



Edited by Wassaja (Dr. Montezuma's Indian name, meaning "Signaling") an Apache Indian

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ISSUED MONTHLY

June, 1921

THE ONLY WAY TO GET THE INDIANS OUT OF THE CONTROL OF THE INDIAN BUREAU, IS TO GET THEM OUT OF THE CONTROL OF THE INDIAN BUREAU

BRIEF HISTORY OF CAMP McDOWELL INDIAN RESERVATION

WORTHILY DISCLOSED IN SWORN TESTIMONY BEFORE THE CONGRESSIONAL COMMITTEE IN 1911

The Camp McDowell Reservation was given to the Mohave-Apache Indians (now about 240 in number) by the Government as their permanent home in accordance with the promise made by General Cooke to these Indians after they had proven their loyalty and bravery in fighting against the Apaches and finally capturing Geronimo, the famous Apache leader.

They have industriously supported themselves for many years, and by building their own dams, have diverted water from the Verde River, which flows through the center of the reservation, until they had some 450 acres under cultivation.

In 1909 a movement, sanctioned by officials of the Indian Bureau, was started to accomplish the removal of the Indians so as to secure the water rights of this Verde River, which is of great value because the water is clear and pure, more so than any other river in or near the Salt River Valley. This pressure to move these Indians resulted in a persistent and an extended commission of acts of the most reprehensible nature, and this with the full knowledge and co-operation of the Indian Department, sanctioned by letters from Washington officials. (The sworn testimony is in printed form.) The reader must keep in mind that the only legal methods to be put forth to have these Indians give up their rights and domicile in Mc-

Dowell was by their own voluntary consent (and moving off the reservation would be consent) or by adopting the ultra-extraordinary procedure of obtaining an order of removal by the President or an act of Congress.

For two years a carefully directed correspondence of protest against this action by the Indian Bureau was met only with denials, until in June, 1911, a Congressional Committee heard evidence in the matter and the outrageous conduct of the Indian Bureau was proven by letters and documentary evidence taken from its own files in Washington, D. C.

After a most exhaustive review of this evidence was presented to the then Secretary of the Interior, Walter L. Fisher, and he had caused to be made an independent examination as to the cost and feasibility of an irrigation dam for these Indians. The Secretary granted and ordered that McDowell be allotted these Mohave-Apaches and that a dam should be built for them.

Subsequent developments are clearly set forth in the letter published herein, addressed to the newly appointed Commissioner of Indian Affairs. It has never been officially disclosed, but all parties in interest know, that the demand for the removal of these Indians without compensation or proper and sufficient relief is the desire on the part of the irrigation and other water interests of Arizona to acquire the use of this Verde River water. This is only one of many cases where the Indian Bureau created to protect the Indians, has been the agent to despoil them. How long the American people

WASSAJA

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will sanction the continued practical slavery in their own borders, of over 350,000 human beings, and their governmental agents to trick them out of the little property interests that they have left in this country, which was once their own mighty domain—God alone only knows.

Remember, also, that the reservation Indian can not employ a lawyer or pay one out of money of his own to act as a representative to plead his cause, without "full and lawful permission" to spend even the cost of setting this article in type, until it is obtained by from "his lawful guardian"—The Indian Bureau.

Only through the philanthropy and expenditure of the personal money of Dr. Carlos Montezuma and the help of a Congressional Committee has this rape of the McDowell Indians been thus far prevented.

JOSEPH W. LATIMER.

IRRIGATION, 67496-17, 14613-21, S. J. F.

MR. THOMAS L. SLOAN,
3459 Macomb Street, N. W.,
Washington, D. C.

MY DEAR MR. SLOAN:—Receipt is acknowledged of your letter dated February 15, 1921, with regard to the McDowell Indians of Arizona. Unfortunately, for some time past, influences have been at work among these Indians, greatly to their detriment, advising them not to accept allotments of irrigable land at Salt River, which, to my mind, presents an opportunity of obtaining the highest possible benefit from their water rights. The McDowell Indians have been repeatedly advised where their best interests lay, but they have been met with this counter-influence which has misled them into the belief that the Government has some ulterior motive in allotting them at Salt River. The question of allotment is more fully taken up later on.

