

4-1-1976

## Establishing Canyon de Chelly National Monument: A Study in Navajo and Government Relations

Raymond Wilson

Follow this and additional works at: <https://digitalrepository.unm.edu/nmhr>

---

### Recommended Citation

Wilson, Raymond. "Establishing Canyon de Chelly National Monument: A Study in Navajo and Government Relations." *New Mexico Historical Review* 51, 2 (2021). <https://digitalrepository.unm.edu/nmhr/vol51/iss2/3>

This Article is brought to you for free and open access by UNM Digital Repository. It has been accepted for inclusion in *New Mexico Historical Review* by an authorized editor of UNM Digital Repository. For more information, please contact [amywinter@unm.edu](mailto:amywinter@unm.edu), [lsloane@salud.unm.edu](mailto:lsloane@salud.unm.edu), [sarahrk@unm.edu](mailto:sarahrk@unm.edu).

ESTABLISHING CANYON DE CHELLY NATIONAL  
MONUMENT: A STUDY IN NAVAJO AND  
GOVERNMENT RELATIONS

RAYMOND WILSON

ALTHOUGH the existence of Canyon de Chelly had been known officially by Anglo-Americans since 1847 when the Major Robert Walker expedition marched six miles up the canyon, it was not until the Herbert W. Gleason Report of 1919 that serious consideration was given to establishing a national monument there.<sup>1</sup> Four years passed, however, with little or no action being taken. In 1923 Hunter Clarkson, who operated transportation services in the Southwest in cooperation with the Santa Fe Railway, wrote Assistant Director of the National Park Service Arno B. Cammerer concerning such a proposal. Clarkson had previously discussed the matter with National Park Service Director Stephen T. Mather. An investigation was then made by Cammerer, and findings indicated that "a high degree of erosion" was setting in at several of the archeological ruins.<sup>2</sup> Furthermore, numerous reports were circulating regarding vandalism and the destruction of ruins by visitors to the area.<sup>3</sup>

As a result, Cammerer wrote to Commissioner of Indian Affairs Charles H. Burke about the possibilities of establishing a national monument at the canyon; he cited the Antiquities Act of 1906 in stressing the need to protect the ruins and offered Park Service assistance if desired.<sup>4</sup> The Bureau of Indian Affairs (BIA) requested that H. J. Hagerman, commissioner of the Navajo tribe, consult with the Navajo about the proposal. Hagerman's first reports indicated unfavorable reactions from the Indians and traders. "The Cañon de Chelly and the contiguous canons appear to be," wrote Hagerman, "looked upon by the Indians more or less

as sacred ground." Trader resistance to the proposal appeared to be caused by fear of the loss of their "special or privileged position."<sup>5</sup> It was decided to drop the matter until the Navajo Tribal Council met at the Charles H. Burke School at Fort Wingate, New Mexico, on July 7 and 8, 1925.<sup>6</sup>

It was not until the second day of the council that the topic of Canyon de Chelly came up. Hagerman addressed the group, stating that the government wanted to establish a national monument there "in order to preserve the ruins and to prevent depredations from tourists and outside people, and at the same time permitting it to be visited." Moreover, he declared that

in no way would it interfere with the grazing rights of the Indians or other residents there, but rather would protect them in their rights. The title would not be taken away in any way from the Indians or their treaty rights interfered with, but it would be merely set aside and protected as a monument—a national park—so that the ruins would be preserved and outsiders would be prevented from going in and looting the ruins.<sup>7</sup>

The chairman of the Navajo council, Henry Chee Dodge, inquired if the government would have someone stationed there, if visitors would be charged, and if the government would put in new roads. Hagerman assured the Indians that the government man and roads would not infringe on Indian rights and that visitors would probably not be charged.<sup>8</sup>

After fully discussing the matter, the tribal council unanimously agreed to accept establishment of a national monument at Canyon de Chelly, "providing the grazing and other rights of the Indians are in no way interfered with." Furthermore, the Indians around Chinle wanted the exclusive right to furnish horses for tourists. In addition, they stipulated that should a road be built to the monument, no tribal funds would be expended for that purpose or for any other park purpose.<sup>9</sup>

On July 11 Hagerman reported these results to his superiors in Washington.<sup>10</sup> Both the Bureau of Indian Affairs and National Park Service viewed the tribal council vote with enthusiasm.

