

Undercurrents:

Resistance and Survival in the Colorado River Borderlands

By

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Abstract

This dissertation examines historical strategies of resistance and survival that Native American and African American groups used to retain territory along a short stretch of the lower Colorado River on both sides of the U.S.-Mexico border. Amidst physical and social upheaval caused by growing administrative oversight over land and water by the U.S. and Mexican governments starting in the mid-nineteenth century, Cocopa Indians, Quechan Indians, and African Americans were threatened by different barriers to occupying land. Until 1936, when Hoover Dam regulated the flow of the river downstream, the river freely migrated across its floodplain and shifted channels frequently. Because of these constant movements, the river's bottomlands fell outside the purview of the Mexican and U.S. nation-states and could therefore provide refuge to each of these groups to remain put. These eccentric landscapes revealed social undercurrents—subtle countervailing exceptions of place-based resistance and survival roiling just beneath the surface of prevailing historical trends.

In Chapter One, amidst a dominant historical trend of loss of tribal autonomy from expanding settler nation-states, Cocopa Indians used their geographic position along the Colorado River to adapt nineteenth-century mobility patterns to twentieth-century border constraints and wage economies, revealing a social undercurrent of *situational fluency*. In Chapter Two, amidst a dominant historical trend of tribes being forced to accept allotments and assimilate on U.S. Indian reservations, between 1893 and 1914 some Quechans resisted becoming wards of the U.S. government by creating *enclaves of autonomy* within the river's bottomlands on both sides of the U.S.-Mexico border. And in Chapter Three, amidst a dominant historical trend of constant African American migration during the 1920s, a group of African Americans squatted on a portion of the Colorado River's bottomlands adjoining the Fort Yuma

Indian Reservation called “No Man’s Land” because of its indeterminate jurisdictional status. Here, they created an *enclave of freedom*, a refuge where they could be relatively self-sufficient instead of continuing their ongoing migrant journeys on “the highways,” with the hope that the land would soon be opened for settlement. When taken together, these strategies showed state power over these communities to be provisional, not absolute, between 1848 and 1936.

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Introduction **Histories Beneath the Surface**

We worked in silence but for the clang of shovels hitting gravestones. The dawn air was cool but hinted at the heat of the day to come. I had been invited to join a work party of Quechan and Cocopa Indians to “clean up” a cemetery containing the anonymous graves of their ancestors dating back to the late 1800s. There were fifty unmarked graves in total, long cement slabs covered in chipping white paint and caked with several inches of fine sands and silts. Each grave lay horizontal to its own brittle wooden cross. A century and a half of unrelenting sun had bleached the crosses to the color and density of hollow bone; some stood askew or had long ago toppled over atop the sediment covering the slabs. A sagging barbed wire fence, down in places and studded with tumbleweeds and dead dry brush, surrounded the perimeter of the cemetery. Under the fence was the accumulated debris of the cemetery’s visitors—the shards of shattered ceramic flower vases, the skeletons of formerly colorful plastic flowers faded by the sun, empty gun shells, a shed snakeskin. Through the dust we dragged the tumbleweeds and brush and some of the crosses that were beyond repair to a burn pile just outside the fence where a Quechan man who led the field crew doused it in gasoline and set it aflame. There was no sentimentality to the work—the honor to the bodies beneath our feet was in the tradition, not the particulars of who they, or we, were. The sun rose higher, and the air now had some heat to it. We worked on, scraping the sediment from each gravestone until it was bare.

The sediment covering the stones was deposited by the Colorado River, which flows, languid and brown, less than half a mile to the west. The cemetery lies on the northern edge of the Colorado River delta, a vast expanse of flat desert roughly 70 miles wide and 200 miles long formed as the river drops the sediment it has carried over its course before reaching its terminus at the Gulf of California. This sandy landscape is one of the driest in North America, receiving

an average of little more than two inches of rain a year. Here in this parched, arid landscape, the river is life. Along the river's corridor, dense thickets of cottonwood, salt cedar, willow, mesquite, and arrow weed grow against a backdrop of dunes and desert scrub. Today, because of diversion dams upstream, the river no longer reaches the Gulf of California or predictably floods along this corridor, and the delta is largely dry. Historically, however, the river regularly overflowed its banks in seasonal floods, and also migrated across its wide, sandy floodplain as its currents have ebbed and flowed. For example, writing in 1861, the explorer Joseph Ives observed, "the shifting of the channel, the banks, the islands, the bars is so continual and so rapid that a detailed description, derived from the experiences of one trip, would be found incorrect, not only during the subsequent year, but perhaps in the course of a week, or even a day."¹ From the air and on maps, the dry scars of the river's former channels are everywhere visible throughout its wide delta, but at ground level they disappear in the thickets of dense brush that line both banks.

The landscape that is the focus of this dissertation is what I am calling the Colorado River borderlands—the portion of the delta roughly thirty miles wide on both sides of the river, and one hundred miles long between Yuma, Arizona, and the river's mouth, where it enters the Gulf of California.² This stretch of the river also defined many borders. The 1848 Treaty of Guadalupe Hidalgo established the modern U.S.-Mexico border, and the subsequent 1854 Gadsden Purchase modified the border to become the mid-line of the river on a north-south axis for almost thirty miles between Yuma, Arizona and San Luis Rio Colorado, Mexico. The river

¹ Joseph Ives, *Report Upon the Colorado River of the West: Explored in 1857 and 1858* (Washington, D.C.: U.S. Government Printing Office, 1861).

² Since the construction of Glen Canyon Dam in 1966, no water from the river reaches the Mexican portion of the Colorado River Delta. See Evan Ward, "The Twentieth-Century Ghosts of William Walker: Conquest of Land and Water as Central Themes in the History of the Colorado River Delta," *Pacific Historical Review* 70, no. 3 (2001): 359-385; and Evan Ward, *Border Oasis: Water and the Political Ecology of the Colorado River Delta, 1940-1975* (Tucson: University of Arizona Press, 2003), 88-90.

also defines the border between the U.S. states of Arizona and California, and between the Mexican states of Sonora and Baja California. However, because the river wandered from the borders it supposedly defined on a regular basis, it created administrative confusion for governing institutions attempting to determine land jurisdiction. For example, in 1928, a Bureau of Indian Affairs agent noted that “the lower Colorado is a turbulent and muddy stream which alters its channel from time to time, cutting off a large stretch of land on one bank and depositing the soil on the other or leaving its old bed and tearing through a large piece of silty bottom land to form a channel some distance away. This rapid movement of the course of the river has an important influence on the location of the boundary line between the United States and Mexico.”³ To be sure, the river’s continual migrations and overflows along this short stretch caused relatively subtle, not expansive, changes to the territorial borders of the U.S.-Mexico borderlands *writ large*. Yet it was the very subtlety of these changes that created unusual spaces in this riverine landscape that fell outside the purview of each nation-state—small tracts of brushy bottomlands subject to frequent inundation that could be claimed and occupied by small groups of people. I am calling these spaces the Colorado River bottomlands.

This dissertation focuses on three groups of people living in the Colorado River borderlands—Cocopa Indians, Quechan Indians, and African Americans—who were forced to contend in different ways with physical and social upheaval caused by growing administrative oversight over land and water by the U.S. and Mexican governments. The narratives in this study cover a span between 1848, when the Treaty of Guadalupe Hidalgo established the modern U.S.-Mexico border and both governments increasingly colonized lands on both sides of the border, and 1936, when the construction of Hoover Dam 300 miles upstream was completed and

³ Earl Y. Henderson to Samuel A. Eliot, April 14, 1928, RG 75, Fort Yuma, Central Classified Files, 1907-39, Box 6, Folder 26652-28, National Archives and Records Administration I (hereafter NARA I).

stabilized the flow of the river. During this period, the status of each of these groups was fundamentally redefined as a result of increasing federal oversight over the Colorado River borderlands, and as a result each was threatened by different barriers to occupying land. Cocopa Indians who had previously migrated with the river across their ancestral homeland of the delta were forced to contend with encroachment by private landowners and new constraints of the U.S.-Mexico border dividing the tribe between Mexican and U.S. Cocopas. Quechan Indians who had likewise previously depended on the river's bottomlands for subsistence within their homeland were forced to contend with new constraints of becoming wards of the U.S. government on the Fort Yuma Indian Reservation. And migrant African Americans who sought lands on which they could safely settle were forced to contend with constant eviction attempts from the U.S. government because they were squatting on bottomlands with contested jurisdiction. The disparate histories of these three groups intersected in a short stretch of the river's bottomlands. This dissertation therefore asks the following question: How did Cocopa Indians, Quechan Indians, and African Americans develop strategies, using the unusual spaces along the river's bottomlands that fell outside the purview of both nation-states, to resist threats to their continued occupancy?

Increasing federal oversight over land and water in the Colorado River borderlands starting in the 1880s privatized land on both sides of the U.S.-Mexico border and resulted in spaces along the river's bottomlands that could not be easily brought under state jurisdiction for settlement because they were susceptible to the river's seasonal flooding and continued migrations across its floodplain. The Colorado River bottomlands can be considered what historian Samuel Truett has called "fugitive landscapes." Truett has developed this concept to denote spaces that states considered to be "wild and barbaric frontier[s]" that rendered absolute

state control over marginal lands and populations of the U.S.-Mexico borderlands “tenuous, uneven, and incomplete.”⁴ Truett’s concept of fugitive landscapes is very rich, and it becomes even richer if we apply it to the Colorado River borderlands. If fugitive landscapes are spaces where landscape change met social upheaval, then the fugitive landscapes within the Colorado River borderlands are where the river shaped the stage upon which the interwoven histories of Native Americans and African Americans played out. An ancillary effect of state-building and colonization of the Colorado River borderlands was the creation of fugitive occupants within fugitive landscapes.