The letter referred to you by you from former Secretary Fisher, under date of June 21, 1911, did contemplate the irrigation of a part of the lands at McDowell and the allotment of such lands to these Indians, but subsequently a more thorough investigation from an engineering standpoint was made of the situation which disclosed that the turbulent nature of the Verde River, being subject to violent and unexpected floods, is such that a diversion dam across this stream would cost upwards of \$70,000, under the prices of labor and material then prevailing. Adding to this the cost of the necessary canals and distributing systems, and dividing the resultant cost by the limited number of acres susceptible of irrigation,

made the cost of the project prohibitive. There is no objection, of course, to the McDowell Indians diverting such water as may be available from the Verde River and utilizing such water for irrigation purpose on their grazing allotments on the McDowell Reservation, the only limitation being that those Indians who so use water at McDowell cannot also receive water for their irrigable lands at Salt River. Further, for the reasons given, the office does not see its way clear to expend appropriations made by Congress in assisting the Indians to install irrigation facilities at McDowell.

Concerning the question of sweet water which it is stated the McDowell Indians are accustomed to and which it is not believed they will receive on the Salt River Reservation, you are advised that the water supply on that Reservation is received from the Verde River, which the McDowell Indians designated as a "sweet water" river, the Salt River and waters impounded in the Roosevelt Reservoir. While it is true that this water may be a little salty, there has never been any complaint made by the Indians using it on the Salt River Reservation, and the office is not aware of any case where the water proved detrimental to the Indians using the same. As a whole it is similar in character to the waters available in that country.

"The office is not aware of any infringement on the Indians' rights by reason of granting a pipe line through the McDowell Reservation. The Act of February 15, 1901, (31 Stats., 760.) authorizes the Secretary of the Interior; under general regulations to be fixed by him, to permit the use of rights of way through the reservations of the United States, including Indian Reservations, for canals, ditches, pipes and pipe lines, flumes, tunnels, or other water conduits, and for water plants, dams, and reservoirs used to promote irrigation or mining or quarrying or the manufacturing or cutting of timber or lumber or the supplying of water for domestic, public or any other beneficial uses. Said act provides further, that such permits shall be allowed only upon the approval of the chief officer of the department under whose supervision such reservation falls and that any permission given by the Secretary of the Interior under the provisions of said act may be revoked by him or his successor in his discretion."

In addition to this it may be pointed out that the lands irrigable within this reservation lie adjacent to the Verde River which, owing to the turbulent nature of the stream, subjects the lands to rapid erosion. Hence, even if an expensive irrigation system is installed, in order to supply these lands with water, no definite assurance exists that the irrigated areas might not be entirely destroyed by erosion within a few years. Naturally, these conditions indicated the advisability of pursuing some other course. Accordingly, after a thorough consideration of the entire situation, it was concluded that the interests of these Indians could best be protected by prorating the entire area of the McDowell Reservation among the members of this band as "grazing lands" and in addition thereto allotting to each Indian five acres of irrigable land on the Salt River Reservation, Arizona, where a more permanent delivery of water can be assured, and where there is no danger of loss to the Indians of their irrigable land by erosion.

Arrangements have since been made for a transfer of the water rights of the McDowell Indians to the lands to be given them at Salt River, and instructions have recently been issued to an allotting agent to prorate and allot the entire Camp McDowell Reservation as grazing lands to the members of this tribe. It will be seen from

this that in addition to receiving their entire reservation at McDowell in allotment the members of the tribe will also be given an allotment of five acres each of irrigable land on the Salt River Reservation. This really comes to them as an additional gratuity. As they have, under the Kent Decree, a first right to the use of water from the Verde River, the only charge in connection with the use of such water at Salt River will be the per acre cost of the distributing system to supply these lands. Had the project contemplated by Secretary Fisher's letter of June 21, 1911, been constructed, doubtless the appropriations therefor would have been made "reimbursable," which would have placed against these Indians and their lands a prohibitive reimbursable charge with a strong likelihood of such lands ultimately being lost or destroyed by erosion. The record in connection with the application of the city of Phoenix, Arizona, for permission under said Act of February 15, 1901, to use a right of way across the McDowell Reservation for pipe line to convey water for city use, shows that the pipe line is to be laid underground except where it crosses a rocky ridge and that it will not cross any lands heretofore cultivated or improved by the Indians. Under such circumstances the Secretary of the Interior exercising the discretionary authority vested in him by said Act of February 15, 1901, approved the city's application subject, however, to all prior existing rights and contingent also on the city's paying to the Secretary of the Interior, upon demand therefor, all damages which may result to the Indians of the McDowell Reservation. If you feel that the Indians have been damaged by the laying of said pipe line, it is suggested that you advise the office or the Superintendent fully in regard thereto in order that the matter of payment or revocation of the permit may be taken up.

