Grant, they incurred several challenges that made the continuation of their traditional practices and culture difficult.[62] In 1874, the Dutch Reformed Church conveyed to the Commissioner of

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[61] United States, Bureau of Indian Affairs, *Annual Report of the Commissioner of Indians Affairs to the Secretary of the Interior* (Washington D.C.: GPO, 1874), 297.

[62] The designation of Camp Grant as "Old" is to distinguish between the new and original Camp Grant, which was moved after the Aravaipa were removed to San Carlos. The purpose of the change was to provide better support for both Fort Thomas and Bowie near the Southern Arizona-New Mexico border. The hope was that the extra forces in

Indian Affairs their nomination of John P. Clum for the position of agent at San Carlos. Clum accepted the position and, along his journey, he happened to encounter Hashké Bahnzin. At that time, the military held the Chief, along with several other individuals, as "prisoners of war" at Camp Grant. Military officials had arrested Hashké Bahnzin on charges that Clum believed were unfounded and, subsequently, he successfully negotiated for the Chief's release. Authorities placed him under Clum's authority, and, in exchange for his release, Hashké Bahnzin agreed to assist Clum in persuading the Apachean peoples at San Carlos to follow the agent's lead.[63]

Clum's changes to the reservation administration disrupted Western Apachean lifeways, but the peoples trusted their chief, and consequently, believed they could trust Clum in the same way they trusted Lieutenant Whitman at Old Camp Grant. In return, Clum demonstrated his resilience and resolve to ensure the safety and security of the Apachean peoples. They watched Clum fight for them on many occasions, but despite his good deeds, one of the first policies enacted by Clum immediately undermined the traditional Western Apachean concepts of self-governance. Clum incorporated a police force on the San Carlos Reservation to enforce Agency and Reservation policies and laws. Clum appointed Hashké Bahnzin lead detective of this new force and the chief became a self-appointed diplomat having a small "secret service" charged with providing bodyguards to protect Clum.[64] Hashké Bahnzin took on this role in order to establish stability and maintain order on the reservation, especially between the numerous peoples residing on the reservation.

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the region would provide more troops in the United States' efforts to resolve the Chiricahua Apachean "problem" after Goyathlay broke out of the San Carlos Reservation in the late nineteenth century.

[63] United States, Bureau of Indian Affairs, *Annual Report of the Commissioner of Indians Affairs to the Secretary of the Interior* (Washington D.C.: GPO, 1875), 215

[64] John P. Clum. "Es-kin-in-zin." *New Mexico Historical Review* 4, 1 (1929) 5.

These new systems proved problematic and Hashké Bahnzin found it difficult to adjust to this new form of authority thrusted upon the Apachean peoples. In the past, traditional cultural practices dictated "justice" and "behavior." The families of both the victims and perpetrators often administered their own form of criminal justice. The facilitation of a judgement ordered for crimes and ways to settle wrongs committed by a member fell on the headman or woman. An acceptance of the judgement often concluded the matter. Many Apachean groups followed a similar system, though it did not remain static, and for some, forgetting a serious atrocity caused continuous problems, especially if two parties could not reach a settlement.

The new police force consisted of only four officers. Chose by various chiefs on the reservation, the men stationed in these positions represented their respective clans and bands. The inter-relational dynamics on the reservation between the "Apache Police" and the rest of the Apachean community represented the conflict between colonial and Apachean structures. This became even more apparent when Clum created a reservation court system where a respected Apachean Headman played the role of "Judge" and heard the grievances of those individuals who brought their complaints before this new court. The Westernized structure of criminal justice exemplified one of the many changes made to Western Apachean culture by Clum that undermined traditional concepts. With less than a thousand Apachean peoples on the reservation and a primarily Aravaipa and Pinal presence, this new justice system appeared to work well for the small contingent of peoples. However, government officials drastically altered their approach to federal Indian policies for Arizona Territory, and these changes impacted not just the police force and court system, but the entirety of Western Apachean culture on the reservation.

Clum immediately changed the structure and administration of the Agency and officials in Washington took notice of his actions. A series of continuous agent turnover for the San

Carlos Agency preceded Clum's administration. Concurrently, in 1873, the Secretary of the Interior attempted to consolidate the peoples at San Carlos with the Fort Apache peoples in the White Mountains. Despite its failure, the Secretary attempted to advance this policy of consolidation, but this time with Clum at the helm. The Secretary believed that Clum's methods in bringing "civility" to the San Carlos Reservation, by way of his unorthodox attempts at Apachean "self-governance," would provide the best outcome in establishing a much more centralized and consolidated population. The Secretary intended to incorporate this plan of removing Indigenous peoples from several reservations in Arizona and New Mexico as a solution to the "Indian problem" in the territories and, simultaneously, open up the much sought-after reservation lands for public purchase. This meant bringing together a number of different Indigenous groups onto a single reservation at San Carlos.

Beginning in the mid-1870s, Indigenous peoples from all over Eastern Arizona were systematically removed from their homelands and placed onto the San Carlos Indian Reservation. Their removals caused considerable damage to all of those peoples taken from their respective reservations and homelands. Their cultures, traditions, and structures of governance were manipulated to fit the reservation model wherein the ultimate authority stemmed from the Indian Agent and, by extension, the President in Washington D.C. This authoritarian concept of Western hierarchy found no comparable mechanism within the Apachean worldview. Authority remained local and at no time did another clan or band possess any direct control over another, unless mutually agreed upon in cases where they engaged in common warfare or raiding. In these cases, the clans and bands who joined together maintained an independent leadership structure, and men came and went as they pleased. Apachean peoples did not bind themselves to a central figure or structure that dictated supreme political control or authority.

After the arrival of the Aravaipa and Pinal Apachean peoples at the new San Carlos Reservation in 1873, other Apachean groups either willfully or forcefully joined the peoples on the reservation. Sub-Agent White, who acted as Agent for San Carlos until Clum's arrival in 1874, wrote in December 1873 that the reservation consisted of, "nine bands [*sic*] of Indians, consisting of the Aravaipa Apaches and Tonto Apaches"[65] White's usage of the word "band" to identify "clans" among the Apachean groups details their misunderstanding of the Apachean social structure. As such, White intended to identify "clans" and not specifically the "bands," as Grenville Goodwin identified in his work, and thus redefined the group identifiers to align with the non-Apachean reservation system rather than the actual cultural structures. That following year, in August 1874, Clum took charge of the agency, affirming White's account of the peoples present on the reservation, but also included the Pinal Apachean peoples among those present. As Clum settled into his new role in 1874 making the, seemingly, necessary changes to the agency's administration, the population increased, and continued to increase, during his tenure as Agent.

In December of 1874, the Office of Indian Affairs made the decision to close the Rio Verde Reservation near Camp Verde in Northern Arizona and relocated the Yavapai and Tonto Apachean bands to the San Carlos Reservation under Clum. One reason for the closure related to what Clum and General Crook referred to as the "Indian Ring." Crook opposed the closure as the Yavapai continued to build a culture of self-sufficient sedentary farming and they expected a substantial crop yield capable of sustaining their people and possibly producing a surplus.[66] This created a problem for the "Indian Ring" as it entailed a diminishing need for their services in

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[65] United States, *Annual Report,* 1874, p.294.
[66] Timothy Braatz, *Surviving Conquest* (Lincoln: University of Nebraska Press, 2003), 170.

providing essential supplies to sustain the reservation. This "ring" consisted of agents and contractors who worked together to exploit the reservation system in a way that benefited them and, in this case, it meant keeping the Indigenous peoples at Rio Verde reliant on outside merchants for their needs. Crook observed this corruption and stated in the peace agreements with the Yavapai peoples that if they ceased raiding settlements and adopted American practices that the federal government would permit them to stay in their homelands.[67] Crook wanted the peoples to become productive citizens of the United States, but the "Indian Ring" viewed a self-sufficient reservation as a threat. As a measure of self-preservation, contractors of the "Indian Ring" wanted to see the reservation closed and the peoples removed to the San Carlos Reservation where the environmental conditions hindered farm production. The lack of abundant and necessary natural resources ensured a continued reliance on government contractors to supply everyday necessities. Unfortunately, the persuasion of the "Indian Ring" and local White settlers who wanted to see both the reservation and military posts opened for settlement won over government officials in Washington. Crook and Mason complied with their orders and cooperated in facilitating the removal of the Yavapai peoples but stated that the situation represented "one of those cruel things that greed has so often inflicted on the Indian."[68]

The Yavapai peoples saw this as more than just a removal to another part of Arizona Territory. Culturally, this relocation represented a devastating move towards annihilation. It threatened their relationships with their place and the cultural knowledge tied to the lands of their ancestors. Concurrently, the situation for the Yavapai peoples in their removal to the San Carlos Reservation meant possible harm or even death. These lands were foreign, but they were also the

[67] Ibid. 171.
[68] Ibid. 170-171

lands of their enemies, who outnumbered them greatly. Captain Snooks, the spokesman for all of the chiefs at Rio Verde, addressed Dudley in a public meeting, declaring that they did not want go to a land where they would be outnumbered by their enemies.[69] The Yavapai peoples organized themselves into four major "bands," the Tolkepayas, Tavapés, Wipukepas, and Kwevkepaya peoples. Along with them came several groups of, what Goodwin calls, the Northern and Southern Tonto Apachean peoples, one of the few Apachean groups on friendly terms with the Yavapai. Many of the Southern groups, specifically the White Mountain groups and the Lower Gila River and San Carlos groups, did not engage much with the Yavapai or Tonto Apachean peoples. Though, through interrelations with some of the other lower Apachean groups, many Yavapai peoples became extended kin. However, for a majority of the White Mountain and San Carlos Apachean peoples, the Tonto Apachean peoples were not historically well-connected.

Consequently, the move to the San Carlos Indian Reservation traumatized the peoples of the Rio Verde Reservation. Historically, the Yavapais, accompanied by the Tonto Apachean peoples, worked well with their reservation neighbors. However, on their journey to San Carlos, a deadly fight broke out between some of the Tonto Apachean groups and Yavapai peoples. The fight resulted in the deaths of several people from each group over a dispute between some of the youth. When the peoples arrived at San Carlos, Clum noted that the group comprised of Tontos, Mojaves, and Yumas, but he identified them as the "Verde Indians."[70] His initial population count, upon their arrival, revealed that Clum had become responsible for one thousand four

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[69] William T. Corbusier, *Verde to San Carlos; recollections of a famous Army surgeon and his observant family on the Western frontier, 1869-1886* (Tucson: Dale Stuart King, 1969), 268.
[70] United States, *Annual Report,* 1875, 215.

hundred “Verde Indians,” who had taken up residence a little over a mile from the agency on the northern and southern banks of the Gila River.

Not long after the arrival of the “Verde Indians,” Clum acted on orders from the Secretary of the Interior to bring another large contingent of Indigenous peoples to San Carlos. The Secretary wanted to continue this trend of removing the Indigenous peoples in Arizona Territory and place as many of the Apachean groups as possible onto the San Carlos Reservation. An opportunity for the Secretary to initiate another removal presented itself at the Camp/Fort Apache agency when a dispute between military and civilian authorities erupted over the control of the White Mountain Apachean peoples. Later that year an epidemic swept through the Apachean communities at both Cibecue and White Mountain rancherias. Many of the peoples perished and their relatives turned to drinking tizwin, a traditional alcoholic beverage, as a way of coping with their losses. In their inebriated state, some of the peoples raided local White settlements, which resulted in the deaths of several Whites.[71] James Roberts, the agent stationed at the Camp/Fort Apache agency, telegraphed the Commissioner of Indian Affairs, Edward P. Smith, for instruction, but while he waited, Major Frank D. Ogilby, believing that the military better managed Indian agencies, effectively pushed the agent out of his post. Consequently, Roberts made his way to San Carlos to seek assistance from Clum. During this fiasco, however, officials in Washington received Roberts’s telegraph and used the incidents previously explained by the Agent as an excuse to remove all the Apachean peoples at Camp Apache to San Carlos.

Unbeknownst to Agent Roberts, Commissioner Smith ordered Agent Clum to take control of the Camp/Fort Apache agency in April 1875. Clum, on his to the Camp/Fort Apache agency, stumbled upon Roberts who was escaping to San Carlos. Roberts joined Clum as he

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[71] Haley, 307.

continued on to Camp Apache. Along their way, they met Major Ogilby, who then challenged Clum's authority. Ogilby had placed the army physician in the role of acting agent after Roberts fled his position, but Clum did not recognize the physician's position and placed him under arrest for opening federal mail. A series of petty squabbles occurred between Ogilby and Clum as each of them attempted to assert his own authority over the agency. Ultimately, Clum succeeded when he traveled to Washington to firmly establish ironclad orders for Ogilby to step aside and allow Clum to take the White Mountain Apachean peoples to San Carlos. However, while in Washington, Clum voiced his protest in removing the Coyotero Apachean peoples from Camp/Fort Apache stating that the undertaking would be exceedingly difficult to accomplish.[72] The Commissioner, unfortunately, did not want the issues at Camp Apache to turn into a military matter and believed it best to remove the peoples.[73] Defeated, Clum returned to Camp Apache, along with Haské Bahnzin and other San Carlos leaders, and, collectively, they spoke with the White Mountain Apachean leaders about the order of removal.[74]

After the San Carlos Apachean leaders and Clum discussed the situation with the White Mountain Apachean leaders, half of those who resided near the agency stated that they agreed with the removal as many of them had, in the past, farmed along the Gila River several miles from the agency at San Carlos. Unlike their cousins, the other half had no intention of leaving their homelands in the White Mountains and expressed their unfamiliarity with the San Carlos area. The White Mountain Apachean peoples consisted of several clans of Apachean peoples,

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[72] There is some ambiguity in terms of identification with the White Mountain Apachean peoples. The peoples at Cibecue were identified by Goodwin as being a wholly separate people from those that were identified as "Coyotero" by Clum. The term "Coyotero," itself is used as a generalized designation by many of the agents in the Annual Reports to identify the White Mountain Apachean peoples.
[73] Woodworth Clum, *Apache Agent* (Lincoln: University of Nebraska, 1963), 161.
[74] Haley, 307-308.

which included those who called Cibecue, AZ home. The Apachean peoples from Cibecue did not possess the same kind of historical relationship or presence among the San Carlos Apachean peoples as some of the other White Mountain Apachean peoples. Clum stated in his writings, much in the same manner as the previous Sub-Agent, White, that among those at Camp/Fort Apache were eighteen different "bands" of Coyoteros, and three of these "bands" stayed at the Camp. The headmen of these "bands" were committed to fulfilling their enlistment terms as scouts with the military.[75] In continuing their petty dispute with Clum, military personnel fed a series of lies to half of the White Mountain Apachean "band" leaders. The information the headmen received from military members stated that Clum carried no orders to remove them to San Carlos and if they went with Clum, they would be sent to a far and distant country where they would die or be killed.[76] Despite the difficulties that Clum encountered at the Camp/Fort Apache agency, he took with him fifteen of the eighteen White Mountain Apachean "bands." The uneventful journey to the San Carlos Reservation concluded on July 31, 1875, where Clum promptly counted and gave the "newcomers" their rations. His final count for all those Apachean and Yavapai peoples held at San Carlos totaled roughly four thousand two hundred.

Chiricahua Removal

The removal of the White Mountain Apachean peoples served as one of many removals instituted by the Commissioner in the government's attempt to consolidate the Indigenous

[75] The term "bands" is again used as a signifier of potential "clan" designations, though, in Clum's writings, it is not entirely clear what he is referring to in regard to a much more culturally centered understanding of the leadership hierarchy. Goodwin explains that many of these clans at White Mountain were closely related to the Apachean peoples at San Carlos and often traded and intermarried with those peoples.
[76] Clum, *Apache Agent*, 162.

peoples. In the Annual Report of 1876, Commissioner John Q. Smith stressed the need to remove as many Indigenous peoples as possible. He suggested,

> The reservations upon which, in my opinion, the Indians should be consolidated, are the Indian Territory, the White Earth reservation in Northern Minnesota, and a reservation in the southern part of Washington Territory, probably the Yakama reservation. If it should be found impracticable to remove the Indians of Colorado, Utah, New Mexico, and Arizona, to the Indian Territory, they might be concentrated on some suitable reservation either in Colorado or Arizona.[77]

Just under a year after the Coyotero removal, the federal government conducted a removal of the Chiricahua Apachean peoples to San Carlos. Unlike the removals of the Verde and White Mountain peoples, the Chiricahua removal required a much more strategic approach by both Clum and the military. Clum took considerable planning and care in conducting his orders from the Commissioner. On May 3, 1876, he took charge of the Chiricahua Agency from Agent Jeffords. Jeffords reasoned in his 1876 Report that the Commissioner ordered the removal of the Chiricahua and closing of their reservation based on the actions of three specific Chiricahua men.[78] In the events that transpired, Pionsenay, with his nephew, had killed two White men, and his brother, Skinya, attempted to overthrow Taza, the son of Cochise, in order to entice the Chiricahua to fight the Americans. These men did not speak or act on behalf of the entire Chiricahua Apachean peoples and Jeffords argued that Governor Safford and Commissioner Smith's perceived notion that the Chiricahua had broken out of their reservation, remained baseless. Regardless of the federal government's treaty with Cochise and his peoples, the protest against Agent Jeffords, and the relative peace experienced on or near the reservation, the Commissioner moved forward with his plans to remove the Chiricahua to San Carlos. Clum

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[77] United States, Bureau of Indian Affairs, *Annual Report of the Commissioner of Indians Affairs to the Secretary of the Interior* (Washington D.C.: GPO, 1876), vii.
[78] Ibid. 4.

reluctantly accepted responsibility for the task, despite the fact that he had submitted his resignation to the Commissioner in February, earlier that year.[79]

The Chiricahua Reservation came to fruition following the negotiations between General O.O. Howard and Cochise in 1872 and represented a promise of continued peace between his people and the United States.[80] Unfortunately, several events motivated the Commissioner to forego the aforementioned peace. In 1874, two years after the establishment of the Chiricahua Reservation, Cochise died, presumably from stomach cancer, and his son Taza took control of the tribe. With the death of Cochise, the Chiricahua experienced a number of hardships and the peoples feared that the relative peace they had enjoyed for nearly two years died with him. At Apache Pass in Southern Arizona, that same year, Agent Jeffords attempted to remove the people to a more favorable location suitable for farming. During the move, the Chiricahua experienced an outbreak of disease and sought to move to a place that would allow them to recover.[81] Agent Jeffords found it difficult to impose any of the usual farming or civilization practices on the Chiricahua peoples. Concurrently, a few men created problems for the rest of the peoples at the Chiricahua Reservation near Apache Pass. In March 1876, a small contingent of both Chiricahua and Coyotero Apachean peoples from San Carlos led by Pionsenay, the brother of Skinya, left the reservation to conduct a raid in Mexico. On their return trip to the reservation the following month, Mr. Rogers, a stage station employee, offered to sell the Apachean peoples whiskey, an

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[79] Kathleen P. Chamberlain, *Victorio* (Norman: University of Oklahoma Press, 2007), 152. This was the first of two attempts for Clum to try and resign his position at San Carlos. Clum was persuaded to remain at his post and serve the Apachean people he had grown close with, but his pleas of providing further civilian control and less military and political involvement that hindered the supposed civilizing "progress" were never addressed to the extent that Clum had hoped. Thus, in 1877 Clum resigned for the second time after issues from military involvement in his administration at San Carlos became too much for Clum to handle.
[80] United States, Bureau of Indian Affairs, *Annual Report of the Commissioner of Indians Affairs to the Secretary of the Interior* (Washington D.C.: GPO, 1872), 176-177.
[81] United States, *Annual Report*, 1875, 209.

illegal act at the time. Pionsenay accepted the offer and purchased enough for himself and his men. The employee met his unfortunate end when a drunken and enraged Pionsenay demanded more alcohol to purchase, which Mr. Rogers denied to the Chiricahua. Pionsenay and his men killed Mr. Rogers and the cook, taking with them the remaining alcohol.[82] Pionsenay continued across the San Pedro Valley raiding a local settlement where they stole four horses, killed a man named Mr. Lewis, and wounded another named Mr. Brown. These unfortunate events, however, did not reflect the peoples as a whole.



Figure 3: U.S. General Land Office, 1876 Territory of Arizona Map - Arizona Reservations displayed.

[82] United States, *Annual Report*, 1876, 3

The Chiricahua Apachean peoples maintained a close cultural relationship with the White Mountain Apachean peoples, and while a number of the other Western Apachean peoples interacted with the Chiricahua, it is unclear as to which groups in particular historically dealt with this Southern Apachean Tribe. The Western Apachean peoples certainly viewed the Chiricahua as peoples outside of the larger Western Apachean people group. Comparatively, the clan and kinship systems between the two do not coincide nor overlap in any way. The traditional homelands of the White Mountain Apachean peoples encompassed the lands along and south of the White Mountain range, towards present day Safford, AZ, and included areas surrounding Mount Graham. Their land base put them very close to the Chiricahua Apachean peoples and intermarriage was common. Goodwin stated that the Chiricahua peoples were not considered to be those with whom the White Mountain Apachean peoples would trade or exchange presents. The degree to which a people group was related to any of the Western Apachean groups in culture determined whether trade was possible. Western Apachean peoples often only traded with outsiders, such as the Navajo and Zuni.[83] In pre-reservation history, Goodwin stated that hostilities between the Western Apachean peoples, save for the White Mountain groups, and the Chiricahua were common. They were viewed by most Western Apachean peoples as a group eligible for an organized raid or warfare.

The removal of the Chiricahua to San Carlos significantly altered the cultural dynamics of a uniquely Western Apachean place and created problems. The process of removing the Chiricahuan peoples demonstrated the extent of the cultural differences between the Western and Chiricahuan Apachean peoples. White settlers did not understand that within Apachean country there lay these two wholly distinct and separate people groups, which further expanded out into

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[83] Goodwin, *Social Organization*, 83.

bands and clans within the larger Western Apachean and Chiricahuan structures. When Pionsenay broke out of the Chiricahua Reservation and conducted raids, the overwhelming viewpoint of those at Tucson and the surrounding towns immediately concluded that the peoples at San Carlos would join the Chiricahua and go on the warpath. The situation was further exacerbated when Clum traveled to Tucson on business and his presence outside of the reservation led many to believe that he fled in fear of his life because of this same reason. This could not have been further from the truth. Upon hearing this news, Clum immediately returned to San Carlos to meet with the chiefs. In this meeting, many expressed concerns about the implications for the peoples at San Carlos following the occurrences at the Chiricahua Reservation. Hashké Bahnzin spoke on behalf of the majority, stating that they did not wish to join the Chiricahua, but, in fact, they possessed no qualms with going on the warpath *against* the Chiricahua if Clum wished. After the talks, Clum called for a vote among the chiefs at San Carlos, asking who would go with him to arrest the "bad" Chiricahua. The chiefs voted unanimously, agreeing to join Clum, and sent messengers into the mountains to tell the rest of the peoples the news of the "bad" Chiricahua and the decision of the chiefs. Additionally, Clum asked for volunteers to hunt for the Chiricahua and over two hundred and fifty responded to the call, with more on the way. A terrified Tucsonan populous and Governor received word from Clum via a courier that they were ready with five hundred "Apache" sharpshooters to capture and punish the Chiricahua renegades. No response was given by Governor Safford. However, two weeks later on May 3, 1876, Clum received word from the Commissioner that he was to travel to the Chiricahua Reservation to relieve Agent Jeffords and take the peoples residing on the reservation with him to San Carlos.[84]

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[84] Clum, *Apache Agent*, 170-172.

The Western Apachean peoples had no allegiances to the Chiricahua, and many of the bands had no known history in dealing with the Chiricahua. When Clum arrived at the Chiricahua Reservation to escort the people to San Carlos, he took with him approximately fifty Apachean police officers and, not far behind, there followed a contingent of U.S. Cavalry on their way from Ft. Bowie to support him in this endeavor. Clum met with Taza and convinced him and his people to move with them to San Carlos, disregarding the Cochise-Howard treaty. The Chiricahua Reservation also hosted some of the more southern Chiricahuan bands, namely the Nde-ndai, the Nednhi, and the Bedonkohes. These groups were led by Juh, Nolgee, and Goyathlay, respectively. They met with Clum on June 8 and stated their intentions to join them at San Carlos. This ruse by the Southern Chiricahua leaders allowed them time to move their people across the U.S.-Mexican border and into the Sierra Madre Mountains.[85] Skinya, brother of Pionsenay, attempted to raise support from the other Chiricahua chiefs to go on the warpath against the Americans, but he only received support from his brother. Meanwhile, Taza and Naiche, sons of Cochise, opposed Skinya's efforts, and, around the time of Clum's arrival on June 4, a council gathered in the evening to discuss the removal. Unfortunately, the council ended in a fight between the two opposing sides. In the midst of the battle, Naiche shot Skinya in the head, killing him instantly, and Taza shot and wounded Pionsenay who immediately fled the scene. Pionsenay later attempted to negotiate a surrender with Clum who refused to accept anything other than his immediate arrest, to which, a wounded Pionsenay, agreed.[86] Clum wrote to Governor Safford claiming that he held Pionsenay and his band as prisoners. Of the over 900 Chiricahua Apachean peoples that Jeffords counted in 1875, which included those southern

[85] Haley, *Apaches*, 311-312.
[86] United States, *Annual Report*, 1876, 11

Chiricahua bands led by Goyathlay, Juh, and Nolgee, only three hundred and twenty-five made the journey to San Carlos in 1876.[87] Clum arrived with Taza and Naiche's bands at San Carlos on June 18, 1876, and with this new addition, the population increased to four thousand five hundred Apachean and other Indigenous peoples.[88]

Goyathlay eventually went to San Carlos after he was captured in a successful operation conducted by Clum and the "San Carlos Apache Police" force. Clum strategically planned an ambush for Goyathlay, and it remains the only recorded capture of the infamous Chiricahua, but the stunt only succeeded through the efforts and knowledge of the Apachean police force. Goyathlay saw it as a betrayal on the part of those Apachean peoples who arrested him, but tradition states otherwise. While Goyathlay was a primary target for Clum, an unfortunate casualty of this operation was Victorio, Chief of the Chihenne, and the Tchihende Mimbreño Apachean peoples at the Ojo Caliente, or "Hot Springs," Reservation in New Mexico. They were suspected of harboring Goyathlay at their reservation, and that was enough for the Commissioner to order its closure and the subsequent removal of the Ojo Caliente Apachean peoples to San Carlos. In terms of these peoples' relationship with the Western Apachean peoples, they were even further removed than the Chiricahua. The peoples at Ojo Caliente stated that they had wanted Chief Victorio to chase away Goyathlay when he came to their reservation. They wanted no part of Goyathlay's troubles, but Victorio refused. Regardless of this fact, Victorio's people in totality were judged as guilty parties in harboring the fugitive. As a result, the Commissioner dissolved their reservation, and removed Victorio's people to San Carlos. On May 1, 1877, Clum

[87] Ibid. 312,
[88] Clum, *Apache Agent*, 184.

left the Ojo Caliente Reservation with Victorio and four hundred and fifty-three Apachean peoples and settled them at San Carlos on the twentieth of May.[89]

Times were hard for all the Apachean and Indigenous peoples at San Carlos. Victorio's people were the last to arrive and, consequently, they resided on the "leftover" land that they viewed as unsuitable, though, government officials believed it "suitable for Apache."[90] The conditions experienced by Victorio and his people caused many of them to flee the reservation. The Mimbreño Apachean peoples endured environmental and physical hardships. Disease was rampant in their settlement at the old Camp Goodwin site, and the water was almost unusable. When asked by one of his people why the Americans insist on keeping them there, Victorio responded, "so that we will die."[91] Eventually, Victorio led his people out of San Carlos in an attempt to find a better place for his people, settling at the Mescalero Reservation for a time. Unfortunately, Victorio met his end in a skirmish with the Mexican military at the Massacre of Tres Castillos. Ultimately, many of Victorio's people accompanied Goyathlay in his breakouts and subsequent surrender in 1886, as well as their eventual removal from San Carlos to Oklahoma Territory.

Many of the Indigenous peoples at San Carlos held on to the hope that they would see their original homelands at some point in the future. The "Verde" Indians in particular agreed to relocate based on the promises made to them by General Crook. To return to their homes, the "Verde" Indians needed to demonstrate their willingness to adopt the ways of the White man. The peoples worked tirelessly, under difficult circumstances, to uphold their end of the bargain,

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[89] United States, Bureau of Indian Affairs, *Annual Report of the Commissioner of Indians Affairs to the Secretary of the Interior* (Washington D.C.: GPO, 1877), 34.
[90] Chamberlain, *Victorio,* 151.
[91] Ibid. 153.

but the government did not fulfill their side until the turn of the twentieth century. The White Mountain Apachean peoples longed for their mountainous homelands, as the low-level valleys at San Carlos proved too extreme in climate for not only them, but also the Chiricahua and Mimbreño Apachean peoples. Inter-tribal relations between the peoples became problematic during the trying times after the removals. Jason Betzinez, a young Chiricahua who witnessed the events of the nineteenth and twentieth century, stated in his autobiography that "Even had all these bands been on good terms with one another, which they were not, we still would have been unhappy over the inhospitable attitude of the San Carlos Indians."[92] The reservation itself was overcrowded and a cultural nightmare with old hatreds, rivalries, and disconcertments creating an environment of unrest.

When Agent Clum resigned, the changes in both the civilian and military leadership caused concern for the peoples at San Carlos. Clum praised the peoples at San Carlos for making strides in their "advancements" on the reservation. Yet, he feared that this would all be for naught if care was not taken in assigning an agent at San Carlos who would continue the systems he had put in place, specifically, the San Carlos Police Force.[93] Concurrently, Agent Jeffords, in his final report as the Chiricahua Agent, stated, "The breaking of their treaty and attempted removal of nine hundred Indians for the criminality of three of their number has been the cause of the numerous murders and robberies that have been committed since the 12th of June, [1876]."[94] Bureaucrats in Washington D.C. who possessed no understanding of the peoples' traditions and cultures ordered the removals of several tribes against the better judgement of the agents. These removals benefited White Americans who quickly took possession of reservation

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[92] Jason Betzinez, *I Fought with Geronimo* (Lincoln: University of Nebraska Press, 1959), 46.
[93] United States, *Annual Report,* 1877, 34.
[94] United States, *Annual Report*, 1876, 4.

lands after their reincorporation into the public domain. The local settler economies also benefited from the opening of reservation lands and displacement of the Indigenous peoples.

Military and civilian contracts for supplies lay at the heart of the business generated in Eastern Arizona, specifically for the so called "Indian Ring," a group of Arizona merchants who lobbied for policies that continued the subjugation of Indigenous peoples. Indigenous self-sustainability became the enemy of continued wealth for White businessman who profited from the plight of the Indigenous. Moreover, the general perspective of Grant's Peace Policy in Arizona generated a kind of antagonism toward the government and its civilian agents who fought to keep the military out of the administration of the reservation system. Before his eventual resignation Clum had requested more control and sought the removal of the military from San Carlos. Tucsonan merchants complained stating, "If you take the military contracts away from us, there [will] be nothing worth staying for. Most of our profits come from feeding soldiers and army mules."[95] The problems associated with removal were obvious to both the Indigenous peoples and their respective agents. The repercussions of the removals and constant intermingling of the various cultures on a single reservation resulted in the creation of a hostile environment for the original peoples whose homelands rested within reservation boundaries.

Cultural Consequences of Removal

At the beginning of his tenure as agent, Clum feared that if a civilian agent could not establish control and order on the reservation, the military would take control at the expense of the general welfare of the Indigenous peoples. After Clum's departure, the reservation experienced a series of changes that culminated in the materialization of his fear. Control over

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[95] Chamberlain, *Victorio*. 152.

reservation administration transitioned from civilian officials, nominated by religious organizations, to military officers. Goyathlay's war with the U.S. Army brought a significant amount of change on the reservation, specifically in terms of its administration. A significant portion of the literature pertaining to San Carlos Apachean history describes, in detail, the events of the war between Goyathlay and the military. Though what is not fully understood are the changes at San Carlos that specifically impacted the Western Apachean peoples, not just the Chiricahua.

The Annual Reports for the San Carlos Agency ended in 1881 with Agent Tiffany, the last of the Reformed Church's affiliated civilian agents. Settlers in Arizona Territory favored military control of the reservations as they believed that Indigenous peoples still posed a "threat" to the advancement of the territory. Consequently, Grant's Peace Policy lost considerable favor and the Chiricahua made certain that military officials gained control of the reservation through their continuous outbreaks, with those of Goyathlay being the most famous. Issues between the peoples at San Carlos continued throughout the 1880s. Under Agent Tiffany, a movement towards constructing and maintaining a school on the reservation became a prominent focus of the administration. Upon completion of the school's construction, the school administration reported a lack of attendance as some of the Apachean peoples refused to share the space with "Verde" Indians. Tiffany saw this as an opportunity to move the peoples into the "right" state of mind, saying, "The principal difficulty in the school is the aversion the Apache has to the Yuma and Mohave, but this in time will be overcome by judicious management and instilling right

principles."[96] A country only a decade out from the end of a civil war believed it was capable of instilling the "right principles" in dealing with a centuries old adversarial relationship.