The fugitive landscapes within the Colorado River borderlands were thus the result of two processes: the social process by which the U.S. and Mexican governments increasingly exerted influence over land jurisdiction and allowed private landownership, and the physical process by which the river sculpted the landscape as it shifted across its floodplain and overflowed its banks. The river’s constant movements across the delta were caused by a process called undercurrents—the invisible currents of water below a river’s surface that move in a direction different than the surface currents. Undercurrents determine the continual process by which a river meanders across its floodplain. Imagine a river’s surface current encountering a bend in the riverbank. As the flow approaches the bend, it simultaneously accelerates the water and pushes it through a helical circulation cell underwater. The current is now not moving downriver, but in fact towards the face of the bank itself, in the process eroding the land comprising the bank and sending that land into the water as sediment. As the flow exits the bend and cycles through its helical structure downstream, it moves towards the opposite bank and

⁴ Samuel Truett, *Fugitive Landscapes: The Forgotten History of the U.S.-Mexico Borderlands* (New Haven: Yale University Press, 2006), 6. Truett adapts the term from Raymond Craib, *Cartographic Mexico: A History of State Fixations and Fugitive Landscapes* (Durham: Duke University Press, 2004).

loses energy. As it slows, the flow cannot suspend the sediment it once held any longer, and so deposits sands and silts on the opposite bank as a sand bar. The process by which undercurrents carved land from one bank and deposited it on the other was what continually shifted the river channel across the Colorado River delta. Undercurrents, in combination with seasonal flooding, rendered the river's bottomlands not easily controlled by the U.S. and Mexican governments.⁵

And yet the word *undercurrents* means much more than only the helical spirals of flow in a river; we might also understand undercurrents in a social sense. Social undercurrents can be understood as subtle countervailing exceptions of place-based resistance and survival roiling just beneath the surface of prevailing historical trends. I argue that the fugitive landscapes within the Colorado River borderlands revealed social undercurrents among Cocopa Indians, Quechan Indians, and African Americans. Members of these groups developed different strategies to use the fugitive landscapes of the Colorado River bottomlands to their respective advantages. To contend with new border constraints and settler encroachment that displaced them from their homelands, Cocopa Indians adapted nineteenth-century mobility patterns of moving with the river to twentieth-century regional wage economies, demonstrating an undercurrent of *situational fluency*. Some Quechan Indians resisted becoming wards of the U.S. government on the Fort Yuma Indian Reservation by carving out spaces on both sides of the border, demonstrating an undercurrent of *enclaves of autonomy*. And African American squatters created a refuge from constant westward migration amidst racial violence, demonstrating an undercurrent of an *enclave of freedom*.

⁵ For historical descriptions detailing the fluvial processes undergirding how the river shifted across its floodplain, see Godfrey Sykes, *Delta, Estuary, and Lower Portion of the Channel of the Colorado River 1933 to 1935* (Washington, D.C.: Carnegie Institution of Washington, 1937), 17-18. See also Godfrey Sykes, *The Colorado Delta* (Washington, D.C.: Carnegie Institution of Washington and American Geographical Society of New York, 1937).

These undercurrents—Cocopas’ situational fluency, Quechans’ enclaves of autonomy, and African Americans’ enclave of freedom—were the strategies that these communities used to carve out territories to survive, resist, and endure settler colonial pressures within fugitive landscapes.⁶ The unusual attributes of the shifting Colorado River bottomlands, lying within the greater landscape of the Colorado River borderlands, revealed social undercurrents in ways that might be less visible in other landscapes. This dissertation focuses on the period between 1848 and 1936 because it was during this time that the river’s bottomlands still fell outside of state jurisdiction and could therefore reveal these social undercurrents. Relying on archival research in the United States and Mexico, I focus on each community’s history in the Colorado River borderlands, shifting perspectives in each chapter from community to community experiencing an overlapping chronology of events.

Literature Review

I have chosen to focus on three groups that are not often considered together in the U.S.-Mexico borderlands. The history of each group is inextricable yet distinct from the others, and only after covering an overlapping chronology from each group’s perspective can a more complex portrait of the borderlands emerge. This approach may seem unconventional in the historiography on the U.S.-Mexico borderlands. While there has been a flourishing of recent scholarship in Native American history that repositions the U.S.-Mexico borderlands in terms of Native experiences and territories, and while there have been important new works that have demonstrated the multiracial migrations that defined the borderlands in the twentieth century, these lines of inquiry have for the most part proceeded along separate tracks.⁷ This dissertation

⁶ Chapter summaries later in this introduction will explain how each social undercurrent manifested.

⁷ For key work that re-centers borderlands in terms of Native territories, see Kathleen DuVal, *The Native Ground: Indians and Colonists in the Heart of the Continent* (Philadelphia: University of Pennsylvania Press, 2006); Brian DeLay, *War of a Thousand Deserts: Indian Raids and the U.S.-Mexican War* (New Haven: Yale University Press,

brings these lines of inquiry together to understand how they intersect in the Colorado River borderlands.

Distinct Native American and African American histories of resistance and survival converged in the fugitive landscapes of the lower Colorado River's bottomlands. In these landscapes, between 1848 and 1936, state power was provisional, not absolute over these lands. In a seminal recent essay, Pekka Hämäläinen and Samuel Truett have called on historians to ask "how instability is built into the borderlands."⁸ As they put it, "If borderlands subverted centrist power, they often did so by fostering relationships that slipped under the radar. They functioned at scales that were often too small for centralizing institutions to control, contain, or comprehend."⁹ This dissertation answers their call by drawing from and contributing to a body of

2008); Natale Zappia, *Traders and Raiders: The Indigenous World of the Colorado Basin, 1840-1859* (Chapel Hill: University of North Carolina Press, 2014); Jeffrey Schulze, *Are We Not Foreigners Here?: Indigenous Nationalism in the U.S.-Mexico Borderlands* (Chapel Hill: University of North Carolina Press, 2018); Joshua Reid, *The Sea Is My Country: The Maritime World of the Makahs, an Indigenous Borderlands People* (New Haven: Yale University Press, 2015); Pekka Hämäläinen, *The Comanche Empire* (New Haven: Yale University Press, 2008); Maurice Crandall, *These People Have Always Been a Republic* (Chapel Hill: University of North Carolina Press, 2019); Juliana Barr, "Geographies of Power: Mapping Indian Borders in the 'Borderlands' of the Early Southwest," *William and Mary Quarterly* 68, no. 1 (2011): 5-46; Ned Blackhawk, *Violence over the Land: Indians and Empires in the Early American West* (Cambridge: Harvard University Press, 2006); William Bauer, *California through Native Eyes: Reclaiming History* (Seattle: University of Washington Press, 2016); Evelyn Hu-DeHart, *Yaqui Resistance and Survival: The Struggle for Land and Autonomy, 1821-1910* (Madison: University of Wisconsin Press, 1984); and Brenden Rensink, *Native But Foreign: Indigenous Immigrants and Refugees in the North American Borderlands* (College Station: Texas A&M Press, 2018). For key work on multiracial migrations in the borderlands, see in particular Grace Peña Delgado, *Making the Chinese Mexican: Global Migration, Localism, and Exclusion in the U.S.-Mexico Borderlands* (Stanford: Stanford University Press, 2012); Gerald Horne, *Black and Brown: African Americans and the Mexican Revolution, 1910-1920* (New York: New York University Press, 2005); James Leiker, *Racial Borders: Black Soldiers Along the Rio Grande* (College Station: Texas A&M University Press, 2010); Katherine Benton-Cohen, *Borderline Americans: Racial Division and Labor War in the Arizona Borderlands* (Cambridge: Harvard University Press, 2009); Natalia Molina, *Fit to Be Citizens?: Public Health and Race in Los Angeles, 1879-1939* (Berkeley: University of California Press, 2006); and Patrick Ettinger, *Imaginary Lines: Border Enforcement and the Origins of Undocumented Immigration, 1882-1930* (Austin: University of Texas Press, 2009). A few crucial works have combined these lines of inquiry, such as Verónica Castillo-Muñoz, *The Other California: Land, Identity and Politics on the Mexican Borderlands* (Berkeley: University of California Press, 2016); Julian Lim, *Porous Border: Multiracial Migrations and the Law in the U.S.-Mexico Borderlands* (Chapel Hill: University of North Carolina Press, 2017); Eric Meeks, *Border Citizens: The Making of Indians, Mexicans, and Anglos in Arizona* (Austin: University of Texas Press, 2007); and Karl Jacoby, *Shadows at Dawn: A Borderlands Massacre and the Violence of History* (New York: Penguin Press, 2008).

⁸ Pekka Hämäläinen and Samuel Truett, "On Borderlands," *Journal of American History* 98, no. 2 (2011): 338-361, 358.

⁹ *Ibid.*, 348.

work that shows how social upheaval was often made possible by—and rendered visible in—riverine landscapes.¹⁰ James Scott calls these spaces that fell outside government jurisdiction “watery regions of refuge” for communities seeking to avoid or subvert state authority.¹¹ In *Dancing With the River*, Kuntala Lahiri-Dutt and Gopa Samanta apply Scott’s term to the chars of southeast Asia, arguing that “[a]s chars emerge within the riverbed, they have no definite legal existence as legitimate and officially recognized pieces of land.... Lying outside or at the margins of the land revenue system, the complex and fluid environment of chars presents opportunities to some people.”¹² I argue that the fugitive landscapes of the Colorado River’s bottomlands could likewise be considered “watery regions of refuge” to groups who challenged the stability of federal control over land and water in the Colorado River borderlands. This dissertation adds to this scholarship by demonstrating how Native Americans and African Americans developed different strategies—moving with the river across the U.S.-Mexico border, integrating into regional wage economies, refusing enrollment on Indian reservations, and benefitting off of administrative uncertainty over land jurisdiction—to use the physical instability created by the river to assert their own claims to territorial belonging.¹³

¹⁰ On social upheaval in riverine landscapes, see Ling Zhang, *The River, the Plain, and the State: An Environmental Drama in Northern Song China, 1048-1128* (Cambridge: Cambridge University Press, 2016); Kuntala Lahiri-Dutt and Gopa Samanta, *Dancing with the River: People and Life on the Chars of South Asia* (New Haven: Yale University Press, 2013); Donald Moore, “Clear Waters and Muddied Histories: Environmental History and the Politics of Community in Zimbabwe’s Eastern Highlands,” *Journal of Southern African Studies* 24, no. 2 (1998): 377-403; and Omar Valerio-Jiménez, *River of Hope: Forging Identity and Nation in the Rio Grande Borderlands* (Durham: Duke University Press, 2013). Valerio-Jiménez demonstrates on the Rio Grande that “along with each nation-state’s goals for the river were local residents’ creative uses of the Rio Grande to undermine government aspirations,” 5. See also Shaylih Muehlmann, *Where the River Ends: Contested Indigeneity in the Mexican Colorado Delta* (Durham: Duke University Press, 2013).