It may be further stated that the interests of the Indians and their water rights will be carefully looked after and safeguarded. The office will not permit any infringement or encroachment upon such rights. However, it must be borne in mind that these Indians under the so-called Kent Decree, heretofore referred to, are entitled to 390 miners' inches constant flow of water which is sufficient for the irrigation of about 1,300 acres of land. Beyond this supply of water, no assurance can be made with reference to the irrigation of additional lands.

Very truly yours, * * * *

Assistant Commissioner.

MORE INFORMATION REGARDING THE REMOVAL OF McDOWELL INDIANS

340 O'Farrell Street, San Francisco, Calif.,
May 5th, 1921.

HON. ALBERT H. BURKE,
Commissioner of Indian Affairs,
Washington, D. C.

Dear Sir:—We wrote you on April 2nd, last,

and again on April 22nd, calling your attention an emergency matter affecting the welfare, in fact the very existence, of the Camp McDowell Reservation Indians; and, after explaining the the writer's connection with this matter by referring you to a volume of correspondence in your department and in the office of the Secretary of the Interior, we respectfully asked you if you would or would not make an investigation of the matter; and further requested that work antagonistic to the ruling of former Secretary Fisher now progressing on McDowell be held in status quo until we could be heard in this matter.

I am reliably informed that the work which will result in the removal of these Indians from McDowell is still proceeding and its accomplishment daily growing nearer a reality. I am also aware that no reply from you of any kind or nature has been received to my said two letters.

Let us did not make our position clear to you, permit us to exemplify and enlarge our former letters; knowing that at as the newly appointed guardian of these helpless Indians, you are the proper party to whom we should first address ourselves, and sincerely believing you would welcome an opportunity to right any wrong existing in your department.

If we seem too persistent in our correspondence kindly bear with us, and remember that we have spent in the past two (2) long hard and weary years getting the facts to the Superior of the Indian Bureau and convincing him that this bureau's: "It is our opinion" and "therefore we propose to do" should be backed up by justifiable facts and not just arbitrary rulings, but I am calling to your attention the facts brought out at vast expense to the taxpayers of this country through a Congressional Committee and the same facts, which with additional examination by the Secretary, brought forth his said condemnation of "mistake." These facts are all in your files and in the files of the Department of the Interior. Further, by examining these files, you will also find verification of my statement that all the mighty influence of the Indian Bureau was used to suppress or divert the knowledge of the facts coming to light.

We urge in the interests of the taxpayers of this country that you spend a few days examining the records above mentioned, estimate the vast sum of money the wrongful acts of the Indian Department at that time loaded upon the taxpayers, to say nothing of the shameful, wanton violation of its duty as a guardian and protector of these Indians. It is not my statement of facts I ask you to consider, but it is the facts deduced under oath out of the Indian Bureau itself and condemned by this eminent Secretary of the Interior. The Bureau's action in this, nine (9) years ago, was despicable enough to make sick any law abiding and Government trusting citizen—but what can be said of their methods in this instance to override an ad-

judication and order of a Secretary of the Interior obtained after such an extended and expensive investigation. I have heard it said: "What do three hundred (300) Indians amount to when twenty-five thousand (25,000) citizens in Phoenix, Arizona, want this Verde River water to drink?" My answer is there is a wrong and a right way to get this water if its use is necessary, and I know the methods of the past twelve (12) years have been branded a "mistake" by an official of the Government, and I know somewhere, somehow, some other official of the Government is going to see fair play and a deal given these Indians in spite of the opposition (as shown in your own records) of the Indian Bureau and the Public Utility Corporations of Arizona.