In 1881, Tiffany reported the discovery of a large coal deposit near the southern border of the reservation and, in order to keep White settlers from occupying the land, he ordered signs to be posted in nearby camps, trails, and other conspicuous locations warning people to keep off the reservation lands. Some of the peoples on the reservation came to Tiffany stating that if the government cut off more land and continued doing so, then they might as well die.[97] By the time of Tiffany's tenure, former Presidents, Grant and Hayes, had signed six separate Executive Orders that had strategically removed portions of the Fort Apache Reservation, mostly for the benefit of the surrounding White settlers with little to no compensation given to the peoples on the reservation. On April 17, 1882, President Arthur submitted the communications from the Secretary of the Interior about the coal lands to the Senate and House. In these correspondences, Commissioner Price discussed the possibility of the government leasing the mineral lands on behalf of the "San Carlos Indians," this being the first time the term was used in identifying the peoples as a conglomerative whole. Price also brought up the possibility of removing all of the peoples at San Carlos to Indian Territory in Oklahoma. The peoples themselves stated that the old and young might be forced, but the others would never leave their lands. Secretary Kirkwood of the Department of the Interior relayed to President Arthur his thoughts on the mineral strip stating, "I am of the opinion that such a policy would be unadvisable and the establishing of a

[96] United States, Bureau of Indian Affairs, *Annual Report of the Commissioner of Indians Affairs to the Secretary of the Interior* (Washington D.C.: GPO, 1881), 8.
[97] Ibid. 10

precedent might lead to serious embarrassment."[98] His words were indeed prophetic as the issue regarding the mineral strip would result in Congress admitting its faults in the matter in 1971. While the secretary stated his opposition to such a proposal, the state of Arizona nonetheless remained without a major coal distributor. According to Kirkwood, this stood as the only discovery of coal in the territory up to this point. With this knowledge, he submitted his findings to the president for consideration in Congress. In response, Congress conducted a geological survey and examination of the land and, in 1884, Secretary Teller of the Interior submitted the final report. The findings suggested that the amount of coal present held little, if any, real economic significance. The deposits required a great amount of work, and the expensive endeavor would result in little gain for the miner.[99] Despite this discouraging news, this did not conclude the matter, however discussion of the site halted until 1896.

No further reports from the San Carlos Agency appeared in the Commissioner's Annual Report until 1888, two years after the war with Goyathlay. During the time between 1881 and 1888, Agent Tiffany resigned his post after falling ill in June 1882 with "malaria" and a kidney problem.[100] His poor reputation as the agent at San Carlos affected the surrounding population and Arizonans believed he worked closely with the "Indian Ring" in order to profit from "miscalculations" and misuse of ration distributions. Harte's research in the 1970s vindicated Tiffany, in part, from the perception perpetuated by Southwestern and Arizona historians throughout the first half of the twentieth century. Philip P. Wilcox succeeded Tiffany and, by

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[98] U.S. President, *Coal Lands upon the San Carlos Reservation: Message from the President of the United States, Transmitting a Communication from the Secretary of the Interior Relative to Coal Lands upon the San Carlos Reservation in Arizona*, 47th Cong., 1st sess., 1882. Ex. Doc. 173, 2.
[99] Ibid. 4. In compliance with law, letter of the commissioner of Indian Affairs, with report upon the coal on the White Mountain Reservation in Arizona.
[100] John Bret Harte, "The Strange Case of Joseph C. Tiffany: Indian Agent in Disgrace," *The Journal of Arizona History* 16, no. 4 (1975): 383–404. http://www.jstor.org/stable/41695290. 390.

September 1882, General Crook was assigned to the San Carlos Agency to oversee military operations. Upon his arrival, Crook immediately established military order at the agency and Agent Wilcox fell in line with the General, at first. By July 1883, Crook had removed the San Carlos Apachean police force and placed reservation police control entirely in the hands of the War Department. Fears that the "hostile" Chiricahua would corrupt the "peaceable" Apachean peoples at San Carlos forced them to keep the Chiricahua as "prisoners of war" and the War Department charged Crook with the responsibility of their oversight. The General placed Captain Crawford in charge of administering the military's responsibilities to the agency.[101] The rest of the reservation administration continued as normal for the San Carlos Agent. Crook effectively took control of the reservation and Wilcox supported Crook by giving his blessing for the new measures, although, Crook's policies were not entirely lawful.

Crook believed that the peoples at San Carlos could sustain themselves on the reservation lands, but not in the places they currently resided. As such, in November 1882 at a meeting with over 1,200 men present, he and Wilcox stated that they agreed to allow the peoples to move as they wished to more suitable lands within the reservation boundaries. The White Mountain Apachean peoples seized this opportunity to return to their homelands in the White Mountains at Fort Apache near the Cibicue, White, and Black Rivers.[102] Some of the White Mountain Apachean peoples stayed along the Gila River in the area known presently as Bylas, AZ.[103] Other groups remained relatively close to the agency along the Gila, San Carlos, and San Pedro rivers. Tensions between both the military and civilian authorities arose as Crook continued to

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[101] Ralph Hendrick Ogle, *Federal Control of the Western Apaches, 1848-1886* (Albuquerque: University of New Mexico Press,1970), 221-222.
[102] John Bret Harte, "Conflict at San Carlos: The Military-Civilian Struggle for Control, 1882-1885." *Arizona and the West*15, no. 1 (1973): 27–44. http://www.jstor.org/stable/40168251, 34.
[103] Goodwin, *Social Organization*, 9

make sweeping changes in reservation policies. Wilcox grew unhappy with Crook and fought him over control of farming practices. In this challenge, Crook wrote to the War Department stating that he would either retain full authority over the agency or be relieved. Wilcox believed it possible to maintain dual control over the agency with the military taking control of the "mountain" Apachean peoples at Fort Apache, and civilian authority continuing with the "peaceable" Apachean peoples at San Carlos. However, Wilcox willfully ended his fight for control over the reservation and resigned from his post.

Upon C.D. Ford's arrival at San Carlos as the new Agent in November 1884, Wilcox left San Carlos.[104] The fight between civilian and military authority over the San Carlos Agency escalated and news of it spread to the President's cabinet. The Commissioner of Indian Affairs petitioned the President to grant complete and total authority over the San Carlos Reservation to the Department of the Interior. Meanwhile, the newly arrived Agent Ford intended on retaining civilian control over the reservation. The fight between the San Carlos Agent and General Crook continued until the Department of the Interior ceded its control to the War Department. An unexpected reservation breakout by Goyathlay in May 1885 caused President Cleveland to rethink the administration at San Carlos and, on August 6, he suspended Agent Ford and placed control of the reservation entirely in the hands of the War Department.

During much of the time between 1885 and 1886 Crook attempted to bring Goyathlay back into federal control and, after his surrender in 1886, the federal government initiated a series of removals for the Chiricahua at San Carlos. In the aftermath, acting agent Capt. John Bullis reported in his Annual Report that the removal of the Chiricahua and Warm Spring Apachean peoples benefited the peoples remaining at San Carlos. He reported that the Yumas

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[104] Ogle, *Federal Control of the Western Apache*, 229.

and Mojaves, Clum's "Verde Indians," were the most industrious, "being less addicted to gambling, drunkenness and fighting than those of the other four tribes, and adopting more readily the apparel and customs of the whites."[105] They had kept their end of the bargain in the agreement made between themselves and General Crook prior to their removal from their homelands near Camp Verde, and stated as much, asking repeatedly to leave the reservation to return to their homes. Despite the peoples' perceived progress by Capt. Bullis, the San Carlos and White Mountain Apachean peoples occupied the best lands along the San Carlos and Gila rivers, leaving little for the "Verde Indians."[106] Bullis' reports in 1889 and 1890 continued this sentiment by the "Verde Indians" and their displeasure in remaining at the San Carlos Reservation. Simultaneously, in 1890, Bullis requested that a separate agency be established at Fort Apache for the White Mountain Apachean peoples located some 80 miles away from the San Carlos Agency. Prior to his request, the military had maintained a presence at Fort Apache, taking responsibility for the White Mountain Apachean peoples. Federal policy required the agent at San Carlos to report on both those peoples at San Carlos and Fort Apache, making the agent's job difficult as he had to traverse 80 miles of desert and mountainous terrain to inquire on the condition of the White Mountain Apachean peoples.

While much of the hostility between the Apachean peoples at San Carlos and the White settlers in Arizona Territory ceased, problems again arose when Masé, a Chiricahua from Goyathlay's band, escaped the train cars holding the Chiricahua prisoners of war on the way to Alabama. He made his way back to San Carlos and recruited several other Apachean peoples to reignite raiding practices on nearby settlements. Upon their attempted capture, they escaped,

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[105] United States, Bureau of Indian Affairs, *Annual Report of the Commissioner of Indians Affairs to the Secretary of the Interior* (Washington D.C.: GPO, 1888), 7.
[106] Ibid. 8.

killing the sheriff and his accompanying deputy. The actions of a few "Renegade Apache" drew the attention of Arizona Territorial officials, specifically the Territorial Governor. In the 1890 Annual Report of the Governor of Arizona to the Secretary of the Interior, Acting Governor Murphy advised that the peoples at San Carlos be removed, and the reservation opened up for settlement. He also suggested that the federal government prohibit Apachean peoples from purchasing or possessing firearms and charge anyone selling firearms or liquor with a felony. In the same report, Governor Murphy, recommended that, "if the Indians are not removed that the limits of their reservation be reduced, and the mineral and coal lands on the reservation be segregated and made available."[107] The Governor sought the acquisition of reservation lands for the betterment of Arizona settlers. It appeared that settlers had already started to make their way onto the reservation as observed by the San Carlos acting Agent, Capt. Lewis Johnson, who recorded several intrusions by settlers on the southern portion of the reservation at the coal fields.

Capt. Lewis, following the actions of his predecessors, continued to petition the secretary to create a new agency at Fort Apache in both his 1892 and 1893 Annual Reports. His successor, Capt. Albert Meyer, made similar notes in his reports between 1894 and 1896. Meyer stated that the distance and terrain made it incredibly difficult for the agent to travel in a timely manner and tend to the administrative duties at the Fort Apache agency. In the meantime, the Apachean peoples at San Carlos began to adapt to a world influenced by the repercussions of the "Apache Wars." Many found work in the local labor forces, digging ditches, building roads, and taking other laborious jobs, both on and off the reservation. Prior to removal, Apachean men would leave their respective homes for months at a time to find good sources of meat to bring back to

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[107] United States, *Report of the Acting Governor of Arizona, 1890,* H.R. Exec. Doc. No. 1, 51st Cong., 2nd Sess. (1890), 493-494.

their families. Post-removal, Apachean men had lost this very important facet of their culture, however, it reemerged in a new form. Often, jobs would take Apachean men away from their homes, in a similar fashion as their past seasonal hunts, but instead of bringing home meat for the family, they brought cash. All the agents encouraged ranching and farming at San Carlos, and they hoped to acquire and thereby provide the equipment necessary for the peoples to become good farmers and livestock hands. Unfortunately, their requests often went unfulfilled.

As the new century approached, Arizona Territory underwent significant changes that drastically altered the landscape of the traditional homelands of the Indigenous peoples. In 1895, a railroad company, the Gila Valley, Globe and Northern Railway Company, petitioned Congress to grant them a right of way through the San Carlos Reservation with the proceeds from the land used by the railroad company going directly to the tribe. A bill passed in both houses that granted the railroad's request, but President Cleveland vetoed the bill. The President, in his message to the Senate on February 1, 1895, expressed two significant concerns with the bill. First, he stated concerns about the proposed railroad running straight through the heart of their territory because the "Indians" on the reservation usually became discontented with settlers when they trespassed onto their lands. The President believed that this endeavor brought with it many problems, a view potentially fueled, according to Capt. Meyer, by unfounded tales of Apachean outbreaks reported in Arizona newspapers.[108] Second, Cleveland insisted that Congress obtain consent from the peoples on the reservation.

Congress overrode the President's veto and permitted the railroad company to start construction on their railway. The acting agent, Capt. Meyer, reported that the railway's

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[108] United States, Bureau of Indian Affairs, *Annual Report of the Commissioner of Indians Affairs to the Secretary of the Interior* (Washington D.C.: GPO, 1895), 125.

proposed path appeared questionable and potentially problematic in some areas. Regardless, Meyer stated that there existed division among the peoples at San Carlos regarding the potential construction of a railroad line within their territory. Each group expressed their own reasons both for and against construction, but a number of the peoples conveyed their frustration with the lack of transparency and notification of the proposed plans for their lands prior to the approval of the project's announcement.[109] Congress overlooked the concerns of the peoples and excluded their voices from discussions related to their own territories. In the days following Congress's decision to permit the construction of a railroad line through reservation territory, Congress considered another land issue concerning the Apachean peoples and reservation lands.

The House passed and sent to the Senate a sundry civil bill that included a provision related to the survey and segregation of the coal fields discovered on the Southern portions of the reservation in 1881. Before the senate voted on such a bill, Senator Crockrell, Senate Appropriations Committee Chairman, requested that the Department of the Interior provide an opinion on this specific portion of the bill. Secretary Hoke Smith of the Interior forwarded the report from Commissioner Browning, regarding the state of the coal fields, to Senator Crockrell. Browning's report included several statements made by Arizona Territorial officials who desired a federally sanctioned path to obtain reservation lands. The matter represented a significant political issue within the territory as it pertained to the Apachean peoples at San Carlos.

Despite Territorial challenges to reservation borders, some within the federal government, aware of the President's concerns, demanded that government officials consult with the peoples prior to a land extraction. The Secretary expressed sympathy towards the colonizers but took the position that they must first obtain consent from the peoples prior to separation.

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[109] Ibid, 127.

Furthermore, the relinquishment of the land by the peoples required that an appropriate payment for the land be paid to the tribes.[110] The Commissioner's letter reported that, as soon as Americans had expressed interest in the coal fields on reservation lands, certain Apachean peoples displayed an attitude of jealousy for those particular lands. The Commissioner did not state which specific group held this jealously, but given the position of the land in question, it could be inferred that these lands held a great amount of value for the Aravaipa Apachean peoples as the site included a portion of their original homelands. Commissioner Browning adamantly pressed the federal government to consider consultations with the peoples at San Carlos. He went so far as to say, "I have the honor to invite your attention to the fact that only the other day the President vetoed a bill granting a right of way to a railway company through this reservation largely upon the ground that it did not provide for first obtaining the consent of the Indians."[111]

Consequently, the federal government considered the input of the Commissioner and, between February and March of 1896, U.S. Indian Inspector Province McCormick travelled to San Carlos to discuss the relinquishment of the coal fields on the southern border of the reservation. Acting Secretary D.G. Cheeseman accompanied the Inspector, and on February 24, 1896, he and McCormick conducted a meeting with the major chiefs on the reservation who represented their respective tribes and peoples. Inspector McCormick made his position and purpose known in his opening address to the peoples stating,

> Unlike most tribes of Indians you have not a treaty with the General Government. You are here, as it were, by the courtesy of the Government, and though you are here by courtesy, yet the Government proposes in dealing with you on the business I am here for, to treat you as if you owned all of this land; it proposes to see that nothing is taken from

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[110] U.S. Congress, Senate, *Letter from the Commissioner of Indian Affairs Relative to Survey and Segregation of the Coal Fields on the San Carlos Reservation*, February 22, 1895, 53d Cong., 3d sess., 1895, Mis. Doc. 125, 1.
[111] Ibid, 2.

> you here without your full and free consent, and that every dollar realized shall go for your benefit alone.[112]

The federal government intended on obtaining this land for settlers. The fact that they allowed for such a conference with the peoples displayed the degree to which the federal government placed some semblance of humanity and dignity on the peoples but still conveyed a sense of superiority in allowing such a courtesy.

To add to this insulting position, on the part of the federal government, the Inspector provided a reason as to why the peoples needed to relinquish these lands. He reiterated a point made previously by other agents who did not understand the Apachean worldview on land usage. He stated that the land was useless to them and were incapable of working it in the same way as the White man. The land possessed no intrinsic monetary or economic value to them, but the White man was willing and able to make much of the land. To justify the sale, McCormick argued that the proceeds from the lease would benefit the people as it could be used to further invest in the cattle industry being developed by the peoples at that time. After the Inspector opened the floor to the chiefs present for comments, the principal chief of the Mojaves declared that they, indeed, did not own the land and only occupied this space. The chief also noted that the land possessed no value to them and did not know what lay underneath. This was an important statement as it exemplified the fact that the "Verde Indians," who were removed from their homelands in the north, had no knowledge of the land they occupied and were not traditionally tied to it. The land truly held no "value" because their understanding of the land did not develop into a relationship as it had with their homelands. The principal chief of the Mojave was not

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[112] U.S. Congress, House, *An agreement with the San Carlos Reservation Indians Ceding Certain Lands to the United States, Together with Reports from the Commissioners of Indian Affairs and of the General Land Office, and the Draft of a Bill Ratifying and Confirming the Agreement,* March 25, 1896, 54th Cong., 1st sess., 1896, Doc. 320, 4-5.

alone in this point. Alchesay, the principal chief of the White Mountain Apachean peoples also claimed that they had no interest in the land in question as their homelands were in the north, a place they had returned to just a few years prior. Rather than speak further on the issue of the coal fields, he used the platform provided to state that they wished to be separated from the San Carlos Agency and be given their own reservation.[113]

When it came time for the original inhabitants of that land, the Aravaipa Apachean peoples, to speak, some gave no reasons for their position and simply responded with a heartfelt "NO!" Prominent Aravaipa leaders, Nosy, Cassador, Mose Gila, Skintiah, and Nockynogies, all strongly expressed their displeasure in relinquishing their homelands to the federal government. Nosy and Cassador gave no reason for their disapproval, however, Skintiah and Nockynogies clarified their reasons stating they had a great love for their land and did not want to see it in the possession of the Whites. Mose Gila opposed the arrangement and believed that, with the proper training in the government schools, their child could develop the land themselves, then sell the coal to the Whites. The split became obvious, as some of the leaders, like Eskilta from the Coyoteros, stated that they could be persuaded if the payment was made in cash. Eskilta did not oppose opening up the reservation for the railroad, and instead, favored its construction because of the profits it would garner for the people. Others examined the proposed boundary line and believed that the new line provided very little space between it and their homes. As it grew late in the night, McCormick adjourned the council meeting and ended the first day's negotiations.[114]

On the third and final day of the negotiations, the peoples met again to finalize the unfortunate agreement. The report only provided statements from a couple of the chiefs who

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[113] Ibid, 6.
[114] Ibid.

stated their concerns, none of which were from the Aravaipa band. Bylish represented several bands of the Coyotero peoples and stated that he did not trust the government's promises and wanted it in writing that they would receive monetary compensation for the lands. Alchesay reiterated that his people possessed no claim to the land. Furthermore, Alchesay, proposed that, in exchange for his signature, he and his peoples receive an agency and reservation separate from San Carlos. Agent Meyer, who was present at the negotiations, expressed to Alchesay that this was an entirely different matter and one that would be discussed in the future after this issue was resolved. He promised to submit a special report on the matter. Ultimately, the decision to cede these lands was not made by the Aravaipa peoples, the original inhabitants. The final vote included the Yavapai peoples, the White Mountain Apachean peoples, and various other Apachean peoples who had no intrinsic interest in the lands. The measure passed with 56 percent of the peoples voting for the secession of the mineral strip.[115] The federal government's approach in this matter represented the extent of the damage caused by removal and Arizona consolidation policies. The conglomerative state of the reservation permitted the inclusion of voices from Indigenous peoples not of that land. The San Carlos Reservation identity included several peoples and, in the eyes of the government, this inclusion seemed necessary as the reservation presently consisted of several different groups. The decision to give up the homelands of the Aravaipa Apachean peoples subverted the people's authority, responsibility, and relationship to the lands.

Conclusion

[115] Colwell-Chanthaphonh, Massacre at Camp Grant, 76.

After the negotiations concluded on February 25, 1896, Agent Meyer reiterated the events of the negotiation, further emphasizing the supposed worthlessness of the mineral strip to the peoples on the reservation. He also informed the Commissioner that the railroad had reached the reservation line, however, before they entered the reservation, federal officials ordered the railroad company managers to acquire permission from the peoples at San Carlos prior to any construction on reservation lands. Meyer also kept his promise and wrote in his report that the White Mountain Apachean peoples near Fort Apache had requested their own reservation, separate from San Carlos. Acting Commissioner Thomas Smith supported this move and submitted a report to the 54th Congress via Secretary D.R. Francis on February 10, 1897, almost a year after the coal field negotiations, and proposed a series of policies that would provide for the creation of a new agency and reservation for the White Mountain Apachean peoples. However, while Alchesay and his peoples adamantly demanded the creation of this new reservation, the reports and testimonies provided to Congress in support of this move made no mention of the peoples' desire. Instead, they rationalized that the agency at San Carlos remained too far from Fort Apache to make it a realistic and feasible journey for the agent to make on a regular basis. Moreover, they attested to the fact that the mail service between Fort Apache and San Carlos remained impractical, as it often took over two weeks to send and receive letters from the respective agencies.[116] Eventually, Congress, on June 7, 1897, created the White Mountain Reservation, and, consequently, the Salt River that ran through the middle of the former Fort

[116] U.S. Congress, Senate, *To Divide San Carlos Indian Reservation*, February 12, 1897, 54th Cong., 2d sess., 1897, Doc. 121, 1-2.

Apache Indian Reservation became the dividing line between the newly formed Fort Apache, later renamed White Mountain, and San Carlos Reservations.[117]

In 1897, The Gila Valley, Globe and Northern Railway company reported to Congress that construction on the railroad line had ceased as they still had not received any kind of consent from the peoples on the reservation. Congress stipulated that the company acquire permission from the peoples and complete the railway line within a specified timeframe, and, subsequently, the company requested an extension.[118] The railroad's construction eventually finished, having the consent of the peoples at San Carlos. Changes for the peoples on the San Carlos Reservation continued, and removals occurred in a much different direction with two large moves transpiring at the turn of the twentieth century. In 1901, Chiricahua prisoners of war imprisoned at Ft. Sill, Oklahoma, requested that the federal government remove their remaining family members from San Carlos to Oklahoma.[119] The families of the Tolkepaya peoples from the "Verde Indian" group slowly left the reservation in 1891 under the administration of acting Agent Johnson, who provided passes to the peoples to leave the reservation over the span of a year.[120] From that time on, more peoples from the "Verde Indian" group strategically and methodically left San Carlos for their own homelands. By 1898, very few of the "Verde Indian" peoples remained at San Carlos because the Tolkepaya peoples saw that U.S. Officials would not punish them for leaving the reservation.[121] The remaining "Verde Indians," however, would need to wait to leave for a

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[117] *An Act Making appropriations for the current and continent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, and for other purposes*, Indian Department Appropriations, *U.S. Statutes at Large* 30 (1897): 64.
[118] U.S. Congress, House, *Gila Valley, Globe, and Northern Railway Company*, December 16, 1897, 55th Cong., 2d sess., 1897, H. Rep. 63, 1.
[119] U.S. Congress, House, *Removal of Certain Indians from San Carlos Reservation, Etc*. January 19, 1901, 56th., 2d sess., 1901, H. Doc. 347, 1.
[120] Braatz, *Surviving Conquest*, 211-212.
[121] Ibid.

more opportune moment. Capt. Meyer relieved Johnson and during his tenure at San Carlos he made it difficult for the peoples to leave for their homelands in the Verde Valley. After Meyer left his post in 1897, several agents came and went but, finally, under Capt. Nicholson in 1899, the remaining Yavapai peoples had an opportunity to leave San Carlos. Nicholson wanted to see the federal government remove itself from the "Indian Business" and granted off-reservation passes that essentially allowed the peoples to return home.

By 1903, the exodus of the "Verde Indians," or Yavapai peoples, from San Carlos had resulted in the peoples' return to their original homelands at several locations. 184 Kwevkepayas and Tolkepayas found new homes near the old Fort McDowell and 216 Yavapés and Wipukepas settled on old Camp Verde lands. A mixture of 300 various Yavapai peoples returned to the Verde River and the Tonto Apachean peoples dwelled near their Yavapai allies scattered throughout Arizona Territory. 50 of the Yavapai peoples remained at San Carlos.[122] In 1903, the federal government began to officially recognize the Yavapai peoples' respective reservations beginning with the Fort McDowell Reservation, created by executive order under President Roosevelt. In 1910, Congress approved the creation of the 40-acre Camp Verde Indian Reservation, and, in 1916, purchased 248 acres, located six miles up the Verde River, to create the Middle Verde Reservation that served the Wipukepas, Yavapés, and Tonto Apachean peoples. In 1937, the two reservations melded together to create the Camp Verde Yavapai-Apache tribe.[123] The Tonto Apachean peoples returned to their homelands near Payson, AZ and

[122] Ibid.
[123] Ibid, 220-221.

acquired a reservation of their own through a congressional act in 1972 where they identified themselves as the Payson Band of Yavapai-Apache Indians.[124]

The San Carlos Division of the White Mountain Reservation began as a reservation for Aravaipa and Pinal Apachean peoples, following the removal of the peoples from their homelands near Old Camp Grant. It developed into a consolidated reservation with numerous groups of Indigenous peoples from Arizona and New Mexico Territory occupying the lands. Many reservation agents and government officials attempted to do right by the peoples, but, often, they instigated a type of continuous harm that systematically changed and manipulated the peoples' traditional systems. The inclusion of other non-Aravaipan peoples in decisions regarding land relinquishments further reduced Aravaipa homelands, and, by extension, their traditional knowledge and identities. Because the reservation was home to "bands" of Indians and all were erroneously viewed as "San Carlos Indians," it followed, in the eyes of the government, that they should all possess the right to speak on the administration of the reservation as a whole people.

Aravaipa, Pinal, Coyotero, White Mountain, Chiricahua, Yavapai, Tonto, and other various bands of Indigenous peoples were forced onto this one reservation and made to cooperate as a single unit, ignoring centuries of traditional practices and rivalries. Many of the peoples did not even know of each other until their removal to San Carlos. Through his work, anthropologist Grenville Goodwin, provided one of the best examinations of the differing cultures on the San Carlos Reservation. Government policies created a reservation identity as a means to consolidate the peoples into a single entity and provide control over the peoples. By the end of the nineteenth

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[124] *An Act to authorize the acquisition of a village site for the Payson Band of Yavapai-Apache Indians, and for other purposes*. Public Law 92-470, *U.S. Statutes at Large* 86 (1972): 783

century, the views of government officials on the place of the federal government within the "Indian Business" changed substantially. These changes afforded the peoples removed to San Carlos an opportunity to leave the reservation and reclaim portions of their original homelands as well as the traditional identities tied to their lands. The Chiricahua lost their homelands entirely and were forced to Indian Territory in Oklahoma; the White Mountain Apachean peoples received their own reservation; the Yavapai peoples left the reservation for their homelands in the Verde Valley and some travelled to Fort McDowell, eventually acquiring their own respective reservations; the Tonto Apachean peoples reclaimed homelands near Payson, AZ creating the Tonto Apache tribe; and a majority of the original peoples from the San Carlos area maintained their reservation. Despite all the work put in by various government officials, and the good intentions of the agents, the San Carlos Reservation reverted to its pre-conglomeration status when a majority of the non-Aravaipa peoples left San Carlos. A significant portion of the non-Apachean peoples reclaimed their traditional territories throughout the end of the nineteenth and into the early twentieth century, though a number of individuals from those peoples remained on the reservation and integrated into the various Apachean families. Cultures melded together, and traditions changed. The non-Apachean peoples melded together with the San Carlos Apachean peoples and brought with them the stories of their ancestors and passed those stories down to their descendants. In essence, the peoples who remained at San Carlos no longer resembled the same groups of peoples prior to the removals. In fact, none of the peoples removed to San Carlos from their homelands could claim to be as completely whole in their traditions and cultures as they were prior to their respective removals. For better or worse, the nineteenth century profoundly altered the cultural dynamics of the Indigenous peoples of central Arizona, but through it all they remained.

Chapter 3

Creating and Civilizing the San Carlos Apachean Peoples

The consolidation policies of the nineteenth century, administered by the respective federal agents in Arizona Territory, brought many Indigenous peoples together onto a single, largely unfamiliar territory. The outcome of these removal policies impacted the various Yavapai, Tonto, Coyotero, Chiricahua, Aravaipa, and Pinal peoples and brought them all to the San Carlos Reservation, which resulted in overcrowding, culture clashes, and other inter-tribal difficulties. This made life on the reservation culturally problematic. Fortunately, for some of the peoples, the position of the federal government, regarding its place in "managing" the lives of the Indigenous peoples of the United States, changed substantially at the end of the nineteenth century. Indian Agents permitted those removed to San Carlos to leave the reservation and return to their original homelands.

As a consequence of consolidation and removal, these peoples never regained, in whole, their once vast territories. The federal government placed much of their original territory into the public domain for purchase by private citizens, however, a number of the tribes expressed their content in resettling the remaining portions of their ancestral lands. The Coyoteros received their own reservation near Fort Apache in the White Mountains and formally split from the San Carlos division in 1894, creating two separate reservations out of the one. Over twenty years after their removal from the Verde Valley, the Yavapais and Tontos who had survived the long and tumultuous journey to San Carlos, led many of their families home and established other reservations near Fort McDowell. Several of the Tonto Apachean peoples later disassociated themselves from the Yavapai at Camp Verde and established a presence near Payson, AZ, resulting in the creation of the Tonto Apache Tribe. The Chiricahua, unfortunately, continued to

live as "prisoners of war" going into the twentieth century. Eventually, they received an opportunity to live near their kin on the Mescalero Reservation.

In the late nineteenth century, the perspective held by many governmental agencies and political leaders regarding the administration of Federal Indian policy changed drastically and Congress desperately looked for a way out of the "Indian Business." The government used assimilation policies and allotment as a means to gradually abdicate the federal government's involvement in the affairs of Indigenous peoples. Congress passed the General Allotment Act in 1887, making individual property owners out of the communally centered Indigenous peoples. Education, facilitated through the boarding school system, provided the mechanism necessary to assimilate young Indigenous minds and strip away any remanence of indigeneity. Moreover, the federal government intended to transform the Indigenous students sent to the boarding schools into citizens of the United States through religion and marketable skill sets.[125] Richard Pratt, the headmaster of Carlisle Indian School, believed that any representation of Indigenous practices served to only remind the people of their "barbaric" past and that displays of culture and tradition remained unnecessary.[126] The ultimate attempt at transforming the "Indian" into the image of the White man was actualized in the form of the Indian Reorganization Act (IRA) of 1934. Because of the assimilation policies enacted by the IRA, the peoples of the San Carlos Reservation experienced changes that completely altered their traditional structures and moved them towards a Western Eurocentric form of governance.

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[125] Graham D. Taylor, *The New Deal and American Indian Tribalism; The Administration of the Reorganization Act, 1934-45* (Lincoln: University of Nebraska Press, 1980), 4.
[126] Frederick E. Hoxie, *The Final Promise: The Campaign to Assimilate the Indians, 1880-1920* (Lincoln: University of Nebraska Press, 1984), 89.

Federal Indian policies administered throughout the country in the late nineteenth and early twentieth centuries impacted the Indigenous peoples of the San Carlos Reservation. The development of the San Carlos Cattle Industry, construction of the Coolidge Dam on the Gila River, and the Indian Reorganization Act represented a transition into "modernity." These episodes worked in tandem to enable the development of a political and cultural identity that subverted traditional perspectives and practices. Moreover, federal, and local politics facilitated measures that exploited both the Indigenous peoples at San Carlos and the Pima in order to provide the most valuable desert resource to White farmers: water.

Early Attempts at Centralized Governance and Modernization

After the arrival of the Spanish, the Apachean peoples grew accustomed to the sight of Spanish cattle herds and acquired the animal for its meat. Raising livestock, however, did not emerge as a familiar skill among the various Apachean groups until the late nineteenth century as, prior to contact with Euro-Americans, many of the peoples would obtain their livestock through raids and warfare. The Apachean peoples practiced a hybrid rotation of both a nomadic and sedentary lifestyle. Often, they migrated between summer and winter homes with one location chosen as a family farm site. This seasonal rotation made keeping and raising livestock unnecessary. Apachean peoples maintained a culture of hunting, one that represented many things to the men of the tribe. The culture did not permit women to join men on hunts. Consequently, the act of hunting, itself, represented a boy's rite of passage as well as a spiritual endeavor where boys learned the customs, traditions, and stories of the people from the men who accompanied them. As a result, the peoples did not view livestock cultivation as a necessity for meat provision.

The establishment of the reservation and its administration of the daily affairs of the Apachean peoples at San Carlos hindered the continuation of traditional practices. Reservation life brought with it a great deal of problems for the peoples at San Carlos, and their forced containment severely crippled their ancient culture. Fundamental changes made by agency administrations twisted the Apachean individual's perception of their peoples, worldviews, and identity. Consequently, federal agents manipulated traditional hierarchies to suit the intentions of the colonizing force.

Hunting diminished, and the peoples at San Carlos came to rely on ration distribution for their necessities. To better manage the large groups, agents organized the peoples into individually lettered clusters labeled "Tag-Bands." Agents incorporated the "Tag-Band" as a mode of ration distribution and required the assistance of those Indigenous individuals assigned by the agent to lead these bands. These leadership positions undermined traditional leadership practices as "Tag-Band" leaders developed into de facto chieftainships and patrilineal inheritance after the death of a "Chief" grew common within the culture. The system existed on both the San Carlos and Fort Apache reservations with those at San Carlos given double letter designations such as "CF" or "SL" and those at White Mountain given single letters, "A", "B", "C" etc. Federal control of this system meant agents chose the leaders and thereby maintained power over food distribution through the Tag-Band system, removing the peoples from this responsibility and making them entirely dependent on the government. In the first wave of tag designations, the Tag-Band system used three pre-reservation local group identities to label the tags and agents incorporated the designations into the first ration distributions. These local group names helped

to sustain some semblance of indigeneity within a foreign system, but this eventually faded as the government removed other Indigenous peoples to the San Carlos Reservation.[127]

This new system of patrilineal descendancy altered traditional ownership by placing household and property rights solely in the hands of the men. Tradition dictated that women controlled the home, however, her husband retained a kind of overarching authority over matters within the home with his word placed above the woman's. Despite the man's position in the house, the woman always maintained sole ownership of the home and children and possessed the ability to overrule her husband. However, she required the consultation of the elder women in her clan prior to her objection. In the traditional Sunrise Dance, a puberty ceremony for young women, a girl must be able to demonstrate her abilities as a potential wife and mother. She is required to build a wikiup, a traditional Apachean shelter, to prove that she can provide a home for her family. Only women are permitted to touch the wikiup during construction and it is taboo for a man to be present during construction or enter the place of her dwelling during the ceremony. The responsibility for gathering food lay with the woman and the food she gathered belonged to her, this included any meat given to her by a man. In a "divorce," the wife maintained possession of both the home and children.