¹¹ James Scott, *The Art of Not Being Governed: An Anarchist History of Upland Southeast Asia* (New Haven: Yale University Press, 2009), xiv.

¹² Lahiri-Dutt and Samanta, *Dancing With the River*, 18.

¹³ This argument builds on other environmental histories of the U.S.-Mexico borderlands. Samuel Truett, in “Neighbors by Nature: Rethinking Region, Nation, and Environment in the U.S.-Mexico Borderlands,” *Environmental History* 2, no. 2 (1997): 160-178, 170, suggests that “neighbors [of different races and ethnicities] through nature sustained local relations of power, inequality, and difference.” See also Mary Mendoza, “Traacherous Terrain: Racial Exclusion and Environmental Control at the U.S.-Mexico Border,” *Environmental History* 23, no. 1 (2018): 117-126. For theoretical grounding on the connections between environmental and social

In the last decade, important scholarship has shown how Indians not only responded to, but also often dictated the terms of U.S.-Mexico borderlands history. Brian DeLay has demonstrated how independent Indians set the terms of international warfare and diplomacy that led to the eventual U.S.-Mexican War.¹⁴ Natale Zappia has argued that from before the Spanish arrival in the borderlands during the sixteenth century until the mid-nineteenth century, a vast network of trade, warfare, and alliances throughout the Colorado River basin defined a borderlands region global in reach, in which Europeans intensified rather than diminished dynamic relations among the Quechan, Maricopa, Mojave, Ute, and Yokut peoples.¹⁵ And Jeffrey Schulze has shown how Native peoples of the borderlands asserted their own Native nationalisms, showing how Indians retained autonomy along the U.S.-Mexico border well into an era that historians commonly associate with the consolidation of state power over the borderlands.¹⁶ Together, works such as these have crucially re-oriented the U.S.-Mexico borderlands in terms of multiple Native polities, whose conceptions of territory often clashed with those of nation-states. The U.S.-Mexico borderlands, in this sense, become fraught with multiple overlapping territorial boundaries, only one of which divided the U.S. and Mexico.¹⁷ In

instability, see Donald Moore, *Suffering for Territory: Race, Place, and Power in Zimbabwe* (Durham: Duke University Press, 2005); Jake Kosek, *Understories: The Political Life of Forests in Northern New Mexico* (Durham: Duke University Press, 2006); Donald Moore, "Subaltern Struggles and the Politics of Place: Remapping Resistance in Zimbabwe's Eastern Highlands," *Cultural Anthropology* 13, no. 3 (2008): 344-381; and Donald Moore, Jake Kosek, and Anand Pandian, "The Cultural Politics of Race and Nature: Terrains of Power and Practice," in *Race, Nature, and the Politics of Difference*, ed. Moore, Kosek, and Pandian (Durham: Duke University Press, 2003).

¹⁴ DeLay, *War of a Thousand Deserts: Indian Raids and the U.S.-Mexican War*; see also Brian DeLay, "Independent Indians and the U.S.-Mexican War," *American Historical Review* 112 (February 2007): 35-68.

¹⁵ Zappia, *Traders and Raiders: The Indigenous World of the Colorado Basin, 1540-1859*.

¹⁶ Schulze, *Are We Not Foreigners Here?*

¹⁷ Pekka Hämäläinen and John Wunder, in their response essay to Jeremy Adelman and Stephen Aron's seminal essay, "From Borderlands to Borders: Empires, Nation-States, and the Peoples in Between in North American History," *American Historical Review* 104, no. 3 (June 1999): 814-841, argued that Native peoples did not simply "exist in between" the two nation-states, but rather actively shaped their own conceptions of territorial belonging, often playing the two nations off each other to gain the political upper hand. Pekka Hämäläinen and John Wunder, "Of Lethal Places and Lethal Essays," *American Historical Review* 104, no. 4 (October 1999): 1229-1234, 1231-1232.

each of these works, Native American history in the borderlands is often comparative among different tribes. There is great power to these portrayals, as we see how Indians responded to and even dictated their own terms of Indigenous territory during the U.S.-Mexican War and indeed long after the Treaty of Guadalupe Hidalgo. This work provides context for the declaration of a Quechan tribal elder in 1928 that “with the Indians on this continent, there is no such thing as one international boundary line.”¹⁸

And yet the picture remains incomplete without understanding who else co-inhabited the borderlands. A separate thread of recent scholarship has reframed the history of the U.S.-Mexico borderlands in terms of the experiences of multiracial populations who migrated to the borderlands in increasing numbers as the nineteenth century drew to a close. Of particular relevance to this dissertation, over the past two decades work has shown how migrant African Americans sought refuge from the racial violence of Jim Crow laws in the U.S. South by selectively crossing the border back and forth between Mexico and the U.S. in the wake of Emancipation, exposing what Karl Jacoby calls “the unexpected porousness of the color line and the borderline.”¹⁹ Yet the conflicts that African American migrants encountered in the borderlands transcended Black-white binaries because they sometimes sought to establish themselves within Indian territory. This dissertation thus builds on scholarship on the African

¹⁸ Minutes of Yuma Indian Tribal Meeting, July 16, 1928, RG 75, Fort Yuma, CCF 1907-39, Box 21, Folder 13050-28, NARA I.

¹⁹ Karl Jacoby, *The Strange Career of William Ellis: The Texas Slave Who Became a Mexican Millionaire* (New York: W.W. Norton, 2016), xxi. On freed African Americans who traversed the border line to seek refuge in Mexico, see also Karl Jacoby, “Between North and South: The Alternative Borderlands of William H. Ellis and the African American Colony of 1895,” in *Continental Crossroads: Remapping U.S.-Mexico Borderlands History*, ed. Samuel Truett and Elliott Young (Durham: Duke University Press, 2004). On fugitive slaves who immigrated to Mexico, see, for example, Sarah Cornell, “Citizens of Nowhere: Fugitive Slaves and Free African Americans in Mexico, 1833-1857,” *Journal of American History* 100, no. 2 (2013): 351-374; Damian Alan Pargas, ed. *Fugitive Slaves and Spaces of Freedom in North America* (Gainesville: University Press of Florida, 2018); James Nichols, “The Line of Liberty: Runaway Slaves and Fugitive Peons in the Texas-Mexico Borderlands,” *Western Historical Quarterly* 44, no. 4 (2013): 413-433; and Ronnie Tyler, “Fugitive Slaves in Mexico,” *Journal of Negro History* 57, no. 1 (1972): 1-12.

American diaspora in the United States but crucially re-positions it in relation to the Native communities that co-inhabited the U.S.-Mexico borderlands.

Settler colonialism affected Native Americans and African Americans in differential yet inseparable ways in the borderlands. As opposed to other forms of colonialism, anthropologist Audra Simpson writes, the *settler* variety is “defined by a territorial project—the accumulation of land—whose seemingly singular focus differentiates it from other forms of colonialism. Although the settler variety is acquisitive, unlike other colonialisms, it is not labor but territory that it seeks.”²⁰ Because Native peoples occupied lands that settler states sought to incorporate into their own territories, the elimination of Native peoples through genocide, displacement, and assimilation were what nation-states perceived to be the only possible “solutions” to the “problem” of Native resistance to their acquisition of territory.²¹ African American migrants, whose ancestors had experienced colonialism through the labor their enslaved bodies represented to the state, arrived in the late nineteenth-century borderlands onto Native lands that had been annexed from Indians by the U.S. and Mexico. The African American occupancy of lands that had been usurped from the Indians and rendered state territory presented a settler-colonial paradox, for to the U.S. government, no amount of labor could render African Americans deserving of land ownership.

The African American search for refuge in Indian territory resulted in uneasy adjacencies between African Americans and Native Americans. As historian Tiya Miles argues, “[African American migrants’] moves always and necessarily ended with arrival on land bases that were originally or currently Indigenous, where black migrants might or might not be welcomed by

²⁰ Audra Simpson, *Mohawk Interruptus: Political Life Across the Borders of Settler States* (Durham: Duke University Press), 19.

²¹ Patrick Wolfe, “Settler Colonialism and the Elimination of the Native,” *Journal of Genocide Research* 8, no. 4 (December 2006): 387-409, 400.

Native stakeholders. Black survival utterly depended on either forming alliances of kinship with Native people or putting down stakes on taken lands controlled by the U.S. nation-state or its white citizens: the squatters, soldiers, and land speculators who formed the advance guard of settler colonial intrusion and entrenchment.” Even if African American migrants might have seemed to Native peoples to be as much “settlers” as white settlers were, “[t]he Afro-settler [was] an exo-settler, pushed by exigencies of exodus and exile and (almost) always exogenous to the settler state.”²² As the following pages reveal, uneasy adjacencies between Quechan Indians and African Americans resulted from this complex tapestry of relations—what Miles calls “the mosaic of African American and Native American intersectional lives.”²³

Miles’s work sits within an essential recent body of scholarship that discusses Native American-African American relations spanning the U.S. South, Midwest, West, Canada, and Mexico during and after slavery. In *Growing Up With the Country*, Kendra Field “treats African Americans and Native Americans as complex actors on the North American ‘frontier’ by paying attention to the presence of Native Americans as slaveowners, and African Americans as settlers on Indian land.”²⁴ I pick up where Field leaves off, extending this history of “the complications of freedom” African American migrants experienced while seeking refuge within Indian territory

²² Tiya Miles, “Beyond a Boundary: Black Lives and the Settler-Native Divide,” *William and Mary Quarterly* 76, no. 3 (July 2019): 19-25. See also Patrick Wolfe, “Land, Labor, and Difference: Elementary Structures of Race,” *American Historical Review* 106, no. 3 (June 2001): 866-905; Patrick Wolfe, “Race and the Trace of History: For Henry Reynolds,” in Fiona Bateman and Lionel Pilkington, eds., *Studies in Settler Colonialism: Politics, Identity, and Culture* (New York: Palgrave MacMillan, 2011). On adversarial relations between African Americans and Indians living in close proximity in the U.S. West, see studies of buffalo soldiers in particular: John Nankivell, *Buffalo Soldier Regiment: History of the Twenty-Fifth United States Infantry, 1869-1926* (Lincoln: University of Nebraska Press, 2001); Lee Monroe Billington, *New Mexico’s Buffalo Soldiers, 1866-1900* (Boulder: University Press of Colorado, 1991); Frank Schubert, ed. *Voices of the Buffalo Soldier: Records, Reports, and Recollections of Military Life and Service in the West* (Albuquerque: University of New Mexico Press, 2003).

