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PURCHASING LANDS FOR NEVADA INDIAN COLONIES, 1916-1917

ELMER R. RUSCO

AT THE BEGINNING OF THE TWENTIETH CENTURY, a minority of Nevada's Indian population lived on reservations. There were reservations at Duck Valley, Pyramid Lake, Moapa, and Walker River; and a number of Indians lived at Fallon and Fort McDermitt on allotments in a reservation-like environment. According to the report of the Commissioner of Indian Affairs for 1900, the population of the Duck Valley, Pyramid Lake, and Walker River Reservations totaled 1,515, only twenty-nine percent of the 5,216 Indians listed by the United States Census Bureau as living in Nevada.¹ A population figure for the Moapa Reservation as of 1916 raises this total to 1,634, or about thirty-one percent of the state's Indian population. This figure probably does not include the Indians living at Fallon and Fort McDermitt but, even if they are added the reservation population at that time, remains a minority of the total Indian population.²

Although most of Nevada's native peoples still lived in or near their aboriginal homes at the turn of the century, they did so under altered conditions. Because they had lost control of many key resources, especially much land and water, they had been forced to change their way of life. Many of them lived on or near the new ranches owned by non-Indians and made their livings partly as employees of the ranch owners; the men were ranch hands, engaging in a variety of activities for low pay, and the women provided domestic labor, also at low pay. There exists no extended account of what this circumstance meant for Indians, but it was a major pattern of response to EuroAmerican intrusion and displacement.³

Another significant segment of Nevada's native population in 1900 lived in settlements, sometimes called camps, in or on the edges of the towns and cities that had grown up in Nevada. Gradually, these locations came to be known as colonies, a name apparently unique to Nevada. In some cases the

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Captain Jim, a Washoe Indian, traveled to Washington, D.C., in 1892, in an effort to influence political leaders to establish a reservation in Nevada for the Washoes. (*Nevada Historical Society*)

colonies were on what was regarded by most Nevadans as public domain (although doubtless many if not most of the Indians continued to regard these lands as belonging to them because there had never been any legal transfer of

ownership); in other cases, the colonies were located on private lands. Gradually during the twentieth century, most of these colonies became trust territories, controlled by the federal government for the Indians. This process began with congressional appropriations for the purchase of the Lovelock Colony in 1910 and the Las Vegas Colony in 1911, but there was a dramatic increase in the number of trust-status colonies during 1917-18, when seven colonies were purchased or established by executive order.⁴ This was the largest expansion of the Nevada Indian land base to occur between the creation of the first reservations during the nineteenth century and the Indian New Deal of the 1930s.

The legal status of colonies was unclear to some extent until 1938, when the United States Supreme Court ruled in *United States v. McGowan* that the Nevada colonies were reservations in the full sense of the word.⁵ The *McGowan* case, which applied specifically to the Reno-Sparks Colony, cited as authority for that colony's creation two separate portions of an Indian appropriation act passed by Congress in 1916. One section of this law authorized the spending of \$10,000 to buy "land and water rights" for the Washoe Indians, and the other provided \$15,000 to buy land and water rights for "the nonreservation Indians in the State of Nevada."⁶ This article examines the circumstances that led to the passage of these two provisions in order to shed light on this important period in Nevada Indian history.

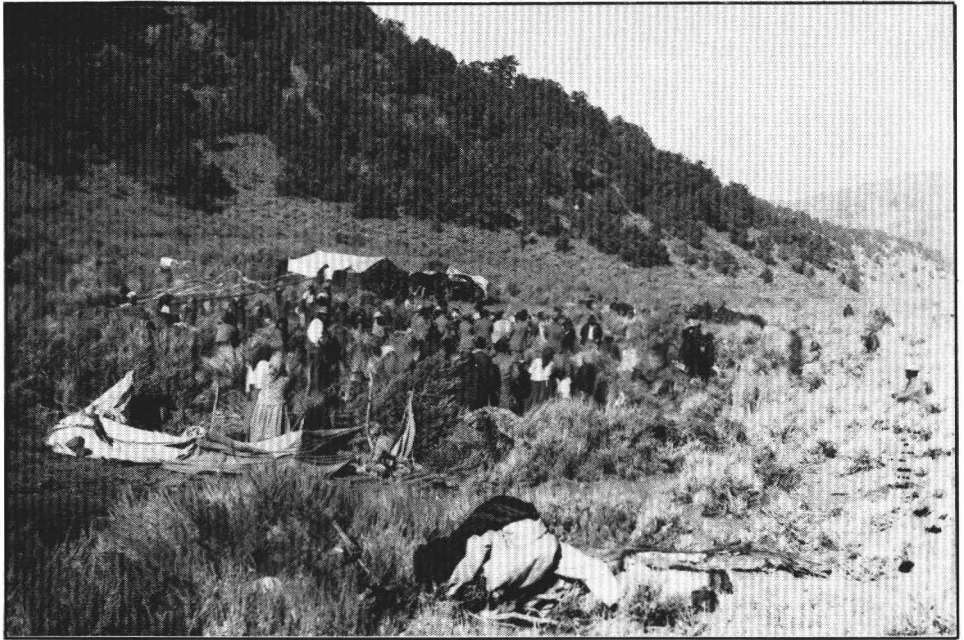
INITIAL STEPS TOWARD ACQUISITION OF COLONIES

The process that led to the creation of several new reservations in a short period of time was complicated, and certain elements of it remain obscure. But it is clear that attempts to secure land for the Washoe Indians before 1916, the activities of the Nevada Indian Association between 1914 and 1916, the efforts of Nevada Senator Key Pittman, the precedent of land purchases in California, and the viewpoints of the Bureau of Indian Affairs were all important.