As the reservation population increased, due to the continuous removals and relocations to the reservation, so did the demands of the people. Agents at San Carlos purchased cattle to support the growing needs on the reservation. An elder at San Carlos recalled the events of the cattle distributions in the late nineteenth century, commenting, "Cattle were first issued in 1884. Five head to each family head. They were a black beef cattle. But most Indians slaughtered the

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[127] Goodwin, *Social Organization,* 189-91.

cattle right away."[128] The demand for beef continued to grow and the burden of supporting the peoples fell on the federal government. Merchants who supplied and distributed goods to the reservations benefited greatly and the "Indian Ring" grew out of the federal government's obligation to the Indigenous peoples. These "businessmen" eschewed the idea of Indigenous self-sufficiency because it would disrupt business. At the same time, the reduction of reservation lands benefited Arizona Territory as Americans continued to pour into the area from the east to settle and homestead. The practice of providing for and sustaining the reservation system in the United States proved costly to the national treasury and required a change.

Since Clum's tenure at the San Carlos Agency in the 1870s, agents encouraged the peoples to cultivate the land and provide a means of sustainability through agricultural practices, a traditional pastime of the peoples. While farms utilized a good portion of Arizona Territory's best lands, cattle ranching also increased in the territory. Irrigation and farming seemed to take precedent on the reservation as agents Clum and Harte strenuously supported the peoples' attempts at locating farms and planting crops. In 1878, Harte ordered them to dig irrigation ditches for the farms and this emerged as a common practice for the removed peoples as they entered the reservation. Clum requested cattle for butchering in the 1870s, but, in the Annual Reports, he reported having only sheep in his possession. Harte, during his tenure, claimed 200 cattle for the reservation. Acting Agent Chaffee stated in 1879 that the cattle population had grown to roughly 1,000 head and in 1881, under agent Tiffany, that number doubled. Individuals managed their own cattle, and milking grew common on the reservation in 1880.[129] As a foreshadow, Tiffany explained that, because of continuous farming and livestock raising, the

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[128] Harry T. Getty, *San Carlos Indian Cattle Industry*, (Tucson: University of Arizona Press, 1963), 12.
[129] United States, *Annual Report of the Commissioner of Indian Affairs, for the year 1880* (Washington, D.C.: G.P.O., 1880), 6.

reservation needed a permanent dam structure on the Gila River to provide a good source of water for both the animals and crops.

After the surrender of Geronimo, agents neglected the practice of livestock raising at San Carlos and the cattle population decreased to 1,799 head in 1889.[130] The Rice Boarding School, constructed in 1890 in Rice, AZ, located several miles north of the agency, made stock raising and milking an integral component of their curriculum. The school reported the possession of five milk-cows, three longhorns, and two "grades" used in the instruction of livestock raising. The boys, specifically, learned to milk, feed, water, and overall care for the cows.[131] Agents worried about more than just proper cattle handling on the reservation. Local White-owned cattle herds trespassed onto reservation lands in search of grazable pastures and many of the local herds experienced hardships from a drought that severely impacted the fields. White ranchers took advantage of the reservation's unfenced lands.[132]

As a result of constant overgrazing, the Department of Interior prepared a lease agreement for the Sierra Bonita Land and Stock Company to lease portions of reservation lands for grazing. However, unauthorized herds ultimately followed the herds permitted to graze upon reservation lands and the constant overgrazing created a dispute between the agents and owners of the trespassing herds. Despite this consistent problem, the Department of the Interior only required owners to pay a fine. Environmental factors forced the ranchers to either let their herds wither and die or pay a fine to sustain their livelihoods. The reservation administration profited

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[130] United States, *Annual Report of the Commissioner of Indian Affairs, for the year 1889* (Washington, D.C.: G.P.O., 1889), 122.
[131] United States, *Annual Report of the Commissioner of Indian Affairs, for the year 1890* (Washington, D.C.: G.P.O., 1890), 13.
[132] Harry T. Getty, *A Case Study in Directed Culture Change*, Harry T. Getty Papers, 1940-1980 MS14, Box 6, folder 19, Arizona State Museum, The University of Arizona, Tucson, AZ, 2.

greatly from both the grazing lease fees and illegal grazing fines. Agent Johnson collected $2,517.50 by August 1892 and expected more.[133] The dry seasons in 1894 continued to draw the trespassing herds onto reservation lands and agent Myer stated that the problem warranted the creation of new laws. However, the Department of the Interior instead decided to lease those lands not in use by San Carlos' cattle herds to the non-Indian trespassing cattle herds.[134] The following year, the Department of the Interior settled the problem on behalf of the peoples at San Carlos and negotiated land leases for the wandering herds. The income generated from the taxes and fees allowed Myer to purchase cattle-herding horses and hire non-Indian hands to maintain the herd.[135] For the majority of the nineteenth century, small contingents of both Indigenous and hired non-Indian hands cared for the cattle herds and it continued in this manner into the early twentieth century.

The Expendability of the Apachean Peoples

Establishing a tribal herd for the purpose of developing a cattle industry on the reservation remained an institution in the making and agricultural practices endured as a policy of assimilation for the Indian agents in Arizona. While the agents at San Carlos struggled to develop a tribal herd, the Apachean peoples' river neighbors, the Pima, experienced a major problem that threatened their lives and traditions. Water from the Gila River, used for centuries by the Pima peoples in their traditional agricultural practices, became scarce. Settlements along the Gila River caused considerable damage to the Indigenous farms as irrigation ditches dug by

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[133] United States. *Annual Report of the Commissioner of Indian Affairs, for the year 1892* (Washington, D.C.: G.P.O., 1892), 221.
[134] United States, *Annual Report of the Commissioner of Indians Affairs to the Secretary of the Interior* (Washington D.C.: GPO, 1894), 113.
[135] United States, *Annual Report,* 1895, 126.

White farmers diverted water from the Gila, lessening the water levels for the Pima who resided downstream. Engineer Arthur Powell Davis submitted a survey of the situation in 1896. Davis' report included comments by a consultant, hydrographer Frederick H. Newell, who proposed a possible solution: the construction of a water irrigation or dam system. In his evaluation, Newell stated that the Pima, indeed, experienced a severe water crisis, but that the water rights of the settlers upstream required attention. He requested that the government, in their endeavor to provide a solution for the Pima, also take into consideration settler water rights along the Gila River.[136] For centuries, the Pima peoples farmed their lands along the Gila River and their reservation land base included their traditional homelands. Pima water rights preceded the White settlers' claims by centuries, yet the rights and claims of the non-Indian settlers overshadowed the rights of the Pima peoples, despite the Pima's continuous residence of the area. As a counter measure to the diminishing water supply, the survey proposed well pumps as a possible solution, though, the cost of constructing these pumps was considerable, and provided only a temporary solution. The first studies, performed in 1898, identified two possible locations, the Buttes on the Gila River and Queen Creek, however, a follow-up study suggested an alternative location at the San Carlos reservoir.[137]

In Congress, proponents of the proposed San Carlos reservoir project framed their arguments around the belief that the dam resembled an action of good faith in assisting the Pima peoples in their water struggles. Representative Marcus A. Smith, from the Arizona Territory, ambitiously attempted to secure an appropriation to provide a measure of relief for the Pima

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[136] David M. Introcaso, *Coolidge Dam, Pinal County, Arizona: Photographs, Written Historical and Descriptive Data, Reduced Copies of Drawings*. United States: Historic American Building Survey, National Park Service, Western Region, Department of the Interior, 1986., 27.
[137] United States, Congress, Senate, *Conditions and Cost of Water Storage for Irrigation on the Gila River, Arizona.* S.doc.37. Washington, 1899. 10-11

peoples. Within his remarks in 1902, he expressed his concerns and reasonings for supporting the development of the San Carlos reservoir, stating, "Their condition excites our sympathy and demands our aid. Their ancestors cultivated the fields, over which they now roam penniless and helpless, yet willing to provide for themselves the necessaries of life if only given the chance. They cannot live without water. Their former supply has been cut off, and the laws protect the appropriators."[138] Emphatically communicating his views on the Apachean peoples on the San Carlos Reservation, he seemed to harbor no discontent in seizing lands from the peoples to facilitate the construction of this water project. He continued, "These Indians to be benefited by this item are not savages in the sense that the Apache is a savage. They have climbed a rung or two upward and their further elevation is not hopeless."[139] Measures proposed in Congress to support the Pimas on the Gila River failed continuously, mostly as a result of the efforts of eastern congressional members who viewed this issue as one uniquely tied to specifically Arizona. Moreover, eastern congressmen believed that the cost of constructing pumps and pumping water to sustain the Pimas remained too high.

The agent at San Carlos, Luther Kelly, also opposed the development of a dam on the Gila River, at the proposed reservation site. Kelly stated that the violent seasonal floods in July and August brought a great amount of mud into the area. Previously, these flood waters cut out several smaller self-constructed dams and ditches, and filled some with sediment.[140] Ultimately, a dam project did not pass in the early years of the twentieth century and the Salt River Project,

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[138] Representative Smith, speaking on Indian Appropriation Bill, on February 20, 1902, 57th Cong., 1st sess., *Congressional Records,* 35 pt. 2:1997.
[139] Ibid.
[140] United States. *Annual report of the Commissioner of Indian Affairs, for the year 1904* (Washington, D.C.: G.P.O., 1904), 152.

under the National Reclamation Act in 1902, resulted as a temporary solution to the Pima's water issue.

Changes in the distribution of cattle by the San Carlos Reservation administration came in 1910 for both the peoples on the reservation and those within the surrounding border towns. An Apachean elder at San Carlos recounted the occasion he first witnessed Agent Weaver distributed cattle to residents for the purpose of livestock raising. He stated, "About 1910 Weaver was agent; it was he who first brought cattle. He bought five hundred head to try out and see how cattle raising would go among our people. He issued about ten head a piece to different men here [possibly Bylas] and at San Carlos."[141] The Superintendent reported that, in 1910, around a hundred people at San Carlos engaged in cattle raising and the reservation exhibited environmental conditions ripe for the development of a cattle industry.[142]As the Superintendent attempted to initiate a new method of sustainability for the peoples at San Carlos, talk of the San Carlos dam circulated in the border towns of Florence and Globe, AZ.

Globe's local newspaper, the *Arizona Silver Belt*, reported that the proposed San Carlos dam project faced two significant barriers: cost and the environment. Sediment build-up hindered the prospective construction and future stability of the dam. Regarding the local economy, the newspaper stated that the dam required the removal of a railroad line that passed through the reservation. Citizens of Globe, a well-established coal mining town, benefited more from the continued development of a railway system to transport coal than they would from a dam. Concurrently, between 1905 and 1909 several interested parties competed for the right to use the

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[141] E.S. *Agriculture, Cattle, and Domestic Animals.* Grenville Goodwin Papers 1929-1939 MS17, Box 4, folder 52, Arizona State Museum, The University of Arizona, Tucson, AZ.105.
[142] Peter Iverson, *When Indians Became Cowboys: Native Peoples and Cattle Ranching in the American West* (Norman: University of Oklahoma Press, 1994), 107.

San Carlos reservoir. Many interested parties submitted applications and filed for the right to use the site, either in its entirety or portions of it. This included the Arizona Eastern Railroad Co. in 1906 and 1909, an individual named J.N. Jamison in 1909, as well as the Casa Grande Valley Water Users' Association and the Gila River Water Co.[143] Unfortunately for those who submitted applications, congressional proposals for the site allowed the federal government to maintain a kind of preemptive declaration on the locale, and, consequently, the government denied all the applications.

The dam threatened Globe's local coal industry and Globe residents, vested in the best interest of the mining town, opposed the dam project. Simultaneously, just as congressional officials used the Pima peoples as the human interest for their proposals, the *Silver Belt* reported that opponents of this project expressed their concerns for the welfare of the peoples at San Carlos because several of the peoples' farms lay within the flood range of the reservoir. Ironically, the town of Globe used the peoples at San Carlos as a major factor in their protest of the dam, while proponents of the dam proclaimed a desire to assist the Pima, the Apachean peoples' historical enemy. The people of Florence, AZ, an agrarian settlement located between the two sites, approved of the project. The town and their farms stood to benefit greatly from this significant water project. Unfortunately, those who favored the dam on the Gila experienced a setback as subsequent surveys in the 1910s concluded that the San Carlos reservoir site did not display any favorable environmental conditions for the project and remained an impossible venture. [144]

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[143] U.S. Congress, Senate, *Use of San Carlos Reservoir Site, Arizona*, February 26, 1912, 62d Cong., 2d sess., H. Doc. 347, 1912, 2.
[144] *The Daily Arizona Silver Belt*, 26 Jan 1910, p.1, cols.1-3,"Globe People Declare for Railroad"; cited at *Newspapers.com* Publisher Extra, (https://www.newspapers.com/image/legacy/78434569/?terms=San%20Carlos%20Dam&match=1). 4.

Agents at San Carlos refocused their attention during the 1910s to become primarily a lease grazing enterprise. Several White-owned ranches acquired leases between the years 1911 and 1917. One company alone grazed 20,000 head of cattle and horses per year. An extra 5,000 head accounted for the illegal overgrazing and this excessive grazing created contention between the superintendent and leaseholders on the reservation.[145] The Apachean peoples in 1914 continued to benefit from the income generated by the leases. An Apachean Elder stated, "In 1914 a tribal herd was bought; one thousand head, put upon Casador [*sic*] Spring's range. Lawshey was superintendent then."[146] The establishment of a tribal herd represented the first step in a series of changes that, ultimately, altered the culture on the reservation.

By 1919, the tribal herd's beef quality had improved substantially, and it allowed the reservation cattle association to register their bulls with the American Hereford Association. This move also allowed the tribe to record a bull's pedigree to ensure quality beef production. Reservation policy permitted the distribution of heifers and bulls from the tribal herd to men interested in cattle raising.[147] Space became an issue as the reservation did not possess the means to support both lease grazing and a large tribal herd. Superintendent Davis petitioned Washington to provide a solution to this problem and, in the middle of this debacle, Commissioner Sells left office in May of 1921. The incoming commissioner, Charles H. Burke, decided against revoking grazing permits, which would have allowed the tribe to maintain the herd population, and instead, he ordered the herd be reduced in size. This move angered the

[145] Getty, "San Carlos Indian Cattle Industry," 15.
[146] E.S., *Agriculture, Cattle, and Domestic Animals*, 105.
[147] Harry T. Getty, "Development of the San Carlos Apache Cattle Industry." *Kiva* 23, no. 3 (1958): 1–4. http://www.jstor.org/stable/30247963, 3.

peoples at San Carlos as this meant sacrificing their herd to sustain White-owned cattle on their lands.[148]

In the mid-1910s, Carl Hayden revitalized the San Carlos Project, and in 1914 he submitted the first San Carlos Project bill (H.R. 17106). The bill did not receive much attention as many in congress believed that Arizona received a disproportionate amount of support from the previously passed, Reclamation Act.[149] However, the Indian Appropriation Bill of 1914 allocated $10,000 to continue a study on the construction of a dam on the Gila River within the San Carlos Reservation. Discussions related to the use and construction of the dam on Apachean lands did not include Apachean voices.[150] The Pima's, however, continued to lobby for the San Carlos Project and their efforts came at an opportune time. Hayden played the "Indian Card" and adjusted his tactics in a manner that aligned with the plight of the Pimas, a people he had grown familiar with as a child. His childhood nurse, a Pima woman from Sacaton, had taught him how to count in the Piman language, and, as a young boy, he had also received the privilege of meeting Chief Antonio Azul.[151]

Senator Hayden worked hard to obtain the votes necessary to pass legislation that distributed funds for projects that laid the potential groundwork for the dam. One such steppingstone materialized in 1916 with the Indian Appropriations bill which included funds for the construction of the Florence Diversion Dam on the Gila River, eight miles east of the town. Hayden resolutely tried to wear down Congress in order to obtain approval of the major water

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[148] Iverson, *When Indians Became Cowboys*, 107.
[149] August, Jack L. "Carl Haydens 'Indian Card': Environmental Politics and the San Carlos Reclamation Project." *The Journal of Arizona History* 33, no. 4 (1992): 397–422. http://www.jstor.org/stable/41695967. 403.
[150] U.S. Congress, Senate, Committee on Indian Affairs, *An Act Making Appropriations for the Current and Contingent Expenses of the Bureau of Indian Affaris, for Fulfilling Treaty Stipulations with Various Indian tribes, and for Other Purposes, for the Fiscal Year Ending June 30, 1914,* 63rd Cong., 1st sess., 1913, Washington: U.S. G.P.O., 1914, 150.
[151] Ibid.

project, despite the unwillingness of many congressmembers to fully invest in the San Carlos dam. However, Congress would only agree to fund the smaller projects, ones that supported the Arizona irrigation infrastructure. During this same time, Hayden acquired a very valuable ally in Senator Ashurst, who chaired the Committee on Indian Affairs. In March 1917, Hayden secured another small victory when Congress passed a bill that authorized the construction of a diversion dam on the Gila River four miles east of Sacaton, AZ.[152]

Public support for the San Carlos dam project increased statewide. Citizens created new local organizations to aid in generating positive publicity for the San Carlos Project. Gila River Valley farmers founded the "The San Carlos Association" in 1918 and pledged their support for Hayden's endeavors, including the establishment of a new annual festival, christened "San Carlos Day," as a booster function.[153] Arizona citizens usurped the name of the reservation connected solely to the Apachean peoples at the San Carlos Reservation, consigning it to a cause that excluded their voices. On August 22, 1919, the *Arizona Republic* released a special issue of the newspaper entitled "Let's Build the San Carlos Dam Now" which outlined the proposed project along with the local Arizona groups who favored the project.[154] Even the *Casa Grande Valley Dispatch*'s December 2, 1921 issue featured a hymn on the front page entitled "Victory Hymn of San Carlos Dam."[155]

Although Congress refused to sanction the construction of a dam, the efforts of Senators Ashurst and Hayden paid off in other ways. In May 1922, construction on the Florence Diversion

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[152] U.S. Congress, Senate, Committee on Indian Affairs, *Diversion Dam on the Gila River at a Site Above Florence, Ariz*., 64th Cong., 2d sess., 1917, Washington: U.S. G.P.O., 32-38.
[153] August, "Carl Hayden's 'Indian Card'", 404.
[154] "Let's Build the San Carlos Dam Now," *Arizona Republic* (Phoenix, AZ), Aug. 22, 1919, 1. Cited at: *Newspapers.com*, https://www.newspapers.com/image/118950670.
[155] Mrs. H.C. Hager, "Victory Hymn of San Carlos Dam," *Casa Grande Valley Dispatch* (Casa Grande, AZ), Dec. 2, 1921, 1. Cited at *Newspapers.com*, https://www.newspapers.com/image/2621554.

Dam finished, followed by the Sacaton Diversion Dam in June 1925. While Hayden lobbied for the dam project under the guise of supporting the Pima peoples, White farmers stood to gain the most from this project. Access to water, as a result of the dam's construction, would provide what appeared to be an indirect benefit for White farmers, which further supported the reasons to implement the project on the Gila River. It would also significantly boost the Arizona cattle industry. More water meant that farms would produce better crops, thereby increasing the quality of feeding and finishing cattle, which allowed for a longer fattening time.[156] When discussing the impact of the dam on the Indigenous peoples at San Carlos, Hayden responded, "It is safe to say that the warlike Apaches have cost the American Government more than ten times the money necessary to build the San Carlos Dam for the benefit of the peaceful Pimas."[157] Hayden seemed to completely disregard the history of those Apachean peoples who assisted agent Clum in orchestrating the first and only capture of Goyathlay prior to the "Geronimo Campaign."

By 1924, Congress appropriated such a significant amount of money for the development of an irrigation infrastructure in the Gila River Valley that it seemed only logical to continue this "progressive" path. The efforts of Senator Hayden and his allies culminated in Congress' approval and appropriation for the construction of the San Carlos dam. Senator Ralph Cameron of Arizona submitted senate bill 966 which formally authorized the construction of the San Carlos Dam.[158] The bill passed in April 1924, but to ensure the signature of President Calvin Coolidge, congressman Hayden suggested a naming scheme to secure the bill's support. Following the passage of the bill, the Appropriations Committee's report revealed Hayden's

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[156] U.S. Congress, House, Committee on Indians Affairs, *Pima Indians and the San Carlos Irrigation Project Hearings before the United States House Committee on Indian Affairs,* 68th Cong., 1st sess., 1924, Washington: U.S. G.P.O., 1924, 4.
[157] As quoted in Introcaso, *Water Development on the Gila River*. 53-54.
[158] Ibid, 54.

suggestion, saying, "Acting upon the suggestion of Representative Hayden, in whose district and State the project lies, the committee recommends the dam be hereafter known as the Coolidge Dam."[159] Hayden secured the dam's construction, but his position and support for this project did not completely benefit the Pima peoples. Ultimately, White farmers and ranchers in the Gila Valley profited the most, but Hayden's initial support for the betterment of the Pima helped to secure a start for the dam's construction. While Congress never once considered the concerns of the Apachean peoples at San Carlos, the peoples had much to say about this dam being constructed on tribal lands, even after the bill passed.

That Dam Project

While the omission of Apachean voices throughout the lengthy process of securing a dam on reservation territory did not go unnoticed, there were more pressing matters at hand. When Superintendent James B. Kitch began his tenure at San Carlos in 1923, he immediately started improving the cattle raising practices first initiated by Agent Weaver in 1910, intending to make cattlemen out of Apachean men. Upon his arrival at San Carlos, he immediately implemented changes on the reservation that solely benefited his administration. In an act to pursue self-governance and ensure the representation of all the various peoples on the reservation, the San Carlos peoples, under the previous superintendent, had established a business council led by former reservation police officer and son of a chief, Henry Chinn. Kitch hurriedly worked to dismantle the council in order to manage the reservation without interference from the council.[160] Instantly, he made an enemy out of Henry Chinn who vehemently opposed this action. He, along

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[159] Camton, U.S. Congress, House, Committee on Appropriations. *Interior Department Appropriation Bill*, H.rp.37. Washington, 1926. 3.
[160] Taylor, *The New Deal and American Indian Tribalism*, 70-71.

with several followers, arduously petitioned the Bureau of Indian Affairs to reestablish the council. Unfortunately, the Bureau supported Kitch and ignored the petitions for the next decade, although the issue came up again in the early 1930s.[161] The superintendent submitted his initial evaluation of the situation on the reservation and concluded that the farms did not produce enough food to sustain the tribe. Kitch excluded cattle from his initial report, save for the vocational dairy farming instruction offered at the Rice Boarding School.[162]

At the onset of his administration, Kitch instituted measures on the reservation that promoted cattle raising. As one Apachean elder noted, "In 1923 Kitch came along from Idaho…He said five head was not enough, so they started issuing twenty head at a time to a man. When each man had twenty head, they would start in the rounds again and give each man twenty more head."[163] Growing the herd on the reservation became the focus of the Kitch administration, but continuous growth required room for the new cattle herds. By the 1920's, the Department of the Interior leased nearly all available reservation to non-Indian cattle ranchers, and in order for Kitch to obtain new lands for the reservation herds, he required the removal of the White ranchers. The superintendent planned to slowly remove White cattle operators from the reservation by terminating lease agreements after, or sometimes, before, their expirations. This method allowed the reservation cattle industry to expand over time while they waited for leases to expire.[164]

This plan greatly angered lease holders and on Monday June 8, 1925, the Senate Subcommittee from Public Lands and Surveys held a hearing on the matter at the Federal

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[161] Ron Dungan, "Cattle And Constitutions: James Kitch and the Indian New Deal on the San Carlos Apache Reservation." *The Journal of Arizona History* 36, no. 2 (1995): 135–50. http://www.jstor.org/stable/41696155. 138.
[162] Kitch to Commissioner, December 15, 1923. 1-2.
[163] E.S. *Agriculture, Cattle, and Domestic Animals*, 105
[164] Getty, *A Case Study in Directed Culture Change*, 3-4.

courtroom in Globe, AZ. Local ranchers, mining corporations, residents, and the peoples of San Carlos gave their testimonies on a variety of related issues. Ranchers divulged their problems with high fees, the drought, beef prices, and their forced removals – ironic that they complained about being forced off land they had grown accustomed to using. Committee members intended to focus the hearing on the use of "public land," but in the eyes of the ranchers, and some congressmembers, this included "Indian lands." An argument ensued between Senator Ashurst and Superintendent Davis of the Fort Apache Agency where they debated over the definition of "Indian lands" as it pertained to the public domain and the applicable laws governing cattle grazing on public lands. Both Kitch and Davis spoke to the fact that Congress set aside these lands for private use by the "Indians" and essentially argued for tribal sovereignty.[165]

While White men argued over capitalistic ventures, the Apachean people from San Carlos used this opportunity to express their grievances with both the federal government and agency administration. In 1926, the federal government provided a venue where the Apachean peoples could finally speak on issues related to the dam. Oliver Belvidore [Belvado] spoke on concerns related to the construction of the dam, railroad, and other issues.[166] Through Manuel Victer [Victor], who acted as an interpreter, Belvidore stated, "I find that the cultivation of land, that farming is the most important industry. But now they are going to flood us out. We, the Apaches, here on the San Carlos Reservation are just the same friends you have down below the dam [The Pima], and I wish to beg you to treat us the same as you treat those Indians down

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[165] Iverson, *When Indians Became Cowboys*, 110-112.

[166] Both Victor and Belvado are names still used in the contemporary and their correct spellings are marked to emphasize this fact. It appeared that either the stenographer was not able to obtain the spellings, or their names evolved into the current forms. However, the names are used in other documents in the later 1920s that incorporate the spellings that are familiar on the reservation. The spellings change throughout government documents.

below."[167] In his explanation, he demanded compensation because the flooding of their farms would hinder their ability to sustain themselves. Senator Cameron assured Belvidore that the government fully intended to reimburse the people for their losses. The issue of flooded farms seemed to be reconciled, but another concern related to the flood areas included the graves of their ancestors. Belvidore stated, "It is our forefathers who died long ago that have been buried here, but we don't know them, where they are buried, those big Chiefs."[168] In response, Senator Cameron agreed to remove the bodies of their kin at the government's expense.

Belvidore approved of the Senator's arrangement, but Manuel Victer and another man, William Dustin, spoke on a common complaint regarding the laws passed in Congress, including the construction of the dam. Victer said, "Well, these bills that have been passed are never known to us, how the bill was passed. We never know about these bills."[169] He continued, "they never notify the Indians how these bills are passed. Everything is kept secret."[170] William Dustin complained through Manuel Victer, "We never know that you people are coming. Even our superintendent never notified us that you are coming here – just kept it secret to themselves."[171] Communication with the Apachean peoples on the San Carlos Reservation, especially concerning serious matters, seemed to be unimportant to Congress. The peoples presented a number of concerns to the committee members at the hearing and Senator Cameron, in order to hear all of the complaints, instructed the peoples at the end of the hearing to submit a written statement outlining all of their criticisms and objections. Ultimately, the list included several

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[167] U.S. Congress, Senate, Subcommittee of the Committee on Public Lands and Surveys, *Hearings before a Subcommittee of the Committee on Public Lands and Surveys, United States Senate, Sixty-ninth Congress, First Session Pursuant to S. Res. 347 to Investigate All Matters Relating to National Forests and the Public Domain and Their Administration*, 69th Cong., 1st sess., 1926, (Washington: G.P.O., 1926), 645-646.
[168] Ibid. 648
[169] Ibid.
[170] Ibid.
[171] Ibid. 649.

problems with Kitch and his policies, but also mentioned problems related to the construction of the dam, lack of jobs, mismanagement of the tribal herds, unequal distribution of cattle, and general overall inattentiveness to the Apachean peoples' plight at San Carlos. The Committee never confronted Kitch about the accusations brought against him by the Apachean peoples, and only questioned him on the troubles of the White ranchers.

The hearings did not provide the intended results for the White ranchers. Kitch wanted to gradually cancel leases held by White ranchers, and he did. He believed that the development of this industry on the reservation not only provided the peoples a way to sustain themselves but also lead them towards assimilation.[172] Expansion happened rapidly, as Kitch reported 1,400 head issued by 1926 and 700 more acquired by the end of the year. Auctioneers praised the tribe's herds, claiming the quality of beef produced by tribal cattle consisted of good stock.[173] Interest in cattle raising increased and in 1926, Kitch reported to the Commissioner that the cattle association organized on the reservation totaled 50 members.[174]

Things progressed for the officials in Washington with the construction of the dam and on May 13, 1926, the Southern Pacific Company submitted their contract for payment of damages incurred from removing their branch line from the reservoir site, a cost just south of one million dollars.[175] Admittedly, officials in Washington remained disconnected from the people at San Carlos. Therefore, in an effort to raise awareness to their hardships, John Rope of Bylas, AZ informed Kitch of his desire to accompany him to Washington and visit the Commissioner's

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[172] Iverson, *When Indians Became Cowboys*, 122.
[173] Getty, *San Carlos Indian Cattle Industry*, 28-29.
[174] Ibid, 29.
[175] "Contract for Payment of damages to Southern Pacific Company due to Necessity of Removing Part of its Arizona Eastern Branch from Coolidge Reservoir." As found in U.S. Congress, House, Subcommittee on Water and Power Resources of the Committee on Interior and Insular Affairs, *Oversight hearing on San Carlos Fish Kill*, 95th Cong., 1st sess., 1977, (Washington: Independence Reporting, Inc, 1977). 1-4

office. He intended on requesting support for irrigation ditches that the community needed for their farms at Bylas. The Commissioner denied Rope's request and stated that, upon the completion of the dam, they would acquire all the water they needed.

In 1927, the superintendent reported that while 350 families possessed cattle, 305 of those brands actively sold cattle. Apachean men on the reservation worked the tribal herd, which now totaled 5,527 head. Kitch noted in July of 1927 that the men received work and pay under the White wagon bosses at both Bylas and Rice. Kitch created these jobs with the intention of providing on-the-job training for handling cattle as 30 families per year entered the cattle business, increasing the demand for skilled handlers.[176] While Kitch continued to advance his agenda on the reservation, Chinn relayed his concerns, which seemed to always go unanswered, to the Commissioner's office in Washington. Between August and October 1927, Chinn exchanged letters with Assistant Commissioner E.B. Meritt regarding several topics of interest for the people at San Carlos and requested the opportunity to organize a delegation to go to Washington. The office did not agree with a special trip from San Carlos, but Kitch believed that concerns of the peoples warranted a visit to the reservation by the Assistant Commissioner.

Meritt, by Kitch's request, traveled to San Carlos to hear the concerns of the peoples in a special hearing on October 27, 1927. William Dustin spoke on behalf of his tribe on several occasions and emphasized one prominent point related to the dam and other issues regarding land use. He stated, "We wish to know if we Indians as a whole are entitled to the land or the White man." The men stated they had no autonomy over their lands and that when they had

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[176] Kitch, James B., *Report Rehabilitation San Carlos Apache Indians: Account Removal from San Carlos Reservoir Area, Arizona*. 6, As found in U.S. Congress, House, Subcommittee on Water and Power Resources of the Committee on Interior and Insular Affairs, *Oversight hearing on San Carlos Fish Kill*, 95th Cong., 1st sess., 1977, Washington: Independence Reporting, Inc, 1977.

requested an opportunity to sell their timber, Kitch denied their request. Meritt stood by Kitch, who believed the cost to conduct this business exceeded any generated income.[177] Concerning the dam, Victor Kinderlay inquired about the land the government intended to flood and if they would receive payment for those lands. Meritt assured him that they would, and that Congress assigned a three-member committee, which included an unidentified San Carlos "Indian," to investigate the possible damages. Jobs and energy use, as it pertained to the dam project, remained a point of contention for the peoples as well.

Many assumed that the dam would provide jobs for the people, yet construction crews hired only a small number of Apachean peoples. Manuel Victor, who worked as a carpenter at the dam, conveyed his interest in the energy produced by the dam and stated, "There is the Coolidge Dam Project now and all these Indians wish to ask that when the Dam is finished what about the power. We want the power ourselves from the Dam. I mean for the Indians."[178] Meritt asked why they wanted to use the power and Victor responded saying that they wished to use it to power farm machinery. Merrit replied, "I wish to congratulate you on such progressive ideas. We are glad to see the Indians progress in any way."[179] The incorporation of electricity into farm production aligned with the "Indian as a yeoman farmer" mentality that the Bureau of Indian Affairs consistently pursued since allotment in the nineteenth century. Meritt expressed his pleasure in the "advancements" of the peoples at San Carlos, while not all attempts at economic expansion acquired praise. The peoples requested the opportunity to develop a timber operation that would "progress" them further, but Meritt turned down this venture.

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[177] National Archives, Washington, D.C. Record Group 75, Bureau of Indian Affairs, Entry 121: Central Classified Files, 1907-1939, Decimal Number 056, 4.
[178] Ibid, 9.
[179] Ibid, 11.