Letters exchanged by the two government agencies indicated their desire to aid each other in any way possible.<sup>11</sup>

Shortly afterwards, the National Park Service prepared a draft for a presidential proclamation and submitted it to Hagerman.<sup>12</sup> Commissioner Burke advised Hagerman to read it over and then submit it to the tribal council for the members' approval.<sup>13</sup> Hagerman reported that the boundary question needed to be restudied because there were inaccuracies in the existing boundary surveys and maps. The Park Service heeded this advice and postponed its efforts to get the proclamation signed. Because of insufficient knowledge about the area, the granting of national monument status to Canyon de Chelly was delayed for six more years.<sup>14</sup>

It was not until 1929 that a report submitted by Dr. A. V. Kidder and Earl H. Morris, two noted archaeologists working for the Carnegie Institution, revived the issue. They wrote that

Canyons de Chelly and del Muerto, Arizona, constitute a center of unique importance in the study of the prehistoric peoples of the Southwest. All authorities agree that in the Southwest there is to be obtained a record of the cultural progress of a group of mankind from savage nomadism to relatively advanced stage of civilization with an unbroken sequence and completeness of detail, that in so far as is known, can not be duplicated in any other part of the world.<sup>15</sup>

Because of the importance of these findings, the president of the Carnegie Institution, Dr. John C. Merriam, transmitted the report of Kidder and Morris to National Park Service Director Horace M. Albright.<sup>16</sup> A series of letters exchanged between Merriam and Albright discussed the possibilities and problems of creating the monument. The ultimate aim was to overcome the difficulties of 1925. Therefore, Morris and W. B. Lewis were assigned to determine definite boundaries. After submission of surveys and maps, the Park Service again drafted a presidential proclamation.<sup>17</sup>

This draft was sent to the Bureau of Indian Affairs, and on April 23 Commissioner Burke stated that "no provision is made

for the protection of the grazing and other rights of the Navajo Indians," which had been agreed to in 1925. In addition, because of a law passed by Congress on March 3, 1927, an act of that body was now required for changes in Indian reservation boundaries.<sup>18</sup>

Several months passed before any definite action was taken. A bill was written by the Park Service and Bureau of Indian Affairs that corrected the omissions and took into consideration that the land involved was on the Navajo treaty reservation. Commissioner of Indian Affairs Charles J. Rhoads, who had replaced Burke, advised that the new text be submitted to the Navajo Tribal Council because of the boundary description revision.<sup>19</sup>

Prior to the council meeting, Hagerman examined the bill. He remarked that it appeared to be more than adequate and predicted that "if my understanding is correct and it is clear that the Indians lose no rights or interest which they now have in the lands themselves, I think there will be no difficulty in securing the consent of the coming Tribal Council." Rhoads, pleased with this report, once again assured Hagerman that "the proposed legislation, if enacted, will not in any way affect their title to the lands involved"; and he directed Hagerman to stress this to the council.<sup>20</sup>

The Navajo Tribal Council again convened on July 7 and 8, 1930, at Fort Wingate. Hagerman addressed the council explaining the proposed bill. He reminded them that previous councils had accepted similar bills, but they had not been acted upon due to technical problems.<sup>21</sup> This present bill, opined Hagerman, "is better than any bill which has been presented to you before." He traced its history and discussed the jurisdiction to be exercised by the National Park Service and the Bureau of Indian Affairs. The service was to have authority over the ruins and the bureau over the Indian lands. In addition, Hagerman showed them a map of the monument area and assured the council that their rights were protected.<sup>22</sup>

Specifically citing Section 2 of the draft of the bill on this matter, Hagerman read:

That nothing herein shall be construed as in any way impairing the right, title, and interest, of the Navajo Tribe of Indians which they

now have and hold to all lands and minerals, including oil and gas and the surface use of such lands for agricultural, grazing and other purposes, except as hereinafter defined, and the said tribe of Indians shall be and is hereby granted the preferential right, under regulations to be prescribed by the Secretary of the Interior of furnishing riding animals for the use of visitors of the monument.<sup>23</sup>

He then read Section 3 relating to Park Service jurisdiction:

That the National Park Service, under the direction of the Secretary of Interior, is hereby charged with the administration of the area of said monument, so far as it applies to the care, maintenance, preservation and restoration of the prehistoric ruins, or other features of scientific or historical interest within the area, and shall have the right to construct upon the lands such roads, trails or other structures or improvements as may be necessary in connection with the administration and protection of the monument, and also the right to provide facilities of any nature whatsoever required for the care and accommodation of visitors to the monument.<sup>24</sup>