²³ Tiya Miles, quoted in Monita K. Bell, “Teaching America’s Interwoven Histories,” *Teaching Tolerance* 64 (Spring 2020), <https://www.tolerance.org/magazine/spring-2020/teaching-americas-interwoven-histories>. For an example of such intersectional lives, see Tiya Miles, *The House on Diamond Hill: A Cherokee Plantation Story* (Chapel Hill: University of North Carolina Press, 2010).

²⁴ Kendra Field, *Growing up with the Country: Family, Race, and Nation after the Civil War* (New Haven: Yale University Press, 2018), 12-13.

on the nineteenth-century frontier into the twentieth-century borderlands.²⁵ In their influential collection *Crossing Waters, Crossing Worlds*, Tiya Miles and Sharon Holland ask, “What happens when key issues in African diasporic experience, such as migration, freedom, citizenship, belonging, peoplehood, and cultural retention and creation, and key issues in Native American experience, such as tribalism, protection of homelands, self-determination, political sovereignty, and cultural-spiritual preservation and renewal, converge?”²⁶

This incisive question is ripe for borderlands historians, yet analyses of these groups remain largely confined to the realm of the U.S. and Mexican nation-states separately. African American migrants passed through the U.S.-Mexico borderlands in increasing numbers in the post-Emancipation U.S. and continued a legacy of taking refuge within Native territory. Yet a comparable historiography is lacking in the borderlands in part because the gravitational pull of nation-states creates the sense that binaries existed only between Indians and “the state” and African Americans and “the state.” As this dissertation attests, settler colonialism played out in

²⁵ Ibid., 10.

²⁶ Tiya Miles and Sharon Holland, eds., *Crossing Waters, Crossing Worlds: The African Diaspora in Indian Country* (Durham: Duke University Press, 2006), 4. Many African Americans continued to live within Indian territory after they were emancipated from both Indian and white slaveowners. In addition to Field’s *Growing up with the Country*, excellent additional work on interwoven histories between African Americans and Native Americans includes Tiya Miles, *Ties That Bind: The Story of an Afro-Cherokee Family in Slavery and Freedom* (Berkeley: University of California Press, 2015); Claudio Saunt, *Black, White, and Indian: Race and the Unmaking of an American Family* (Oxford: Oxford University Press, 2005); David Chang, *The Color of the Land: Race, Nation, and the Politics of Landownership in Oklahoma, 1832-1929* (Chapel Hill: University of North Carolina Press, 2010), esp. 149-174; Brian Klopotek, “Dangerous Decolonizing: Indians and Blacks and the Legacy of Jim Crow,” in Florencia Mallon, ed., *Decolonizing Native Histories: Collaboration, Knowledge, and Language in the Americas* (Durham: Duke University Press, 2012), 179-195; Barbara Krauthamer, *Black Slaves, Indian Masters: Slavery, Emancipation, and Citizenship in the Native American South* (Chapel Hill: University of North Carolina Press, 2013); James F. Brooks, ed., *Confounding the Color Line: The Indian-Black Experience in North America* (Lincoln: University of Nebraska Press, 2002); William Katz, *Black Indians: A Hidden Heritage* (New York: Atheneum, 1986); and Gunlog Fur, “Indians and Immigrants—Entangled Histories,” *Journal of American Ethnic History* 33, no. 3 (2014): 55-76. On the African American diaspora in the U.S. West, see Nell Irvin Painter’s seminal *Exodusters: Black Migration to Kansas After Reconstruction* (New York: Alfred A. Knopf, 1977); William Katz, *The Black West* (Golden: Fulcrum Publishing, 2019); Herbert G. Ruffin II and Dwayne A. Mack, eds., *Freedom’s Racial Frontier: African Americans in the Twentieth-Century West* (Norman: University of Oklahoma Press, 2018); and Quintard Taylor, *In Search of the Racial Frontier: African Americans in the American West, 1528-1990* (New York: W.W. Norton, 1998). On African American migration following Emancipation more generally, see Ira Berlin, *The Making of African America: The Four Great Migrations* (New York: Penguin Press, 2010).

multifaceted, complex ways in which Native ancestral homelands were also refuges for African American migrants fleeing persecution well into the twentieth century. When we put these relations in the context of the Colorado River borderlands, we see the multiple intersecting effects of settler colonialism on Native Americans and African Americans occupying the same landscape, and how their respective strategies to resist and survive these effects changes our understandings of state power.²⁷

Nevertheless, scholars have done important work to expand the scope of inquiry beyond Black-white binaries to show how multiracial the borderlands in fact were.²⁸ In particular, Julian Lim's *Porous Borders* complicates traditional studies of interracial relations in the borderlands "premised on binary oppositions...emphasizing (usually) white men on top and one single nonwhite group at the bottom."²⁹ With a multiplicity of racial migratory trajectories all intersecting in the borderlands, Lim exposes the "various contestations over citizenship and belonging that diverse migrants raised by their movements to and through the border."³⁰ Such focus on multiracial diversity has yielded important insights into the limits of state power in the borderlands in the national era. This dissertation builds on these works by showing how African American and Native American peoples were forced by settler colonialism into close territorial proximity with one another. We see as a result that, as Patrick Wolfe suggests, the same forces of

²⁷ I thus build on Pekka Hämäläinen's and Samuel Truett's appeal to expand U.S.-Mexico borderlands history in terms of "multi-ethnic points of confluence." See Hämäläinen and Truett, "On Borderlands," 352-353. I also recognize the need to be specific when using the terms "resistance" and "survival," such that these terms illuminate the different political circumstances and actions of different groups. See Walter Johnson's seminal essay "On Agency," *Journal of Social History* 37, no. 1 (Autumn 2003): 113-124.

²⁸ In addition to Lim's *Porous Borders*, on the multiracial borderlands, see Neil Foley, *The White Scourge: Mexicans, Blacks, and Poor Whites in Texas Cotton Culture* (Berkeley: University of California Press, 1999); Benton-Cohen, *Borderline Americans*; John McKiernan-González, *Fevered Measures: Public Health and Race at the Texas-Mexico Border, 1848-1942* (Durham: Duke University Press, 2012); Molina, *Fit to Be Citizens?*; Ettinger, *Imaginary Lines*; Leiker, *Racial Borders*; Horne, *Black and Brown*; and Elliot Young, *Alien Nation: Chinese Migration in the Americas from the Coolie Era through World War II* (Chapel Hill: University of North Carolina Press, 2014).

²⁹ Lim, *Porous Borders*, 8.

³⁰ *Ibid.*, 2.

settler colonialism rendered Native Americans and African Americans different kinds of subjects with “antithetical but complementary histories.”³¹ Audra Simpson takes this argument a step further, noting that “Indigeneity is imagined as something entrapped within the analytics of ‘minoritization,’ a statistical model for the apprehension of (now) racialized populations “within” nation-states.”³²

Recent foundational, though separate, threads of scholarship on Native American and African American resistance and survival strategies have pointed the way towards a plural conception of power to include multiple different peoples operating within the same settler colonial framework of the borderlands. These two bodies of work have given us essential insights into the historical experiences of groups that a generation ago were far too two-dimensional.³³ It has been well-established that during the colonial era Native American resistance could often take the form of overt violence against a number of different rivals and enemies—from other tribes to empires. In his influential *Violence Over the Land*, Ned Blackhawk highlights how, in the face of imperial expansion, “Utes responded...to the shifting relations of violence sweeping throughout their homelands, redirecting colonial violence against their neighbors, Spanish and Indian alike.”³⁴ Furthermore, Pekka Hämäläinen demonstrates that Native resistance could also take subtler forms that included violence but that “transcended

³¹ Wolfe, “Land, Labor, and Difference: Elementary Structures of Race,” 887.

³² Simpson, *Mohawk Interruptus*, 17-18.

³³ For histories of Native American resistance and survival, see, for example, Leanne Betasamosake Simpson, *As We Have Always Done: Indigenous Freedom through Radical Resistance* (Minneapolis: University of Minnesota Press, 2017); Valerio-Jiménez, *River of Hope*; Hu-DeHart, *Yaqui Resistance and Survival*; Nick Estes, *Our History Is the Future: Standing Rock versus the Dakota Access Pipeline, and the Long Tradition of Indigenous Resistance* (Brooklyn: Verso, 2019); and Simpson, *Mohawk Interruptus*. For histories of African American resistance and survival, see, for example, Karolyn Smardz Frost and Veta Smith Tucker, eds., *A Fluid Frontier: Slavery, Resistance, and the Underground Railroad in the Detroit River Borderland* (Detroit: Wayne State University Press, 2016); Cornell, “Citizens of Nowhere”; Damian Alan Pargas, ed., *Fugitive Slaves and Spaces of Freedom in North America* (Gainesville: University Press of Florida, 2018).