Land for the Washoes

The federal government made no treaties with the Washoe Tribe, and provided them with no reservations until 1917. However, there were various proposals from the Washoes and various field employees of the Bureau of Indian Affairs for a reservation, plus many complaints about the condition of the tribe in the absence of a reservation, over many decades before action finally was taken.

In 1859, Indian Agent Frederick Dodge proposed that Washoes should be moved to the Pyramid Lake or Walker River Reservations, created in that year, but this never happened. In 1865, 1871, and 1877, agents of the Bureau



Washoe Indians involved in a rabbit drive, May 1901. (*Nevada Historical Society*)

of Indian Affairs recommended that a reservation be established for the Washoes, but again there was no action.⁷

Washoes requested a treaty as early as 1861. Subsequent Washoe protests and requests that at least some land be left to them go back to at least 1880. In 1891 Washoe leaders prepared a petition requesting land, and in 1892, with the help of non-Indian Nevadans who raised money for their expenses, two Washoe leaders—Captain Jim and Dick Bender—traveled to Washington, D.C., to request help. They were offered land in the Humboldt Valley, not in their homeland, but nothing came of this either.⁸

In 1901, Jeanne Elizabeth Wier reported that Captain Pete of the Washoes was asking for a 200-acre plot of irrigated land in Carson Valley for homesites and gardens. She wrote that citizens of Ormsby, Storey, and Washoe Counties had been raising money to finance another Washoe trip to Washington.⁹

Wier also reported that, after passage of the Dawes Act of 1887, which contained a provision authorizing homesteads on the public domain for landless Indians, Washoes began to “make settlement in the valleys” of western Nevada. However, because “white residents coveted” these lands, the Washoes were persuaded to exchange them for land allotments in the Pine Nut Mountains. She says that “the chief men of the tribe consented to the removal, but one year’s experience in their new homes proved that the land was useless for agricultural purposes.”¹⁰

Perhaps because of the 1892 visit to Washington and the local support for

it, a number of individual Washoes also received allotments of land in the Pine Nut Range, south and east of the Minden/Gardnerville area, beginning in 1893 and continuing until 1910.¹¹ Unfortunately, these allotments did not have water supplies attached to them and were in any case unsuitable for agriculture, because of the mountainous terrain. Also, the one resource on these allotments, the piñon forest, was often subject to non-Indian encroachment. The Washoes protested again, and sometimes received the support of Nevada or federal government officials; but the most important thing that happened was the institution of leasing agreements, with very small payments to the Washoes, beginning in 1913.¹²

Beginning in 1903, with a report by Superintendent James K. Allen and Special Allotting Agent W. E. Casson, various Indian agents began to suggest that the Pine Nut allotments be exchanged for agricultural lands.¹³ In 1910 the superintendent of the Carson Indian School, recognizing that the Pine Nut allotments were inadequate, suggested the purchase of a tract with a water right for the members of the tribe.¹⁴

Calvin H. Asbury, who at the time was the head of the Carson Indian School, sent a report to the Washington office of the Bureau of Indian Affairs on the condition of the Washoes on 27 December 1911. This report noted that the allotments made to Washoes in the 1890s totaled fifty to sixty thousand acres. The report, according to the office,

shows that many of the allotments have practically little or no value, but that some of them contain timber valuable for fuel; that these might be sold for a sufficient amount to buy the Indians a small tract of land near the communities where they work for a livelihood. He has suggested that the worthless allotments be canceled and that the Indians be permitted to select more valuable lands wherever this may be possible.¹⁵

In 1912, Nevada Governor Tasker Oddie, Lieutenant Governor Gilbert C. Ross, and a number of citizens of Carson City sent a petition to Nevada's congressional representative, E. E. Roberts, asking that "legislation be procured in behalf of the Washoe Indians in Nevada"; apparently, the letter asked that land be provided for them. Roberts forwarded the petition to the Commissioner of Indian Affairs, requesting that the reply be sent to Colonel S. H. Day of Carson City, because the representative was going to be absent for some time. The reply to Colonel Day indicated that the bureau had been looking into the condition of the Washoe Indians since the year before.¹⁶

The Bureau of Indian Affairs Takes Action

All of this activity from the Nevadans produced a concrete response from the Bureau of Indian Affairs. At some time between the December 1911 report noted above and 9 October 1912, the writer of the report, Calvin



Louisa Tom in Dresslerville, lands which were purchased from William Dressler for Washoe Indians in Carson Valley. (*Nevada Historical Society*)

Asbury, was appointed “a Special Indian Agent to look after the interests of the various scattered bands of Indians in the State of Nevada.”¹⁷ Although this wording indicates that he was intended to concern himself with other tribes as well, it was apparently the Washoes who received the most attention for several years.