Throughout the authorization and construction of the dam, information pertaining to the dam's possible and subsequent construction rarely, if ever, reached the ears of the peoples at San Carlos. During the debates in the 1910s, when Hayden endeavored to pass legislation to ensure the dam's construction, negotiations excluded the peoples from San Carlos and the initial passage of the bill in the early 1920s, likewise, did not include any of the peoples' concerns. Considering the statements made by Representative Smith in the early 1900s describing the savagery of the "Apache" and the comments made by Senator Hayden in the 20s explaining the cost and hardships endured by the federal government when combating the resistance of the people in the nineteenth century, the exclusion of the peoples in the discussion and the dismissal of their concerns did not resemble an oversight by the federal government. As such, Sam Yesterday of San Carlos spoke to Meritt on this point and a small back-and-forth ensued:

Yesterday:	I have written to Washington. All these men are my Braves. I am one of the big chiefs here. We have been writing to Washington and we think the Father thinks we are his children the same as I think these are my children. We want to know who the people are who caused the building of the Coolidge Dam."
Meritt:	The Congress of the United States authorized the building of the Coolidge Dam.
Yesterday:	Why didn't they let me know in time what they were going to do so that I could let them know how I felt about?
Meritt:	Congress is a large group of men whose purpose it is to settle questions. You should have gone to Congress with your questions rather than expect Congress to come to you.
Yesterday:	We all belong to the Great Spirit, and they have no reason to take our home from us.
Meritt:	What is the next question? Congress has already authorized the building of the Coolidge Dam and it is being built. You will be compensated for the land. But it is now a closed incident and it will do no good to talk over the merits of the dam.

Regardless of the concerns that Yesterday and others expressed with the construction of the dam, from the perspective of the federal government, it remained a moot point and no longer a concern of the government officials.

One of the last major points brought before Meritt related to the establishment of a tribal council, an effort previously thwarted by Kitch after he dismantled the previous council in 1923. William Dustin spoke on this matter, informing Meritt that they wished to create a formally recognized council of twelve. They intended to use this council as a vehicle to bring the problems of the reservation to the Superintendent and Commissioner in an official manner, rather than as individuals. As the winds changed in Washington with regard to tribal administrations, this question came at an opportune time. Meritt responded favorably to Dustin's request but reminded Dustin that the final word lay with the Commissioner.[180]

The following year, the peoples at San Carlos created a "Business Committee" that acted as a tribal council, whether this council possessed any real authority is unknown. With the new tribal Business Committee in place, the people selected leaders to serve on this committee, and Henry Chinn once again found a place in tribal leadership. By 1928, Chinn had become a problem in the eyes of Kitch, as his influence over others on the reservation held a great amount of weight. He often brought the issues facing the peoples at San Carlos to the attention of the Commissioner, bypassing Kitch's administration entirely. Chinn testified on the growing concerns towards Kitch, as felt by the peoples, in the 1925 hearings in Globe, AZ, and also petitioned the Commissioner to allow a delegation to visit Washington, which, instead, resulted in Meritt's visit to the reservation in 1927. He spoke as a representative for the people and many of the other influential men on the reservation supported Chinn. Many on the reservation viewed

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[180] Ibid, 21-22.

him as a great, well-respected leader, especially by those who would eventually become the next generation of councilmen and chairmen in the mid-twentieth century. The "Business Committee" worked to improve the lives of the peoples they served. At one point, the committee wrote an official letter, which included Henry Chinn among the signatories, to the Senate in December 1928 urging them to review the Miriam Report. The researchers who conducted this study across the country interviewed several individuals from San Carlos and, consequently, the peoples understood the public implications of the report.[181]

As the dam neared completion in 1928, the federal government began developing plans to relocate the peoples who resided near or on the potential flood zones. To help guide Supervising Engineer Clotts in locating the best possible lands to relocate the peoples at San Carlos, Kitch called a meeting with the heads of households and gathered opinions from prominent individuals to facilitate testing locations for water sources outside of the reservoir area. The main concern among those who submitted written opinions involved the procurement of an abundant water source that could sustain the farms of the peoples. Initially, Bylas, AZ seemed to provide the best solution as seen by both the peoples and agency administration, because it held a substantial amount of water. However, a majority of those present at the meeting objected to relocating to this location. A congressional report for the appropriation bill in 1931 stated that "The Indians protested that they did not want to remove to Bylas as the Bylas Indians were not friendly to them and they preferred to go to some point near Cutter between Rice and Globe…"[182] The

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[181] U.S. Congress, Senate, *Improve Conditions on Indian Reservations in Arizona*, May 16 (calendar day, June 3), 1929, 71st Cong., 1st sess., 1929, S. Doc. 16, 26

[182] U.S. Congress, House, *Interior Department Appropriation Bill, 1931: Hearings before Subcommittee of House Committee on Appropriations*, 71st Cong., 2nd sess., 1931 (Washington: G.P.O., 1931), 329.

historical and cultural differences between the various groups on the reservation returned to the forefront, even after decades of mutual residence on the San Carlos Reservation.

As a result, government contractors surveyed the sites at Rice, Gilson Wash, McMillan, and Peridot for both water and power line installation. Many of the written remarks on the matter emphasized the urgency to relocate as soon as possible. Abner Upshaw, an Apachean resident, stated in his opinion, "There is not any other kind of work that the San Carlos Indians could engage themselves in but farming. I wish to say that we planted some grain this winter, and by the different contractors coming in on the Reservation and destroying our ditches we are not able to irrigate at this time so we really have to move out to some other lands as soon as possible."[183] Kitch included 185 individuals in the discussion, all of whom represented the majority of the families on the reservation threatened by the potential flooding from the dam. Coincidentally, he found that of the almost two hundred people, 90 wanted to go to the Rice area, 33 requested Bylas, and 30 claimed no preference.[184]

While the people stated their preferences to the Superintendent, government officials completed an initial report and survey of the dam's hydroelectric capabilities and submitted the findings to the Senate on May 3, 1928. They concluded that the lands used for the construction of the dam contained no intrinsic material wealth. The survey essentially considered the land worthless and advised against compensating the tribe as the cost to provide the reservation with electricity exceeded the cost of these reservation lands.[185] The following year, Clotts decided on

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[183] James B. Kitch to Herbert V. Clotts. June 5, 1928, Coolidge Dam Project As found in U.S. Congress, House, Subcommittee on Water and Power Resources of the Committee on Interior and Insular Affairs, *Oversight hearing on San Carlos Fish Kill*, 95th Cong., 1st sess., 1977, Washington: Independence Reporting, Inc, 1977. 8.
[184] Ibid. 9.
[185] U.S. Congress, Senate, *Proposed Development of Hydroelectric Power at the Coolidge Dam*: *Letter From The Chairman Of The Federal Power Commission Transmitting, Pursuant To Law, A Report On The Compensation Of Apache Indians Of San Carlos Reservation For Generation Of Hydroelectric Power At Coolidge Dam*, May 3 (calendar day, May 4), 1928, 70th Cong., 1st sess., 1928, S. Doc. 93. 1

Rice as the best site. His analysis of Bylas concluded the area developed an alkaline crust from previous irrigation practices which did not allow for the construction of pumps and power lines from the dam.[186] Upon the peoples' and agency's removal to Rice, AZ and with the completion of the dam looming, Kitch, to ensure continuity, submitted a request to change the name of Rice, AZ to the original agency name. Kitch succeeded and thus Rice became San Carlos.[187]

The Arizona Republican, and other newspapers, published articles that featured the history of the reservation and the completion of the dam. In the October 27, 1929 issue, the newspaper expressed the significance of the reservation, the Apachean people and Arizona's history, praising the societal strides made by the peoples. The paper reported that, "The new agency at Rice is ultra modern. Its school buildings of tufa stone, its dormitories, chapels, and dwellings resemble structures about a university campus. Modern trade pursuits are followed by the young bucks and modern clothes are worn by them. The Indian girls are becoming domesticated and their advancement along educational lines is remarkable."[188] The paper heavily emphasized the extent and benefits of assimilation. The article continued, "That the Apaches have been reduced to peaceful and law abiding human beings through what has transpired at San Carlos since 1871 is remarkable."[189] The issue also included an interview with a prominent Apachean leader who witnessed some of Western history's most significant moments. Chief Talkalai recounted his times at San Carlos as a young police officer, serving under Agent Clum during his tenure as agent. He stated, "I don't know how old I am. I met him about the time I was

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[186] Herbert V. Clotts to Commissioner of Indian Affairs, February 6, 1929, in U.S. Congress, House, Subcommittee on Water and Power Resources of the Committee on Interior and Insular Affairs, *Oversight hearing on San Carlos Fish Kill*, 95th Cong., 1st sess., 1977, (Washington: Independence Reporting, Inc, 1977), 2.
[187] Letter from Frances Kitch to Harry T. Getty, Harry T. Getty Papers, 1940-1980 MS14, Box 4, folder 3, Arizona State Museum, The University of Arizona, Tucson, AZ, 2., 1.
[188] Leslie E. Gregory, "Silent City of Apaches Doomed," *Arizona Republic* (Phoenix, AZ), Oct. 27, 1929, 5. Cited at Newspapers.com, https://www.newspapers.com/image/116957955.
[189] Ibid.

old enough to have my first squaw."[190] In one instance, he saved Clum's life. When his brother attempted to murder the young agent, Talkalai made the difficult choice to kill his own kin to save the agent. The elderly Chief accompanied Agent Clum in the first and only capture of Goyathlay (Geronimo) and stood guard over the "renegade Apache" during his time at San Carlos. The chief continued to communicate with the former agent who would occasionally send money to the aging chief.[191] As the citizens of Arizona praised and fondly reminisced about their past, the Apachean peoples continued to experience the same prejudices in the twentieth century, as their ancestors had, while yet again, the federal government initiated a removal for the benefit of the colonizer. Sadly, almost as a representation of the transition from the old to the new, Chief Talkalai, the last remaining traditional chief from the time of the reservation's establishment, passed the evening before the dedication of the dam on March 4, 1930 at the estimated age of 113 years old.[192]

Construction on the "Coolidge" dam finished in January 1929, but the dedication occurred on March 5, 1930, to accommodate Coolidge's schedule and ensure his attendance. President Hoover persuaded former President Calvin Coolidge to travel to San Carlos, on his own timeline, and dedicate this monumental structure to himself.[193] His speech, printed in *The Arizona Republican*, proclaimed the significance of the dam to the State and the entire country. His words, directed at both the Whites and "Indians" present, declared, "This is one country – we're all citizens of the same nation. It is divided, for the purposes of convenience in

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[190] Ibid.
[191] Ibid.
[192] "Arizona Greets Mr. And Mrs. Coolidge On Dedication," *Arizona Republic* (Phoenix, AZ), Mar. 5, 1930, 11. Cited at *Newspapers.com,* https://www.newspapers.com/image/116608785.
[193] Special to The New York Times. "Hoover Asks Ex-President to Dedicate 'Coolidge Dam'." *New York Times (1923-),* Feb 21, 1930, 1.

government, into states, counties and municipalities, but we have a national government and are all Americans, and ought to function, as far as we can, with this in our minds."[194] *The New York Times* reported on the events at the dam with a headline that read, "Indians Will Honor Coolidge at Dam; Pimas and Apaches of Arizona Will Make Him a Chief at Dedication Tomorrow. Then Smoke Pipe of Peace." Though, once historical enemies, the Pima and Apachean representatives seemed unfamiliar with the use of a "Peace Pipe," which is often associated with the Indigenous Plains peoples. A photograph of the peace pipe ceremony demonstrates this fact as it appears that the Southwestern Indigenous peoples seem to express their unfamiliarity with the pipe. Will Rogers, the famous vaudevillian performer and citizen of the Cherokee Nation in Oklahoma, made an appearance and remarked in a *New York Times* article, "the dam is built on the lower side of the Apache Indian reservation, and the water is all to be used by the Pima tribe and the Whites. In fact, they moved the Apaches out of the very valley where the water is backed up in and moved them ten miles up above. The only way the Apaches can ever get any good out of the dam is for somebody to invent a way for water to run uphill."[195] As Rogers understood the mechanics and intentions of the dam, he knew it did little to benefit the Indigenous peoples at San Carlos.

Even after the dedication at the dam, the celebrations continued. Central Arizona celebrated because the Gila Valley benefited greatly from the project. The Pinal County Fair in November 1930 also provided for a time of celebration, announcing a "San Carlos Day" during the week of the Fair's opening. In response, the October 31, 1930 issue of *Casa Grande Dispatch* informed readers of a proclamation made by the Mayor of Casa Grande where he

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[194] "Arizona Greets Mr. And Mrs. Coolidge On Dedication," *Arizona Republic,* 11. Cited at *Newspapers.com,* https://www.newspapers.com/image/116608785.
[195] Rogers, Will. "Will Rogers Tells about the Coolidge Dam Speech." *New York Times (1923-),* Mar 05, 1930, 19.

proclaimed, "Thursday, November 6th, 1930, a holiday in the City of Casa Grande; and I earnestly urge all citizens of Casa Grande to close their business houses and plants." He continued, "I do further urge that all who possibly can do so attend the San Carlos Jubilee on that day in Coolidge."[196] Water had already begun to pour into valley farms, and Pinal County, in specific, appreciated the new water source, though, they gave no gratification for the sacrifices made by the peoples at San Carlos.

Conflicts and Constitutions

The new decade brought new problems for the peoples at San Carlos. Around the corner lay the Indian Reorganization Act, but prior to its passage, the restructuring of the San Carlos government occurred independently from the intentions of Congress and John Collier. The peoples had already requested a council that would represent the various peoples on the reservation. Given the diversity and vast differences between the peoples who remained on the reservation, a representative form of government seemed to furnish the most appropriate means of collective cooperation. However, Kitch demonstrated his unwillingness to support a council that did not support him. Leadership on the reservation traditionally meant that the people stood behind a capable individual who originated from their own respective family or group. Comparatively, the way in which the government instituted tribal councils – until the passage of the Indian Reorganization Act in 1934 and arguably throughout that era – remained in the hands of the superintendents and agents who often maintained control over the persons assigned to those positions. In Kitch's case, this also meant possessing the power to completely dissolve a

[196] "Pinal County Fair Starts Next Wednesday," *Casa Grande Dispatch* (Casa Grande, AZ) October 31, 1930, 1. cited at *Newspapers.com*, https://www.newspapers.com/image/2654443.

council, but as perceptions on "Indian" administration and self-governance for the peoples developed into a topic of discussion in Washington, it became relevant to experiment with tribal councils.

The cattle industry worked as a type of hierarchical structure where the leaders of tribal cattle associations represented the leadership of a family group. As the leases for White-owned herds expired, Apachean families took over the grazing fields.[197] Multiple families would often group together to share the available fields, and these clusters inherently formed along traditional lines. In this way, some of the traditional methods of societal structure remained intact. In the past, clan members would share farmlands and a recognized headman would maintain authority over the claimed fields. Consequently, in the early twentieth century, the same became true when it came to the grazing fields reacquired by the members of this newly conglomerated tribe.[198] The peoples at San Carlos slowly transformed the reservation cattle industry into a modern representation of the old traditional ways. Goodwin noted the cultural implications of familial cooperation, as stated in his reports, "Stock should be run by blood groups, that is by those groups who can and should work together. This will mean that cattle will be run in smaller units, but this will also bring in group responsibility and interest."[199] Kitch also approved of this configuration, to a degree, and allowed the peoples to manage the administration of the cattle associations in this manner. Taking it a step further, he used this idea as a counterpoint to criticism from Morris Opler, assistant anthropologist for the Bureau of Indian Affairs in 1936,

[197] Getty, *A Case Study in Directed Culture Change*, 5.
[198] Goodwin, *Report on the San Carlos Indian Reservation*, 97.
[199] Ibid. 5.

who believed that the tribe did not conform to, "native Indian units or socio-political organization in administering the affairs of the reservation."[200]

The views on cattle raising on the reservation held by Kitch varied greatly from the views of peoples at San Carlos. The peoples envisioned a method of administration tied to self-sustainability where they would ultimately gain independence from the control of the government. Kitch, however, anticipated using these same methods to obtain a complete absorption of the peoples into American society. This view neglected the improbable sustainability of the cattle industry for the peoples. Over the last decade, the federal government had focused on the development of the cattle industry to the detriment of the peoples. Goodwin provided his analysis and remarked, "Farming was an older pursuit of these Indians. The result has been an unbalanced diet as well as an unbalanced economy."[201] He continued, stating, "Cattle raising alone cannot satisfactorily support these people and their culture, merely from the standpoint of diet. Moreover, cattle ranching can be combined with small farming. The average Apache will never be a cattle baron, with a herd which occupies all his energies."[202] The government completely uprooted the peoples from their traditional lifestyles in the nineteenth century and attempted to transform them into farmers in the early twentieth, and under Kitch, the function of the peoples at San Carlos transitioned to cattle. Goodwin believed that both remained necessary, but noted that the people already understood how to farm.

The peoples possessed a desire to obtain control over the administration of tribal funds and believed that they better understood the needs of the tribe. A conversation between Manuel Victor and Senator Frazier in a Congressional Hearing on the Survey of Conditions of Indians in

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[200] Getty, *San Carlos Indian Cattle Industry*, 33.
[201] Goodwin, *Report on the San Carlos Indian Reservation,* 5.
[202] Ibid. 110.

the United States in 1931 expressed their desire. Victor explained the lack of work for the peoples and express frustration at the fact that the agency hired White men to do jobs on the reservation while using tribal funds. Victor stated, "if the money is spent from the tribal funds, I think all the Indians ought to get the benefit of that tribal fund, because they are not going to get it if they stay at home."[203] Subsequently, Senator Frazier insisted that they create a federally sanctioned tribal council, specifically a business council where the Apachean peoples elected fellow members to the council. Victor agreed, but the Senator instructed them to take it to Kitch. Victor replied, "We took it up with our superintendent. I do not know what has happened. He wrote a letter about six months ago to Washington. It has not come back yet."[204] In response, Senator Frazier gave his approval for the creation of an official tribal council. The mood in Washington was shifting in the tribe's favor, which was unfortunate for Kitch, who had previously demonstrated his need to be in complete control of the affairs on the reservation with little or no intervention from the peoples.

The federal government had placed the peoples under the complete rule and subjugation of the superintendent in all matters related to the reservation. When it came to the construction of the Coolidge Dam, the implementation of the cattle industry on the reservation, and administration of tribal funds and affairs, government officials would bend to the will of the White administrator placed in this position of authority. Demand increased for the inclusion of the peoples in all discussions about issues related to their territory. When talk of the IRA circulated on the reservation, the peoples grew hopeful that this legislation might provide the

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[203] U.S. Congress, Senate, *Survey of Conditions of the Indians in the United States: Hearings Before a Subcommittee of the Committee on Indian Affairs United States Senate,* 71st Cong., 3rd sess., 1931, Washington: G.P.O., 1931, 8589.
[204] Ibid.

answers to their problems. The peoples understood the importance of representation as small populations of peoples who had remained after the removals in the nineteenth century still resided on the San Carlos Reservation. San Carlos, Aravaipa, Tonto, White Mountain, and Yavapai groups resided on the reservation and Goodwin noted that in some instances land disputes persisted stating, "Some White Mountain people often point out that actually San Carlos, Northern Tonto, Southern Tonto and Yavapai have no right on land which in pre-reservation times was not theirs."[205] The San Carlos Reservation possessed within its federally assigned boundaries a significant portion of traditional White Mountain territory to the east, and Aravaipa territory to the south. Traditional San Carlos Apachean territory included areas that included the general vicinity of Cutter and Rice, AZ moving towards the Salt River. Regrettably, agency policy made no such distinctions between the peoples.

In 1933, Kitch put together a business committee that excluded Chinn. Upset by this move from the superintendent, Chinn submitted a petition to the Commissioner with a list of false allegations, signed by mostly children, to remove Kitch. He also claimed that a tribal council had existed for years, possibly referencing the committee broken up by Kitch, and wrote to Commissioner Collier for record of the council. He responded stating that no such records existed. [206] Considering the acts committed by Chinn against the government official, Kitch desperately wanted to keep Chinn far away from tribal politics and duly attempted to keep him from becoming a tribal representative.[207] One scholar argued that Kitch hand-picked the

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[205] Goodwin, *Report on the San Carlos Indian Reservation*, 13.
[206] Ron Dungan, "The San Carlos Indian Reservation and Tribal Self-Government, 1928-1938," Master's thesis, Arizona State University, 1992, 67.
[207] Dungan, "Cattle and Constitutions," 141.

representatives, but another suggested that the individuals who made it onto the committee won their seats through election.

The newly formed committee included representatives from the San Carlos, Mohave (Yavapai), and Bylas groups, but did not form a complete representation of the peoples.[208] Kitch solidified his new council and charged them with their first task: drafting a tribal constitution. Chinn and his supporters defiantly drafted their own constitution with the assistance of Lemuel Mathews, a Phoenix attorney who Kitch believed held an ulterior motive based on the tribe's expected financial payout from a land settlement with Congress. The council deliberated on both constitutions and in November 1933 voted in favor of submitting Chinn's version to the Commissioner. This document, however, did not provide the details necessary for a working Westernized form of government as it excluded members employed with federal or state governments from holding office. Additionally, these exclusionary measures included the removal of non-tribal members from the reservation, including the cattle hands, which would have potentially hindered the continued development of the cattle industry as envisioned by Kitch. Consequently, the Superintendent submitted a report to the Commissioner protesting Chinn's constitution. Concurrently, Chinn wrote the Commissioner stating that he intended to hold elections, signing his letter, "Chairman."[209]

Chinn's constitution won over the sitting members of the committee, but the process required a public vote before Collier would approve the proposed constitution. The following December, the people voted on the adoption of the constitution, but it contained an inherent error, which stemmed from the government's attempt to implement a foreign government onto

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[208] Dungan, "The San Carlos Indian Reservation and Tribal Self-Government," 68.
[209] Dungan, "Cattle and Constitutions," 141.

an Indigenous people, one unaccustomed to centralized governmental practices. In the congressional hearings on H.R. 7902, officials noted the problem with the tribe's unfamiliarity with a democratic form of government stating, "We cite the case of the San Carlos Apaches who were called to vote upon the adoption of a constitution in December 1933. Of the 1,400 eligible voters only 470 cast a ballot due to failure of the Indians to understand the nature of the occasion and to the fact that many of them were employed in relief and other work at a great distance from the voting place."[210] The significant number of missing votes reflected the fact that many peoples were unable or unwilling to cast their ballot. Some considered the choice to abstain as an form of intentional dereliction and refusal to join the new government, an action which they perceived as better than binding themselves to an unfamiliar document. Commissioner Collier noted some of the structural problems in both submitted constitutions and, after his review of the documents, he rejected both Kitch and Chinn's versions.[211]

Congress actively deliberated on the Indian Reorganization Act while the people at San Carlos discussed the adoption of their own constitution. Collier believed the documents needed to include more detail and subsequently instructed Kitch and Chinn to reconcile the differences between their constitutions, using a mediator to assist in resolving the issues. The San Carlos Lutheran missionary, Francis Uplegger, attended a meeting with Kitch and Chinn's supporters, acting as a mediator between the two factions. They resolved their issues in the meeting with Uplegger and formalized a final draft of the constitution for submission to Collier. In March 1934, a San Carlos delegation traveled to Washington to testify on the IRA. John Rice, on behalf of San Carlos, expressed the peoples' want for a representative government that worked for their

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[210] U.S. Congress, House, *Readjustment of Indian Affairs: Hearings before the Committee on Indian Affairs,* 73rd Cong., 2nd sess., 1934, Washington: G.P.O., 1934, 379-380.
[211] Dungan, "Cattle and Constitutions" 142.

best interests. Through an interpreter he stated, "As long as I can remember we never had that chance offered to us, but now we are having a chance in our affairs and I am glad to hear it. Whatever I may do for it down on our reservation we are willing to cooperate with you."[212] The IRA passed in 1934, but Congress dictated that tribal constitutions include a detail that seemingly nullified tribal sovereignty. The secretary of the interior maintained a power of review which proclaimed the federal government as a superior overruling authority. It represented self-determination as determined by the federal government.

Collier approved the San Carlos Constitution submitted by the business committee on October 19, 1935, and stipulated that the tribe hold elections 60 days after its adoption. The peoples submitted their nominations for tribal council seats and 6 out of the 7 committee members ran to hold their seats. In the first elections, problems arose that forced an extension and examination of the final results The constitution laid out 6 areas of representation: the Bylas District, Peridot District, Seven Mile Wash District, Gilson Wash or San Carlos District, Mohave Section and Tonto Section. To the dismay of Kitch and others, including tribal member William Stevens, who did not want Henry Chinn or any semblance of his faction in control of the tribal government, Chinn ran for the Gilson Wash, or San Carlos District, and came out victorious.

Both men questioned Chinn's eligibility stating that his ineligibility stemmed from his enrollment as a "Tonto" Apachean member.[213] This brought up the very serious question of representation and community identity within the new San Carlos political structure. The constitution recognized only the communities it named, which included districts developed through non-traditional means, for the most part, and clan identity became severely diminished.

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[212] Vine Deloria Jr., *The Indian Reorganization Act: Congresses and Bills ed. by Vine Deloria, Jr.* (Norman: University of Oklahoma Press, 2002). 220.
[213] Dungan, "The San Carlos Indian Reservation and Tribal Self-Government," 84-85.

Goodwin remarked on these problems with the constitution stating, "In the opening paragraph the expression 'We, the Apache Indians of the San Carlos Reservation—' is used only. No mention is made of the Yavapai who are evidently included as Apache, though they are not. As well as this in several places throughout the constitution the 'San Carlos Tribe' is mentioned, that being the only term applied to the Indians of the reservation."[214] The constitution did not include terminology that exemplified the complex nature of Apachean identity, nor did it recognize the Yavapai, though they consisted of only a small faction on the reservation. Regardless, the federal government still did not recognize their presence and as such, they utilized the administration of the San Carlos Constitution to place these peoples under the umbrella term, "Apache," simply because they were Indigenous residents of a reservation district. The constitution replaced traditional identifiers and renamed the peoples under this homogenized political identity. Arguably, it redefined membership stipulations and Chinn's contested eligibility exemplified these problems. The peoples attempted to utilize a political structure that did not recognize them as Apachean peoples, while simultaneously trying to apply traditional socio-political knowledge to this Western form of governance.

Community remained important to the peoples and the areas in which one resided still determined one's affiliation. While the peoples had instinctively self-organized based on established clan and band ties, the newly drawn district lines only partially reflected these traditional communities, which proved problematic for councilmembers and those who they would represent. Accordingly, Goodwin took issue with Article III of the constitution which stated that councilmembers represented "sections" or "districts." He stated, "Rather than this, representatives should be chosen to represent communities in which they are resident. If more

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[214] Goodwin, *Report on the San Carlos Indian Reservation*, 79.

than one representative from a community sits on the council, such representatives should always be of different clans, preferably unrelated clans, and members of separate family clusters."[215] The constitution stated a member of the "San Carlos Apache Tribe" who resided in the district they intended to represent may claim eligibility for a council seat. When John Rope, William Dustin, Manuel Victor, John Nosie, and Andrew Noline testified on Chinn's eligibility, they accepted Chinn's father as a "San Carlos Apache," but provided no clarification in their use of this term. In opposition, James "Major" Smiley Sr. testified that Chinn's father proclaimed a Tonto lineage and James Stevens signed an affidavit affirming the same. This question of "affiliation" required investigation and officials believed the wording did not provide for any clarification. Article IV required that an individual not declare "affiliation" with another district, and this term proved problematic for Chinn's situation. Chinn claimed residency at the Gilson Wash/San Carlos District and affiliated himself with that community. He made no allegiances to another and stated as much. Ultimately, the council accepted Chinn's victory, permitting him to take his seat on the council and even named him Chairman a year later.[216]

Aftermath and Conclusion

Overall, people reacted positively to the creation of the San Carlos Apache Tribe. The peoples had strongly supported the measure and believed that it allowed them to affirm their position and involvement in their own affairs. In Goodwin's report, one elder expressed "It's as if we were all in jail now, but I believe this Constitution is going to help us."[217] Some of the peoples welcomed the change but recognized that it was not a perfect solution. Goodwin

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[215] Ibid, 80.
[216] Dungan, "The San Carlos Indian Reservation and Tribal Self-Government," 91.
[217] Ibid, 78.

expressed in his report issues with the council and stated, "In former times they knew they had chiefs of their own choice at their head, whose views were their views, whereas councilmen to some extent are considered the children of the government; the White Man's idea."[218] However, some outside of the tribe believed the act of Collier forcing this legislation upon the Indigenous peoples in fact undermined traditional sovereignty. William Madison, a member of the White Earth Ojibwe, wrote to Henry Chinn asking for his support in opposing Collier and the IRA. Madison requested any information that would prove useful in opposing the commissioner and legislation and he also requested a delegation or an appointment for himself, under the authority of the San Carlos Tribal Council, to represent San Carlos in a special hearing.[219] Chinn forwarded the message to the commissioner and stated, "We, the Apache tribe, do not approve of his letter and do not wish to do as he says. We rather think for ourselves and act. We always wanted such a bill and it's here and we are too glad to have it in action soon or wish it in action sooner."[220]

The constitution of the San Carlos Apache Tribe excluded many of the traditional socio-political affiliations and restructured the hierarchal systems of the peoples. Administrators on the reservation manipulated the peoples' culture to represent a more Western and modern society. Assimilation tactics, facilitated by agency officials, including the creation of the cattle industry, the Coolidge dam, and adoption of the constitution, controlled almost every aspect of life for the peoples and further diminished their culture, identity, and land base. Agents introduced cattle to

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[218] Ibid, 79.
[219] Letter from William Madison to Chinn, February 12, 1935, *Native Americans and the New Deal: The Office Files of John Collier, 1933-1945*, Folder Propaganda, Adverse--Misc. National Archives Building, Washington, D.C., Record Group 75, Records of the Bureau of Indian Affairs, Records of the Office of the Commissioner of Indian Affairs, Entry 178: Office File of Commissioner John Collier, 1935.
[220] Letter from Chinn to Collier, February 20, 1935, Ibid.

sustain the peoples, and farming prevailed as a means to advance the agenda. While cattle represented the best method for the peoples to establish themselves as an independent entity, grazing leases generated an income that provided the agency officials with the means to purchase necessary material and cattle. Apachean peoples continued to utilize traditional irrigation practices to sustain their farms until the plight of the Pima took precedence in central Arizona, resulting in a change to the landscape of Apachean tribal lands. Hayden found it advantageous to align with the Pima peoples, thereby capitalizing on their struggles in order to promote the construction of the Coolidge Dam and legislation passed without the consent of the Apachean peoples at San Carlos while Kitch's arrival solidified the peoples' tie to the cattle industry.

Ultimately, grazing leases, the San Carlos Cattle Industry, and construction of the dam all contributed to the creation of the modern Apachean political identity. Traditional and political identities clashed because, for the first time, written word mandated an individual member's affiliation to a particular place. The fight between James Kitch and Henry Chinn over the adoption of the San Carlos Constitution best exemplifies the inherent conflict felt within the tribe. The dam brought electricity to the reservation, the cattle industry attempted to provide a means of sustainability and assimilation into American society, and the Indian Reorganization Act cemented the creation of a manufactured political identity. Many on the reservation viewed the IRA as a way for the people to take control of their lives and manage their enterprises. Instead, the IRA transformed the peoples into a wholly unknown Apachean individual, one removed from the traditions of old.

Chapter 4

The Mineral Strip: Advantages of Reorganization

The discontinuation of traditional Apachean societal structures on the San Carlos Reservation created a shift in the ways by which the Apachean peoples identified themselves. In order to coalesce with the westernized political landscape, the "San Carlos Apache" tribal government system replaced the traditional clan-ban systems of the past and continued to allow the federal government to maintain control over the peoples. Concurrently, the federal government manufactured a political vehicle for the peoples of San Carlos to navigate a terrain that often worked against the interests of Indigenous peoples in the United States. With the creation of the San Carlos Apache Nation upon the approval of the San Carlos Constitution in 1935, as a result of the Indian Reorganization Act, the people moved to rectify past wrongs committed against their members by the federal government through the use of their inherent and newly recognized sovereignty. Beginning in the late 1930s the new Apache Nation wielded its political power to invoke their sovereignty over Aravaipa homelands previously known as the "coal strip," more colloquially termed in the 1930s as the "Mineral Strip," which the tribe relinquished in 1896 for lease to White mining prospectors. Consequently, the federal government, in an attempt to undermine traditional hierarchical structures, provided the San Carlos Apache Nation with the means to actively assert political and legal autonomy over the "Mineral Strip" and reinstate its status as reservation territory.

Throughout the early twentieth century, the San Carlos Apachean peoples fought for the ability to establish a form of representative governance on the reservation and create a council for the Apachean peoples. Superintendent Kitch disbanded Henry Chinn's original council upon his arrival in the early 1920s, but the political atmosphere of the late 20's and early 30's provided

the San Carlos Apachean peoples with an opportunity to reincorporate a tribal council. The peoples drew upon the motives of Commissioner Collier to reorganize Indigenous peoples throughout the country into westernized democratic governments and, in turn, proceeded to develop their own constitution ahead of the IRA. As news of the intentions of Commissioner Collier reached the San Carlos Apachean peoples, they sought to implement a form of governance that represented their best interests and allowed for some semblance of traditional Indigenous representation; Chinn's constitution provided this measure. However, Kitch did not wish to see Chinn's proposed structure come to fruition. The conflict between the two men resulted in the intervention of the Commissioner and forced a compromise that limited the scope of identity on the reservation. Under governmental oversight, the peoples at San Carlos drafted a constitution that identified the peoples as "Apache," but displaced the complex societal structures that truly represented the traditional values of the peoples on the reservation. With the passage of the Indian Reorganization Act, or Indian New Deal, in 1934 Congress forced the San Carlos Apachean peoples to reorganize into a political entity that administered the policies and laws passed by both the Indigenous and federal governments for their own respective reservations. The federal government recognized this newly established political force, however, it formally erased both traditional Apachean kinship systems and other systems used by the non-Apachean Indigenous peoples that remained after the removal era of the San Carlos consolidation policies in the nineteenth century. Despite their official recognition as members of the "San Carlos Apache Nation," the remaining Yavapai, Mohave, and Tonto peoples maintained their heritages and familial kinship systems.