³⁴ Blackhawk, *Violence Over the Land*, 6.

familiar categories and defied easy labeling.” Comanches formed a surprisingly powerful empire that “reversed colonialism” in relation to Euro-Americans in the borderlands through “commerce, gift exchanges, pillaging, slave raiding, ransoming, adoption, tribute extracting, and alliance making.”³⁵

In the national era, when the Mexican and U.S. governments systematically massacred, displaced, and confined Native peoples in the U.S.-Mexico borderlands, some tribes continued to use overt violence and raids, while others found refuge in more subtle forms of resistance. In *Are We Not Foreigners Here?*, for example, Jeffrey Schulze builds on Oscar Martínez’s notion of “creative defiance” to demonstrate how “border crossings...enabled [Yaquis, Kickapoos, and Tohono O’odhams] to strike a balance between asserting their sovereignty and maintaining their anonymity.”³⁶ Eric Meeks demonstrates that by integrating into regional wage economies, borderlands peoples such as the O’odhams could lay claim to rights as U.S. citizens after Indians acquired citizenship in 1924.³⁷ In *Crimes Against Nature*, Karl Jacoby reveals how Havasupais resisted displacement from their ancestral homeland when the U.S. government established Grand Canyon National Park in the late nineteenth century.³⁸ And Gerald Vizenor has coined the term “survivance” to explain how Native American communities not only survived governments’ attempts to displace and assimilate them, but also endured and resisted on their own terms, a concept that helps us understand them not only as victims but also as shapers of their fates.³⁹ Together, these works have given us great insight into the multidimensional

³⁵ Hämäläinen, *Comanche Empire*, 9, 15. See also James Brooks, *Captives and Cousins: Slavery, Kinship, and Community in the Southwest Borderlands* (Chapel Hill: University of North Carolina Press, 2002).

³⁶ Schulze, *Are We Not Foreigners Here?*, 6; Oscar Martínez, *Border People: Life and Society in the U.S.-Mexico Borderlands* (Tucson: University of Arizona Press, 1994), 314.

³⁷ Eric Meeks, “The Tohono O’odham, Wage Labor, and Resistant Adaptation, 1900-1930,” *Western Historical Quarterly* 34, no. 4 (2003): 469-489.

³⁸ Karl Jacoby, *Crimes Against Nature: Squatters, Poachers, Thieves, and the Hidden History of American Conservation* (Berkeley: University of California Press, 2001), 149-198.

³⁹ Gerald Vizenor, ed., *Survivance: Narratives of Native Presence* (Lincoln: University of Nebraska Press, 2008).

resistance and survival strategies Native peoples used to respond to and dictate the territorial claims of both empires and nations in the borderlands. I add to these works by demonstrating the ways in which Cocopas resisted U.S.-Mexico border constraints and some Quechans resisted conscripted enrollment on a U.S. Indian reservation by using the fugitive landscapes of the Colorado River bottomlands. Together, Cocopas and Quechans showed that within the eccentric landscape of the Colorado River borderlands, the U.S.-Mexico border and Indian reservations exerted provisional, not absolute, power over them from the 1880s until the 1920s.

Historians who have written about African American resistance and survival strategies in the North American West have shown how free African Americans carved out spaces for themselves in the United States and Mexico as refuges from oppressive racial violence, even and especially as they sought to attach themselves to American nation-building. Anna-Lisa Cox, in *The Bone and Sinew of the Land*, demonstrates that between 1800 and 1860, free African Americans migrated to and established settlements within the U.S. Northwest Territory and the states that were carved out of that territory with the hope that by occupying “the newest portion of the nation, they were laying claim to citizenship in powerful ways.”⁴⁰ In *Growing Up With the Country*, Kendra Field reveals how the first generation of post-Emancipation African Americans migrated westward from the U.S. South to Indian Territory in order to “make freedom real...with the stuff that surround[ed] them.” To “bolster their claims to freedom,” she writes, they aligned themselves with the project of American expansion, seeking to acquire as U.S. citizens land alongside white settlers, even as they created predominantly Black settlements of their own to

⁴⁰ Anna-Lisa Cox, *The Bone and Sinew of the Land: America's Forgotten Black Pioneers and the Struggle for Equality* (New York: Public Affairs, 2018), 6. On African American claims to citizenship to assert belonging in the U.S. during this period, see also Stephen Kantrowitz, *More Than Freedom: Fighting for Black Citizenship in a White Republic, 1829-1889* (New York: Penguin, 2012).

escape the violence such proximity to whites entailed.⁴¹ Thad Sitton and James Conrad show how, in the decades after the Civil War, former slaves avoided the racial violence of the Jim Crow South and the exploitation of the sharecropping system by building “freedom colonies” in Texas—self-sufficient rural agricultural communities of African American landholders and squatters—on “pockets of wilderness, cheap land, or neglected land previously untouched by...agriculture.”⁴² And Karl Jacoby demonstrates how other African American freedpeople migrated to Mexico and established “colonies” in the 1880s.⁴³ All of these works demonstrate how African American survival and resistance strategies often required them to balance their needs for safety, which they often met by finding refuges from racial violence, with their needs for legitimacy as landholders, which they often met with public appeals for equality. As this dissertation will demonstrate, these two needs were often in tension: African American squatters used administrative uncertainty over the status of the Colorado River’s bottomlands to their advantage to resist eviction attempts, but could not attain legal recognition as settlers despite repeated appeals in the 1920s and 1930s.

Methodology

Research for this dissertation was conducted at archives across the United States and Mexico between the spring of 2017 and the summer of 2019. I visited archives in Washington, D.C.; College Park, Maryland; Denver, Colorado; Riverside, California; Yuma, Arizona; Phoenix, Arizona; Tijuana, Mexico; Mexico City, Mexico; and Mexicali, Mexico. Research trips

⁴¹ Kendra Field, *Growing Up With the Country*, 18. On African American migrants’ search for land occupancy in Indian Territory, see also Kendra Field, “‘Turn Our Faces to the West’: Refugees, Pioneers, and the Roots of ‘All-Black’ Oklahoma,” in Ruffin and Mack, eds., *Freedom’s Racial Frontier: African Americans in the Twentieth-Century West* (Norman: University of Oklahoma Press, 2018), 115-127; Kendra Field, “‘No Such Thing as Stand Still’: Migration and Geopolitics in African American History,” *Journal of American History* 102, no. 3 (December 2015): 693-718; and Chang, *Color of the Land*, 149-174.

⁴² Thad Sitton and James Conrad, *Freedom Colonies: Independent Black Texans in the Time of Jim Crow* (Austin: University of Texas Press, 2005), 3.

⁴³ Karl Jacoby, “Between North and South.”

ranged from several days to several weeks. In addition, I made three extended visits totaling six weeks from my home base in Madison, Wisconsin, to Yuma, Arizona, and Mexicali, Baja California, to understand the landscape of the Colorado River borderlands and meet current residents who are descendants of the three communities that appear in this dissertation.

To understand the strategies that these groups used to resist and survive amidst increasing federal oversight and to maintain occupancy on their lands, I used a variety of archival collections. In Chapter One, which focuses on how Cocopa Indians adapted nineteenth century mobility patterns moving with the river to twentieth-century wage economies to resist new border constraints and settler encroachment, I relied on the following archival collections: Bureau of Indian Affairs Central Classified Files for the Fort Yuma Indian Agency at the Main Branch of the National Archives in Washington, D.C. (NARA I); the Administrative Subject Files for the Fort Yuma Indian Agency at the National Archives Riverside Branch (NARA Riverside); Records Relating to the Elimination of Bancos, at the National Archives Fort Worth Branch (NARA Fort Worth); the Archivo de la Secretaría de Relaciones Exteriores in Mexico City; and the Colorado River Delta collection at the Instituto de Investigaciones Históricas at the Universidad Autónoma de Baja California-Tijuana (IIH-UABC). Documents from this collection were originally located at the Archivo General de la Nación in Mexico City and copies were transferred to the IIH-UABC. In Chapter Two, which focuses on how a subset of Quechan Indians resisted conscripted enrollment on the Fort Yuma Indian Reservation by occupying the Colorado River's bottomlands on both sides of the U.S.-Mexico border between the 1890s and 1910s, I relied on the following archival collections: Bureau of Indian Affairs Central Classified Files for the Fort Yuma Indian Agency at NARA I and College Park Branch (NARA II) in College Park, Maryland; and the Arizona Historical Society-Rio Colorado branch at Yuma,

Arizona. In Chapter Three, which focuses on how a group of African American squatters occupied and resisted attempted eviction from a tract of Colorado River bottomlands, I relied on the following archival collections: Civil Law Cases from 1929-1938 at NARA Riverside; Project Correspondence Files from the Records of the Bureau of Reclamation (formerly the Reclamation Service) at NARA Denver; Bureau of Indian Affairs Central Classified Files for the Fort Yuma Indian Agency at NARA I; and Interstate Stream Commission Reports at the Arizona State Archives in Phoenix. Some photos were obtained from the Archivo Histórico del Municipio de Mexicali.

By their nature, federal archival collections tend to bias the perspectives of those in power and underrepresent the perspectives of the communities at the center of this dissertation. The vast majority of these collections portrayed government agents in both the U.S. and Mexico communicating with one another, central agency headquarters, and, at times, members of the Cocopa Indian, Quechan Indian, and African American communities directly. Though less frequent, files in these collections also contained correspondence, petitions, and appeals to the U.S. and Mexican governments written by members of these communities themselves. In order to address this disparity, I attempted to “read between the lines” of government correspondence for references to “lawlessness” that, when inverted, represented forms of resistance in these communities. Additionally, I sought to preserve and portray the direct voices of members of these communities wherever I could. And I augmented the federal archival record with local archives, especially the Arizona Historical Society-Rio Colorado and the Archivo Histórico del Municipio de Mexicali, which offered more voices from members of these groups. Still, questions of representation lingered: to what extent did the views expressed in a petition to or correspondence with the U.S. and Mexican governments reflect an entire community, and to

what extent did they reflect individual factions trying to advance their respective agendas on behalf of the entire “tribe” or community? To what extent did the views expressed in these documents reflect the tribe’s or community’s political organization, and to what extent were they savvy portrayals of a situation in language that the government could understand and respond sympathetically to? I grapple with and address these questions in the chapters that follow.