As noted above, Asbury had originally championed the proposal to sell the Pine Nut allotments to get money to purchase more suitable land for the Washoes. In response to the 1912 petition, the bureau initially accepted Asbury’s recommendation: Second Assistant Commissioner E. F. Hauke wrote to Colonel Day that, because the Washoe allotments totaled a substantial number of acres, “there would be no justification . . . in recommending that a large appropriation be made to buy land for them elsewhere; at least, until a very careful examination has been made into” whether the allotments could be exchanged for “small tracts for permanent homes near the towns where they earn their livelihood.”¹⁸

Apparently Asbury’s recommendation against purchase of more land for the Washoes was based on the view that most members of the tribe were relatively well off economically and that the only problem was with the elderly members. In his report of 27 December 1911, Asbury wrote:

The Washoe Indians do not live in any one close community,—in fact, there is hardly enough of them living at any one place to constitute a real village. Through Carson Valley around the small town of Gardnerville there are Washoe families living

adjacent to almost every farm where they make their living working at regular farm labor and at domestic work around the homes. They have work a large portion of the year, and all of the younger people who are strong live very well. There are [a] few camps about the towns of Gardnerville, Carson City, and Reno, Nevada, and Truckee, and Loyalton, California, and through the summer, there are many of them employed around Lake Tahoe, fishing, acting as boatmen, guides, etc., while the women may make and sell baskets and work about the camps and resorts.¹⁹

After quoting this passage, the letter to Day from Hauke stated that while “some of the old people are reported to be quite poor, . . . the indications are that the younger ones, those who are strong and healthy, live very well upon the proceeds of their individual labor.”

In 1913, a new effort to secure land for the Washoes began, initiated by leaders of the tribe. A petition was prepared by Washoe leaders Captain Pete and Captain Pete Mayo, which was signed by twenty other Washoes and witnessed by George F. Kenney of Carson City. The petition noted that the Pine Nut land allotments were “barren, desolate in the extreme, and of such character that [they] cannot be cultivated” and stated that “a home for each family with a parcel of ground to cultivate would remedy this very largely, something which is utterly impossible on the ground now allotted us.” This petition was accompanied by a basket specially woven for the purpose by Sarah Jim, daughter of Captain Jim. The basket was to be given to President Woodrow Wilson. The president did receive it, though what happened to it after that is not known.²⁰ The 1913 Nevada Legislature, presumably in response to this or similar efforts, adopted a resolution requesting the Nevada congressional delegation

to use all honorable means to obtain all necessary and proper relief and aid to the Washoe tribe of Indians in the way of obtaining parcels of land and water rights, furnishing them with farming implements and other necessities to enable them to cultivate the soil, and assist them to become self-supporting in accordance with the best judgment of congress.²¹

Also in 1913, Representative Roberts introduced a bill in Congress “to purchase lands and establish homes for the Washoe Indians,” but the bill did not emerge from the House Committee on Indian Affairs.²² In February 1914, Senator Francis Newlands of Nevada introduced a bill for the same purpose, but it, too, died in committee.²³

On 28 March 1914, Kenney transmitted to Congress, to the Commissioner of Indian Affairs, and to the Honorable Harry Day a five-page petition signed by a large number of Washoe Indians, asking for land for the tribe. Perhaps this was the 1913 petition, although it may have been another one. Kenney said that he was forwarding the petition “at the request of representatives of the Washoe Tribe of Indians.”²⁴

The Bureau of Indian Affairs supported purchasing land for the Washoes; a



Paiutes in camp, c. 1910. (*Nevada Historical Society*)

bill had already been introduced to do so. In a reply to Kenney, Second Assistant Commissioner Hauke wrote that “the condition of the homeless bands of Indians in Nevada, mainly Washoes, Shoshones and Piutes [sic], is well known in this Office, as reports have been received from field officers fully setting forth their needs and the necessity for an appropriation to relieve their distress.” Hauke then noted that Senate Bill 4472 (actually 4473) in the Second Session of the Sixty-third Congress had proposed the appropriation of \$50,000 “to purchase land and establish homes for Indians of the Washoe tribe in Nevada.” (This was the bill introduced by Senator Newlands.) He indicated that the office, in its report on this bill, had endorsed the request for \$50,000 but had also broadened the request to provide that the money be used to buy “land and water rights for homeless and destitute Washoes, Paiutes and other Indians in the State of Nevada not residing upon any Indian Reservation.” Hauke wrote that the appropriation might be used to purchase either small tracts “for assignment to families or individuals” or “a permanent location to which they might return after their work and where they would be in no danger of being told to ‘move on.’”²⁵

The Nevada Indian Association Enters the Picture

The Nevada Indian Association was organized in February 1913 “by some Reno women, for the purpose of raising money for a Young Men’s and Young Women’s Christian Association building at the Carson Indian School and

maintaining a secretary there.”²⁶ The leadership of the association came from Lillie R. Corwin, a missionary appointed by the Baptist Women’s Home Missionary Society of New York, who had been serving Nevada Indians since 1907. Miss Corwin had begun her work at the Reno Baptist Church and had established a Baptist mission on the Fallon Reservation before undertaking work at the Carson Indian School. In February 1913, national representatives of the YMCA and YWCA were in Reno and Carson City and the Nevada Indian Association was formed at that time. Apparently the association raised money for the building that is the core of what is still the Baptist Church at the Stewart property and also for a home for Miss Corwin “on the edge of the Stewart campus.”²⁷ Thereafter Miss Corwin served Indian students for several years at the Carson Indian School. The association was in existence for a number of years (at least until 1918), and it gradually broadened its activities to include seeking larger appropriations for the Carson Indian School, attempting to get more schools for Nevada Indians as well as to secure admission for Indians to the Nevada public schools, and supporting efforts to secure land for homeless Nevada Indians.²⁸