The outcome of the Indian Reorganization Act resulted in the establishment of a tribal council, but not as they imagined. The federally recognized council continued to hinder the

continuance of traditional familial membership practices. However, this new "San Carlos Apache Nation" provided the tribe with the means to further its diplomatic endeavors in the mid-twentieth century. The tribe intended to use this newly-formed political machine to reincorporate former reservation territory. In the 1896 arrangement made between representatives of the tribe and the federal government, non-Aravaipan peoples such as the Yavapai, Tonto and Coyotero peoples who had been removed to the San Carlos Reservation, voted against the original inhabitants and permitted the federal government to place the lower half of the reservation back into the public domain for mining. Those peoples who voted against the Aravaipa, the traditional inhabitants of the area, hoped to obtain annual monetary benefits from potential mineral leases administered by the Interior Secretary on behalf of the tribe. Despite these hopes, the consequences of this negotiation resulted in the loss of mineral lands to the federal government that diminished the land base of the San Carlos Reservation, and claims made by mining corporations provided little revenue, if any.

Early Settlement of the Mineral Strip

Arizona Territory garnered a significant amount of interest as a prominent place for settlement throughout the nineteenth and early twentieth centuries. Many Americans moved to Arizona in hopes of either discovering significant mineral deposits or establishing farms and ranches. Post-Civil War demands for copper placed Arizona Territory in a unique position as the abundant copper reserves discovered in the region provided the answer to the increasing calls for the mineral.[221] The Desert Land Act of 1877 increased the size of a homestead in Arizona from

[221] Perry, Richard J. "Grounds for Dispute: The San Carlos Apache Mineral Strip." *Oklahoma City University Law Review* 23, no. 1 2 (1998): 43-60, 57.

160 acres to 640, which created more demand for rich territorial lands, specifically in the Salt River Valley. This placed further strains on the water supply, which, in turn, situated the canal companies in a position of prominence. The late nineteenth century, however, served as a test for those relying on seasonal water deposits. Floods from unseasonal rains washed out riverbanks, and the summer monsoons produced only half of the average rainfall totals for central and southern Arizona.[222]

Settling Arizona Territory did not come without its hardships; among the many demands made by settlers, coal became the largest. Energy production, powered by coal, required the state to prospect and develop its own coal mining operations within its territorial boundaries. Importing coal became a costly endeavor and demand increased substantially as Arizona brought in more settlers. Officials in Arizona in the late nineteenth stated that the "Coal Strip" on the San Carlos Reservation represented the territory's only probable large coal deposit. In response, the federal government intended to use the "Mineral Strip," or "Coal Strip" as referenced in federal documents in the nineteenth century, as a prominent source of coal. To many, the "Mineral Strip" provided a solution to the increasing demands of Arizona Territory and permitted for a proprietary coal source. However, the interests of the Apachean peoples collided with those of Arizona Territory and negotiations for the Mineral Strip represented this contention between the Apachean peoples and Arizona ranchers, farmers, and miners. Once the federal government administered and finalized the 1896 agreement between them and the Apachean peoples, Arizona governmental officials, from their viewpoint, believed the reservation lands transitioned into purely "public land." It seemed that the federal government possessed the same

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[222] Thomas E. Sheridan, *Arizona: A History, Revised Edition* (Tuscan: University of Arizona Press, 2012), http://www.jstor.org/stable/j.ctt180r41m. 206-209.

understanding. The original documents stated that the tribe relinquished the territory purely for prospecting and mining. However, both Arizona and the federal government provided grazing and ranching leases in conjunction with mineral leases on lands that included those within the Mineral Strip.

Prospecting within the Mineral Strip occurred as early as the 1880s in the Stanley Butte area, which was named after Lieutenant Stanley, who served at Camp Grant. Prior to American prospecting in the area, both Spanish and Mexican miners had attempted to extract minerals from the site. Both miners and cattlemen fought for the right to mine the area, and contentions between the tribe and the federal government intensified during the 1920s as the tribe contested the use of the Mineral Strip. This ultimately led to the abandonment of the area. In 1883, Dr. James Douglas of Phelps Dodge inadvertently acquired property within this site and established the Christmas Mine. This was prior to the arrangements made between the tribe and the federal government. An 1884 government survey revealed its actual location and Dr. Douglas petitioned the federal government to remove the location from reservation status and redesignate it as public land. On December 22, 1902, President Roosevelt signed an Executive Order that placed more reservation lands, including the Christmas Mine, into the public domain. Other smaller mining companies opened on the strip and utilized the railroad near San Carlos to transport the extracted ore. Mining prospects on the Mineral Strip increased over time, but the most significant mining occurred at the Stanley and Christmas mines.[223]

Ranching on the Mineral Strip occurred throughout the late nineteenth and twentieth centuries, however, unlike the mineral claims made on the strip, ranching and farming did not

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[223] Diana Hadley, Peter Warshall, Don Bufkin, *Environmental Change in Aravaipa, 1870-1970: An Ethnoecological Survey*, Cultural Resource Series No. 7 (Phoenix: Bureau of Land Management, 1991), 111-112.

factor into the discussions between the tribe and the federal government. Rather, the tribe expressed their concerns with non-Indian ranching and their desire to expand tribal herds into the strip by the 1920s. Despite the illegality, both the state of Arizona and the federal government issued non-Indian ranching and farming leases within the boundaries of the strip. Cattle and goat ranchers opened up on the strip with periodic resolutions for clearing titles appearing in the records of Arizona Cattle growers and the Arizona Mohair Growers Association.[224] The Salazar Ranch started as a small operation with the first bull purchased in 1917 on the east end of the strip, the Painted Cave Ranch began acquiring herds from the T-Rail range in the 1920s in the west, and prior to 1900, the Dry Camp Ranch first ranched both the east and west regions of the strip. Throughout the early twentieth century, the major operators included Bud Ming, Oscar Webster, Jim Hinton, George Upshaw, and Skeet Bowman.[225] The number of large ranching operations on the strip continued to increase with the passage of the Taylor Grazing Act in 1934, along with further regulation that pushed small ranches out of the area.

By the time of the Great Depression, crashing copper prices and a surplus of agricultural products and livestock hurt the struggling Arizona economy. Moreover, when alfalfa hay and beef prices dropped by half, a drought, coupled with diseased cattle and overgrazing in Arizona, exacerbated the issue further.[226] For the Apachean peoples at San Carlos, the Depression meant unemployment and a continuance of poverty on the reservation. Labor unions for non-Indians during the Depression pushed to replace Apachean labor forces with European immigrant workers.[227] For the mines and ranches on the Mineral Strip, the Depression pushed many of

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[224] Ibid. Appendix III Cattle Ranches East and West Ends of Aravaipa. 2.
[225] Ibid. 3-5.
[226] Katherine Benton-Cohen, *Borderline Americans: Racial Division and Labor War in the Arizona Borderlands* (Cambridge: Harvard University Press, 2009), 249.
[227] Richard J. Perry, *Apache Reservation,* 146.

those smaller ranchers out of the region and gave the larger, more sustainable operations an opportunity to acquire those claims. Among the few mines that remained in the strip at the time of the Depression, several closed or sold to other companies.

The political landscape of the New Deal era prompted the government to attempt to assist in alleviating the hardships faced by the Indigenous peoples at the onset of the Depression and correct the problems created by past legislation. Consequently, the Indian New Deal emerged as the answer to the problems related to tribal representation and administration at San Carlos. Prior to the creation of the "San Carlos Apache Nation," representatives heard the grievances of the peoples in relation to the ceded lands from the nineteenth century and before the passage of the IRA, the peoples at San Carlos would speak to representatives from the Commissioner's office and Congress to discuss these lands. Two of the more prominent meetings regarding the Mineral Strip occurred in both 1927 and 1931. This included a visit by Assistant Commissioner E.B. Meritt in 1927 for a special hearing with the peoples at San Carlos concerning the Coolidge Dam, and the Survey of Indian Conditions in the U.S. hearing before the subcommittee of the committee on Indian Affairs in 1931.

During the special hearing in 1927, the Apachean peoples expressed their concerns with officers from the Office of the Commissioner of Indian Affairs regarding the construction of the Coolidge Dam, tribal representation, and tribal administration. Along with these grievances, the peoples questioned E.B. Meritt on the issue of reservation land expansion as it related to the ceded "coal" lands. A member of the tribe, William Dustin, voiced the peoples' desire to extend the boundary of the reservation, which included the "Mineral Strip." Dustin stated, "All these people that you see in front of you have written to the Commissioner in order to see if there is any way in which they can extend the boundary line to the original boundary line in order to get

more room. I am speaking for my people and for the people that are supposed to be born in the future."[228] The peoples understood the inevitability of expansion on the reservation and believed that they required the extra space for their future members. Mr. Meritt, responded to Dustin and expressed that any changes to the reservation boundaries required Congressional action. This confused Dustin, as, in the past, the President often issued executive orders that reduced the reservation boundaries. Regardless of these past actions, Meritt explained that Congress had changed the law in an act on March 3, 1927, that removed the President's ability to make such changes.[229] Later, Victor Kinderlay inquired about the mining prospects from the "Mineral Strip" and stated, "Some people have taken up claims when it was thrown open to mining and they have been holding claims all this time and to my knowledge the San Carlos Indians have not been getting a nickel for it."[230] Meritt did not possess a clear response for Kinderlay, but he assured the tribal member that he intended to investigate the matter.

The peoples continued to express their concerns over the reservation land base and desired to have the boundaries extended back to their original lines. The hearing conducted by E.B. Meritt on the reservation allowed the peoples to question the methods of the federal government in their administration of the agency and land usage. The representatives of the tribe spoke to the Assistant Commissioner on behalf of the peoples, though little change occurred governmentally. However, in response to the concerns of the tribe, the Secretary of the Interior issued an order on March 30, 1931, removing the Mineral Strip from any further entries for

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[228] *Hearing by Mr. E.B. Meritt, Assistant Commissioner of Indian Affairs with the San Carlos Indians on Thursday, Oct. 27, 1927*. Records of the Bureau of Indian Affairs, Central Classified Files, 1907-1939, Series A: Indian Delegations to Washington, San Carlos [Reservation/Agency, San Carlos, Arizona (later Rice, Arizona)], File 28934 1927, National Archives, Washington, D.C. Record Group 75, Bureau of Indian Affairs, Entry 121: Central Classified Files, 1907-1939, Decimal Number 056.3.
[229] Ibid. 4
[230] Ibid. 6

withdrawal or disposal. The following April, during a hearing on the Survey of Conditions of Indians in the United States, the new Assistant Commissioner, Joseph H. Scattergood, relayed to the subcommittee the interests of the peoples at San Carlos to restore the 232,000 acres of ceded territory to the reservation boundaries. He stated, "Very little has happened to that tract of land in the way of development in a mineral way and the Indians, therefore, have been without any income from it. Last year they asked that they might have it back again."[231] By 1931, the federal government incorporated a portion of the Mineral Strip lands into a national forest and Scattergood affirmed that the Forestry Bureau agreed to the transfer of the lands back to the tribe.[232] At the time of the hearing, Superintendent Kitch reported to the subcommittee that an asbestos mine operated within the boundaries of the reservation, for which the tribe received a small royalty, and there remained little interest in mining other minerals within the reservation. Kitch did report that the agency received several mining claims, or mine leases, though, these lease holders did not conduct any operations that resulted in development or production.[233]

Ranchers grazed a number of animals upon the lands of the Mineral Strip. Scattergood reported to the subcommittee after the hearing in April that 1,585 head of cattle and 12,500 goats grazed on the lands under one owner and that Kitch believed that the estimate was an underrepresentation and perhaps double that number actually grazed on the lands.[234] After the hearing, Kitch reported to the committee that a total of twenty ranchers operated on the strip under leases granted to them through the General Grazing Regulations as directed by the Secretary of the Interior. Senator Wheeler, in his interactions with Kitch at the hearing, believed

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[231] *Survey of Conditions of the Indians in the United States*, 1931, 8554.
[232] Ibid. 8555
[233] Ibid. 8555-8556
[234] Ibid. 8559.

that, with the information provided to the committee, the tribe possessed an excessive amount of land beyond the tribe's ability to use. He did not take into consideration that the land initially belonged to the Aravaipa and remained the homelands of the peoples. When discussing the possibility of the federal government paying for the lands in order to ensure the protection of the White rancher's claims to the homesteads on the strip, Senator Wheeler asked Senator Ashurst of Arizona if there existed any possible objection by the State if the federal government rightfully purchased these lands from the tribe. Senator Ashurst firmly stated "no," and Kitch approximated the worth of the land at $1.25 an acre. Within the question of reincorporation into tribal ownership, there remained steadfast disagreements among State agents. State officials relayed to Kitch that the State Land Board had discussed the matter of the federal government reincorporating these lands and the board unanimously voted against this measure. For Graham County, the county in which the strip lay, officials stated that they opposed such a move by the federal government, and it placed the county in a precarious tax situation as a smaller property valuation meant higher tax rates for the poorest county in the State.[235]

Several years passed before Congress acted on the committee's hearings on the Arizona component of the Survey of Conditions of the Indians in the United States. The hearings held in Globe, AZ, where representatives from the tribe explained their desire to discuss the inactions and inadequacies of the federal government in addressing the failed promises of the 1896 agreement, eventually bore fruit, but not until 1935. In April of that year, Senator Hayden (D-AZ) introduced the first bill, in a series of bills, to address the concerns of the tribe. Senate Report No. 1016, attached to Senate Bill S. 2523, referenced the hearing conducted in Globe on April 23, 1931, and clearly identified the responsibility of the federal government to the peoples

[235] Ibid. 8554-8569.

at San Carlos. Acting Secretary of the Interior, T.A. Walters, declared in the report that, "The compensation which the San Carlos Apache Indians have received for the cession of 1896 is so insignificant as practically to amount to failure of consideration, and …it would appear to be the plain duty of the Government either to restore the undisposed of lands to the Indians or appropriate a sufficient sum to compensate them for the lands at a fair value."[236] The bill ultimately failed, though Senator Hayden continued to push for a resolution with future bills of the same intention.

The Mineral Strip After the Indian New Deal

John Collier and President Roosevelt worked together in proposing the Indian New Deal to Congress, consequently halting discussions related to the Mineral Strip between 1931 and 1937. The Taylor Grazing Act passed in 1934 and only further exacerbated the situation between the tribe and non-Indian ranchers. The act allowed the Secretary of the Interior to regulate grazing in the United States by creating districts on public lands, which, presumably, included the Mineral Strip. As such, the secretary initiated a plan to fence the strip and administer grazing leases to the ranchers.[237] Without a resolution on the status of the Mineral Strip in Congress, the secretary continued to regulate and award leases to non-Indian ranchers on public lands. Meanwhile, the tribe worked to find its footing within the political landscape and the newly created San Carlos Tribal Council found it difficult to navigate.

Since the Council's inception in 1934, as a product of the IRA, the tribe attempted to persuade the Commissioner to invite the new members to Washington to better understand the

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[236] U.S. Congress, Senate, *San Carlos Apache Indians, Payment for Ceded Lands,* May 13 (Calendar Day, July 3), 1935, 74th Cong., 1st sess., 1935, S. Rep. 1016., 3.
[237] *Bowman v. Udall*, 243 F. Supp. 672 (D.D.C. 1965). 3

intricacies of the Wheeler-Howard Act. Every year the tribe petitioned the Commissioner's Office, and each time the tribe received a letter back denying their requests. Henry Chinn, acting Chairman, and Councilman Ernest Lon Victor wrote to Collier's office in the latter half of 1934. Chinn wrote, "It is impossible for us also to write of every things [*sic*] we want to tell you of, all the troubles we have on our Reservation."[238] The letters written to the Commissioner's Office contained very little details related to the matters of which the Council wished to discuss with the Commissioner. The Council only provided vague generalities that the Commissioner assumed required the attention of the tribe's own committees, and not the attention of the federal government. There remained confusion over the role of the Council and Business Committee among the peoples and within the letters written between 1934 and 1938, it seemed as though the Council attempted to continue the same practice of petitioning the government to solve local problems rather than referring to their own systems.

On December 23, 1938, Acting Commissioner E.J. Armstrong acquiesced to the tribe's request to send a delegation to Washington writing to the Superintendent that, "Authority is hereby granted for a delegation of five Indians from your jurisdiction to come to Washington on official business."[239] However, because the matter in question did not directly relate to the issues and concerns held by the Council, the Commissioner's office, attempted to persuade the tribe to formalize a Corporate Charter for the benefit of acquiring funds from the revolving credit fund. The Council asserted that they did not wish to borrow from the fund, despite the persuasion from

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[238] Letter from Chinn, et. al. to John Collier, Aug 31, 1934, *San Carlos issues associated with delegations and relations with the federal government*, Records of the Bureau of Indian Affairs, Central Classified Files, 1907-1939, Series A: Indian Delegations to Washington, San Carlos [Reservation/Agency, San Carlos, Arizona (later Rice, Arizona)], File 49419 1934, National Archives, Washington, D.C. Record Group 75, Bureau of Indian Affairs, Entry 121: Central Classified Files, 1907-1939, Decimal Number 056.
[239] Ibid. Letter from E.J. Armstrong to Supt. Mr. E.R. McCray, Dec. 23, 1938.

the Commissioner.[240] Despite the lack of attention to the issues facing the new Council at San Carlos, the discussion of incorporation allowed the tribe to maintain an audience with the office.

The official status of the Mineral Strip remained in question after the tribe's meeting with the Commissioner, and the problem of how to best proceed in this matter remained at the forefront of several different offices. The Secretary of the Interior posed the query of his office's authority to restore the Mineral Strip's reservation status to the Department of the Interior's Solicitor. On May 20, 1936, the Solicitor published Opinion M-27878 and stated that the extent of the Secretary's power in reinstituting the Mineral Strip's reservation status depended on the official status of the land in question. If the strip retained a determination as surplus Indian Land, the Secretary maintained jurisdiction to do as the office saw fit, but with a classification of ceded lands, the Secretary remained powerless. The power to create and remove lands from Indian reservations remained with Congress, and the Secretary, as an office under the Executive, lacked authority to add any lands to a reservation. Since 1924, the Supreme Court affirmed the limits of the Executive office in creating powers related to Indian oversight without the authorization of Congress, except only in acts passed with implied powers. Moreover, the handling of the reservation through Executive Orders, especially as an Executive Order Reservation, placed the reservation's status as under the Executive's jurisdiction. However, since the reservation's founding in 1872 by Ulysses S. Grant, Congress passed and established several inhibiting acts that limited the authority of the President in administering orders related to Indian Reservations. Without a clear set of boundaries expressed by Congress, nor a challenge made in the Courts

[240] Ibid. Letter from Fred Daker to San Carlos Tribal Council, through Supt. E.R. McCray, June 29, 1939.

related to such powers, in the opinion of the Solicitor, the Secretary possessed no power to restore the Mineral Strip to the San Carlos Reservation.[241]

Senator Hayden introduced bill S. 1231 in the Senate on January 29, 1937 "authorizing payment to the San Carlos Apache Indians for the lands ceded by them in the agreement of February 25, 1896."[242] The following month, Senator Ashurst submitted Senate Report No. 105, which provided the details and justifications for the bill. Kitch's opinion on the value of the land at $1.25 an acre in 1931 seemed to mirror the same valuation placed on the land in Ashurst's report, albeit for different reasons. The report recommended the valuation based on *Ute Indians v. United States*, a case related to costs on purchasing ceded lands. Furthermore, the total quantity of acreage amounted to 232,320 acres and included homesteads, national forests, power sites, public water reserves, and State of Arizona school land grants. At $1.25 an acre, the total cost to purchase the land equated to $290,400. The tribe, according to the report, received a total of $12,433.63 in mining royalties by 1937, however, the bill required that this amount be deducted from the total cost of the acreage making the new total $277,966.37. The report also included the opinion of the Director of the Bureau of the Budget, an office that advised against such a large payment as the Director believed that the cost did not reflect President Roosevelt's financial program. Instead, the Director suggested that the $1.25/acre price only include those lands already considered "public," wherein the total amount proposed resulted in a price of $33,725 for all 232,320 acres.[243]

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[241] U.S. Department of the Interior, Office of the Solicitor, Opinion of May 20, 1936, M-27878, 642-644.
[242] Senator Hayden, speaking on S. 1231, on January 29, 1937, 75th Cong., 1st sess., *Congressional Record* 81, pt. 1: 548, 1.
[243] U.S. Congress, Senate, San Carlos Apache Indians, Payment for Ceded Lands, February 15 (Calendar Day, Feb. 17) 1937, 75th Cong., 1st sess., 1937, S. Doc. 105, 1-6.

Congress failed to pass Senator Hayden's bill in 1937, but variations of the bill passed through both chambers with little change made to the actual wording of the bill. The largest change came in July of 1939 where Representative Cochran objected to the $277,966.37 amount stated in the bill for purchase of the ceded lands. He proposed an amendment that replaced the figure with that of the Director of the Bureau of the Budget's suggestion, $33,725.[244] The House agreed upon the amendments and sent the bill back to the Senate for revision. With the changes finalized, the bill passed Congress and sent to President Franklin D. Roosevelt for approval on July 28, 1939.[245] The President reviewed the bill and with a message to the senate he returned the bill to Congress without his approval. In his message, President Roosevelt stated,

> The bill provides, by a declaration to that effect, for the payment to the San Carlos Apache Indians of $33,725 for 232,320 acres of land. It would appear, however that this represents in reality a payment, at $1.25 per acre, for such ceded lands as have been included in homesteads, national forests, power sites, public water reserves, and state of Arizona school land grant, lieu or indemnity selections, an area much smaller than that named in the bill…While I would not favor legislation that would provide for the payment to the Indians of $1.25 per acre for this remaining acreage, I would favor its restoration to the Indians. The provision of the pending bill reopening these lands to public entry, and thus depriving the Indians of the future use of the lands and even of their present receipts from such lands, appears to me definitely objectionable.[246]

President Roosevelt saw through the attempt of Congress to try and acquire Indian lands for a much lower price than that owed to the tribe. He did not wish to acquire the remaining lands for

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[244] Representative Cochran, speaking on S. 18, on July 17, 1939, 76th Cong., 1st sess., *Congressional Record* 84, pt. 9: 9282.
[245] Senator Truman speaking on S. 18, on July 28, 1939, 76th Cong., 1st sess., *Congressional Record* 84, pt. 10: 10260.
[246] U.S. President, *Payment to the San Carlos Apache Indians: Message from the President of the United States Returning Without Approval, the Bill (S.18) Entitled "An Act Authorizing Payment to the San Carlos Apache Indians For the Lands Ceded by them in the Agreement of February 25, 1869, Ratified by the Act of June 10, 1896, and Reopening the Lands to Mineral Entry,"* 76th Cong., 1st sess., August 5 (Legislative Day, Aug. 2), 1939. S. Doc. 128, 1.

the price presented in the bill. Rather than lift up the White man at the expense of the Indian, he recognized the tribe's opportunity to make economic advancements through the same means proposed by Congress in the bill, namely, public land use and mineral leases.

While the bill did not pass with the President's approval, the matter continued to be a point of interest for the tribe and, following the perspective of the President, the tribe indeed wanted to ascertain the possibility of reacquiring the land for their own use. The Commissioner's office attempted to maintain an open line of communication with the San Carlos Council until the tribe established its own Corporate Charter. In accordance with the Commissioner's wishes, the tribe worked towards establishing one, but simultaneously attempted to meet with the office to address the Mineral Strip's status. On February 11, 1941, the tribal council held a special meeting and discussed the possibility of visiting Washington to meet with the Commissioner. Ernest McCray, superintendent of the San Carlos Agency, conveyed the agenda of the council meeting to the Commissioner. McCray's letter, dated March 4, 1941, stated that, "Among the matters discussed as needing clarification were the need for final determination of reservation boundaries, disposition of the mineral strip and incidentally an interpretation of Mr. Hayden's bill which is being presented in this session of Congress…"[247] The bill, it seemed, carried on in another form in Congress, and the governmental body continued to encourage monetary restitution for the tribe, even to the point of expanding its initial payment proposal from the original $33,725 to the former amount of $277,966.37. Another mining location came under the tribe's scrutiny as they handled their own matters. This asbestos mining operation claimed to not

[247] Letter from McCray to Commissioner, March 4, 1941, *San Carlos issues associated with delegations and relations with the federal government*.

be within the boundaries of the reservation and the tribe intended to meet with the Commissioner in order to have these two contentions resolved.[248]

Commissioner Collier replied to the request in a letter on April 14, 1941 and granted the approval of five delegates. Despite the fact that the Tribal Council included seven total members, to visit the office and meet with Congress before a committee to express their views on Senator Hayden's bill.[249] The Council agreed to the stipulations made by the Commissioner, however, they passed a resolution on April 23, 1941 to include the remaining two members at the tribe's own expense.[250] Collier believed that a number larger than five hindered discussions, but the tribe disagreed.

In the month prior, Representative John Murdock of Arizona had expressed to the House the concerns of the State of Arizona regarding these conflicting claims to the Mineral Strip. The Arizona State Legislature passed House Concurrent Memorial 2 in 1941 to urge that, "The Congress of the United States speedily enact S. 254, authorizing payment to the San Carlos Apache Indians for lands ceded by them, and reopening those lands to mineral entry, in order to settle for all time the confusing and conflicting claims to the lands, and to do justice to all parties."[251] Arizona officials, just like those at San Carlos, wished to see this matter finally resolved and a resolution decided upon that best suited the interests of both parties. Unfortunately, with the outbreak of war in December 1941, the focus of the federal government shifted from Indian Affairs to supporting the war effort, preventing a resolution.

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[248] Ibid. Memorandum to Mr. Daiker from J.M. Stewart, March 26, 1941.
[249] Ibid. Letter from John Collier to E.R. McCray, April 14, 1941, 1.
[250] Ibid. Tribal Resolution, San Carlos Agency, April 23, 1941. 1.
[251] Representative Murdock, "Payment to the San Carlos Apache Indians, Memorial from the Arizona State Legislature," March 25, 1941, 77th Cong., 1st sess., *Congressional Record* 87, pt. 11: A1377.

After the war, the issue came up again in a Subcommittee Hearing on the Administration and Use of Public Lands in Phoenix, AZ on May 10 and 11, 1945. That year, the Senate introduced S. 114, a bill authorizing payment to the San Carlos Apache Indians for the lands ceded, which contained similar language, almost verbatim, as prior bills. At the end of the hearing, various farm and ranching organizations testified on numerous topics related to public lands in Arizona. Mrs. Keith, secretary of the Arizona Cattle Growers Association, represented the president and vice-president of the organization and brought to the subcommittee's attention the unresolved issue of the Mineral Strip. She referenced the proposed Senate bill and the Arizona State Legislature's Concurrent Memorial No. 3 urging Congress to pass this bill. Mrs. Keith stated, "Those cattlemen have had a very hard time. They have made a tremendous investment over a long period of years on this strip with the expectation of the land coming under the Grazing Service, or some administration other than as Indian lands. When the bill is passed, of course, that will solve the problem, but we would like your assistance."[252] Senator Hatch responded to Mrs. Keith stating that he, in fact, sat on the Indian Affairs Committee as a member, and expressed his determination in assisting in the passage of S. 114.

The bill never made it out of Congress for presidential approval, and the tribe, again, petitioned the Commissioner for another visit to Washington. The new Superintendent, A.E. Stover, relayed to the Assistant Commissioner the desire of the tribe to travel to the capital before October 20, 1948. Seven years had passed since the tribal council's last visit, and Stover believed the situation warranted another visit. Stover stated in his letter, "They desire to discuss certain matters with the Land Division in connection with certain areas of land which belong to

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[252] U.S. Congress, Senate, Committee on Public Lands and Surveys, *Administration and Use of Public Lands: Hearings before a Subcommittee of the Committee on Public Lands and Surveys,* 79th Cong., 1st sess., May 10 and 11, 1945, 5172.

this reservation which they feel the Government has the right to return to them for their use without presenting claims or without court action."[253] Along with restoration of lands within the Mineral Strip, the tribe also wanted to see about restructuring the tribal council with changes to the Constitution and By-Laws, a point mentioned by Stover in this same letter. The Commissioner's office granted the request of the tribe; however, the office did not provide funding for the trip to the tribe.

After the visit to Washington, the tribe worked diligently to rewrite the constitution and by-laws, with the assistance of the Commissioner. The tribe worked to restructure its membership qualifications, which altered the stipulations for enrollment to one based on blood quantum rather than residency and descendancy. It further revised the governing body of the tribe to erase the Tonto and Mojave sections in the original constitution, remaking the council into a true "Apache Nation." The tribe's fight for the Mineral Strip did not retain prominence between 1948 and 1958. Concurrently, the federal government did nothing to change the status quo in relation to awarding lease agreements on the Mineral Strip under the Taylor Grazing Act and administered by the Bureau of Land Management. This continued for the next decade, and all remained quiet for a time. Congress did not introduce any more proposed legislation related to the ceded lands after S. 114 in 1945, and consequently, provided no clear direction for the federal government on how to proceed with this matter. The tribe, however, did not forget about its fight and after the tribe passed the new Constitution and By-Laws in 1954, they disrupted the calm on March 11, 1958. The San Carlos Tribal Council met to pass Resolution No. 58-7, requesting that the Secretary of the Interior restore both surface and sub-surface rights within the

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[253] Letter From A.E. Stover to William Zimmerman, Aug 11, 1948, *San Carlos issues associated with delegations and relations with the federal government*.

Mineral Strip to the tribe.[254] This action revived the decades long dispute between the federal government, the State of Arizona, and the San Carlos Apache Tribe. The years prior to 1958 resembled the calm before the storm, and the tribe's resolution kicked off a series of events that led to another decade of fighting between the three governmental bodies.

The Tumultuous 60s

During the prior three decades, the federal government refused to make a decision on the issue at hand. In February, the year following the tribal resolution, the Arizona State Legislature passed a joint memorial requesting that the federal government make a determination on the Mineral Strip, taking into consideration, of course, the rights of the tribe.[255] Both of these actions prompted the Secretary of the Interior to hold a special hearing to discuss the issue further. At this point, 26 different ranchers held leases on the Mineral Strip, some of whom had occupied the land since the late nineteenth century. In February 1960, the two-day hearing began in Globe, AZ with the examiner for the Secretary of the Interior, Rudolph Steiner, hearing testimonies and reviewing evidence from both the state and the tribe. According to Jacque Felshaw of the Arizona Republic, "Apache and White cattlemen stood shoulder-to-shoulder in a federal courtroom … to hear testimony on a 232,00-acre land dispute."[256] Royal Marks, the tribal attorney, expressed the tribe's concerns, stating that the un-deeded portions of the Mineral Strip rightfully belonged to the tribe. He further asserted that the tribe remained interested only in the land which the government did not deed as patented land. According to Marks, the Mineral Strip

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[254] Bowman v. Udall, 3.
[255] "State Legislative Log," *Arizona Daily Star* (Tucson, AZ), Feb. 25, 1959, 4. Cited at *Newspapers.com,* https://www.newspapers.com/image/162610663.
[256] Jacque Felshaw, "Land Dispute Packs Globe Court Room," *Arizona Republic* (Phoenix, AZ), Feb 11, 1960, 32. Cited at *Newspapers.com,* https://www.newspapers.com/image/116715044.

consisted of 232,000 acres, of which, the Coronado National Forest managed 100,000, 26 ranching families held 32,000 under patent and, under the Taylor Grazing Act, White ranchers leased 100,000. Marks referred to these White ranchers as "legal squatters," but the tribe understood that they received these lands in good faith. The tribe stated they did not wish to see the ranchers removed and attempted to quell their fears with their willingness to continue the leases. When called to the stand by Marks, Councilman Willie Belknap stated during the hearing, "We want to work with the ranching families."[257] Marks then turned to the cattlemen and asked what losses they might endure if they leased from the tribe. The cattlemen retorted, saying they felt more secure under the current arrangements and cited past instances of lease cancellations by the tribe.[258] The State also brought their own witnesses and attorneys stating their opposition to any possible restoration of the lands to the tribe. The State Land Department protested the return of the land to the tribe as Obed M. Lassen, State Land Commissioner, stated that the removal would take lands out of the state tax rolls.

Following the hearing, the Arizona State Legislature passed a memorial asking Congress not to return the land to the tribe. As a precaution, State Legislators introduced SB 201, an act to appropriate $5,000 to the State Land Department, to resist efforts by the tribe to reclaim the Mineral Strip.[259] In March of 1960, as a measure to ensure Congress heard their voices, a delegation of ranchers from the Mineral Strip met with Arizona's congressional delegation to ask that Congress not return the strip to the tribe. According to the Arizona Republic, Tribal Chairman Clarence Wesley heard this news during his trip to Arizona State University and he

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[257] Bob Piser, "U.S. Hearing Closes on Apache Strip," *Arizona Republic* (Phoenix, AZ), Feb 13, 1960, 34. Cited at *Newspapers.com,* https://www.newspapers.com/image/17206541.
[258] Ibid.
[259] "Legislative Log for March 14, 1960," *Arizona Republic* (Phoenix, AZ), March 15, 1960, 4. Cited at *Newspapers.com,* https://www.newspapers.com/image/116828323.