Hagerman did not read the boundary description, but stated that "it starts in the neighborhood of Chinle and takes in the Canyon de Chelly and the Monument Canyon and the Canyon del Muerto, up to the edges of the cliffs, so the canyons and the cliff dwellings are included in the area proposed."<sup>25</sup>

The first Navajo delegate to speak was Todechenie Chescille, alternate from the Southern Navajo Jurisdiction. He was concerned about a trader in the area abusing his privileges and renting horses to visitors. He also feared that the Indians would have to move out of the canyon. Hagerman assured him that the trader's actions would be investigated, that Indians would have the exclusive right to rent horses if the bill passed, and that Indians would not be removed from the canyon.<sup>26</sup>

Albert G. Sandoval, delegate from the Southern Navajo Jurisdiction, suggested that the Navajo discuss the matter "outside, at our recess time." Hagerman replied that if the council so desired it was fine with him. However, Jacob C. Morgan, delegate from the Northern Navajo Jurisdiction, declared "that the bill as read

to us is plain enough" and moved that a resolution accepting the proposal be adopted. The resolution, prepared by Hagerman and Rhoads, read as follows:

Resolved: that the Navajo Tribal Council assembled at Fort Wingate on July 8, 1930, approves the following bill to authorize the President of the United States to establish the Canyon de Chelly National Monument within the Navajo Indian Reservation, Arizona.

The vote was sixteen for, one against, and three abstentions. Sandoval was among those not voting.<sup>27</sup> It was now up to Congress to accept or reject the establishment of Canyon de Chelly National Monument.

Before the bill was introduced in Congress, however, local opposition arose among the Navajo of the canyon area. Shortly after the council meeting, Sandoval wrote Hagerman requesting further information regarding the proposal.<sup>28</sup> Hagerman replied by reiterating most of the statements made to the tribal council. Of particular interest are his statements on roads and trails. He wrote that the Park Service would have charge of roads and trails, but no road would be built in the canyon bottom. He felt that creation of the monument would undoubtedly result in construction of a better road from Fort Defiance or Ganado to Chinle. He also promised that the BIA and Navajo recommendations would be considered when appointing a custodian.<sup>29</sup>

On September 8 the local people addressed a petition to John G. Hunter, superintendent of the Southern Navajo Jurisdiction, stating:

The Navajo understood at the Tribal Council that the proposed National Monument in Canyon de Chelly was to extend from rim to rim not including anything on top of the rim. This they agree to. They now understand that the bill before Congress includes side canyons and quite a bit of territory on top of the rim. This they object to, as they fear that grazing and taking of wood will be forbidden in that territory. . . .

The signers of this petition wish your influence in keeping the bill from passing as it now stands.<sup>30</sup>

Sandoval's signature was first, followed by signatures or thumbprints of another eighty members, most of them men, but including a few women.<sup>31</sup> Hunter forwarded the petition to Hagerman, saying he thought he could overcome the Navajo objections to the monument, but asking for any specific information that Hagerman could send him regarding Park Service plans for the area.<sup>32</sup>

Hagerman thought that Leon H. "Cozy" McSparron and Hartley T. Seymour, traders at Chinle, were behind the petition, because Hagerman had recently received complaints about the excessive prices charged tourists who rented rooms from them. Hagerman felt that Seymour, the former son-in-law of prominent Gallup businessman C. N. Cotton, was principally to blame. He did not believe that the Navajo would have thought of the issue of lands outside the canyon without assistance.<sup>33</sup>

Hunter, in compliance with Hagerman's requests, met with the Navajo at Chinle on October 8. He explained the outside boundary and said that some territory was needed beyond the rims, but that "the rights now enjoyed by the Navajos would not be impaired."<sup>34</sup> A new petition was drawn up by which the local people "fully and wholeheartedly" concurred in the action taken by the tribal council. This petition was signed or thumbprinted by 152 Navajo.<sup>35</sup> Meanwhile, Hunter reported that he found no evidence that the traders had taken part in drafting of the first petition.<sup>36</sup>

J. Henry Scattergood, assistant commissioner of Indian Affairs, wrote Hagerman advising him that the Washington office viewed the monument proposal as beneficial to the Navajo, providing them with added income from guiding tourists, renting horses to visitors, and selling more handicrafts. He suggested that these advantages be pointed out to the Indians.<sup>37</sup> Because his ideas were written after the signing of the second petition, it does not seem likely that they were ever relayed to the local community. Hagerman's suspicions regarding the influence of the traders were not abated by Hunter's report, but the securing of local acceptance of the monument proposal was all that was necessary to clear the way.<sup>38</sup>