Senator Pittman Lends a Hand

The Nevada Indian Association found its most important supporter in Senator Key Pitman, who joined the association himself.²⁹ On 29 September 1915, Senator Pittman addressed the Ormsby County branch of the association on the subject of increased appropriations for the Carson Indian School. “He urged members of the association to collect facts regarding the school and present them to Congress and promised to lend his aid in every way in getting the desired appropriation for the enlargement of the institution.”³⁰ Evidently the association also lobbied for support of land for the Nevada Indians, because in 1915 a Senate committee reported of the proposal to buy land for the Washoes that “there have been filed with your committee numerous signed petitions from residents of Nevada requesting this appropriation.”³¹ Probably because of his interest in Nevada’s Indians, Pittman was a member of the Senate Committee on Indian Affairs during the Sixty-third and Sixty-fourth Congresses, during which the provisions authorizing purchase of lands for Nevada Indians were moving through Congress, and he clearly led in bringing about their ultimate approval.

ACTION BEGINS—THE 1916 INDIAN APPROPRIATIONS ACT

The Indian appropriations act for the 1916 fiscal year failed to pass at the last moment because of a filibuster over claims payments to Mississippi Choctaws, so tracing the legislative history of this bill requires an examination of hearings and debates over two years.



Pine Nut harvesting near Lovelock, Nevada, c. 1912. (*Nevada Historical Society*)

A Constituent's Request

An element that became important later but seems not to have been part of the initial effort to approve the 1916 Act was a constituent's request addressed to Senator Pittman. The constituent, John Beare O'Sullivan, was concerned about both his own economic status and the future of the Indians who would eventually become residents of the Reno-Sparks Colony. On 9 December 1914 he wrote to Senator Pittman asking him if he could not secure an appropriation to purchase "a certain tract of land belonging to me adjoining the city of Sparks [on which] is located a settlement of Indians." O'Sullivan explained that

I have an opportunity of disposing of this tract of land, provided that I remove the Indians. There is no other place they can move to within a radius of several miles, and I dislike extremely to cause these poor unfortunates to leave, especially as some of them have erected comfortable frame cabins. At the same time, my means are such that I need the money that I would receive from the sale.³²

He wrote that he had "called at the Indian Agency" and been told that there was an appropriation of \$10,000 to buy land for California Indians, but none for buying land for Nevada Indians. Evidently the letter caused Senator Pittman to inquire into the matter. On 18 December Pittman wrote to O'Sullivan that he had received his letter and would "take up with the Commissioner of Indian Affairs immediately the question of appropriating lands for homeless Indians in Nevada. I am encouraged to believe that I will succeed." By 15

January 1915 Pittman was writing O'Sullivan that he would have nothing definite until the Committee on Indian Affairs met.³³ O'Sullivan's father had established a ranch along the Truckee River in the 1850s, and the ranch had for decades been one of the sites for several Indian camps.³⁴