"smiled a foxy smile" saying, "I beat 'em to it…I just got back from Washington. And I talked to the Arizona congressional delegation and told 'em all about it."[260] Despite the efforts made by the three factions during and after the hearing with the examiner in Globe, AZ, the federal government still did not make a determination on the status of the Mineral Strip following the special hearing.

The dispute carried on in Washington as the federal government worked to formalize a determination on the strip, but the tribe continued to deliberate within the Council on possible compromises. In the council chambers on February 6, 1962, the tribal attorney spoke to the Council and proposed that they might consider a compromise in order to ensure an outcome that worked for the interest of all those involved. He suggested that the tribe negotiate strictly for sub-surface rights instead of surface rights and seek damages for the lack of generated income for the tribe. However, the council agreed to wait, pending the outcome of their petition to the Secretary.[261] A year later, on April 2, 1963, the tribe passed Resolution No. 63-17 which requested that the Secretary immediately restore to the tribe the subsurface interests of the Mineral Strip. It further resolved that the tribe formally withdraw its petition to the Secretary to restore the surface rights to the strip.[262]

Prior to the passage of Resolution 63-17, the Secretary of the Interior finally responded to Resolution 58-7, passed four years prior in 1958. However, to ensure an accurate response, the Secretary again sought the opinion of the Solicitor regarding the authority of the office to restore ceded reservation lands. In 1936, the Secretary of the Interior inquired of the Solicitor regarding

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[260] Bob Piser, "Navajos Meet Legislators," *Arizona Republic* (Phoenix, AZ), March 6, 1960, 27. Cited at *Newspapers.com,* https://www.newspapers.com/image/116744644.
[261] San Carlos Apache Tribe, Tribal Council, *Regular Council Meeting Minutes*, February 6, 1962, San Carlos Apache Tribe. Minutes of Council Meetings, Resolutions, A-394, Arizona State Museum, Tucson. 3.
[262] San Carlos Apache Tribe, Tribal Council, *Resolution No. 63-17*, April 2, 1963, A-394.

the matter of restoring the Mineral Strip to the tribe, however, the result of the investigation by former Solicitor Margold concluded that the Secretary did not possess the power to restore the lands, even after the passage of the Indian Reorganization Act. This time, Solicitor Berry broke from Solicitor Margold's 1936 opinion, and on November 28, 1962, he stated that the experience of the federal government in determining the language and application of the IRA in the last several decades assisted in firmly establishing the definition of "surplus Indian lands." Consequently, Solicitor Barry published opinion M-36599 stating that under Section 3 of the Indian Reorganization Act, "the continuing interpretations of the section by this Department, and the principles governing the construction of Indian legislation, it is my opinion that the Secretary has the discretionary power to return the remaining undisposed-of portions of the Mineral Strip to the San Carlos Tribe."[263]

With the response of the Solicitor in hand, the Secretary of the Interior referred the matter to the Under Secretary, James K. Carr, for approval on December 10, 1962.[264] After the tribe passed Resolution 58-7 in 1958, Resolution 63-17 in April of 1963, changed their petition to subsurface rights, rather than complete and total rights, and strongly pleaded their case during the Globe hearing in February 1960, Under Secretary Carr formally made a determination on the Mineral Strip, at least in regard to subsurface rights. On June 17, 1963, Under Secretary Carr issued Order No. 2874 stating that,

> By virtue of the authority vested in in the Secretary of the Interior by sections 3 and 7 of the act of June 18, 1934 (48 Stat. 984), I hereby find that restoration to the San Carlos Apache Indian Tribe of the mineral, oil and gas resources in all of the following described lands will be in the public interest, and the right, title and interest in and to all minerals, oil and gas resources in said lands are hereby restored to tribal ownership for

[263] U.S. Department of the Interior, Office of the Solicitor, Opinion of November 28, 1962, M-36599, 1907.
[264] Bowman v. Udall. 676.

> the use and benefit of the San Carlos Apache Tribe of Indians, and are added to and made a part of the existing reservation, subject to any valid existing rights.[265]

Immediately following the issuance of Order No. 2874, the ranchers residing on the Mineral Strip filed for a restraining order to halt the implementation of the Under Secretary's order. Judge Pine, after a hearing on the same day of the issuance by Carr, issued a temporary restraining order on 2874 for the patented lands, but denied the request for the unpatented lands within the strip.[266] The order made by Carr, however, contained a contingency that required the tribe to issue a resolution affirming their acceptance of the department's decision. The tribal council heard the Under Secretary's words in a reading made during the council meeting held on July 9, 1963 and passed Resolution No. 63-27 resolving that tribe agreed with the department's decision.[267]

In response to the actions taken by both the tribe and the Secretary of the Interior, the ranchers attempted to fight back by immediately filing a lawsuit in the District Court of Columbia naming Secretary Udall as the defendant. Their trepidation lay in the possibility that if the Secretary maintained power to restore subsurface rights to the tribe, then it remained probable that the office possessed the means to restore all rights to the land to the tribe, as well. Consequently, the ranchers in *Bowman v. Udall* argued that the Secretary did not, in fact, hold the authority to restore the subsurface rights to the tribe. The case picked up a kind of notoriety in the state. Furthermore, a story published in the *Arizona Daily Star* in Tucson on June 26, 1960 stated, "Attorney General Robert Pickrell…will intervene in a federal court suit to contest

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[265] Secretary of the Interior, Order, "San Carlos Indian Reservation, Arizona, Order for Restoration of Mineral, Oil and Gas Resources in Certain Lands, Order No. 2874 of June 17, 1963," *Federal Register* 28, no. 121 (June 21, 1963): 6408.
[266] Ibid.
[267] San Carlos Apache Tribe, Tribal Council, *Resolution No. 63-27*, July 9, 1963. A-394.

ownership of 18,000 acres in the "mineral strip" between Globe and the San Carlos Reservation."[268] The ranchers wanted to see this issue resolved quickly and filed for a preliminary injunction on July 30, 1963, which was followed closely by a motion for a summary judgment on August 13th. Judge Holtzoff denied the motion for a summary judgement on September 13th but granted a preliminary injunction that only continued the restraining order made by Judge Pine earlier that year.[269]

The tribe, it seemed, paid no attention to the lawsuit as they continued to move along with plans for administering mining leases and claims on the Mineral Strip. The *Apache Drumbeat*, a local newspaper for the San Carlos Reservation, published news of the government's actions in restoring the subsurface rights. They reported in the August 1963 issue that the ranchers offered a cash settlement to the tribe for their lands. Despite this proposed offer, the Tribal Council felt that "land would be more valuable than the money, which would be gone as soon as it was spent."[270] Moreover, the news article maintained that the tribe stood to benefit from mineral leases through possible mining job developments and income generated from the leases. The tribe grew anxious in their newfound economic endeavors and worked fast to initiate advertisements and negotiations. In the Tribal Council minutes for August 6, 1963, the Council received confirmation from the Acting Solicitor of the Department of the Interior that the restoration of the subsurface rights went into effect upon the adoption of Resolution No. 63-27 and allowed them to proceed with development. Plausible interest had already developed as the

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[268] "State Enters Contest Over Land Strip," *Arizona Daily Star* (Tuscon, AZ), June 26, 1963, 1. Cited at *Newspapers.com,* https://www.newspapers.com/image/163864402.
[269] Bowman v. Udall, 677.
[270] "Tribe Works for Housing, Gymnasium, Land Rights," Arizona Memory Project, *Apache Drumbeat* (San Carlos, AZ), Aug. 1973, 1. https://azmemory.azlibrary.gov/nodes/view/22115.

Council entertained Mr. Owens of Christmas Mine who expressed his interest in the development of the Mineral Strip in the same council meeting.[271]

Unfortunately, a month later, the council received instructions from the Area Office that, "for the time being, no leases or permits would be advertised until [they received] further instructions from the Central Office of the Bureau of Indian Affairs."[272] The tribal attorney, Royal Marks, provided a draft for a tribal resolution that petitioned the Commissioner of Indian Affairs to permit the Area Office property management company to advertise for permits and leases in the Mineral Strip. Marks updated the Council on the *Bowman v. Udall* case, explaining that the Judge only continued the restraining order made by Judge Pine earlier in the year and did not extend the order beyond the initial judgement. This seemed acceptable to the tribe as the order applied only to the 18,000 acres held by the ranchers and not the rest of the strip.[273] On September 18, 1963, Councilman Nosie moved to accept the resolution proposed by Marks, several days earlier. Councilman Smith seconded Nosie and the council unanimously carried the motion. Resolution No. 63-32 resulted, and the tribe formally requested that the Commissioner of Indian Affairs allow the Area Office to advertise for permits and leases on the strip.[274]

In the *Bowman v. Udall* lawsuit, the District Court of Columbia granted a motion by the State of Arizona to intervene in the case as a party plaintiff on September 11, 1963. The tribe responded in kind, passing Resolution No. 63-36 on November 5, 1963 authorizing, "its General Counsel, Royal D. Marks of Marks & Marks, and Associate Counsel, Arthur Lazarus, Jr. of Strasser, Spiegelberg, Fried, Frank & Kampelman, to petition to intervene in the case of

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[271] San Carlos Apache Tribe, Tribal Council, *Minutes of Regular Council Meeting*, August 6, 1963, A-394. 4.
[272] San Carlos Apache Tribe, Tribal Council, *Minutes of Regular Council Meeting,* September 3, 1963, A-394. 2.
[273] Ibid. #
[274] San Carlos Apache Tribe, Tribal Council, *Resolution No. 63-32*, September 18, 1963, A-394.

Bowman vs Udall."[275] In a Tribal Council meeting held on January 7, 1964, the tribe, under the advisement of Mr. Marks, made the decision to expand their request to the Secretary to include the surface rights of the Mineral Strip but only in terms of pecuniary satisfaction.[276] The tribe intended to continue the fight for their rights to the Mineral Strip, and on April 13, 1964, the District Court granted the tribe's request to intervene.

The Court did not hear the case until March 8, 1965, and it lasted only two days. The Court handed down its decision on June 16, 1965, ruling in favor of the tribe with the federal government stating that the plaintiffs failed to establish a recognizable injury as a result of the Secretary's action. Furthermore, the interests of the ranchers, regarding their grazing leases, did not endure any impact from the same order and the order itself only included the subsurface rights of the Mineral Strip and not the grazing leases nor surface rights of the ranchers.[277] Concurrently, another rancher filed a similar lawsuit in *Hinton v. Udall*, expressing some of the same arguments presented in *Bowman v. Udall*. The Court heard the case in the United States Court of Appeals in the District of Columbia Circuit on February 17, 1966 and made their decision on June 27, 1966. The outcome of the case mirrored that of *Bowman v. Udall* with the judge ruling in favor of the tribe and Secretary Udall.

The tribe began to make plans to develop the Mineral Strip throughout the 1960s, but the strip did not represent the only area of economic development pursued by the tribe. In the latter half of the 1960s, the tribe negotiated a cooperation with the chamber of commerce of the neighboring border town, Globe, AZ, and created a non-profit corporation called the San Carlos Apache-Globe Development Corporation. In a congressional hearing before the subcommittee on

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[275]San Carlos Apache Tribe, Tribal Council, *Resolution No. 63-36,* November 5, 1963, A-392.
[276] San Carlos Apache Tribe, Tribal Council, *Minutes of Regular Council Meeting*, January 7, 1964, A-394, 2.
[277] Bowman v. Udall. 677-678.

Indian Affairs on June 5, 1967, the committee heard testimony and arguments supporting H.R. 4920, an amendment to the Act of August 9, 1955, to include the San Carlos Reservation. This bill allowed the tribe to extend lease terms for corporations and other entities to develop on reservation lands.

San Carlos Apache Chairman Marvin Mull submitted a statement in support of the change stating,

> Our Reservation is virtually undeveloped but has great potential and as a result of the under-development members of our Tribe are not getting the income they should receive from their land and by having longer term leasing authority, thereby encouraging recreation and economic development on our Reservation, more jobs will be developed which is so essential to social and economic progress.[278]

The tribe looked to multiple sources for development on the reservation, even to those in the neighboring border town to invigorate and generate a source of investment in the reservation, but the subcommittee questioned the size of the reservation land on which they intended to develop.

In the hearing, the subcommittee brought up the actual reservation size. Representative Steiger stated that the reservation contained 1,800,000 acres, yet, in other documents, the stated square mileage posted 1,600,000 acres. Tribal Attorney Arthur Lazarus queried the subcommittee to clarify the matter. He stated, "There is not shown within the reservation boundary on that map an area known as the San Carlos Mineral Strip which was ceded by the Tribe to the United States some 70 years ago."[279] Lazarus summarized the events of the past 7 years with the return of the subsurface rights to the tribe in 1963 before continuing,

> Then there was litigation. The ranchers objected to that, too. The litigation was finally successfully concluded just last year. So the Bureau's figures of 1,800,000 undoubtedly

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[278] U.S. Congress, House, Committee on Interior and Insular Affairs, *H.R.G. -1967-IIA-0136, To Amend the Act of August 9, 1955, To Authorize Longer Term Leases of Indian Lands on the San Carlos Apache Reservation in Arizona: Hearing held before the Subcommittee on Indian Affairs on the Committee of Interior and Insular Affairs,* Unpublished, 93rd Cong., 1st sess., June 5, 1967.
[279] Ibid. 10.

> include the 200,000 within the mineral strip where the tribe owns the subsurface rights and where those subsurface rights, by Secretarial order pursuant to the Indian Reorganization Act, have been incorporated within the reservation.[280]

The November 29, 1967 report that accompanied H.R. 4920 also stated that the reservation included the larger acreage total of 1,800,000 acres. The joint resolution to amend and include the San Carlos Apache Tribe in the Act of August 9, 1955 passed as Public Law 90-184 on December 11, 1967.

By 1967, the Secretary restored only the subsurface rights of the Mineral Strip to the tribe, apparently recognizing the restored rights as representing reincorporation into the reservation itself. The matter was settled on January 16, 1969 when Secretary Udall, only four days before he left office, issued an order that formally restored the tribe's surface rights of the Mineral Strip. He cited the tribe's petition to restore tribal ownership to all undisposed-of surface rights and interests, under the recommendation of both the Area Director of the Phoenix Area office and the Commissioner of Indian Affairs. The order, as written previously by the Secretary's office, excluded any patented lands and interests in patented lands within the Mineral Strip.[281] It appeared that the Secretary handed down the order without much notification, which created panic and distress for government officials and Mineral Strip ranchers.

Representative Steiger unabashedly expressed his frustration with the order made by the Secretary. To him, the move represented a slight to the efforts of those involved in the decades long debacle. In a hearing before the committee on interior and insular affairs in the House of Representatives on February 25, 1969, Rep. Steiger questioned the Acting Solicitor, Mr. Coulter,

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[280] Ibid. 11.
[281] Secretary of the Interior, Order, "San Carlos Indian Reservation, Arizona, Order for Restoration of Surface Rights in Certain Lands, January 16, 1969," *Federal Register* 34, pt. 16 (January 24, 1969): 1195.

on the order and, rhetorically asked for the Solicitor's legal opinion on how to address the grievances and frustrations of the ranchers. He stated,

> This is a decision that was made by the Department. It appeared in the Register; nobody was aware of it. It represents a binding decision on a matter that has been in litigation for over a decade. The private litigants involved have a legal investment involved of over $100,000… What I would like to know, Mr. Acting Solicitor, is what action I can recommend that these people take, the people who are involved in the mineral strip action on the San Carlos Indian Reservation.[282]

Mr. Steiger's tirade in the hearing expressed his frustration with the Secretary's move and nothing more. Solicitor Coulter was not given an opportunity to respond.

The restoration order also brought forth past issues resonating from the original agreement made in 1896. The negotiations conducted on the reservation in 1896 involved several different tribes that were relocated to the reservation under federal orders throughout the nineteenth century. These tribes voted to relinquish traditional Aravaipa Apachean lands for monetary gain. Since that time, the tribes represented as the Yavapai-Apache and Ft. McDowell tribes in 1969 left the reservation either through governmental actions or negotiations for their release from the reservation. Each group established their own tribal identities and many of those peoples did not possess any Apachean heritage, though some Apachean peoples resided with those groups. Their own conglomerations created wholly new tribes that included Apachean ancestry and, much like those at San Carlos, did not resemble the same traditional practices of their ancestors. Subsequently, upon hearing the news of the Secretary's restoration order, both the Yavapai-Apache and Ft. McDowell tribes claimed that they also possessed rights to those traditional Aravaipa lands. The *Arizona Republic* reported in February 1969 that,

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[282] U.S. Congress, House, Committee on Interior and Insular Affairs, *Policies, Programs, and Activities of the Department of The Interior Part 1: Hearings before the Committee on Interior and Insular Affairs,* 91st Cong., 1st sess., February 18, 19, and 25, 1969, 77.

> The tribes now living on the Camp Verde and the Ft. McDowell Indian reservations claim that they should have an equal share in the land. All three groups are Apaches, or have been considered as such by the federal government… Ms. Turner, whose husband is chairman of the Camp Verde Tribal Council, said the agreement was signed by the chiefs of each tribe and the federal government.[283]

With the drastic changes in their cultural dynamics since their removal to the San Carlos Reservation in the late nineteenth century, the federal government often labeled the peoples collectively as "Apache" or some variant of "Apache," such as "Apache Mohave," "Tonto Apache," or "Yavapai Apache."

Many of these peoples represented groups entirely separate from the Apachean peoples at San Carlos, and the lands in question rightfully belonged to the Aravaipa, yet the federal government included these groups in the decision to relinquish these lands in 1896. The "Ms. Turner" noted above is quoted in the same newspaper story as saying that "her tribe might not be Apaches at all. She said she was told this by one of the tribe's elder women when she was a child. As with the Mohave-Apaches, the 'Apache' designation as made by frontier soldiers."[284] Now, in February of 1969, these tribes proclaimed rights to the lands restored by Secretary Udall, lands they voted to dispose of, that did not belong to them in the past, but claimed rights because of their former governmental designation as "Apaches." The restoration only applied to the San Carlos Apache Tribe specifically and did not include those other tribes.

In March of 1969, the Arizona State Legislature passed a memorial asking the federal government to reverse the Secretary's order. For the ranchers who continued to maintain their claims to their homesteads on the Mineral Strip, the issue grew worse. It seemed to them that the federal government, through incremental steps, intended to complete restoration of the Mineral

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[283] Robert Masullo, "Apache Tribes Claiming Shares of Land Returned to San Carlos," *Arizona Republic* (Phoenix, AZ), Feb. 5, 1969, 31. Cited at *Newspapers.com,* https://www.newspapers.com/image/7961924.
[284] Ibid.

Strip to the San Carlos Apache Tribe. With regard to the order made by Secretary Udall, the *Arizona Republic* reported in May 1969, that, according to Safford Attorney Max Layton, "the ranchers knew nothing of the action until they read it in the newspaper on Jan. 29."[285] The article continued and provided a breakdown of the potential losses faced by the ranchers as a result of former Secretary Udall's order. Layton proposed that the only solution to the issue lay with Congress through either a purchase of the land or reimbursements for those displaced. Representative John J. Rhodes, dean of the congressional delegation, "assured the ranchers the Congress members sympathize with their plight and will do all possible to help them."[286] Senator Barry Goldwater joined in the debate as well declaring that he intended to discuss the matter with the new Secretary, Walter J. Hickel, to see about a potential reconsideration.

Resolution of the issue between the San Carlos Apache Tribe and the ranchers occupying the Mineral Strip required a new investigation by Congress. The last bill proposed by Congress to address the concerns and issues related to the Mineral Strip occurred in 1945 with S. 114. During the intervening years, the issues remained unresolved, but the Secretary's order in 1969 forced Congress' hand for making a final determination on the Mineral Strip. The tribe did not show any signs of halting their attempts to regain complete rights to their former lands and, since the passage of San Carlos Apache Tribal Resolution No. 58-7 in 1958, they had elucidated their intentions to regain the Mineral Strip in its entirety. The conclusion to this saga required another five years of litigation and congressional hearings, but they finally succeeded in 1974.

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[285] Ben Cole "Ranchers ask aid in Graham land closure," *Arizona Republic* (Phoenix, AZ), May 16, 1969, 21. https://www.newspapers.com/image/20025648.
[286] Ibid.

Concluding the Struggle

The order made by Secretary Udall created a ripple effect throughout Arizona as the San Carlos Apache Tribe regained control of the surface rights to the Mineral Strip. Immediately, the tribe took action to establish its authority over the grazing leases and declared in June 1970 that they intended to terminate all grazing privileges by June 30, 1971.[287] Without the grazing lands, the ranchers stood to lose everything, rendering the ranches useless properties. The order did not create problems for the ranchers and the tribe only, but for the federal government as well. Udall's order questioned the authority of the departments charged with maintaining portions of the Mineral Strip as it pertained to grazing leases. The *Arizona Republic* published an editorial on August 5, 1970, declaring, "Somebody's an Indian giver, but who?"[288] The article elaborated on the differing opinions of both the Agricultural Department and the Interior Department. Each department claimed that the lands fell under their own jurisdiction. The Agricultural Department claimed that the former secretary did not possess the authority to issue an order related to land managed under the Forest Service. The Interior, however, stood by its ruling stating that the lands in question belonged to the San Carlos Apache Tribe and thus the Bureau of Indian Affairs inherently held authority over the Mineral Strip.

The ranchers also questioned the future of their ranches and the possibility of relocation without compensation from the federal government. On May 20, 1971, E.W. Bundrick, a Mineral Strip ranch owner wrote a letter to the National Federation of Independent Business who referred the letter to the Associate Solicitor's office in the Division of Public Lands. In it, he

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[287] U.S. Congress, Senate, Committee on Interior and Insular Affairs, *San Carlos Mineral Strip: Hearing before the Subcommittee on Public Lands of the Committee on Interior and Insular Affairs,* 93rd Cong., 2d sess., April 10, 1974.
[288] Bob Thomas, "Somebody's an Indian giver, but who?" *Arizona Republic* (Phoenix, AZ), Aug. 5, 1979, p 24. Cited at *Newspapers.com,* https://www.newspapers.com/image/8483162.

explained the situation and experience of himself and other ranchers since the tribe took control of the leasing rights. He stated,

> As the commotion started over the land rights, the Indians have stated they don't want to take the land from the ranchers, only to receive the revenues; as a result, last year we were forced to pay the Indians the leases for this land, however, as the results are now, they are forcing the ranchers out financially. Last year our lease rates were $5.80 per cow head per year. This year they raised the rates to $10.80 per cow head and I am sure next year we will be forced to pay another drastic raise, which will be prohibitive for the ranchers to survive.[289]

The tribe honored their promise to attempt to close the leases to the ranchers on the Mineral Strip, and many of the ranchers questioned the legality of the secretary's order. Bundrick stated as much in his letter, and he received a response from Associate Solicitor Lindgren who proclaimed the order final, as the land legally belonged to the tribe. Others pondered the legal precedents of land rights for those residing on public lands.

Ed Rundle, a citizen from Safford, wrote to Senator Jackson questioning the authority of the Secretary to make the order and asked if the former Secretary held such power, why is the federal government unable to rescind that order. Regarding the legalities in relation to the rights of ownership to the ranches, Rundle stood on past precedents already established in federal law. He stated in his letter to the Senator,

> If 'The Arizona Mineral Strip' had not been considered as Public Lands, why were homesteads granted thereon? It has long been established that a qualified Entryman upon the Public Lands of the United States, whether as a 'Locator' of a Mining claim, as a Homesteader, or as one asserting rights under others of the multifarious laws governing entries on Public Lands, who perfects his entry by compliance with the applicable Act of Congress, thereby acquires a right to the land as against the Sovereign itself, as well as Third Persons.[290]

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[289] E.W. Bundrick to National Federation of Independent Business, May 20, 1971, Personal and Political Papers of Senator Barry M. Goldwater 1880s-2008, Arizona State University Library. Greater Arizona Collection, Box 188, Folder 11.
[290] Ibid. Ed Rundle to Senator Jackson, Sept. 30, 1971.

As it pertained to the legal homesteads and ranches established on the Mineral Strip, the federal government permitted actions to occur on lands that they did not rightfully own, an error that allowed ranchers to obtain patented lands under existing law, but at the risk of potential ruin.

Congress, moving at the speed of politics, finally acted on the issue by introducing two different bills, one by Representative Steiger with H.R. 15438 on June 12, 1972, and the other by Senator Fannin and Goldwater with S. 3915 on August 14, 1972; both held the same title as *A bill to authorize the Secretary of the Interior to purchase property located within the San Carlos mineral strip.* The bills provided for compensation to the ranchers to relocate and reimburse them for the improvements made on the ranches. In response, the San Carlos Apache Tribal Council passed a resolution to encourage the Congress to support and pass this legislation to reimburse the ranchers for their losses as a result of their removal. The speed at which Congress moved, however, did not help the ranchers as the government officials took no official action by end of 1972. The ranchers' circumstances were worsened by an order for eviction executed by Acting Superintendent of the Bureau of Indian Affairs Bob Taylor and Chairman Marvin Mull in February of 1973. The Arizona Republic reported, "All non-Indian ranchers on the San Carlos Apache Indian Reservation have been ordered by the tribe to be off their land by June 30."[291] The tribe refused to wait any longer for the government to act, especially as they pushed their original eviction dates back two years. In the eviction notices, the tribe further stated that the ranchers "leave all improvements, such as homes, barns, water pumps and corrals on the property. They will not be reimbursed for the land or improvements."[292] The evictions, on the surface, seemed harsh to many, but some of the ranchers understood the plight of the tribe. Louis

[291] Jacque Felshaw, "Apaches to oust non-Indian ranchers," *Arizona Republic* (Phoenix, AZ), Feb. 27, 1973, 1. Cited at *Newspapers.com,* https://www.newspapers.com/image/117412040.
[292] Ibid.

Ellsworth, a Mineral Strip rancher on Stanley Butte, stated in a separate issue of the *Arizona Republic* that, "I don't think they really meant it this way…I think they were putting us on notice that they are going to have to do something for their own people's sake. They were putting the government on notice that they want their property back."[293] Indeed, the tribe intended to get the attention of the federal government and end this charade once and for all. Unlike the fight that occurred in the 1960s, this conflict transitioned into one between the federal government and the tribe and unfortunately, the ranchers took the brunt of the losses.

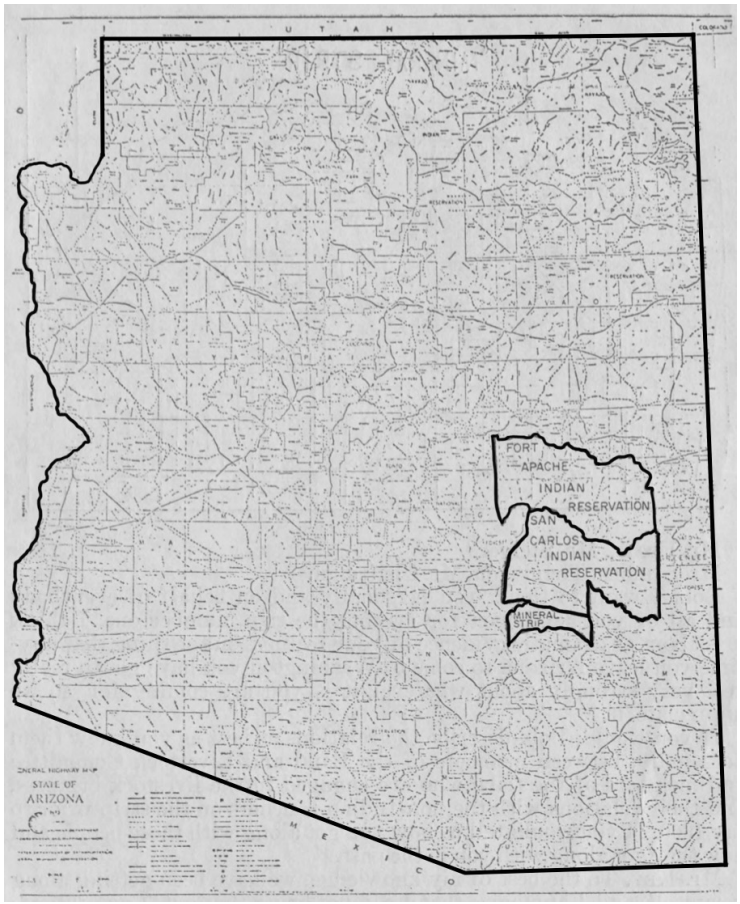


Figure 4: Map of Arizona from Hearing before the Subcommittee of the Committee on Interior and Insular Affairs H.R. 4414 May 10, 1973 - Fort Apache and San Carlos Reservations including the Mineral Strip

[293] Jacque Felshaw, "Mineral Strip cattlemen may get paid," *Arizona Republic* (Phoenix, AZ), Feb 28, 1973, 25. Cited at *Newspapers.com,* https://www.newspapers.com/image/117412903.

The tribe recognized the struggles of the ranchers and stated as much in an Arizona state legislative hearing conducted on March 31, 1973, organized by State Senator Tenney, a former resident born and raised on the Mineral Strip. The State hearing brought together the ranchers, members of the tribe, and congressional representatives to discuss the matter. Throughout the hearing, the ranchers expressed their legacy of residing on the lands of the Mineral Strip and their interactions with the tribe. In the hearing minutes, Skeet Bowman, rancher, stated how he "always had good relationships with the Indians and has talked with Chairman Mull on many occasions about the Mineral Strip and all discussions have been friendly and he appreciates that."[294] Representatives from the San Carlos Apache Tribal Council provided their own testimony on the situation with Chairman Marvin Mull, Councilman Floyd Mull, and Councilmen Robert Key expressing their perspectives on the issue. Councilman Mull considered the difficulties of those ranchers stating, "From a purely financial sense, the good can be paid for and in a sense replaced. But from an emotional standpoint, regardless of the size of the lump in his wallet, it is difficult to remove the lump in his throat."[295] Councilmen Robert Key directed the attendants of the hearing to the true antagonist of the people, that of the federal government. He stated, "the United States must be made to understand their obligation, both to the ranchers and to the Indians in this unfortunate situation. I feel confident that if we do all work together toward this common goal, Congress cannot fail to see that obligation and rectify the error that has been made."[296] The tribe made it clear to Arizona citizens that their fight did not involve the ranchers directly and instead, inculpated the federal government. Of those involved in the

[294]San Carlos Apache Mineral Strip Hearing Minutes, March 31, 1973, Box 1, Folder 9, Boyd Tenney Papers, SHM MS-33 1965-2000 (Bulk Dates: 1965-1973), Sharlot Hall Museum, Prescott, 5.
[295] Ibid. Statement of Mr. Floyd Mull, March 31, 1973. 1
[296] Ibid. Statement of Mr. Robert Key, March 31, 1973. 3

situation, none deserved the right to aggressively retake their lands more than the San Carlos Apache Tribe.

The measures conducted by the federal government to restore rights to the Mineral Strip to the San Carlos Apache Tribe came through one entity, the Office of the Secretary of the Interior, while the ranchers fought to remain in their homes as legal residents under laws manufactured by Congress. Since 1945, Congress failed to resolve the dispute and by 1973, the inactions of Congress placed both Arizona citizens and the San Carlos Apache Tribe on the same side of the argument with the federal government now in the crosshairs of these combined forces.

Following the hearing in Phoenix, AZ that included the Arizona congressional delegation, Morris Udall, a U.S. Representative for Arizona, spoke in the House of Representatives on May 9, 1973, on the situation surrounding the Mineral Strip. He voiced his support for a compensation bill to benefit the Mineral Strip ranchers, introduced by Representatives Steiger (AZ) and Conlan (AZ).[297] The next day, a hearing scheduled before the subcommittee on public lands heard arguments on H.R. 4414, a bill to authorize the secretary of the interior to purchase property located within the San Carlos Mineral Strip. In the hearing, witnesses gave their testimony in relation to the history of the Mineral Strip and the occurrences between the tribe and the ranchers over the past seventy years. Councilman Robert Key from the San Carlos Apache Tribal Council represented the tribe and spoke at the hearing in regard to the intentions of the tribe. He explained that the tribe intended to use the land for their own purposes. Not only did the land represent a financial means to mitigate economic strains on the reservation, but it also provided the answer to a lingering problem among the tribal members. Councilman

[297]Representative Udall, "San Carlos Indian Tribe Placed in an Unfortunate Dilemma," May 9, 1973, 93d Cong., 1st sess., *Congressional Record* 84, pt. 9: 15087.

Key stated, "We have got five cattle associations on the entire reservation and all the associations are up to their capacity as far as carrying capacity is concerned."[298] The tribe required the use of the land to expand the tribal cattle associations, and the Mineral Strip exemplified the best possible solution for the tribe.

The hearing concluded the same day and did not provide much more information. It did, however, allow Congress to hear the troubles of both the tribe and the ranchers and finally receive a full account of the dire situation between the two communities. Congress conducted two more hearings to recount the events leading up to this juncture, one on June 8 and another on June 27, 1973, both discussing a similar bill designated H.R. 7730. The latter hearing included the statements of the Department of the Interior and the Department of Agriculture. Both department secretaries advised against the passage of the bill stating the same reasoning for their respective decisions. They believed that the bill set a precedent for governmental compensation for the termination of grazing privileges, improvements, and acquisition of private holdings for addition to the reservation.[299] The bill, however, garnered a significant amount of attention and support. On September 17, 1973, the Arizona State congressional delegation submitted a letter to the House of Representatives before they considered H.R. 7730. In it, they stated, "This measure is supported by the entire Arizona Congressional delegation including Senators Fannin and Goldwater, the San Carlos Apache Tribe that does not receive any economic benefits from this measure, the great majority of the people of Arizona and the House Committee on Interior and

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[298] U.S. Congress, House, Committee on Interior and Insular Affairs, *San Carlos Mineral Strip: Hearing before the Subcommittee on Public Lands of the Committee on Interior and Insular Affairs,* 93rd Cong., 1st sess., May 10, 1973.