This methodology follows a well-established practice of microhistory that has been in wide use over the past three decades. As historian Giovanni Levi notes, microhistory is based on the conviction that “microscopic observation will reveal factors previously unobserved.”⁴⁴ Laura Putnam elaborates, “microhistory reduces the scale of observation, often to the level of personal encounters or individual life histories. It does so not in search of sympathetic ‘human faces’ to illustrate the impact of historical processes, but rather in order to challenge our understanding of the processes themselves.”⁴⁵ Microhistory is particularly well-suited to revealing how Native American and African American communities used fugitive landscapes within the Colorado River borderlands to resist state authority and survive on the lands they occupied. Through microhistorical methods, we see the daily strategies these communities used to resist state authority. We see, for example, how Cocopas built temporary homes on white ranchers’ land and enlisted their support in the Yuma Valley to avoid deportation to Mexico during the 1910s. We see how Quechans living along the bottomlands of the Colorado River rowed boats across the river into Mexico to avoid sending their children to the Fort Yuma Indian School in 1914. And we see that African Americans used overflow waters from the Colorado River to build informal

⁴⁴ Giovanni Levi, “On Microhistory,” in Peter Burke ed. *New Perspectives on Historical Writing* (University Park: Penn State University Press, 1992), 97.

⁴⁵ Laura Putnam, “To Study the Fragments/Whole: Microhistory and the Atlantic World,” *Journal of Social History* 39, No. 3 (2006): 615-630, 615.

irrigation systems in the river's bottomlands starting in the 1920s. Microhistory thus reveals the eccentricities of the Colorado River bottomlands and the strategies these communities used to occupy territory amidst a growing set of administrative threats.

I must also name the particular privileges conferred by my identities that shaped the power relationships in play as I worked both in the archives and with contemporary members of these communities. As a scholar with financial backing from elite institutions of higher education and research, I was able to use resources and time to visit archives in the U.S. and Mexico in search of historical documents few, if any, people, let alone members of these communities, have viewed since they were created. I was able to use the same financial resources to travel multiple times to the Colorado River borderlands to meet descendants of the Quechan Indian, Cocopa Indian, and African American communities central to this dissertation and become acquainted with their landscapes. I was able to leverage connections to contact local leaders who offered their time, connections, and resources to me. I was able to draw from the extensive knowledge of scholars and access books in libraries to situate this study within the context of others. As a white man, I did not share a common history of racial oppression. No matter how many times I visit these communities, I remain an outsider. While I stand by my conviction that this multi-perspectival history is a needed addition to our scholarly and political conversations today, I also recognize that I am writing this history from the vantage that I am, and that neither I nor my ancestors have a direct personal stake in these particular contestations. To the extent, though, that this dissertation connects these communities' histories to broader processes of resistance and survival across North America, I hope to convey a shared stake in these intertwined histories across race, ethnicity, and nationality.

Chapter Summaries

This dissertation offers an alternative, multi-perspectival portrait of the Colorado River borderlands. Each chapter shifts perspective to one of the three communities, following overlapping chronologies along the Colorado River from 1848, when the Treaty of Guadalupe Hidalgo established the modern U.S.-Mexico border, to 1936, when the Hoover Dam was built and confined the flow of the river to one channel. Each chapter reveals a different undercurrent by showing the strategies each community used to survive and resist within the fugitive landscapes of the Colorado River's bottomlands. While each chapter independently builds on Native American or African American histories, together they demonstrate how the fugitive landscapes within the Colorado River borderlands provided the stage upon which Native American and African American resistance strategies to settler colonialism played out.

Chapter One focuses on Cocopa Indians, who resisted encroachment from both Mexico and the United States not by resorting to violence but by using their unique geographic position along the Colorado River to their advantage, demonstrating a social undercurrent of *situational fluency*. Cocopas were surprisingly successful at parrying the threats of expanding settler nation-states and modern capitalism by adapting nineteenth-century mobility patterns to twentieth-century border constraints. By providing a cheap and indispensable labor supply for both U.S. and Mexican farmers and ranchers starting in the 1890s, Cocopas leveraged economic value for continued cross-border mobility, even as both governments increasingly sought to enforce the international border and colonize Cocopa lands well into the twentieth century. This strategy befuddled Mexican diplomats and U.S. Indian agents alike, who were puzzled that what they perceived as an ostensibly peaceful tribe could be so difficult to govern. This form of resistance

was quiet and out of sight in comparison to the raids, battles, and massacres that characterized histories from the same period of tribes such as the Yaquis and Apaches along the eastern borderlands. Nevertheless, as an increasingly regulated river and enforced border diminished Cocopa territorial autonomy, it created divisions between American factions within the tribe who sought to modernize on a U.S. reservation and Mexican factions who sought to maintain territorial mobility on both sides of the border. By virtue of increased border enforcement, economic incentivization, and state-induced violence, the strategies of mobility that had been assets soon became liabilities as a static border increasingly divided the tribe into factions. The 1936 completion of Hoover Dam effectively stabilized the flow of the river and thus functioned to solidify the border as a material manifestation of new immigration laws.

Chapter Two focuses on a group of Quechan Indians who, against a backdrop of growing administrative oversight that compelled most Quechans to enroll on the newly-formed Fort Yuma Indian Reservation starting in the 1890s, demonstrated a social undercurrent of *enclaves of autonomy* using the fugitive landscape of the Colorado river bottomlands. They did this through a number of strategies: occupying the bottomlands to farm using traditional methods; refusing allotments on the reservation by living on bottomlands just across the U.S.-Mexico border; building informal alliances with Mexican officials to resist extradition to U.S.; refusing to give names and locations to Indian agents attempting to collect family histories; refusing to send children to the Indian school; and using the river to cross back and forth between Mexico and the U.S. as it suited them. They used these strategies to create enclaves of autonomy—small spaces on both sides of the U.S.-Mexico border along the river where Quechans resisted becoming wards of the U.S. government. Here, they were able to maintain a semblance of their traditional subsistence patterns, tribal organization, and belief systems in a rapidly changing landscape

between 1893 to 1914. Thereafter, encroaching settlement throughout the Yuma Valley made the Fort Yuma Indian Reservation the only place within their ancestral homelands that Quechans could reside. Nevertheless, for up to thirty years, small groups of Quechans retained vestiges of autonomy by mounting surprisingly powerful efforts to resist reservation life and forced assimilation in the fugitive landscape of the Colorado River bottomlands on both sides of the U.S.-Mexico border.

Chapter Three focuses on a community of African American squatters, who inhabited a portion of the Colorado River bottomlands where they were able to find refuge from constant migration, demonstrating a social undercurrent of an *enclave of freedom*. These people initially came to occupy this piece of bottomland adjoining the Fort Yuma Indian Reservation because of its indeterminate jurisdictional status, with the hope that the land would be soon opened for settlement under public land laws. They risked eviction attempts by the Bureau of Indian Affairs on behalf of Quechan Indians; they contended with the threat of flooding, which could cause drownings and ruin farmland as easily as it could provide water for informal irrigation; and they faced pervasive racial prejudice on all sides—from Bureau of Indian Affairs agents, and from neighboring white settlers. They discovered quickly that the fugitive landscape that had been created by the shifting Colorado River rendered enough administrative confusion over the boundaries of this land that they could employ several different strategies in order to remain: they evaded BIA eviction notices by frequently moving from place to place and refusing to give their names and locations; they resisted ejectment lawsuits by appealing to various federal agencies for recognition of squatters' rights based on the agricultural improvements they had made; and even after eviction from part of this land, they relocated nearby across the old riverbed through the tutelage of the Resettlement Administration and Farm Security

Administration. This chapter charts an arc from the early 1920s, when African American squatters came to inhabit No Man's Land, until the early 1940s, when the effects of Hoover Dam on downstream communities were realized.

Taken together, these chapters demonstrate that the unusual fugitive landscapes within the Colorado River borderlands make it possible to see the political power of Native Americans' and African Americans' historical experiences in ways that are present but may be less visible in other places. In focusing on this region of the U.S. Southwest and Northern Mexico, I thus build on existing scholarship showing the social and political complexity of these different groups' interactions. At the same time, I demonstrate how these groups deployed power in ways that were unique to this eccentric landscape. In total, the social undercurrents that were at work in this landscape were made possible in part by the physical undercurrents of the Colorado River itself, which created the stage upon which these histories beneath the surface emerged.

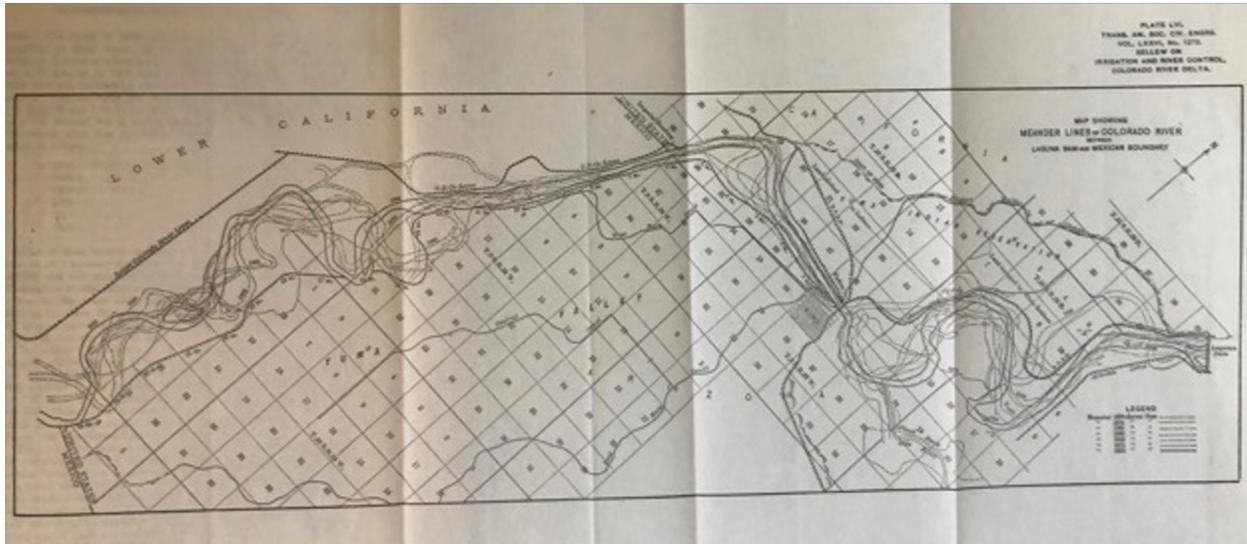


Figure 1: A map of the U.S. side of the Colorado River borderlands. Note the northwest orientation of the map. The map shows the various meander lines of the river between 1856 and 1912. No Man's Land can be seen in the north-looping meander lines to the east of the Fort Yuma Indian Reservation. In H.T. Cory, *Imperial Valley and Salton Sink* (San Francisco: John Newbegin, 1915).