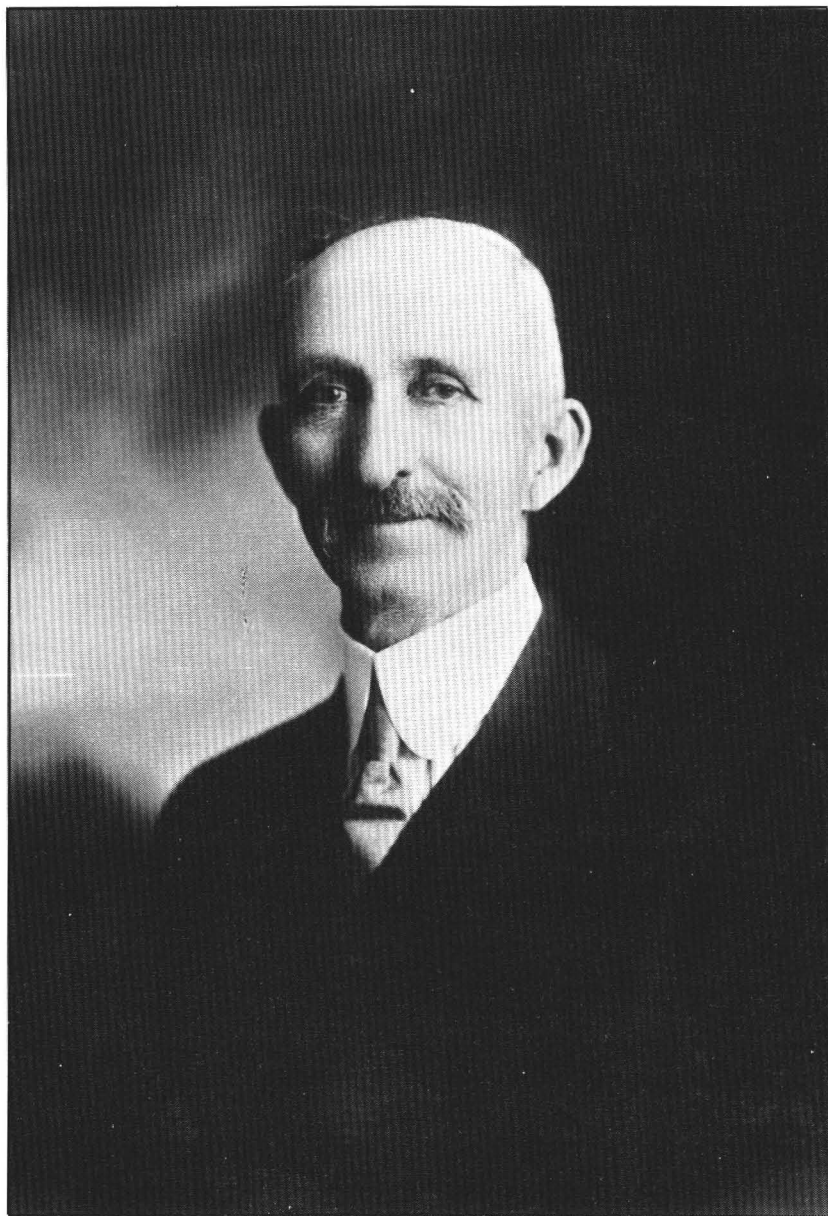
Influence of California Land Purchases

The Bureau of Indian Affairs may have decided to seek purchase of lands for Nevada Indians partly because a similar program was already underway in California. Although eighteen treaties were negotiated with various California Indians during 1850-52, the Senate refused to ratify them in 1852, and so a high proportion of California Indians were landless. Several military reservations set up between 1853 and 1855 were eventually replaced by only five reservations for all the California Indians. Beginning in the 1890s, however, the Bureau of Indian Affairs and private sources began to purchase residential reservations, called rancherias. In 1905, C. E. Kelsey, an attorney who was secretary of the Northern California Indian Association, was appointed as special agent of the bureau to study ways to improve the situation of the many landless California Indians. Following his report in 1906, Congress appropriated \$100,000 to buy rancherias for California Indians, and between 1907 and 1909 twenty-five rancherias were purchased.³⁵

In January 1915, the Senate Committee on Indian Affairs was considering a proposal to continue these appropriations for lands for the homeless California Indians.³⁶ On 25 January 1915, Senator Pittman appeared before the committee and requested an appropriation of \$10,000 to buy land for the Washoe Indians; he did not mention the Reno-Sparks situation, and in fact referred only to Washoes living in Carson Valley. He told the committee that the three or four hundred Washoe Indians were "the best Indians in our State. They are a splendid, high-class type of Indian." He noted that land had been purchased for them some years before (the Pine Nut allotments), but that this land was "impossible for agricultural purposes. The Indians were unable there to do anything." He added that consequently

these Indians live just from hand to mouth. They will pitch a little bit of a tent around the edge of a town or mining camp. The women will try to get washing and the men will try to get a job chopping some wood, but it is a very precarious living they earn at the outside. They have no reservations [*sic*] to live on, and no protection whatever, and it is an outrage.³⁷

After some friendly discussion with members of the committee, Pittman offered to prepare an amendment to authorize \$10,000 to purchase lands for the Washoe Indians plus \$5,000 to furnish them with "the necessary agricultural implements" to enable them to support themselves, and to check this proposal with the Bureau of Indian Affairs.



Lorenzo D. Creel was hired by the Bureau of Indian Affairs in 1917-1918 to purchase lands for Nevada Indians. (*Nevada Historical Society*)

The next day, on 25 January, Pittman introduced an amendment that he said he had “prepared in consultation with” Assistant Commissioner of Indian Affairs E. B. Meritt. His amendment increased the amount requested for

purchase of lands from \$10,000 to \$15,000, plus \$5,000 "for the support and civilization" of the Washoe tribe, and it stated that the title for the "land and water rights for the Washoe Tribe" was to be "held by the United States for the benefit of" the tribe.³⁸

Pittman Broadens the Scope of the Effort

Some time in January or February of 1915 Pittman received a petition requesting appropriations to purchase homes for "homeless Indians in Nevada." On 15 February he wrote to the foreman and members of the federal grand jury in Carson City, who had sent the petition, indicating that he had introduced an amendment to buy land for the Washoes. This letter said that "it was only with regard to these Indians that I received petitions prior to the receipt of yours, and therefore other homeless Indians other than the Washoes have not been cared for." He wrote that he would see to "this matter" in this next session of Congress, noting, however, that "it is very difficult to obtain any appropriation by reason of the necessity for economy on behalf of the Government."³⁹

In 1915 the Committee on Indian Affairs recommended \$15,000 to the Senate, which agreed, for purchase of land for the Washoes. The conference committee appointed to reconcile disputes between the two houses reduced the amount to \$12,500.⁴⁰ At this point, however, the entire bill was lost, and so the matter was put over until the next Congress.⁴¹

THE 1916 INDIAN APPROPRIATIONS ACT—THE SECOND ROUND

Senator Pittman brought his proposal for land for the Washoes back to the Senate Committee on Indian Affairs on 21 February 1916. This time the request had been reduced to \$10,000 for the purchase of land and water rights and \$5,000 to enable the tribe to use the lands that would be purchased. The committee agreed to the amendment after a brief discussion, the most important point of which was that Pittman agreed that he did not "expect" to ask for a similar appropriation the next year; in other words, he envisaged it as a one-time expenditure.⁴²

The biggest change in Pittman's request, however, came when he indicated that he would introduce a bill to appropriate \$100,000 to buy land for other homeless Nevada Indians, as he had said the year before that he would do.⁴³ The 1915 Nevada Legislature had passed a resolution requesting an appropriation in the amount of \$100,000 "for the purchase of small parcels of land, water rights, garden tools, and to erect dwellings in this state" for the Washoes "and many members of other tribes of Indians in this state [who] are homeless and nonreservation Indians."⁴⁴

Pittman also cited the fact that Special Agent Asbury recommended this amount. In a report to the Commissioner of Indian Affairs in October 1915, Asbury had recommended the use of \$100,000 to buy lands for all Nevada Indians in need of such aid, and added that there were homeless Indians in every county of the state. The Secretary of the Interior, in a report cited below, estimated that approximately 3,100 (or 59 percent) of Nevada's 5,240 Indians had "no land or reservation rights."⁴⁵ Asbury discussed the situations of specific tribes, but then offered a description of the condition of the Indians generally.