[299] U.S. Congress, House, Committee on Interior and Insular Affairs, *H.R. 7730, To Authorize the Secretary of the Interior to Purchase Property Located with in the San Carlos Mineral Strip: Hearing held before the Committee on Interior and Insular Affairs,* Unpublished, 90th Cong., 1st sess., June 5, 1967.

Insular Affairs."[300] The bill received support from nearly every organization involved in the fight over the Mineral Strip.

Despite this significant support, Representative Saylor (PA) brought up some of the same concerns expressed by the both the Secretary of the Interior and Agriculture in the House the next day. Moreover, the issue for Saylor came in the language of both orders from the Secretary of the Interior that restored the subsurface and surface rights in 1963 and 1969, respectively. Neither order impacted the actual patented lands and Saylor mentioned the problem with the cancellation of grazing leases, which remained a probable scenario because the Taylor Grazing Act stipulates this possibility. In this case, the ranchers themselves did not incur any damage to their property rights. Representative Steiger responded to Saylor stating, "had the gentleman from Pennsylvania been able to attend the hearings, he would have learned that the real factor in this is one which places in serious jeopardy the relationships between the Indian community and the non-Indian community in this area."[301] The human factors behind this issue outweighed the need to adhere to the stringent bureaucratic structures of the government. The deterioration between the two communities placed both the state and the San Carlos Apache Tribe in a potential state of conflict. Furthermore, in the hearings, Congress expressed the past wrongs of the federal government in administering leases and patents to land they did not rightfully control.

The Pennsylvania congressman held to tight to his position, and even brought up the possibility for potential reductions in the amount proposed for reimbursement. The House passed the bill with a reduced reimbursement amount of $1.5 million for the ranchers and it proceeded

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[300] Sam Steiger, et. al., letter to Congress concerning H.R. 7730, September 17, 1973, Sam Steiger Collection, 1923-1996, Series 3, Box 127, Folder 1139, Northern Arizona University Cline Library. Special Collections and Archives Department, Flagstaff.
[301] Representative Steiger speaking on H.R. 7730, on September 18, 1973, 93rd Cong., 1st sess., *Congressional Record* 119, pt. 23: 30154.

to the Senate, which greatly angered the ranchers. In response, Representative Conlan stated that he hoped to restore the previous amount in the Senate hearings.[302] The Senate did just that. In Senate Report No. 93-1234, the governmental body amended the amount to $3 million, and the House approved the amendment. Finally, after years of fighting and indecision on the part of Congress, H.R. 7730 became Public Law 93-530 on December 22, 1974. After another sixteen years of tribal management, Congress extended the authority of the tribe on the Mineral Strip and relinquished those portions of the Coronado National Forest resting within the reservation boundaries on October 22, 1990.[303]

Conclusion

Before the existence of the San Carlos Apache Tribe, the federal government only recognized the San Carlos Indian Reservation, and at that time, leaders from the various tribes who relocated to the reservation received a voice on the issues pertaining to the lands of the Apachean peoples. In 1896, in a vote that included Apachean, Yavapai, and others residing on the reservation, the headmen relinquished traditional Aravaipa lands for mining prospects. In the hopes of garnering an income generated by potential mineral claims, the peoples of the reservation hoped to monetarily benefit from this land reduction. Unfortunately, by 1927, the tribe had received very little income from the leases that existed, and the federal government, in their infinite wisdom, went outside the bounds of the original agreement made in 1896 and

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[302] Jacque Felshaw, "Strip Ranchers Gloomy, Angry," *Arizona Daily Star* (Tuscon, AZ), Dec. 20, 1973, 41. Cited at *Newspapers.com,* https://www.newspapers.com/image/166668502.

[303] *An Act to transfer to the Secretary of the Interior the administration of the surface rights in certain lands presently within the boundaries of the San Carlos Indian Reservation, Arizona, and managed by the Forest Service as part of the Coronado National Forest, and for other purposes.* Public Law 101-447, *U.S. Statutes at Large* 104 (1990): 1047.

opened the Mineral Strip for homesteading and grazing. The tribe met with government officials to express their concerns about the Mineral Strip and the possible opportunity to reacquire the lands for their own benefit. Representatives from the Department of the Interior and Congress heard the pleas of the members, however, the government only responded with bills to undercut the real value of the land that allowed the country to acquire the lands for an insulting amount. President Franklin D. Roosevelt, fortunately, a proponent of new Federal Indian policies, expressed his desire to see the tribe thrive economically and vetoed the proposed bill upon its arrival on his desk.

Under the Taylor Grazing Act, the government extended its authority and further undermined the authority of the now San Carlos Apache Tribe. Provisions of the 1934 Indian Reorganization Act allowed the peoples of San Carlos to form a sovereign political entity that established itself as a formidable tribal government. One of the first actions taken by the tribe included arranging meetings with the Commissioner to discuss the Mineral Strip. Unfortunately, World War II halted anymore discussion of the strip and bills continued to fail after the war. After a decade of silence, and while the tribe found its political footing, the San Carlos Apache Tribal Council passed a resolution requesting the Secretary of the Interior to return the Mineral Strip. A series of events resulted from this single action and led to a special hearing in 1960 in Globe, AZ, and the eventual return of the subsurface rights in 1963. This moment generated panic as ranchers in the Mineral Strip feared that these actions represented the first in a string of maneuvers that would end with the loss of their livelihoods on the strip. Lawsuits ensued in response to the actions of the Under Secretary, and in the cases of *Bowman v. Udall* and *Hinton v. Udall*, the outcomes resulted in favor of the federal government and the San Carlos Apache Tribe. Throughout the 1960s, Congress failed to act and, not until the latter half of the decade did

they again revisit the question. In January 1969, at the end of the Johnson administration, the Secretary of the Interior ordered the full restoration of the surface rights of the Mineral Strip to the tribe. The ranchers petitioned the federal government for answers, and the tribe initiated its own policies on the strip, starting with the evictions of the non-Indian ranchers. Congress finally acted and submitted several bills to reimburse the ranchers and the final bill became law in December of 1974.

The tribe lost a significant portion of Aravaipa homelands in the nineteenth century, and the federal government assisted in recovering the land through its forceful reinvention of the San Carlos Apachean peoples into a San Carlos Apache Nation. The government provided a means to fight back and regain its former territories, and with the inadequacies of the federal government to properly administer its own agreements, an opportunity presented itself. As a side effect of the Indian Reorganization Act, the San Carlos Apache Tribe worked to assert its sovereignty through this manufactured government and removed non-Indians from their traditional territory and reacquired its lands.

Chapter 5

Sacred Space and Identity

In the twenty-first century, the Indigenous peoples of the United States endure some of the same struggles faced by their ancestors centuries ago. They speak out against those who threaten Indigenous traditional homelands with destruction for the sake of profit. At Standing Rock, Indigenous peoples joined together through the #NoDAPL movement to resist the construction of a pipeline that threatens the people's access to clean water. In Utah, the Indigenous peoples at Bears Ears, a land that is significant to many Indigenous peoples, declare that the removal of government protections for this place leaves the monument vulnerable to mining prospects, vandalism, and grave robbing.

In the views of the non-Indigenous, land is deemed worthy of protection if there is a distinct problem for the colonizing whole. Relevance of place is important as well, however, as Vine Deloria, Jr., noted, "places are appreciated primarily for their historical significance and do not provide the sense of permanency and rootedness that the Indian sacred places represent."[304] Efforts to protect land significant to Indigenous peoples transcends the need for environmental protections. Land is an intrinsic and necessary facet of the Indigenous worldview and remains foundational to various concepts of Indigenous identity. Nick Estes, a member of the Lower Brule Sioux tribe, in relation to #NoDAPL, stated, "Every act on our part to recover and reclaim our lives and land and to resist elimination is an attempt to recuperate that lost humanity – a humanity this settler state refuses and denies even to its own."[305] Dził Nchaa Si An (*Mount*

[304] Deloria, *God is Red,* 66.
[305] Nick Estes, "Fighting for Our Lives: #NoDAPL in Historical Context," *Wicazo Sa Review* 32, no. 2 (2017): 116.

Graham) and Chi'chil Biłdagoteel (*Oak Flat*) fit well within this discussion, but the Apachean identity plays a significant role in understanding the significance of these issues.

In the early nineties, the San Carlos Apache Tribe fought to secure environmental protections for Dził Nchaa Si An (*Mount Graham*) to save their spiritual heritage when the University of Arizona, in collusion with the Vatican, attempted to construct a telescope on the sacred mountain. Despite their efforts, the pleas of the Apachean peoples were ignored and the telescope was constructed on the sacred mountain. In the early twenty-first century, the Rio Tinto group attempted, and later succeeded, to initiate a land exchange that included a sacred Western Apachean site that, at the time of this writing, is threatened with potential ruination from underground mining. The San Carlos Apache Tribe articulated their position through testimonies to various governmental bodies and opposed any construction or mining at both these places based on the spiritual and physical significances of the land. The official position of the tribe clearly stipulated their position on the issues surrounding Dził Nchaa Si An (*Mount Graham*) and Chi'chil Biłdagoteel (*Oak Flat*), but dissenters from the tribe expressed a different perspective. Of course, the mining corporations utilized these dissenting voices and manipulating their perspectives in an attempt to demonstrate Indigenous support for their cause. However, aside from the obvious problems at both Dził Nchaa Si An (*Mount Graham*) and Chi'Chil Biłdagoteel (*Oak Flat*), one question of cultural significance lies at the heart of this issue for the peoples of the San Carlos Apache Tribe: why is there dissent?

The question of "sacredness," in relation to these Western Apachean sites, remains rooted in historical trauma and identity. Forced removals relocated many Indigenous peoples to the San Carlos Indian Reservation in the nineteenth century, and the Indian New Deal required Indigenous nations to conform to a purely Western form of governance, resulting in a

consolidated reservation identity. Consequently, the "dissenting voice" is a result of this altered perspective of identity. The interpretation of a site as "sacred" for the peoples, specifically as it related to the affirmation of Dził Nchaa Si An (*Mount Graham*) and Chi'chil Biłdagoteel (*Oak Flat*), depended upon the individual tribal member whose family was, and still is, impacted by historical traumas resulting from Indigenous consolidation at San Carlos.

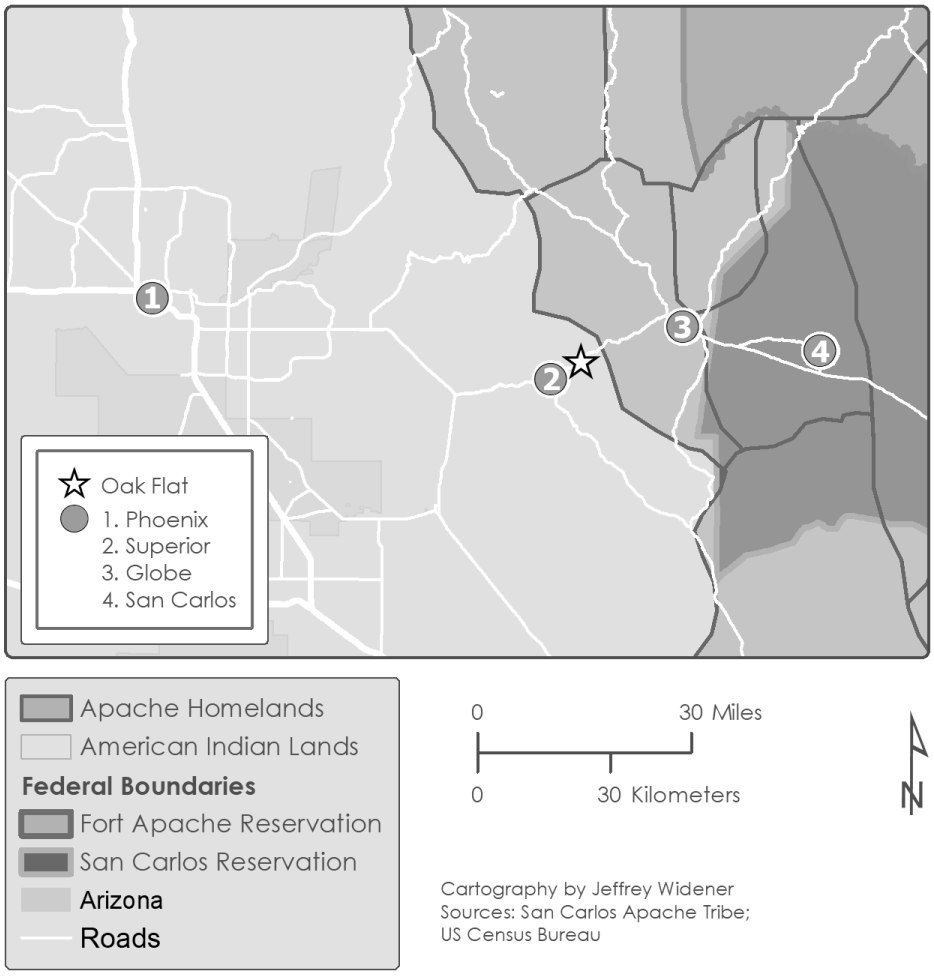


Figure 2: Map of Oak Flat; Cartography by Jeffrey Widener.

Chi'chil Biłdagoteel (*Oak Flat*) and Apache Leap Mountain, situated in the mountainous southern boundaries of the Tonto National Forest in Eastern Arizona near the small town of

Superior, received a considerable amount of attention from politicians, corporations, and numerous Indigenous communities surrounding the area during the mid to late 2000s and 2010s. The location itself holds an abundance of life-sustaining properties that make it a veritable oasis within the desert landscape; subsisting as spiritual for the Indigenous and materialistic for the non-Indigenous. It attracts many outdoor enthusiasts, environmentalists, and communities who rely upon the mountain's spring water. Its abundance of earthly material also drew the attention of Resolution Copper, a subsidiary of Rio Tinto.

Resolution Copper currently operates a mine atop Apache Leap Mountain, and in the past, the act of mining was not an issue. Now, however, the problem lies in the proposed underground mining technique. Extracting the copper lying beneath Chi'chil Biłdagoteel (*Oak Flat*) will cause surface subsidence, which "occurs as the material above the ore body gradually moves downward to replace the ore that has been mined," and, in other words, will induce Oak Flat's destruction.[306] To counteract this clear intention to destroy a sacred site and contaminate life-giving groundwater with exposed rock waste, the San Carlos Apache peoples, in conjunction with other tribal governments, are fighting to preserve the site and stop the construction of a mine in a place that is considered sacred to many Indigenous peoples.

Irrespective of the land's sacredness, the mining subsidiary pursued a land exchange with the federal government to acquire the land, protected by executive order, at Chi'chil Biłdagoteel (*Oak Flat*). Starting in 2005, the first attempts to secure the land for the company were brought by Arizona Senators Jon Kyl and John McCain as standalone bills. The efforts arranged by the Arizona politicians resulted in continuous failures, but on December 19, 2014, Congress passed the National Defense Authorization Act (NDAA) for fiscal year 2015 with the Southeast Arizona

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[306] Resolution Copper, *General Plan of Operations*. May 9, 2016. 15.

Land Exchange and Conservation rider added by McCain hours before the bill was scheduled for a vote.[307] The "must-pass" measure was subsequently approved in Congress and signed by former President Barack Obama.

The federal government uses words like "land use," "preservation," and "environmental protection" to emphasize the needs and purposes of colonial property, primarily as a way to display government motives. To the Indigenous, these words relate to a perspective of "being" for both the collective and individual alike. Identity, purpose, responsibility, and history are all contained within the culture and worldview of the Western Apachean peoples. They, the peoples, exist as a component of the lands in which they inhabit, or previously inhabited, and hold a kind of stewardship over their lands. In regard to the land disputes of the late eighties and early 2000s, colonial entities questioned the validity of the peoples' cultural claims to land ownership, responsibility, and identity. Disputes among tribal members in asserting the "sacredness" of Dził Nchaa Si An (*Mount Graham*) and Chi'Chil Biłdagoteel (*Oak Flat*) seemed to only further the outsider's assertion that, with the absence of cultural solidarity, the tribe could not possess any traditional claim to these sites. Consequently, if the tribe could not collectively state the significance of the two sites to the tribal whole, it furthered the sentiment that there existed an element of expendability. Therefore, the settler-colonial entities, who sought the exploitation of these sites, maintained the position that the economic benefits to the local settler, Indigenous, and state communities outweighed the demand for cultural protections.

Despite the environmental, religious, and cultural impacts of the respective projects at Dził Nchaa Si An (*Mount Graham*) and Chi'Chil Biłdagoteel (*Oak Flat*), the academic, religious,

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[307] Carl Levin and Howard P. Buck, *Mckeon National Defense Authorization Act For Fiscal Year 2015*, 113; P.L. 291, 128 Stat. 3292, 2014; Enacted H.R. 3979, 113; and Enacted H.R. 3979 (December 19, 2014), 442.

and corporate entities, along with their allies, persisted and, incorporated several dissenting Apachean voices into their narrative. In the case of Apachean identity, these dissenting voices represent the destructive nature of the cultural and historical trauma inflicted upon the people through various governmental measures intended to assimilate Indigenous peoples; to include the previous "Mineral Strip" negotiation in the nineteenth century and its subsequent land dispute in the twentieth. The traditional Apachean identity is rooted in a complex social structure based on specific relationships, while the contemporary concept relies on a colonial perception of nationhood. To fully understand the issue at Chi'chil Biłdagoteel, it is necessary to go beyond the initial reports made by tribal members who do, or do not, consider Chi'chil Biłdagoteel to be a sacred site and, instead, examine the cultural and historical precedent, beginning with the creation of the San Carlos Apache Reservation, to explain the cause of dissention.

Establishing a Precedence at Dził Nchaa Si An (*Mount Graham*)

After the establishment of the San Carlos Reservation in 1872, a synthetic identity tied the peoples to a colonial concept of "belonging" based on an idea of imaginary borderlines. A colonial structure labeled the "San Carlos Apache Nation," a product of the Indian Reorganization Act in 1934, perpetuated this mentality. Land disputes in the late twentieth and early twenty-first centuries exemplify the inherent problems caused by this manufactured identity. The conflict at Dził Nchaa Si An (*Mount Graham*) during the late twentieth century was, and continues to be, a great concern for the San Carlos Apachean peoples. The similarities between Dził Nchaa Si An (*Mount Graham*) and Chi'chil Biłdagoteel (*Oak Flat*) are significant, however, the focus is on the land itself. While many non-Indigenous groups discussed the issue of land use, the larger conversation, in this matter specifically, is the question of *cultural* identity

and the negative repercussions of the *political* identity established in the mid-twentieth century by the federal government. The problems at Dził Nchaa Si An (*Mount Graham*) were many, but the dissenting voices of tribal government officials, Harrison Talgo (Chairman) and William Belvado (Councilman), demonstrates the tendency of members to conform to the singular Apachean identity that is perpetuated by the continued use of the San Carlos moniker.[308] At both Dził Nchaa Si An (*Mount Graham*) and Chi'chil Biłdagoteel (*Oak Flat*), this point, coupled with the established environmental and spiritual concerns, only exacerbated the issue.

One of the first attempts to undermine significant laws and protections for sacred Dził Nchaa Si An (*Mount Graham*) came by way of John McCain, when he attached a "midnight rider" to the 1988 National Defense Authorization Act (NDAA) that stipulated an exemption from environmental regulations for the University of Arizona's Mount Graham Astronomical Complex, a tactic that was repeated in the dispute over Chi'chil Biłdagoteel (*Oak Flat*) in 2015 for Resolution Copper.[309] The following year, in a letter dated December 27, 1989, the University of Arizona's Office of Coordinator of Indian Programs sent a letter to, then Chairman of the San Carlos Apache Nation, Buck Kitcheyan. The greeting to the highest office of the Apache Nation begins with "Dear Buck," as opposed to "Dear Mr. Chairman," or "Dear Mr. Kitcheyan." The letter extended an invitation to a meeting between representatives of the university and prominent Apachean leaders to discuss the university's intention to construct a multimillion-dollar telescope, in partnership with the Catholic Church, atop Dził Nchaa Si An

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[308] Tribal members throughout the reservation expressed similar sentiments to that of the two tribal officials, however, I am unable, and unwilling, to name any individuals outside of what has already been publicly, officially, or governmentally made available, or published of their own accord. I hold this same position for the section on Chi'Chil Biłdagoteel.

[309] James P. Jordan, "John McCain's 'midnight riders' put borderlands at risk," *People's World*, September 15, 2015, https://www.peoplesworld.org/article/john-mccain-s-midnight-riders-put-borderlands-at-risk/.

(*Mount Graham*) in Southeastern Arizona. University officials stated their willingness to respect the religious beliefs and practices of the San Carlos Apachean peoples and discuss the impact of the construction of the Mount Graham Observatory. As a standalone document, this represented the University of Arizona's readiness to address the concerns of the tribe regarding the intended construction of an observatory on non-reservation Apachean territory. However, the tone of the document exuded a kind of authority that was "granted" to the university by non-Apacheans over lands deemed significant to the Apachean people, a people who have resided on or near this mountain for centuries.[310]

During the late 1980s and early 1990s, the San Carlos Apache Tribe asserted its sovereignty over the contested site at Dził Nchaa Si An (*Mount Graham*). On July 10, 1990, the tribe executed a resolution that formally established a political stance against the construction of the telescope.[311] Tribal leaders also insisted that both government and university officials provide the necessary documentation and consultations required by law before construction on sensitive sites commenced. The demand came as a result of the apparent oversight by these organizations to initiate any government-to-government communications. Chairman Kitcheyan complained to U.S. Forest Service Southwestern Region Forester, David Jolly, that they subverted federal law and failed to conduct the appropriate actions required to ensure the protection of Indigenous sacred sites.[312] The tribe continued to press the Forest Service on the issue, and stated on June 4, 1991, that the government agency unlawfully allowed the issuance of a permit for construction

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[310] Gordon V. Krutz, to Buck Kitcheyan, December 27, 1989, *Record of Opposition to the Desecration of Mount Graham by the University of Arizona*, Box 1, Folder, Elizabeth Brandt Mount Graham Papers 1990-1990, MSS-396, Arizona State University Library Labriola National American Indian Data Center.
[311] Ibid. San Carlos Apache Tribe, *San Carlos Apache Tribe Resolution No. 90-68,* 1990.
[312] Ibid. Buck Kitcheyan, Letter to David Jolly, August 31, 1990.

and subverted the National Historic Preservation Act, which stipulates a requirement for consultation and cultural impact studies on culturally sensitive sites.[313]

This project was a joint endeavor with the Catholic Church, and, as such, efforts were made by the tribe to contact and appeal to Pope John Paul II at the Vatican and inform him of the religious nature of the site in relation to the Apachean peoples' traditional customs. A delegation of San Carlos Apachean representatives traveled to Europe on a tour that attempted to garner support for the movement from those countries that intended to invest in the telescope and also requested a meeting with the Pope, which he denied due to scheduling conflicts.[314] Many attempts were made by San Carlos Apache Tribal representatives throughout the 1990s to protect Dził Nchaa Si An (*Mount Graham*), but they were not without dissenters.

The tribal government consistently passed official resolutions that affirmed the position of the tribe continuously stating that the mountain is indeed sacred and were opposed to the construction of the telescope. As the discussion continued throughout the 1990s, members who initially supported the tribe shifted and, instead, became supporters of the university. Former Chairman Harrison Talgo, in an effort to undermine the work of the Apache Survival Coalition, a non-profit founded by tribal member Ola Cassadore of Bylas, AZ, stated in a letter to Jack Thomas, then Chief of the Forest Service, that their meeting with the Coalition was unofficial and did not reflect the position of the tribe. Cassadore's organization worked tirelessly during the 1990s to halt construction of the telescope, and the movement experienced a setback with the opposition of the former Chairman. Talgo later lost his reelection bid 11 months later and became a University of Arizona construction engineer at Dził Nchaa Si An (*Mount Graham*) as

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[313] Ibid. Kitcheyan, Letter to David Jolly, 1-2.
[314] Ibid. "Apache delegation denied audience with pope," *San Carlos Apache Moccasin,* May 26, 1992.

well as a public relations consultant for the university.[315] The tribe maintained its position, but the Chairman and others spoke out against Dził Nchaa Si An's (*Mount Graham*) significance.

William Belvado, an elected official who served on the San Carlos Apache Tribal Council at the time, asserted his dissenting position on Dził Nchaa Si An (*Mount Graham*) to Congressmen Sidney Yates (D-IL) and Jim Kolbe (R-AZ), both congressional representatives investigating the issue. In his letter to the congressmen he stated, "It is not, and never has been, an issue of concern for the San Carlos Apachean people" and affirmed the fact that the mountain does not reside on "reservation" territory.[316] Both Talgo and Belvado relied upon a colonial conception of space and determined that Indigenous space can only exist within "reservation boundaries," or imaginary lines created by the settler-colonial authority.

Indigenous peoples do not define sacred space in such terms but understand the significance of space through relationship and inherent unexplained power.[317] In the past, the peoples of the San Carlos Reservation practiced a system of responsibility tied to the lands and their communities. The Western Apachean clan-band kinship model placed familial connections above all other obligations. This understanding carried over to land use and their "belonging" to the land. The peoples, based on their clan's needs, were responsible to each other and the land. When the time came, clan members were called upon to fulfill their duties in assisting with building a camp, tending to the farms, hunting, raiding, and conducting warfare against their enemies. An individual Apachean member's place among the clan determined their responsibilities. In regard to sacred spaces, the Western Apachean peoples understood that particular places possessed an unknown power that required the peoples to minister to a place

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[315] Ibid. Harrison Talgo, Letter to Jack Thomas, December 14, 1993.
[316] Ibid. William Belvado, Letter to Sidney Yates, December 5, 1995.
[317] Deloria, *God is Red*, 146.

based on their own interpretation of the site. In order to realize a location's power, medicine men spent time in these places to gain knowledge and understanding of the place and then relayed this information to the people. This might occur through the creation of songs, stories, dances, or ceremonies that acknowledged a site's inherent power. The mountains surrounding their territories were also believed to be the home of the Ga'an (Crown Dancers or Mountain Spirits) who brought farming and civility to the Western Apachean peoples.

Despite the connections Indigenous people possess with their traditional homelands, they have consistently been removed or ignored to make way for whatever "technological achievement" or "advancement" that non-Indigenous corporations and individuals deem worthy of occupying or replacing Indigenous spaces, as it is currently at Bear's Ears and #NoDAPL. Though, in the case of the San Carlos Apachean peoples, there is not a traditional singular whole that is able to conceptualize the apparent discrepancies between members. Within the peoples' history are the rudimentary underpinnings of a foreign entity's attempt to eliminate the traditional Indigenous identities in favor of a Westernized perspective of citizenry.

Governmental Precedence at Chi'chil Biłdagoteel (*Oak Flat*)

In 1955 President Dwight Eisenhower signed Public Order 1229, ordering that Chi'chil Biłdagoteel (*Oak Flat*) Picnic and Campground be "withdrawn from all forms of appropriation under the public land laws, including the mining but not mineral-leasing laws, and reserved for use of the Forest Service, Department of Agriculture, as campgrounds, recreation areas, or for the public purposes as indicated."[318] Since that time the location has been under the protection of the federal government. The stipulations within the order limit the mining prospects and were

[318] Federal Register, PLO 1229, October 1, 1955

designed with the mindset that this land be set aside for the benefit of the people, free from contamination. Despite these intentions, since 2005 Resolution Copper, under the guise of Rio Tinto, attempted to acquire the land, but with the protection order signed by Eisenhower, obtaining the land to mine was impossible without Congressional approval. Despite the efforts of the San Carlos Apachean people, outdoor enthusiasts, and environmentalists to maintain the protections, this changed in 2014 with the inclusion of a "midnight rider" in the 2015 defense bill submitted by Senator McCain hours before it was sent to the floor.[319]

The first attempts to exchange sacred Chi'chil Biłdagoteel (*Oak Flat*) came in the form of Senate Bill S.1122 and House Bill H.R. 2618 on May 25, 2005. The bills "would have conveyed 3,025 acres of national forest land to Resolution in exchange for approximately 4,814 acres owned by Resolution."[320] Both failed in Congress, and were reintroduced five more times; 2006-2008, 2010, and 2013. Each time it was defeated with the help of strong opposition from the collective forces of various anti-mining entities, including the San Carlos Apache Nation. The bills introduced in 2005 did not provide protections or considerations for Indigenous peoples and each submission after was changed slightly, with one bill title altered to reflect the significance on the economy, aptly named the Copper Basin Jobs Act.[321]

The first congressional hearings began in 2007, and in an effort to garner support for the bill, the *Arizona Capital Times* featured an article that detailed the intentions of the company. In the 2007 article, Resolution Copper explained the prospect of adding a new park for the benefit of climbers and campers, a move intended to pander to outdoor enthusiasts, but they also

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[319] Jordan, "John McCain's 'midnight riders' put borderlands at risk."
[320] Katharine E. Lovett, "Not All Land Exchanges Are Created Equal: A Case Study of the Oak Flat Land Exchange." *Colorado Natural Resources, Energy & Environmental Law Review* 28, no. 2 (2017), 366.
[321] U.S. Congress, House, *Copper Basin Jobs Act,* HR 4880, 111th Cong., 2nd sess., introduced in March 18, 2010.

expected individuals to pay to use the new facilities. Throughout the article, the Apachean people are mentioned only once at the beginning, and only in passing. Nevertheless, the proposal received much scrutiny from the San Carlos Apache Nation and others in Congress.

In November of 2007 the legislative hearings before the Subcommittee on National Parks, Forests, and Public Lands, included discussions between Senator Grijalva, Senator Jeff Flake, representatives from the Yavapai Nation, San Carlos Apache Nation, and Resolution Copper. Statements provided by non-Indigenous groups briefly mentioned the cultural significance of Chi'chil Biłdagoteel to Indigenous peoples but failed to recognize the implications of the land to the people and their identity. Testimonies given by the Yavapai and San Carlos Apachean peoples defended their anti-mining position from an Indigenous perspective as both detailed the significance of the place in relation to their religious and cultural practices. Pro-mining non-Indigenous attendees provided testimony that only acknowledged the land's cultural significance with acorn picking, a seasonal food gathering done since time immemorial but hardly of equal significance to the more complex cultural implications of the site to Indigenous identity and tradition.[322]

During the hearings, the San Carlos Apache Tribal Chairman, Wendsler Nosie, represented his people and testified in the U.S. House of Representatives on Thursday, November 1, 2007 to express the concerns of the people regarding Chi'chil Biłdagoteel. He stated, "Oak Flat is a place where a blessed gift was given to the people about morals, and ethics and how to maintain the Earth."[323] The legislative hearing was in regard to H.R. 3301, the "Southeast Arizona Land Exchange and Conservation Act of 2007," discussed in the House

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[322] U.S. Congress, House of Representatives, Subcommittee on National Parks, Forests and Public Lands, *Southeast Arizona Land Exchange and Conservation Act of 2007,* 110th Cong., 1st sess., 2007.
[323] Ibid, 17.

Subcommittee on National Parks, Forests, and Public Lands of the Committee on Natural Resources. In this single statement, Nosie affirmed the concerns of the Apachean people and encompassed the entirety of the Apachean relationship to the land at Oak Flat, a place that the Apachean people occupied for centuries before European invasion. His acknowledgement of this place is multi-faceted and speaks to the complexities of the Apachean lifeways. The culture is rooted in place, and it is in that place that much of the religious iconography, relationships, and understandings of identity were revealed to the people. The Apachean relationship to land goes beyond the common misconceptions of the ecological Indian, a cultural trope often associated with Indigenous peoples when discussing land issues, as land, or place, is incredibly significant to the Apachean "peoplehood."[324]

A second hearing was initiated in 2008 in the Current Public Lands and Forests Legislation in the Subcommittee on Public Lands and Forests on Senate Bill S. 3157, the Southeast Arizona Land Exchange and Conservation Act of 2008. Statements related to the mining at Chi'chil Biłdagoteel (*Oak Flat*) were heard, and each new testimony affirmed the economic benefits to the state. The testimonies of Senator Jon Kyl, and Joel Holtrop, Deputy Chief of the National Forest System, never mentioned Apachean concerns and statements issued by Resolution Copper stated the intention of the company to welcome consultations with Tribal governments, however, it was not determined who would initiate this conversation. Indigenous

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[324] Thomas, Robert K., "The Taproots of Peoplehood," *Americans Before Columbus*, Vol. 10 no. 5. National Indian Youth Council Albuquerque, N.M. 1982. Robert K. Thomas explains that peoplehood is established by reflecting upon four key areas of influence among a people: language, ceremony, land, and history. This foundational understanding permits the necessary acknowledgements of vastly different peoples, even within similar groups such as the Athabaskan, and further provides a means to understand identity. See Tom Holm, J. Diane Pearson, and Ben Chavis, "Peoplehood: A Model for the Extension of Sovereignty in American Indian Studies," WICAZO SA Review 18, no. 1 (March 1, 2003): 7-24. Tom Holm et. al. incorporated this approach to formulate a concept of sovereignty based on the "peoplehood model" and make necessary adjustments to Thomas' theory of peoplehood. The areas are rebranded for a better representation as sacred history, ceremonial cycle, language, and sacred space.

concerns to the proposed mine were not acknowledged or mentioned by any of the attendees until the testimony of Shan Lewis, President of the Inter-Tribal Council of Arizona. Representing the interests of both Chairman Wendsler Nosie and President Bear of the Yavapai Nation, Lewis commented, "the Federal Agencies involved have failed to consult with us on a government-to-government basis on this matter. In this regard, this hearing is quite premature. No consultation has occurred."[325] The bill did not receive the necessary votes in Congress, and the measure failed.