Figure 2: Vegetation typical of the contemporary Colorado River bottomlands. Photo by Daniel Grant, 2018.



Figure 3: The contemporary Colorado River bottomlands due west of the Cocopah Indian Reservation, looking westward, with the U.S.-Mexico border fence in the foreground. Due to diversions upstream, the river no longer flows through this portion of the delta. Photo by Daniel Grant, 2019.



Figure 4: View of the contemporary Colorado River and bottomlands on both banks from the Fort Yuma Indian Reservation. Photo by Daniel Grant, 2018.



Figure 5: View of the contemporary Colorado River where forms the U.S.-Mexico border, looking westward. The opposite bank is Mexican territory. Photo by Daniel Grant, 2018.

Chapter One Situational Fluency: Cocopa Indians

Introduction

In the summer of 1917, a council of one hundred Cocopa Indians assembled on their lands along the lower Colorado River. Joining them were a United States Indian agent and a Mexican government official who were anxious to determine which Cocopas were Mexicans and which were Americans. As far as Cocopas were concerned, however, the river was a primary determinant of their territorial reach as the “River People.”¹ Cocopas had always followed the river’s movements across the delta, and as such conceived of their territory fluidly. Recently, though, moving with the river had become not only a strategy of subsistence but also one of resistance to the increasing encroachment of the U.S. and Mexico into their territory. Knowing that both governments sought to compel the U.S.-born Cocopas to become wards of the U.S. government and the Mexican-born Cocopas to return to Mexico, the council participants rejected both U.S. and Mexican nationalities, refusing to give their residences, movements, or places of birth.² Instead, in a later 1923 petition, Cocopas stated how they conceived of their territorial belonging: “We always believed in our heart[s] [that] whenever we existed on any land we know it is our country.”³

As this vignette suggests, Cocopas resisted encroachment from both Mexico and the United States not by resorting to violence but by using their unique geographic position along the

¹ On terminology: “Cucapá” is the Spanish spelling Mexicans used. “Cocopah” is the English spelling that Americans used. I use “Cocopa” to refer to the tribe in the abstract, and “Cucapá” and “Cocopah” when I quote directly from documents of the United States and Mexico. Thus the U.S.-Mexico border ran through the tribe’s nomenclature.

² Loson Odle to Commissioner of Indian Affairs, November 16, 1917, RG 75, Fort Yuma, Central Classified Files (Hereafter CCF) 1907-39, Box 20, Folder 29807-17, National Archives and Records Administration (hereafter NARA).

³ Cocopah Indian Petition to Secretary of the Interior, n.d., 1923, RG 75, Fort Yuma, Administrative Subject Files, 1907-1926, Box 24, Folder 20 – Farmers’ Report 1922-1925, NARA Riverside.

Colorado River to their advantage. Cocopas parried the threats of expanding settler nation-states and modern capitalism by adapting nineteenth-century mobility patterns to resist twentieth-century border constraints, thus demonstrating a social undercurrent of situational fluency. Cocopas provided a cheap and indispensable labor supply for both U.S. and Mexican farmers and ranchers, leveraging economic value for continued cross-border mobility, even as both governments increasingly sought to enforce the international border and colonize Cocopa lands. These strategies befuddled Mexican diplomats and U.S. Indian agents alike, who were puzzled that Cocopas were so persistent and successful in evading these governments' efforts to impose their rule and enforce their laws on Cocopa lands and people.

This chapter focuses on a period between the late nineteenth century, when Mexico and the U.S. began to exert authority over the Colorado River borderlands, and 1936, when the construction of Hoover Dam stabilized the flow of the river and therefore mitigated its migrations across the delta. Focusing on this period is important because it demonstrates that Cocopas maintained territory on both sides of the U.S.-Mexico border well after it was established and enforced, and after lands on both sides were colonized. If territory constitutes conflicting sovereignty claims imposed on the same landscape, then frequent changes to this landscape, such as the movements of a river across its floodplain, allowed Cocopas and nation-states to constantly renegotiate claims to territory. The changes that the U.S. and Mexico considered to be disruptive to the drawing and enforcement of the international border at times were powerful tactical assets for Cocopas, who used intimate knowledge of the landscape to move through territory.

Recently, what might be called the "Native-ground turn" in new Native American history has pushed us to reconsider borderlands in terms of Native American territories, or, as Samuel

Truett and Pekka Hämäläinen put it, “how Indians *created* the conditions for borderlands history.”⁴ Scholars have made important contributions to understanding how Indians resisted settler colonial claims to Native territories following the inscription of the modern international border with the 1848 Treaty of Guadalupe Hidalgo.⁵ In particular, historians have demonstrated how Native peoples’ abilities to remain adaptive and mobile often better positioned them to resist and survive the growing imposition of state power on their lands starting in the late-nineteenth century.⁶ For example, Jeffrey Schulze argues that “[n]ear-constant movement on a transnational scale kept...indigenous groups beyond the political and cultural purview of each of the nation-states within which they resided (or to which they migrated), exempted them...from detrimental Indian policy currents on both sides of the border, and, above all, helped them maintain a measure of anonymity.”⁷ Eric Meeks has revealed how Tohono O’odham Indians resisted forced assimilation in the U.S. by integrating transient wage labor in Arizona cotton fields, mines, and railroads with traditional subsistence strategies as late as 1930.⁸ And in the Colorado River

⁴ Emphasis mine. Pekka Hämäläinen and Samuel Truett, “On Borderlands,” *Journal of American History* 98, no. 2 (2011): 338-361. I borrow the term “Native ground” from Kathleen DuVal’s *The Native Ground: Indians and Colonists in the Heart of the Continent* (Philadelphia: University of Pennsylvania Press, 2006).

⁵ See, for example, Evelyn Hu-DeHart, *Yaqui Resistance and Survival: The Struggle for Land and Autonomy, 1821-1910* (Madison: University of Wisconsin Press, 1984); Natale Zappia, *Traders and Raiders: The Indigenous World of the Colorado Basin, 1540-1859* (Chapel Hill: University of North Carolina Press, 2014), 133-140; Rachel St. John, *Line in the Sand: A History of the Western U.S.-Mexico Border* (Princeton: Princeton University Press, 2011), 39-62; Samuel Truett, *Fugitive Landscapes: The Forgotten History of the U.S.-Mexico Borderlands* (New Haven: Yale University Press, 2006), 55-77; Maurice Crandall, *These People Have Always Been a Republic: Indigenous Electorates in the U.S.-Mexico Borderlands, 1598-1912* (Chapel Hill: University of North Carolina Press, 2019); Brendan Rensink, *Native But Foreign: Indigenous Immigrants and Refugees in the North American Borderlands* (College Station: Texas A&M Press, 2018); Jeffrey Schulze, *Are We Not Foreigners Here?: Indigenous Nationalism in the U.S.-Mexico Borderlands* (Chapel Hill: University of North Carolina Press, 2018); Verónica Castillo-Muñoz, *The Other California: Land, Identity, and Politics on the Mexican Borderlands* (Berkeley: University of California Press, 2016); and Karl Jacoby, *Shadows at Dawn: An Apache Massacre and the Violence of History* (New York: Penguin, 2008).

⁶ A body of scholarship on the northern borderlands does this work as well. See, for example, Michael Hogue, *Metis and the Medicine Man: Creating a Border and Dividing a People* (Chapel Hill: University of North Carolina Press, 2015); and Sheila McManus, *The Line Which Separates: Race, Gender, and the Making of the Alberta-Montana Borderlands* (Lincoln: University of Nebraska Press, 2005).

⁷ Schulze, *Are We Not Foreigners Here?*, 7.

⁸ Eric Meeks, “The Tohono O’odham, Wage Labor, and Resistant Adaptation, 1900-1930,” *Western Historical Quarterly* 34, no. 4 (2003): 469-489.

borderlands specifically, Verónica Castillo-Muñoz shows how, at the turn of the twentieth century, Diegueño, Quechan, and Cocopa peoples who had previously moved without impediment across the international border “challenged and resisted deportation by claiming their close ties to the land in the [Colorado River] delta region.”⁹ This chapter adds to these works by showing how Cocopas demonstrated situational fluency by integrating into regional wage economies, resisting border constraints, and maintaining territorial occupancy in the Colorado River borderlands. To be sure, like other borderlands tribes, Cocopas suffered from displacement and loss of autonomy during this period. Nevertheless, their resistance strategies rendered state power over them to be provisional well into the twentieth century.