These Indians make their living at common labor about towns and on the ranches adjacent to where they live, the women earning a large part of the living, doing washing and other domestic work about the homes of the white people. They live in such small houses and shacks as they can provide for themselves, usually located on a barren spot, which no one else wants.⁴⁶

Asbury suggested that it should be possible to find "small tracts where they can be encouraged to build for themselves better homes:

These tracts should not be purchased with a view to assembling any considerable number of Indians at one place, but should be bought in the locality where the Indians now live and where they have a chance to earn their living, as they do at the present time, supplemented by such garden and small farming as they may be able to do on small tracts.⁴⁷

Secretary of the Interior Franklin K. Lane, in a letter dated 8 February 1916, endorsed the idea of supporting land purchases for homeless Nevada Indians as an "experiment," noting that a similar program had for some time been carried on in California. He suggested an appropriation of \$15,000 to buy "home and farm sites, with adequate water rights, and [to provide] agricultural equipment and instruction and other necessary supplies for the non-reservation Indians in the State of Nevada." Senator Pittman, saying that he could not "expect any more than the department recommends," reduced his request to a total of \$15,000. This amount, quickly approved by the committee, was later accepted by the Senate as a whole.⁴⁸

During 1915-16, then, there were two separate provisions dealing with the purchase of land for homeless Nevada Indians. The House Committee on Indian Affairs discussed the request on behalf of the Washoe tribe on 22 December 1915. Assistant Commissioner E. B. Meritt brought the proposal before the committee, but merely referred to Senator Pittman's testimony of the previous January before the Senate committee. When the chairman of the House committee asked Meritt, "Has the Government ever had supervision and control over them?" he answered that "they are supposed to be under the jurisdiction of the Government."⁴⁹ Meritt also stated, in response to the chairman's inquiries, that it would not be practical to find allotments on

the public domain for members of the tribe because of the difficulty of finding land with a water supply.⁵⁰

Meritt discussed both proposals before the House committee on 15 April 1916. He admitted that he did not know the tribes of the various homeless Nevada Indians, but he may have been referring to the Indians living on what would become the Reno-Sparks Colony when he gave the following response to a request to explain the item about the Washoe Indians:

They are a small band of Indians that have been living around a town there in Nevada, and the owner of the land is about to require these Indians to move, and it will be necessary that we purchase some land for them.⁵¹

The committee took no action on the amendment at this hearing, but later, in its report to the House, it recommended the full amount of \$15,000 to purchase land for the Washoes. The House accepted this amount, although it struck out language allowing the appropriation to be carried over into another fiscal year if not expended in the year for which it was appropriated.⁵² The Senate had previously approved the same amount for Washoe lands; with both houses in agreement, there was nothing to resolve in conference, and this provision became law.

The House committee in 1916 approved the additional appropriation to purchase land for other Nevada Indians, and again the House accepted the amount proposed by the Senate, so this provision also became part of the Indian appropriation act without dispute.

RENT FOR THE RENO-SPARKS COLONY

In none of the proceedings summarized above was there any certainly specific reference to the Reno-Sparks Colony, but on 2 March 1916, Senator Pittman brought up the colony before the Senate Committee on Indian Affairs. His request at this time, however, was for an appropriation to pay rent for the previous ten years for land occupied near Sparks by Washoe Indians. Specifically, the request was

for the payment of rental of private land occupied by nonreservation homeless Indians, in the vicinity of Sparks, Nevada, from May first, nineteen hundred and five, to May first, nineteen hundred and fifteen, ten years, at \$360 per year, in all \$3,600.⁵³

A letter from Secretary of the Interior Lane stated that a number of Washoe Indians had been living on an undetermined number of acres near Sparks for ten years, on land belonging to John B. O'Sullivan. O'Sullivan had for some time given his "tacit consent" that the Indians should live there, but in the previous year the Bureau of Indian Affairs had paid him \$30 a month for rent, and had then entered into a lease contract with Mr. O'Sullivan for a year,



Congressional Representative E. E. Roberts introduced a bill in Congress in 1913 to purchase lands and establish homes for the Washoe Indian. (*Nevada Historical Society*)

ending 30 June 1916. The request was for back rent for the previous ten years. The secretary recommended against the appropriation, on the grounds that the government had no obligation to pay rent prior to 1 May 1915, when

payments had begun, and that "the sum of \$3,600 is far in excess of the rental value of the land for the period mentioned."⁵⁴

Faced with the opposition of the Interior Department, Senator Pittman fought hard for his appropriation but eventually withdrew it when he realized that he could not get it approved. Senator Harry Lane (Democrat, Oregon), who also referred to the Indians involved as Washoes and said that he had known "personally of those Indians for the reason that I was born in that country," explained to the committee that "they are 'camping on the old camp grounds' that their ancestors camped on hundreds of years ago, and the town has come in there and they do not desert their camp ground any further than they have to."⁵⁵ The rest of the committee apparently regarded the matter as one of rewarding Mr. O'Sullivan as a private landowner. Senator Carroll S. Page (Republican, Vermont), the committee chairman, even suggested that the committee might "gain the reputation that it has more of graft in it than any other committee in the Senate, and I think we are perhaps coming to deserve some of that, because so many, many things that come up are new, untried, and we step in because we have a little sympathy and say 'Amen.'"⁵⁶ Pittman then tried to gain approval for the back rent by reducing the sum to half that in the original proposal, but even this was not acceptable to the rest of the committee.⁵⁷ (In April 1917 Pittman introduced a bill "for the relief of John B. O'Sullivan," but the bill did not get out of committee, probably because O'Sullivan's land was purchased in 1917 for the Reno-Sparks Colony.)⁵⁸