The following year, a bill with the same designation as those previous, went into a similar committee hearing where the intentions of Senators McCain and Kyl, Joel Holtrop of the U.S. Forest Service, and David Salisbury, president of Resolution Copper, again spoke to the financial benefits of the mine. In this hearing, however, Holtrop confirmed one of the suspicions held by tribal governments regarding the follow-through of public law. He stated:

> The bill requires the agency to conduct an environmental impact statement after the agency no longer owns the property on which the mine would be located. The purpose of the National Environmental Policy Act (NEPA) is to inform the decision maker about potential impacts prior to making a decision. Given the current language, we would assume that we would only be analyzing impacts from mining activities on the surrounding National Forest land, not the land to be conveyed. Consistent with Administration policy, NEPA should be done before moving forward on the land exchange.[326]

The language in this bill passed the burden of a NEPA study into Resolution Copper, a measure specifically put in place to prevent adverse effects from land disturbances and ensure adherence to federal laws. By passing this onto the company, the Forest Service subverted the governmental oversight created to keep potentially dangerous material from contaminating the surrounding

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[325] U.S. Congress, Senate, Subcommittee on Public Lands and Forests, *Current Public Lands and Forests Legislation*, 110th Cong., 2nd sess., 2008, 47.
[326] U.S. Congress, Senate, Subcommittee on Public Lands and Forests, *Public Land and Forests Bills*, 111th Cong., 1st sess., 2009, 5.

environment. This bill did not make it to the floor, but Resolution Copper continued their efforts for another eight years until the infamous rider in 2014, which included this same section of the bill.

The last major attempt by Resolution Copper and the Arizona Senators to initiate the much sought-after land swap came in 2013. The issue garnered international attention and was heavily focused on tribal sovereignty, Indigenous rights, and religious freedom for Indigenous peoples. The new Chairman of the San Carlos Apache Nation, Terry Rambler, continued the fight for Oak Flat and gave a testimony before the House Natural Resources Subcommittee on Energy and Minerals, and the Senate Committee on Energy and Natural Resources Subcommittee on Public Lands, Forests, and Mining. In his address he reaffirmed the tribe's opposition "because of the dangerous precedent that it would set in transferring a known tribal sacred area located on federal land to a foreign-owned mining company for activities that will ultimately destroy the area while circumventing meaningful government-to-government consultation between the U.S. and Indian tribes."[327] Chairman Rambler articulated the exact measures required to ensure the continued protection of the site and claimed these measures were circumvented in the proposed bills. Rambler cited several negligence's of the Forest Service and other federal agencies who failed to conduct the necessary environmental impact studies required by NEPA, tribal consultations required by Executive Order 13175, and compliance with the National Historic Preservation Act, which necessitates Section 106 cultural consultations when a

[327] "Senate Energy and Natural Resources Subcommittee on Public Lands, Forests and Mining Hearing; S.339, to facilitate the efficient extraction of mineral resources in southeast Arizona by authorizing and directing an exchange of Federal and non-Federal land.; Testimony by Terry Rambler, Chairman, San Carlos Apache Tribe, San Carlos, AZ," *Congressional Documents and Publications,* November 20, 2013, https://advance-lexis.com.ezproxy.lib.ou.edu/api/document?collection=news&id=urn:contentItem:59WJ-C0K1-DYVR-P403-00000-00&context=1516831.1.

site directly impacts tribal peoples. The cooperative and inclusive language written in laws related to a tribe's cultural integrity were intended to ensure the active involvement of Indigenous peoples in these affairs. These laws were ignored by those seeking to profit from the destruction of Indigenous claims and the Chairman succinctly explained the missteps taken by the federal government as well as the implications of their actions on both tribal sovereignty and cultural integrity. Just as it was with Dził Nchaa Si An (Mt. Graham), the tribe was not without dissenting voices, and these were certainly used to the greatest extent by Senator John McCain and Resolution Copper.

Apachean Cultural Integrity and the Issue of Apache Nationalism

The Apachean peoples shifted from the traditional concepts of hierarchy and identity to one based on a reservation identity culminated in the destruction of traditional perspectives related to their original homelands. The displacement of the Western Apachean peoples in the nineteenth century, removed the peoples from the places that were foundational to the continuation of cultural identity. Since that time, the peoples have undergone a complete transformation of the ways in which they organize themselves and express their identities. The San Carlos Apache Tribe represents the interests of the peoples as a whole, but its own mechanisms do not facilitate the continuation of traditional concepts. Tribal enrollment is determined by blood quantum rather than the relationships they possess with their peoples. A member, in the twenty-first century, can be removed from tribal enrollment by the will of their tribal government, a practice unheard of within the traditional system. The tribal council represents a system of central authority that completely disregards the significance and importance of tribal elders who, in the past, would have led their peoples. The constitution of the

San Carlos Apache Tribe removes the need for traditional familial responsibilities and adherence to the clan-band system. As such, members conform to a single identity, rooted in Western concepts of nationalism, that refuses to acknowledge inherent traditional cultural differentiations. This concept invites discourse, infighting, and divisiveness and limits the effectiveness of the tribal government system as members fight amongst themselves without understanding the histories of their respective relatives.

As it was during the 1990s at Dził Nchaa Si An (*Mount Graham*), outside forces used the voices of dissenting tribal members at Chi'Chil Biłdagoteel (*Oak Flat*). Those members that dissented from the position held by the tribe and other activists, hindered the efforts of the protestors, but the most damage came from that of tribal leaders. Dale Miles, the self-proclaimed historian of the San Carlos Apache Tribe, former Tribal Chairman, Harrison Talgo, and tribal member, Karen Kitcheyan, all spoke out in favor of the mining corporation. Collectively, these opposing opinions complicated the tribe's attempt to confirm and establish the traditional and historical presence of the people on contested territory. These voices undermine the creditability of the tribe within the Euro-American context, but taken out of that context, the perspective changes. Traditional Western Apachean views recognize the disparities between the opposing voices and other tribal members and they are not, inherently, a discredit to the efforts of those members attempting to save these sacred sites. Within the Euro-American context, this is an issue of disunity and Apache Nationalism where members associate themselves with a nation created by non-Apaches. Dissention, in this particular case, represents a cultural expression wherein two perspectives can mutually exist, and the history of the peoples would attest to this fact. The conglomeration of the Western Apachean peoples, in their entirety, by the federal

government explains the reason why members are able to dissent from a previously non-existent tribe.

The Arizona Republic published an article on July 23, 2015 by San Carlos Apache tribal member Dale Miles entitled "Oak Flat is Sacred? It Never Was Before." In this op-ed piece, he detailed his own personal reasons for why the site was not sacred and fell upon his own credentials as a former "Tribal Historian" with a book entitled, *The History of the San Carlos Apache*, published by the tribe. He mentioned the mine shaft previously constructed by Resolution Copper in the 1970s and the lack of protest by the San Carlos Apachean people.[328] Other members also spoke out against the tribe and the efforts of protestors occupying Chi'chil Biłdagoteel (*Oak Flat*) after the land-swap legislation in 2014. Tribal member Karen Kitcheyan Jones, stated, "'Oak Flat is not sacred. There are no sacred songs or sacred prayers that say Oak Flat is a Holy Place. These very elders also ask, 'Why is there a Holy Ground over there, why? That is not good.'"[329] In the 2011 testimonies, former Tribal Chairman Harrison Talgo, who also supported the Mount Graham Observatory, voiced his support of H.R. 1904, the 2011 version of the Southeast Arizona Land Exchange and Conservation Act. He spoke highly of the job prospects and economic potential for the tribe, stating, "This is about putting my people, a lot of people, to work. I believe economic development should be our leadership's top priority. I have previously testified before Congress in support of economic projects. I have done so in the face

[328] Dale Miles, "Oak Flat Is A Sacred Site? It Never Was Before," *AZCentral,* July 23, 2015, http://www.azcentral.com/story/opinion/op-ed/2015/07/23/oak-flatsacred/30587803/.
[329] David F. Briggs, "Apaches Question Actions of their Leadership," *Arizona Daily Independent News Network*, July 8, 2015, https://arizonadailyindependent.com/2015/07/08/apaches-question-actions-of-their-leadership/.

of oppositions from other leaders who have opposed these same opportunities on or near the reservation."[330]

The land designations that are now the San Carlos Apache and White Mountain Apache Reservations are only a fraction of traditional Apachean homelands. Each of these reservations include numerous Indigenous peoples who, prior to reservation life, possessed little to no association with the land they currently occupy. Even among other Apachean groups, the variances between the peoples were wide, and the lands they occupied were distinct and relative to the people. In the case of the "Western Apache," Grenville Goodwin, an anthropologist who worked closely with the San Carlos Apachean peoples in the 1930s and 1940s, produced a manuscript detailing the distinctiveness of Apachean groups. He stated, "Whereas other divisions can be called 'tribes' in the sense that they formed a fairly unified people both politically and culturally, 'tribe' is not altogether applicable to the Western Apache."[331] Apachean groups in Arizona were not a cohesive group aligned with a central political identity. The people were split into bands, clans, and families based on a matrilineal system.

The identity of a "San Carlos Apache member" reflects that of an individual belonging to a singular people with one history and one heritage, when, traditionally, they are in fact an incredibly diverse group. The Elders Cultural Advisory Council meeting held in 2011 on the San Carlos Apache Reservation affirmed this concept when speaking of Chi'chil Biłdagoteel. In the published memorandum they stated, "The ancestors of *some* [emphasis added] of our Tribal [sic] members lived there and passed their knowledge to their descendants who are alive today."[332]

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[330] U.S. Congress, House, *Legislative Hearing on H.R. 1904,''Southeast Arizona Land Exchange and Conservation Act Of 2011."* 112th Cong., 1st sess., 2011, 68.
[331] Goodwin, *Social Organization*, 6.
[332] San Carlos Apache Tribe, *Elders Council Memorandum,* December 14, 2011, 2.

Some. The Elders understood that the people who currently live on the reservation possessed specific stories passed to them from their ancestors. The tribal knowledge that many received included several generations worth of oral traditions, each linked to a separate band, clan, and family group. Chairman Rambler substantiated these claims in his congressional testimony and stated, "At least eight Apache clans and two Western Apache Bands have documented history in the area. Apache clans originated from this area and Apaches on the Reservation have ancestors who came from the Oak Flat area before being forced to Old San Carlos."[333] Grenville Goodwin's study of the Western Apachean peoples documented twenty distinct bands placed throughout Eastern Arizona from the Catalina Mountains in the south near Tucson, up to the northern parts of Arizona near current day Flagstaff, and encompassed much of the eastern half of the state near the current Arizona – New Mexico border. The documented sixty clans each had their own familial structures, chiefs, and sub chiefs. A map, illustrated by Goodwin, displays the approximate boundaries of the twenty bands and places the Southern Tonto local group, which includes seven of the twenty bands, and one clan from the San Carlos local group, a conglomeration of four distinct bands, near the vicinity of Chi'chil Biłdagoteel, for a total of eight bands.[334] Of those eight bands, it is difficult to say with western anthropological and historical evidence which two bands and eight clans claimed those lands.

Indigenous knowledge is rarely certified as significant primary information to solidify historical fact, but in this instance, the understanding of traditions passed to the descendants of the clans is relevant. As such, dissenting voices from the federally recognized tribal whole are not relaying a concept of traditional knowledge that is unfounded, they are presenting knowledge

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[333] U.S. Congress, Senate, S.339, Rambler Testimony, 3-4.
[334] Goodwin, *Social Organization,* 5

passed to them from their own families, clans, and bands. The same is true for those who consider the region to be sacred. Their knowledge is no less important than those who claim otherwise. In this regard, both are correct in saying that Chi'chil Biłdagoteel (*Oak Flat*) is sacred and not. To those who claim its sacredness, they are retelling the stories of their ancestors, and dissenters are doing much the same. The corruption of the Apachean identity and failure to remember is central to this discussion. Apache nationalism was created as a byproduct of the San Carlos Apache political identity and fostered by the Constitution of the San Carlos Apache Tribe, a document that has controlled the power structures of the people for decades. It is the result of the 1934 Indian Reorganization Act created to manipulate the governing bodies of the Indigenous peoples in the country and fashion them into political entities recognizable to the settler-colonial worldview.[335] These constitutions were written as "cookie-cutter" documents that detailed who is permitted to be in power and how that power is distributed. It makes no mention of accommodations for traditional practices, the institution of the clan and band systems, familial practices, or the matrilineal hierarchies. Under this document, governance is filtered through the colonial authority of the United States and onto the subjugated Apachean peoples, disallowing the acknowledgement of traditional Apachean lifeways. After nearly eighty years of this instituted practice, the people have accorded a concept of identity consumed by nationalistic tendencies consigned in a foreign political identity to subsequent generations. This ultimately results in a hostile reaction when those who oppose the established structure dare to remove themselves. In the case of Chi'chil Biłdagoteel, both the opposition and defenders placed themselves outside of this Euro-American nationalistic framework, and into an Indigenous one

[335] Roxanne Dunbar-Ortiz, *An Indigenous Peoples' History of the United States* (Boston: Beacon Press, 2014), 171-172.

bereft of its invasive settler-colonial manipulations on what is considered an appropriate interpretation of identity.

Conclusion

Since the founding of the San Carlos Apache Reservation in 1872, the people have been in constant danger of losing their traditional identities. With each passing decade under the constitutionally sanctioned foreign organization, the people move closer to a complete nationalistic worldview, all of which has created one central reason for disputes between tribal members. Some Apachean perceptions of the world have been distorted, and many have been blinded by the prospect of financial or political gain. The tendency of tribal members to associate themselves with the collective whole sets a dangerous precedent when companies and politicians, such as Resolution Copper and supporters of the Southeast Arizona land exchange, exploit these attitudes to promote their own agendas.

The forced removal of Apachean groups and other Indigenous peoples onto a single reservation was detrimental to the cultural practices of each of those peoples. Early land disputes during the late-nineteenth century saw the loss of lands held in high regard by the Aravaipa band of Apachean peoples because of the inclusion of non-Apachean Indigenous considerations for lands that were viewed as having little importance to those groups. Furthermore, the continued implementation of federal law and policy on the reservation perpetuated the continued destruction of traditional Apachean identities with the passage of the Indian Reorganization Act in 1934, where they were forced to institute a foreign constitutional concept to govern the people as a whole, regardless of the clan-band designations. The dispute at Dził Nchaa Si An (Mt. Graham) in the late-1980s and early 1990s, an issue that continues into the twenty-first century,

was the first instance wherein the nationalistic tendencies of the newer generations of Apachean peoples were exemplified. The dissenting views on this particular issue foreshadowed the problems that were experienced at Chi'chil Biłdagoteel (*Oak Flat*). Resolution Copper's move to acquire federally protected and culturally significant lands for the purpose of mining, which may result in the destruction of the land, was riddled with complications from the very beginning. It was only through the deceptive tactics of John McCain, the inclusion of a rider in the final bill with no recognition of the change, that the acquisition was permitted.

To understand the complexity of the cultural implications at Chi'chil Biłdagoteel in regard to the reasons for dissention, it is necessary to explore the history of the people as it relates to their identity. The continued disassociation with traditional identities places the people in a position where the discrepancies between oral traditions and stories becomes a point of contention, rather than a unifying characteristic of the culture. Each member possessed knowledge that was told to them from their ancestors. Attempts by the federal government to undermine the cultural practices of the people in the name of democratic sovereignty developed an Apache nationalism that was fostered through the construction of the San Carlos Apache Nation where members can dissent from a conceptualized whole. Despite these changes, the land disputes experienced by the peoples of the San Carlos Apache reservation, wherein members disagreed on a place's "sacredness," cement the fact that history and cultural traditions prove that both sides of the Apachean argument are correct.

Conclusion

The San Carlos Apache Nation

From the beginning, the federal government intended on establishing and maintaining control of the Apachean peoples. The first interactions between government representatives and, specifically, the Western Apachean peoples came in the mid-1860s. The Annual Reports of the Commissioner of Indian Affairs provided the perspectives of those representatives, and among the writers in those reports, many expressed the same sentiment: the U.S. Army needed to suppress Apachean resistance to settler expansion into their countries. Among the actions suggested by those on the ground in Arizona Territory included the pacification of the Apachean peoples through extermination or expansive settlements with mining as the budding lure. In their attempt to classify local Indigenous peoples, the ignorance of those reporting demonstrated their reluctance and their inability to properly acknowledge them. This created confusion and mislabeled groups which, as in the case of Lt. Bascom, resulted in the deaths of innocent Apachean peoples and settlers. Moreover, the understanding of how the Western Apachean peoples organized themselves in contrast to other groups and utilized and incorporated the land into their cultures, eluded governmental representatives.

The complex culture of the Apachean peoples in what became the American Southwest drastically differed between the various groups. No single homogenous entity of Apachean peoples had previously existed, and the composition of tribal leadership varied, depending on the tribe's own hierarchical structure. Chiricahua Apachean peoples contrasted in culture from the Western Apachean peoples, and the Eastern groups vaguely resembled Apachean cultures as exemplified in the Arizona deserts. However, over time, many of these groups became acquainted with each other as American settlers moved into their spaces and coerced their

removal from their traditional homelands. In response, the federal government negotiated and administered the removals of several Indigenous peoples within the American Southwest to reservation territories. Consequently, as settlers expanded and colonized Arizona Territory, removals became frequent and federal agents found an ever-increasing need for a large space to keep Indigenous peoples confined. They found that place within the White Mountain Indian Reservation.



Figure 5: Harley's Map of Arizona from Official Documents, 1865

Harley's 1865 Map of Arizona, created eleven years after the Gadsden Purchase in 1854, incorporates official documents into its manufacturing and displays the location of the "Rio San

Carlos."[336] At the intersection of the San Carlos and the Gila rivers, lies a valley that many Apachean peoples used prior to the reservation system. [337] The federal government also viewed this intersection as a useful site and thereby established a secondary Indian agency within the White Mountain Indian Reservation.



Figure 6: Harley's Map of Arizona, 1865 - enhanced to include the intersection of the Rio San Carlos and Rio Gila

They took the name of the river adjacent to the agency as an identifying marker and used it for the agency, the division of the reservation, and its people. Much like the rest of San Carlos

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[336] Hartley, William B. *Hartley's map of Arizona*. [S.l, 1865] Map. https://www.loc.gov/item/98687199/. The Gadsden Purchase allowed for the purchase of the remaining sections of what is today known as Arizona and New Mexico. The purchase included the city of Tucson, AZ and created new boarders for the United States and removed the boundary from the Gila River in Arizona to its current boarder just south of Nogales, AZ. It also removed the Article 11 treaty obligation which required the United States to assist or repay Mexican citizens for any depredations experienced by raiding Apaches and Comanches. see William S. Kiser, *Dragoons in Apacheland: Conquest and Resistance in Southern New Mexico, 1846-1861* (Norman: University of Oklahoma Press, 2012).
[337] Clum, *Apache Agent*, 94.

Apachean history, the genesis of the "San Carlos Apache" began with a federal action that fundamentally relabeled the Western Apachean peoples. On December 14, 1872, despite the name possessing no Apachean origin or any real connection to the people of that reservation, President Ulysses S. Grant nevertheless signed an Executive Order that formally established the San Carlos Division of the White Mountain Indian Reservation. Grant signed the Executive Order one year after the Indian Appropriations Act of 1871, which ended Indian treaty negotiations in the United States, making the San Carlos Reservation an "Executive Order Reservation" and subject to Executive authority. Congress later separated both the San Carlos Division and the White Mountain Reservation in 1897 and renamed the southern agency division to the San Carlos Indian Reservation.[338] The formation of the reservation and its development into a political entity explains the drastic change in Western Apachean identity in the twentieth and twenty-first centuries. These alterations to the Western Apachean identity emphasized a colonial mentality fixated on a nationalistic interpretation of "Apache" citizenry.

After the establishment of the reservation in 1872, the U.S. Army violently forced a conglomeration of different Apachean and non-Apachean peoples to the San Carlos Reservation. In the aftermath of the Camp Grant Massacre in April 1871, where over one hundred Pinal and Aravaipa Apache were killed by Anglos, Mexicans, and Tohono O'odham warriors, an influx of Apachean Indigenous groups negotiated a removal to the San Carlos Reservation.[339] The government intended to use this agency as a permanent location for the Apachean peoples impacted by the attack at Camp Grant. Dr. Colwell-Chanthaphonh elucidated an interview

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[338] Grant, *Executive Orders Relating to Indian Reservations*, 17.
[339] For more information about the Camp Grant Massacre see Chip Colwell-Chanthaphonh, *Massacre at Camp Grant: Forgetting and Remembering Apache History* (Tucson: The University of Arizona Press, 2007); and Karl Jacoby. *Shadows at Dawn: A Borderlands Massacre and the Violence of History* (New York: Penguin Press, 2008).

conducted by Grenville Goodwin in 1932 with Bija Gush Kaiyé, a member of a band who did not witness the massacre, stating "…the agent said we would all move to San Carlos and that he wanted all the Indians to come to that place."[340] High level officials in Washington desired to solve the problem of Indigenous interference in settler activities by establishing a concentration policy that deactivated other Arizona reservations – an inherent danger of the discontinuation of treaty making – and removed many Indigenous peoples to the San Carlos Reservation.

The policy first removed "1,500 Yavapai and Walapai [sic] peoples from Camp Verde to San Carlos."[341] Along with the Yavapai came several bands of Tonto Apachean peoples, and the Coyotero bands from the White Mountain Reservation near Ft. Apache followed shortly thereafter. The Chiricahua, under Taza, son of Cochise, and the peoples of the Ojo Caliente Reservation in New Mexico, under Victorio, were also removed to San Carlos. This augmentation of Indigenous peoples onto the San Carlos Reservation brought with it many underlying cultural and historical tensions and rivalries, creating considerable problems for those residing at San Carlos. Separations and hostilities existed between the various Indigenous groups, including the Western Apachean tribes that were inherently separated into a great number of traditional bands and clans. Concurrently, President Grant issued several executive orders that placed pieces of the reservation back into the public domain between 1873 and 1877, and succeeding Presidents followed suit in 1877, 1902, and 1912.[342] The largest cession of reservation lands to the federal government occurred in 1896 and contained portions of traditional lands that belonged to the Aravaipa Apachean peoples, who resided in the southwestern regions of the reservation.

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[340] Colwell-Chanthaphonh, *Massacre at Camp Grant,* 37.
[341] Haley, 306.
[342] Ulysses S. Grant, *Executive Orders Relating to Indian Reserves from May 14, 1855 to July 1, 1902,* 83-87.

Over a decade after "Geronimo's War" with the United States and the consequential removal of the Chiricahua peoples from San Carlos to Oklahoma Territory, the Secretary of the Interior sent Indian Inspector McCormick to San Carlos to convince this clustered group to cede lands within reservation boundaries, aptly named the "Mineral Strip," for reincorporation into the public domain for mining leases only. This endeavor by the Interior required a public hearing with a San Carlos Tribal Council, which included representatives from the other Indigenous groups and not just those of Apachean descent. The lands in question represented the homelands of the Aravaipa Apachean peoples, a group that had left the reservation after the Camp Grant Massacre, and in 1896, faced a different kind of attack. The Yavapai (Mohave-Apache), Tonto, and White Mountain Apachean peoples, though claiming no connection to these lands, nevertheless maintained a voice in the decision to surrender these lands for the benefit of the United States and Arizona Territory. Ultimately the measure to withdraw the "Mineral Strip" from the reservation passed with 56 percent of the tribe agreeing to cede the lands to the federal government for mining prospects in exchange for $12,433 per year.[343] The forced accumulation of Indigenous peoples onto a single reservation generated resonating effects that continued to impact the peoples of the San Carlos Indian Reservation well into the twentieth and twenty-first centuries.

In the late nineteenth and early twentieth century, decades after the initial removals in the 1870s, the federal government permitted the Yavapai and Tonto peoples to return to their homelands further north. Throughout that period, Indian Agents at San Carlos attempted to develop an "Indian" cattle industry to assimilate the remaining peoples. Simultaneously, Congress contracted engineers and experts to consult on a possible dam project within the

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[343] Colwell-Chanthaphonh, *Massacre at Camp Grant,* 76.

boundaries of the San Carlos Reservation. When environmental studies determined that the landscape did not permit for the construction of a dam in the proposed location, the fight for the dam in Congress culminated in a personal endeavor for congressman Carl T. Hayden. The congressman took up the mantel in response to the plight of the Pima peoples in Central Arizona in acquiring water for their traditional farms and Hayden actively fought against the "San Carlos Apache," who he believed were undeserving of consultation and compensation for the construction of a dam on their lands. He reasoned that the Pima's history of supporting the Americans in the early years of settlement in Arizona warranted a consideration for a project that supported their needs at the expense of the Apachean peoples, who fought against American settlement. Congress remained skeptical of the project as engineers consistently advised against the project, but smaller irrigation projects approved by Congress throughout the early twentieth century persuaded members to vote for the larger San Carlos Project, and Hayden, after the passage of the bill, suggested that Congress name the dam after President Coolidge to ensure the support and signature of the President. Thus, in March 1930, the Coolidge officially opened with fanfare and attendance of the former president. Congress permitted the construction of the dam without consultation from the peoples at San Carlos, even though the project would eventually flood the old San Carlos agency, the best farms lands on the reservation, and Apachean gravesites.

The tribe questioned the reasons for the Coolidge Dam in the late 1920s and early 1930s, but without a leadership system in place that represented the various peoples in their entirety, their voices floundered in the noise. This changed in 1934 with the Indian Reorganization Act (Indian New Deal) which formally solidified political identities for Indigenous peoples. The federal government forced Indigenous peoples throughout the country to assimilate into the

American body-politic through federally constructed governments that mirrored the American system. Commissioner Collier presented the act as a measure to provide self-determination and self-governance, but, in reality, it represented self-determination in a form determined by the federal government. Many nations fought against the act, but in contrast to those opposed, the peoples of San Carlos actively supported representative government and even attempted to create a tribal council that included leaders from each of the groups on the reservation. The peoples on the San Carlos Reservation represented an anomaly, as remnants from the nineteenth century concentration policy and traditional clan structures remained in the form of divisions between the peoples. A fight over a constitution that fulfilled the intentions of the IRA and the people of San Carlos broke out between Superintendent Kitch and Henry Chinn, the de facto Chairman. The fight resolved with Collier's help and on January 17, 1936, the Commissioner approved the Constitution and By-Laws of the San Carlos Apache Tribe. [344] The federal government formally recognized the San Carlos Apache Nation, and with this formal recognition came the creation of the San Carlos Apache political identity. This new nationalist identity labeled itself "Apache," but disassociated its members from the history of the forced removals and the distinct nature of Apachean society. Within this name lies an imprisoning feature that chains the individual member to the higher American authority.

In the years leading to the passage of the Indian Reorganization Act, and ultimate creation of the San Carlos Apache Tribe, the peoples responded to the construction of the Coolidge Dam by participating in several hearings. In the hearings conducted in 1927 and 1931, representatives from the reservation conveyed the grievances related to their lands. The dam

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[344] *Constitution and By-Laws of the San Carlos Apache Tribe* (United States Department of the Interior: Office of Indian Affairs, 1936).

remained a point of contention for the peoples, but the state of the Mineral Strip lingered in the minds of the representatives present at the hearings. The tribe received very little in the way of economic gains, and cattle ranching grew as a dominant form of economic security on the reservation. The federal government exceeded its authority on the Mineral Strip by permitting homesteading and issuing grazing leases to non-Indian ranchers, going beyond the confines of the original agreement in 1896. Furthermore, as the population on the reservation increased, the tribe recognized the need to expand their borders. From their vantage, the Mineral Strip did not provide the equity promised by the federal government, nor did it honor the original arrangements, therefore, the tribe intended to reacquire the land.

Following the passage of the IRA and the Commissioner's acceptance of the tribal constitution in 1934 and 35, the tribe worked to establish a line of communication to the Commissioner. They sought to discuss the reacquisition of the formally ceded lands. Throughout the 1930s, with the tribe consistently expressing their concerns over the lands, Congress attempted to alleviate the pressures building between the Mineral Strip ranchers and the tribe by introducing several bills to purchase the Mineral Strip. Bill S. 1231, which undercut the actual cost of the Mineral Strip lands by a couple thousand dollars, passed through both chambers of Congress and landed on the desk of President Franklin D. Roosevelt in 1939. Roosevelt returned the bill to Congress without his approval, believing that the tribe benefited best from the restoration of the lands to the tribe. Several more attempts occurred in the 1940s but failed.

In the 1950s, attention on the Mineral Strip subsided, and the tribe restructured its government, creating a new constitution and by-laws. After the tribe found its political footing, they asserted their sovereignty and, in 1958, passed a resolution to petition the Secretary of the Interior to restore the full surface and subsurface rights of the Mineral Strip to the tribe. In

response, Arizona congressmen and Mineral Strip ranchers convened a special hearing in Globe, AZ in February, 1960 to provide a clearer understanding of the tribe's intentions and the concerns of the ranchers. Subsequently, the Under Secretary James K. Carr restored the Mineral Strip's subsurface rights to the tribe in June 1963. The order sparked a series of petitions and lawsuits throughout the mid-1960s, but every attempt to reverse the Under Secretary's action ended in failure. The final blow came at the end of the Johnson Administration when, days before he left office, Secretary Udall restored the surface rights to the tribe. The tribe regained their homelands, and, in response, they cancelled the grazing leases of the ranchers and ordered the eviction of their herds from reservation territory, making the base ranches useless. The combined actions of the Secretary and the tribe forced Congress to act. Finally, after a number of hearings and negotiations, Congress passed H.R. 7730 on December 22, 1974, known thereafter as Public Law 93-530, resolving the fight for the Mineral Strip once and for all.

In the decades following the monotonous conflicts over the Mineral Strip, new land disputes erupted between the tribe and various organizations, including the Vatican, during the late-1980s and into the twenty first century. These moments in San Carlos Apachean history represented the consequences and legacy of the Indian Reorganization Act and incorporation of the San Carlos Apache Tribe as a governing force. The new tribal identity erased the history and traditional factors that had, in the past, governed the practices of the peoples. This loss of knowledge in understanding the significant differences between the peoples resulted in struggles that pitted members against each other.

In the late-1980s the first instance of inner-tribal conflict occurred at Dził Nchaa Si An (Mount Graham). The sacred mountain garnered a significant amount of attention as the University of Arizona and the Vatican partnered together to construct a telescope on top of the

sacred site. The San Carlos Apache Tribal Council and an organization of concerned members, named the Apache Survival Coalition, worked to dissuade the two entities from building their telescope on the site. Mutual acquiescence proved difficult for tribal members while opposition to the members' intervention from within the tribe itself further exacerbated the situation. Dissenting members pointed to the colonial methods of ownership as a determining factor in establishing the legitimacy of their claims. Despite their attempts, construction was finalized in the 1990s, but this conflict continues to simmer and impact members of the tribe in the modern-day.

The fight over Dził Nchaa Si An (Mount Graham) represented the first public moment in the modern era that demonstrated the inherent conflict between the colonial and traditional structures. In the twenty first century, the same trends continued in the fight for Chi'chil Biłdagoteel (Oak Flat). Congress, since the early 2000s, attempted to remove the site in central Arizona from its Executive protection and permit a land swap with Rio Tinto and Resolution Copper for mineral extraction. The proposed method of extraction, however, threatened the site with land subsidence, destroying the site entirely. The tribe, along with other Indigenous nations and coalitions, succeeded in consistently resisting the move by Congress. Some members, in actions similar to those taken by their opponents at Dził Nchaa Si An (Mount Graham), stated their dissention from the collective whole and remarked on its cultural insignificance to some of the tribe's members. Many misinterpreted their statements to mean that the site possessed no real sacredness because of the claims of a few. They, in all actuality, conveyed an understanding passed to them from their own ancestors who, possibly, did not claim that territory in the past. The history the consolidation policies of the nineteenth century and the cultural history examined by Grenville Goodwin in the 1930s confirms the probability that these individuals spoke from a

traditional perspective that contended with the views of others within the tribe. However, this same knowledge also reinforced the perspective of those claiming Chi'chil Biłdagoteel's (*Oak Flat*) sacredness. By the twenty-first century, years of conforming to the nationalistic tendencies of the San Carlos Apache moniker suppressed the acknowledgement of the distinct differences between the peoples, resulting in this clash between members. Unfortunately, Congress stealthily achieved their goal by adding the land swap to a must-pass Department of Defense spending bill in 2015, though the tribe continues to fight the implementation of the bill to this day.

The peoples of the San Carlos Indian Reservation have undergone a significant change in their identity, culture, and perspective since the establishment of the reservation in 1872. The forceful transition from the traditional clan-band structure to an amalgamation designated "The San Carlos Apache Tribe" did much to damage the practices of their ancestral Western Apachean groups. While in many respects this change destroyed a number of the mechanisms necessary to continue traditional clan systems, the adoption of the San Carlos Apache political scheme equipped the people with a machine to better fight their invasive opponents. No longer did the peoples of San Carlos fight in the ways of their ancestors. The fights remained, but the battlefield shifted from the deserts and mountains of the Arizona deserts to the halls and offices of the State and federal government. The tribe, as it is today, forfeited their ability to walk the same paths as their ancestors when they adopted this political title. Despite the loss, the peoples of the tribe forged for themselves a new norm that allowed them to move forward into the future and honor both their ancestors and culture.

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