A bill authorizing the President to establish the monument was first introduced in the Senate on January 7, 1931, by Senator Carl Hayden of Arizona. After being read twice it was referred to the Committee on Indian Affairs. On January 28 the committee recommended "that the bill do pass without amendment." The bill had the support of the secretary of the Department of Interior, the commissioner of Indian Affairs, and the director of the National Park Service; their letters of recommendation were attached to the committee report. After the report was read, however, action was indefinitely postponed on February 2.<sup>39</sup>

Another bill had been introduced in the House of Representatives by Lewis W. Douglas of Arizona on January 9. It was referred to the Committee on Indian Affairs and favorably reported on January 27. The next day, January 28, the House passed the bill. It was then sent to the Senate and that body passed it on February 10. The act authorizing the President to establish the monument was signed by Herbert Hoover on February 14, 1931.<sup>40</sup>

On April 1 President Hoover issued a proclamation for creation of Canyon de Chelly National Monument. He cited the approval of the Navajo Tribal Council and the Congress. Furthermore, he believed that "the public interest would be promoted" and that monument status would preserve the ruins for future archeological interest and activities. Nothing was said in the proclamation, however, about the rights and privileges of the Navajo.<sup>41</sup>

This brought an immediate response from Commissioner Hagerman. He wrote Associate Director Cammerer of the Park Service:

I am a little surprised that the President's proclamation did not specifically state that the status of the lands as far as ownership and control by the Indians, was not changed by the establishment of the monument, but I presume that that is thoroughly understood, as that was of course the basis upon which the matter was accepted by the Indians. May I ask you if I am correct in this?<sup>42</sup>

Director Albright, answering Hagerman, replied that

as far as ownership and control by the Indians are concerned [it] was not changed by the establishment of the monument. It was considered only necessary to have the proclamation refer to the resolution adopted by the Navajo Tribal Council which clearly protects the Indians in the ownership of their lands.<sup>43</sup>

Thus Canyon de Chelly National Monument was established. It includes three major canyons: Canyon de Chelly, approximately 27 miles long; Canyon del Muerto, about 18 miles long; and Monument Canyon, around 10 miles in length. The entire area is about 83,840 acres or 131 square miles.<sup>44</sup>

Canyon de Chelly National Monument has a unique position among areas controlled by the National Park Service. It is the only monument that the Park Service does not own, jurisdiction being based solely on Section 3 of the congressional act that charges the service with administration of the ruins and other features of scientific and historical interest. The service also has rights to construct roads and trails and provide visitation facilities.

The Navajo tribe, on the other hand, was promised that it would lose no rights whatever and gained one privilege—that of furnishing horses to visitors. In the future, however, the rights and duties of the Park Service would become more precisely established by administrative needs and by both formal and informal agreements with the local Navajo and various government agencies.

## NOTES

The author wishes to acknowledge David M. Brugge, an anthropologist for the National Park Service and a noted authority on the Navajo, for his assistance.

1. Frank McNitt, *Navajo Wars* (Albuquerque, 1972), p. 126; Report by Herbert W. Gleason, Part 7, Record Group (RG) 79, National

Park Service (NPS), National Monuments (NM), Canyon de Chelly (CC), Part 2, National Archives (NA).

2. Verne E. Chatelain to Horace Albright, Mar. 10, 1933, enclosure, pp. 4-5, RG 79, NPS, NM, CC, Central Classified Files (CCF) 1933-49, NA.

3. Charles Davis to Hubert Work, Sept. 3, 1924, RG 75, Office of Indian Affairs (OIA), CCF 1907-39, Navajo, 69601-1924-044, NA.

4. Arno B. Cammerer to Charles H. Burke, Sept. 17, 1924, RG 75, OIA, CCF 1907-39, Navajo, 69601-1924-044, NA.

5. Chatelain to Albright, Mar. 10, 1933, enclosure, pp. 8-9, RG 79, NPS, NM, CC, CCF 1933-49, NA.

6. H. J. Hagerman to Commissioner of Indian Affairs (CIA), Dec. 16, 1924, RG 79, NPS, NM, CC, General 1923-34, NA; Burke to Stephen T. Mather, Dec. 31, 1924, RG 75, OIA, CCF 1907-39, Navajo, 69601-1924-044, NA.

7. "Minutes of the Navajo Tribal Council held at Fort Wingate, New Mexico, July 7-8, 1925," RG 75, OIA, CCF 1907-39, Navajo, 37534-1925-054, NA.