CONCLUSION

This account of congressional action leading to the passage in 1916 of two separate provisions for the purchase of lands for homeless Nevada Indians suggests some confusion on the part of the congressional committees involved. Clearly the effort began with an attempt to buy lands for the Washoe Tribe, but perhaps Senator Pittman and the Bureau of Indian Affairs were contemplating the eventual Reno-Sparks Colony as well as the situation of the Washoe Indians in Carson Valley. There was no specific reference to any other Nevada Indian tribe or location, however. But because at least some of the Indians living on O'Sullivan's land were Washoes, either appropriation would have been legitimate authority for the purchase of the land that became the Reno-Sparks Colony, regardless of the specific intent of Congress.

The implementation of these two authorization provisions is another story. The Bureau of Indian Affairs hired Lorenzo D. Creel, who had been working with landless Indians in Utah, as a special supervisor assigned to make land purchases for Nevada Indians. He began with efforts to purchase land for Washoe Indians in Carson Valley. Creel secured from the William F. Dressler family a gift of land which became Dresslerville, and also an option to

purchase a ranch near Genoa. He then made a tour of the state, which resulted in several additions to the supply of colonies. During 1917 and 1918, lands for colonies were purchased in Carson City, Fallon, Reno-Sparks, and Yerington, and colonies were established by executive order in Battle Mountain and Elko.⁵⁹

There was no significant attempt in Congress to buy additional lands for Nevada Indians, even though the colonies created in 1917 and 1918 did not give trust status to all of the existing Indian camps, and they certainly did very little for the "scattered" Indians in the state. In 1917 Malcolm McDowell, a member of the Board of Indian Commissioners, made a study of "The Landless Indians—Paiutes and Washoes of Nevada," but it led to no new legislative proposals.⁶⁰ Also in 1917, the Indians living on allotments at Fort McDermitt sent a petition to Nevada's congressional delegation requesting additional allotments for Indians of that area who were landless. The petition was signed by thirty Indians identified as "landless" and by sixteen identified as "Indians who are allotted, but desirous of aiding their less fortunate brethren."⁶¹ Senator Pittman responded to Dale H. Reed, the superintendent of the Fort McDermitt School, who had sent a letter with the petition, that "it is too late at this session to do anything with regard to the matter of which you write, but I hope to accomplish something at the next session of Congress." However, there is no evidence of congressional consideration of further allotments for the Fort McDermitt Indians. Nevada Indians without lands of their own had to await the Indian New Deal before significant action would provide them with land, although the Ely Colony did gain trust status in 1931.⁶²

The United States Indian policy nationally during this period was directed toward reducing reservations, not creating them. The centerpiece of policy was clearly the General Allotment (or Dawes) Act of 1887, and this act aimed ultimately at converting Indians into individual property-owning farmers who would no longer need the special legal status enjoyed by Indians on reservations. Moreover, the Dawes Act in fact led to the loss of enormous amounts of formerly Indian lands to non-Indians. The act itself contemplated release of "surplus" lands on reservations once all the Indians living there had been allotted, but the major reason for the great loss of lands was that individual Indians, lacking capital for farming—in some cases not desiring to make their livings in this way, and in most cases not understanding the complexities and value assumptions of the non-Indian property system—sold their lands to non-Indians. Why was there an effort to create reservations in Nevada while government policy in general was directed in the opposite direction?

Three hypotheses can be suggested to explain this paradox. First, Indian policy has in fact always been made on a decentralized basis; the national government was and is dealing with hundreds of different groups, each with a different history before the EuroAmerican contract and each with a different

pattern of relationships with the national government. The Washoes in particular had never enjoyed trust status for any of their lands and had consistently protested this condition, but only a minority of Nevada Indians lived on reservations by 1916. Especially since similar efforts were already under way in California and Utah, and for similar reasons, acquiring land for the Nevada Indians made sense in spite of the over-all policy's focus on breaking up reservations.

Second, the Dawes Act assumed that Indians would make their livings as farmers, but this of course required that they own land. The Dawes Act probably explains the Pine Nut Allotments, but these allotments were useless for agricultural purposes. No one could realistically expect the Washoes to become self-reliant farmers when all of the land on which farming could take place had been taken from them. Before the Indians could realistically be encouraged to approximate the Jeffersonian ideal of independent farmers, they had to have land, and this was precisely what was missing for most Nevada Indians.

Third, it is likely that self-preservation and expansionist goals of the bureaucracy itself played a role in these events. Whatever the orientations of congress and the president, governmental agencies (and indeed bureaucracies of all kinds) typically favor policies designed at the minimum to preserve their agencies and at the maximum to expand them. In short, there are several reasons why Indian policy in Nevada took the direction it did during 1916-17, even though in doing so it moved in the opposite direction from over-all policy at the national level.