Some of these Indians are alive today who saw their brothers killed by the bloody Apaches, when these Mohaves were fighting side by side with U. S. troops to protect the settlers of Arizona from horrible massacres. Soldiers are alive today who saw these Mohaves follow trails, which even the soldiers' intrepid bravery told them was inviting suicide, until these loyal Indians located and led the way to the capture of the bloody Apache Chief Geronimo.

Therefore we would ask you for the facts relating to and the scope of the Presidential Order which rumor only tells us, was issued last summer. It is inconceivable to us that the then President Wilson, with his undisputed and magnificent humanitarian views, could possibly issue an order to move these helpless Indians from their mountainous home of a life-time's occupation, to a paltry five (5) acres of land in the desert, if he had had the slightest intimation that a former Secretary of the Interior, a man also of the highest ideals, and one of the most learned lawyers of our country, had declared, after a most extended investigation, (which all the mighty bureaucratic power of the Indian Bureau had tried to stop or divert,)—that:

"Both the Department"—(meaning the Interior Department)—"and the Indian Office consider the idea, in any form it may have taken of plan or of action of general allotment for the Camp McDowell Indians on the Salt River Reservation or on land adjacent to it rather than on the Camp McDowell Reservation, to have been a mistake." And further emphatically stated, and later issued an order to the Indian Bureau to carry his statement into effect, that: "The Department now proposes to allot the Indians of the Camp McDowell Reservation on that reservation." (Letter of Secretary Fisher to Latimer, August 10, 1912.)

Further, we contend that this order issued by the Secretary was and absolutely is today (unless you can show us an entirely new set of facts) a complete, and should be final, adjudication of the honest, legitimate rights of these Indians to an allotment with all rights on McDowell. You nor any other man can not certainly with any sincerity claim, that allotment on McDowell of "grazing lands" with the Indians' Verde River water rights and themselves transferred to Salt River some twenty (20) miles away, is anything but hollow mockery. It is too vacuous to hardly mention,

let alone argue. Bear in mind, if you please, that the Secretary brands as a "mistake," the very land which your bureau, with the help of the ultra extraordinary power granted the President (and as such rarely, if ever, used in the past thirty (30) years) now attempts to plant them on five (5) acres, and when the Secretary rebuked their action as a "mistake," the Indian Bureau was then more generous and offered double the amount of land, namely, ten (10) acres instead of five (5).

These soldiers were the ones who secured this Camp McDowell Reservation as a reward of merit for these Mohaves. That they have warranted the trust and favorably used it, is also proven by sworn records in your department. Former Commissioner Valentine, under oath before a Congressional Committee, testified on June 9, 1911, that:

"I understand that these McDowell Indians are absolutely self-supporting, and some of the most independent and thoroughly earnest Indians that we have. They are an unusually fine bunch."

It will be a surprising spectacle to liberty-loving Americans, to the descendants of Arizonians of the 80's, to relatives of soldiers who participated in that bloody Apache campaign—to see these Mohaves peacefully but helplessly resisting to the last the officially condemned perfidy of the Indian Bureau, finally driven by the bayonets of the soldiers, the successors of their comrades of the 80's, from their established mountain home of twenty-five thousand (25,000) acres to a paltry sun-baked desert land allotment of five (5) acres apiece.

We desire to co-operate with you in every way, believing that if the official facts were known, that even a majority of the 25,000 citizens of Phoenix would not support their public utility corporation ousting these Indians without proper compensation, let alone virtually kicking them out of their homes to shift as they may under new and almost hopeless conditions.

The power to save these Indians from this fate can be invoked by you, the Secretary of the Interior, the President, or last, and supreme, by Congress. Somewhere in this field we have implicit faith and trust that some man will not stand idly by and permit the Indian Bureau to wantonly tear to shreds the orders of a Secretary of the Interior and will make an example of respect on the part of bureaucrats for orderly procedure and at least a semblance of honesty.

May we have an expression from you at an early date as to the facts of this Executive Order, secretly obtained under your predecessor, as well as your intentions in the premises? Also what do you suppose to do about stopping the work on this reservation until this matter can be settled.

Respectfully,
(Signed) JOSEPH W. LATIMER.

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