8. Ibid.

9. Ibid.

10. "Extract from report of H. J. Hagerman, Commissioner to the Navajo Tribe, dated July 11, 1925," RG 75, OIA, CCF 1907-39, Navajo, 69601-1924-044, NA.

11. Edgar B. Meritt to Mather, July 24, 1925, RG 79, NPS, NM, CC, Part 2, NA; Cammerer to Meritt, Aug. 25, 1925, RG 75, OIA, CCF 1907-39, Navajo, 69601-1924-044, NA.

12. "A Proclamation," n.d., RG 79, NPS, NM, CC, Part 2, NA; Burke to Hagerman, Aug. 27, 1925, RG 79, NPS, NM, CC, Part 2, NA.

13. Burke to Hagerman, Aug. 27, 1925, RG 79, NPS, NM, CC, Part 2, NA.

14. Chatelain to Albright, Mar. 10, 1933, enclosure, pp. 11 and 14, RG 79, NPS, NM, CC, CCF 1933-49, NA.

15. Memo by A. V. Kidder and Earl H. Morris, n.d., RG 79, NPS, NM, CC, Part 2, NA.

16. John C. Merriam to Albright, Mar. 12, 1929, RG 79, NPS, NM, CC, Part 2, NA.

17. Albright to Merriam, Mar. 18, 1929, RG 79, NPS, NM, CC, Part 2, NA; Merriam to Albright, Mar. 19, 1929, RG 79, NPS, NM, CC, Part 2, NA.

18. Burke to Albright, April 23, 1929, RG 79, NPS, NM, CC, Part 2, NA.

19. Charles J. Rhoads to Albright, Mar. 4, 1930, RG 79, NPS, NM, CC, Part 2, NA.
20. Hagerman to Rhoads, June 19, 1930, RG 75, OIA, CCF 1907-39, Navajo, 69601-1924-044, NA; Rhoads to Hagerman, July 1, 1930, RG 79, NPS, NM, CC, Part 2, NA.
21. Despite Hagerman's statement, no evidence has been found that more than one earlier council voted in favor of establishment of a national monument at Canyon de Chelly or even considered the matter.
22. "Minutes of the Eighth Annual Session of the Navajo Tribal Council held at Fort Wingate, New Mexico, July 7-8, 1930," RG 75, OIA, General Services (GS), 054-1929-34664 to 054-1931-35878, pp. 65-66, NA.
23. Ibid., pp. 66-67.
24. Ibid., p. 67.
25. Ibid.
26. Ibid., pp. 68-69.
27. Ibid., pp. 70-73.
28. Albert G. Sandoval to Hagerman, July 19, 1930, RG 75, OIA, GS, 39005-1930-044, NA.
29. Hagerman to Sandoval, July 24, 1930, RG 75, OIA, GS, 39005-1930-044, NA.
30. Sandoval et al. to John G. Hunter, Sept. 8, 1930, RG 75, OIA, GS, 39005-1930-044, NA.
31. Ibid.
32. Hunter to Hagerman, Sept. 19, 1930, RG 75, OIA, GS, 39005-1930-044, NA.
33. Hagerman to Hunter, Oct. 2, 1930, RG 75, OIA, GS, 39005-1930-044, NA; Hagerman to CIA, Oct. 2, 1930, RG 75, OIA, GS, 39005-1930-044, NA.
34. Hunter to Hagerman, Oct. 10, 1930, RG 75, OIA, GS, 39005-1930-044, NA.
35. Sam Patterson et al. to Hunter, Oct. 8, 1930, RG 75, OIA, GS, 39005-1930-044, NA.
36. Hunter to Hagerman, Oct. 10, 1930, RG 75, OIA, GS, 39005-930-044, NA.
37. J. Henry Scattergood to Hagerman, Oct. 16, 1930, RG 75, OIA, GS, 39005-1930-044, NA.
38. Hagerman to Jesse L. Nusbaum, Nov. 10, 1930, RG 79, NPS, NM, CC, 1923-34, NA.
39. Edmund B. Rogers, comp., *History of Legislation Relating to the*

*National Park System Through the 82nd Congress* (Washington, 1958), p. 1.

40. Ibid.

41. Ibid.

42. Hagerman to Cammerer, April 27, 1931, RG 79, NPS, NM, CC, Part 2, NA.

43. Albright to Hagerman, May 2, 1931, RG 79, NPS, NM, CC, Part 2, NA.

44. Chatelain to Albright, Mar. 10, 1933, enclosure, p. 1, RG 79, NPS, NM, CC, CCF 1933-49, NA.