NOTES

¹ Commissioner of Indian Affairs 1901:694. This estimate may not be precise; however, it was chosen because it is based on the count by the U.S. Census, which reported a stable Indian population for Nevada of around 5,000 from 1890 through 1950. By contrast, for 1899, the Commissioner of Indian Affairs had estimated that the population of the same three reservations was 1,306, or 16.1 percent of a total state Indian population of 8,121. Commissioner of Indian Affairs 1900:644.

² U.S. Congress. House 1915:18.

³ The best study of this situation deals with the status of the Indian residents of Helen J. Stewart's ranch in Las Vegas Valley in the nineteenth century. See Knack 1987.

⁴ In 1910, the United States Congress appropriated \$3,000 for "the purchase of land adjacent to the Lovelock School site, in Nevada, for the use and occupation of certain Indian families." 36 Stat. US 278. Nevada Senator George S. Nixon requested the appropriation. Apparently some land had been purchased for the Lovelock Colony in 1907. Intertribal Council of Nevada, 1976a:41-42. The Las Vegas Colony was purchased for \$500 from Helen J. Stewart in 1911. Intertribal Council of Nevada, 1976b:120.

⁵ *United States v. McGowan*, 302 U.S. 535.

⁶ 39 Stat. 125: 143 (1916).

⁷ Intertribal Council of Nevada 1976c:51-56. Also, see d'Azevedo 1986b: 493-97.

⁸ Intertribal Council of Nevada 1976c:53, 56-61.

⁹ Wier 1901: 26-72, hand-drawn map between pages 25 and 26.

¹⁰ *Ibid.*, 19. The Dawes Act is one of several statutes which, beginning in 1875, have allowed Indians to obtain "trust or restricted parcels," often called allotments, on the public domain. Cohen 1982:40.

¹¹ Intertribal Council of Nevada 1976c:62-64.

- ¹² Ibid., 64-66.
- ¹³ Ibid., 69-70.
- ¹⁴ Ibid., 70.
- ¹⁵ Hauke 1912.
- ¹⁶ Ibid. Colonel Day was the assistant adjutant-general of Nevada in 1904; in 1878 he had been the unsuccessful Democratic candidate for surveyor-general of Nevada. Wren 1904:230, 81.
- ¹⁷ Hauke 1912.
- ¹⁸ Ibid.
- ¹⁹ Ibid.
- ²⁰ d'Azevedo and Kavanagh 1974; Intertribal Council of Nevada 1976c:72-74.
- ²¹ Nevada, *Statutes* 1913:583. (Resolution no. 5, approved 28 February 1913.)
- ²² Intertribal Council of Nevada 1976c:71; U.S. Congress 1913:151.
- ²³ Intertribal Council of Nevada 1976c:71; U.S. Congress 1914:3370.
- ²⁴ Kenney 1914.
- ²⁵ Hauke 1914.
- ²⁶ Johnson 1984:15.
- ²⁷ Ibid.
- ²⁸ Ibid., 23. See also Davis 1913:542-43; Trout 1917:159.
- ²⁹ In a letter to Senator Pittman written 7 November 1918, Helen Fulton, secretary-treasurer of the Nevada Indian Association, asked the senator to renew his membership. She added that the association's president, Mrs. F. E. Humphrey, had "deemed it advisable, because of the quarantine, to abandon her plan for calling the Fifth Annual Meeting of the Nevada Indian Association, which should have been held in October." Fulton 1918.
- ³⁰ Johnson 1984:15.
- ³¹ U.S. Congress. Senate 1916:225.
- ³² O'Sullivan 1914.
- ³³ Pittman 1914, 1915a.
- ³⁴ Rusco 1987.
- ³⁵ Castillo 1978a,b; Heizer 1978a,b.
- ³⁶ U.S. Congress. Senate 1915:6.
- ³⁷ Ibid., 226-28.
- ³⁸ Ibid., 252-53.
- ³⁹ Pittman 1915b.
- ⁴⁰ Ibid., 565.
- ⁴¹ Ibid., 565-7.
- ⁴² U.S. Congress. House 1916:218.
- ⁴³ Ibid.
- ⁴⁴ Nevada Legislature 1915.
- ⁴⁵ U.S. Congress. House. 1916:218.
- ⁴⁶ Ibid., 221.
- ⁴⁷ Ibid.
- ⁴⁸ Ibid., 219.
- ⁴⁹ Ibid., 259-60.
- ⁵⁰ Ibid., 261.
- ⁵¹ Ibid., 117.
- ⁵² Ibid., 2146-47.
- ⁵³ U.S. Congress. Senate 1916:563.
- ⁵⁴ Ibid.
- ⁵⁵ Ibid., 565-67.
- ⁵⁶ Ibid., 565.
- ⁵⁷ Ibid., 566-67.
- ⁵⁸ U.S. Congress. Senate 1917:188.
- ⁵⁹ For Carson Colony, Dresslerville, and the Reno-Sparks Colony, see Intertribal Council of Nevada 1976c:79. For Yerington, Fallon Colony, Battle Mountain, and Elko, see Clemmer and Stewart 1986:533. An incomplete account of Creel's efforts is provided by documents in the Papers of Colonel Lafayette A.

Dorrington in the San Francisco Branch of the National Archives and the Lorenzo D. Creel Papers at Special Collections, Gatchell Library, University of Nevada, Reno.

⁶⁰ McDowell 1917.

⁶¹ Indians Residing at Fort McDermitt 1917; Pittman 1917.

⁶² The Ely Colony was purchased in 1931. Intertribal Council of Nevada 1976d:89.

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