Cocopas in the Colorado River Delta

The Colorado River is so named for the hue of the sediment it carries. The river drains a vast watershed from the Rocky Mountains to the Gulf of California. Along the way, it erodes the lands it encounters, incorporating into its flow the fine red sands and silts of its surrounding bedrock. By the time the river reaches its delta, a vast and arid lowland bisected by the U.S.-Mexico border, its current has slowed to the point that it can no longer suspend the sediments it once carried. So, the sands and silts from upstream are deposited and become land once again as the floodplain of the delta. Before the 1936 construction of Hoover Dam regulated flows, the lower river changed course easily and migrated back and forth across its vast floodplain as flows fluctuated from season to season and year to year. Although the river channel maintained a relatively stable location on the eastern portion of the delta through the second half of the nineteenth century, the river overflowed its banks every summer, flooding in ever-shifting locations between Yuma, Arizona, and the Gulf of California such that the low desert would

⁹ Castillo-Muñoz, *The Other California*, 20.

become awash with channel breaks, sloughs, and marshes. When the waters receded later in the summer, the delta landscape was transformed once again. In this way, river and territory were intertwined in a state of constant flux.¹⁰

Cocopas subsisted and defined their homelands by moving with the ever-shifting river through the nineteenth century. They maintained little sense of tribal solidarity beyond a common name and common language. Instead, they lived in four loosely defined bands called “shamuls,” each with a leader, each politically autonomous, and each occupying a different, though constantly changing, section of the delta as the river’s location shifted. In the late nineteenth century, for example, the Hwanyak band had the best farmland as determined by its soil quality and regularity of flood irrigation based on its location straddling the river. Sam Spa, a Hwanyak member, detailed the band’s nineteenth-century planting practices when the ethnographer William Kelly interviewed him in 1940: “Along the river the water ran fast, caved the banks, and deposited sand. This was good farm land.”¹¹ The variable river necessitated a flexible agricultural practice called overflow farming. After seasonal floods subsided, leaving fertile soil on the floodplain moist, Cocopas planted beans, corn, squash, and melons.¹²

The other bands—Mat Skrui, Wi Ahwir, and Kawkwarsh—occupied less desirable lands that had poorer soil quality, too much floodwater, or not enough water, conditions which they mitigated with earthen levees and canals. If these measures were not enough, families most commonly moved their temporary homes and farm plots within their group’s territory. But on some occasions, floods proved too overwhelming for the group to remain, and in such cases, they would move to other nearby territory. Speaking to the ethnographer William Kelly in 1940, Wi

¹⁰ Godfrey Sykes, *The Colorado Delta* (Washington, D.C.: Carnegie Institution of Washington and American Geographical Society of New York, 1937), 37-44.

¹¹ William Kelly, *Cocopa Ethnography* (Tucson: University of Arizona Press, 1977), 28.

¹² *Ibid.*, 29-30.

Ahwir member Mike Alvarez remembered a period between 1885 and 1895 when his band moved three times due to flooding, from the western edge of the delta to higher ground a few miles north; several years later, when a big flood washed them out one June, they had to “put possessions on long rafts to escape the flood” and relocate out of the delta entirely.¹³ While some came temporarily north into U.S. territory, by the end of the nineteenth century the northernmost village was located about three miles south of the border.¹⁴ No group considered territory in fixed terms—at any given time the river played a large role in determining where they lived.

From Spanish contact to the Mexican-American War, Cocopas enjoyed a great degree of independence because their homeland was so remote to Mexican and Euro-American settlement.¹⁵ But after the Treaty of Guadalupe Hidalgo in 1848 ended the Mexican-American War and the 1854 Gadsen Purchase established the modern U.S.-Mexico border as bisecting ancestral Cocopa delta lands, their homeland became more appealing to the national interests of both countries. Most Cocopas inhabited the delta region south of the border when the border was drawn, so Mexico was a far greater threat to their autonomy than the U.S. was until the turn of the twentieth century. Nevertheless, Cocopas skillfully parried encroaching U.S. government surveyors and industries because doing so benefitted them economically. In the era from 1852 to 1876, steamboats plied the river between the gulf and Fort Yuma, where a military post had been established to counteract violent Yuma Indian uprisings. Cocopas profited from their intimate knowledge of the river by working as crewmen and steering boats clear of constantly shifting sand bars, as well as by supplying steamboats with wood cut from the riverbanks, and sometimes

¹³ Ibid., 26-28

¹⁴ Edward Gifford, *The Cocopa* (Berkeley: University of California Press, 1933), 261.

¹⁵ William Oral Hendricks, “The Lost Cucapá Reservation,” *Pacific Coast Archaeological Society Quarterly* 12, no. 1 (January 1976), 47.

plundering their cargoes.¹⁶ When the 1877 arrival of the Southern Pacific Railroad to Yuma ended the steamboat trade, Cocopas delta lands again faded from U.S. sight until irrigation interests began eyeing delta lands in the 1890s. U.S. surveyor Godfrey Sykes visited the delta lands south of the international border in 1890 and declared that they were “*terra incognita*,” occupied only by “semi-nomadic” groups of Cocopas.¹⁷ By moving with the river, Cocopas thus remained relatively hidden and unknown to the U.S. government, even as the borderlands they inhabited came under increasing state surveillance.

Mexico, seeking to shore up authority on its northern frontier in the 1880s and 1890s, was clearly uneasy about Native disruptions to settlement in the borderlands, especially following years of Indian raids by what Mexico considered to be the more militant Apaches, Comanches, and Yaquis. Cocopas did not use violence to assert their autonomy and independence from the Mexican government, which therefore may be one reason they did not experience the same levels of Mexican intervention despite occupying potentially valuable agricultural land. Each band’s leadership during this period was very loose. Band “captains” reflected Mexican designations of authority as much as they did internal leadership recognitions within bands. Indeed, starting in the 1880s, newly elected Cocopa band leaders traveled by their own volition to Ensenada, the capital of Baja California, to receive an official document from the state of Mexico recognizing their authority to enforce order and ensure that their people did not harm Mexican or American travelers passing through their territory or fight among themselves. After questioning where a new captain lived, how many people were under him, and how he had become elected, Mexican authorities would also name a “policeman” and “judge” to assist him.

¹⁶ Edward Castetter and Willis Bell, *Yuman Indian Agriculture: Primitive Subsistence on the Lower Colorado and Gila Rivers* (Albuquerque: University of New Mexico Press, 1951), 83.

¹⁷ Sykes, *Colorado Delta*, 38

These Mexican designations were largely symbolic and thus ineffective in exerting actual control over Cocopa bands—captains usually rejected any Mexican-appointed judges or policemen without consequences, while using their “papers” to bolster authority in encounters with Mexicans and Americans.¹⁸

Nevertheless, the international border increasingly disrupted Cocopa livelihoods as the nineteenth century drew to a close. Successive Mexican administrations had promoted laws to colonize *terrenos baldíos*, or “unoccupied lands” deemed worthy of settlement and cultivation, throughout the Mexican North in order to safeguard *la frontera* and keep up with U.S. development. Mexican President Porfirio Díaz had seen in the North an opportunity to improve his nation’s “agrarian problem” by encouraging the internal migration and colonization of “underpopulated areas.” Laws passed in the 1860s and 1870s allowed private enterprises to enter into contracts with the Mexican government, enabling outside settlers to colonize such lands. Perhaps the most prominent scheme among these in Baja California was that of Guillermo Andrade, a Mexican-born entrepreneur who now lived in San Francisco. Andrade envisioned using the Colorado River’s annual floods to naturally irrigate a commercial hemp enterprise on surrounding fertile lands. Deputized by the Mexican government to settle the area and financed by wealthy American backers, Andrade filed claims on adjoining parcels of Cocopa lands along the river just south of the international border, which his company, *Compañía Mexicana Agrícola, Industrial, y Colonizadora de Terrenos del Colorado*, stitched together into a massive landholding of over 300,000 acres called the Lerdo Colony.¹⁹ The Lerdo Colony was only a

¹⁸ Kelly, *Cocopa Ethnography*, 78-81.

¹⁹ Hendricks, “The Lost Cucapá Reservation,” 47-53. This source is a summary of correspondence between Guillermo Andrade and the Mexican government based on the Colorado River Land Company papers, located at the Sherman Library. Translations by Hendricks. All other translations of Spanish texts in this dissertation are my own unless stated otherwise. On Andrade’s development in the Colorado River delta, see Eugene Keith Chamberlin, “United States Interests in Lower California” (Ph.D. diss., University of California, Berkeley, 1949); Dorothy Pierson Kerig, “Yankee Enclave: The Colorado River Land Company and Mexican Agrarian Reform in Baja

portion of Andrade's total land holdings in the Mexican portion of the Colorado River delta.

Andrade set about trying to attract Mexican settlers to the land to meet his agreement with the Mexican government.

After almost two decades of failed attempts to attract enough Mexican settlers to colonize these lands, in 1887 Andrade desperately wrote the Department of Fomento, the Mexican agency that oversaw the administration of federal lands, asking whether he could "use, and count as colonists," 140 Cocopas families.²⁰ He received approval in 1888 from Fomento to count 70 Cocopa families. The head of each family would receive ten hectares of land under threat that if they did not establish residence, Andrade would be fined 200 pesos. Unsurprisingly, not a single Cocopa family agreed to "settle" on land they already considered their own. Andrade even sought to convert the lands into liquid assets by selling them to another California company called the Mexican Colorado River Land Company (CRLC), but they were no more successful in attracting Cocopa families as "settlers." In correspondence with Fomento on March 24, 1890, Andrade complained that because "the Indians had no fixed place of inhabitation...and the government no control over them, it was proving impossible to settle them in any one given spot."²¹ Cocopas refused formal membership in the Lerdo Colony, but many still lived in its vicinity, planting along the river, and profiting off its informal economy.

Failing to attract enough Mexican and American settlers to make the hemp business profitable, Andrade gave up. An American visitor noted passing through the "abandoned Lerdo

California, 1902-1944,"(Ph.D. diss., University of California-Irvine, 1988); and William Oral Hendricks, "Guillermo Andrade and Land Development on the Mexican Colorado River Delta, 1874-1905," (Ph.D. diss., University of Southern California, 1967), 161-164. On the Lerdo Colony in particular, see Castillo-Muñoz, *The Other California*, 17-20; and José Alfredo Gómez Estrada, *La Gente del Delta del Río Colorado: Indígenas, Colonizadores y Ejidatarios* (Tijuana: Universidad Autónoma de Baja California, 2000), 57-67, 116-128.

²⁰ The Department of Fomento roughly translates to "Land Colonization Department." I have translated the titles of all other Mexican federal and state government agencies that appear in this chapter into English.

²¹ Hendricks, "The Lost Cucapá Reservation," 47-53.

colony” in June 1893 amid dense thickets of wild hemp and tules. He concluded that the area could not be settled by Euro-American interests and that it was best left for the Cocopas as the “people who own it.”²² Moreover, Fomento sought to collect the fines for lack of settlement, and by 1896, Andrade was required to cede 5,000 hectares within the Lerdo Colony to be set aside for Cocopa settlement, a small portion of the total area contained within the colony.²³ However, while this land was never formally designated for the Cocopas, the U.S. government would refer to it in subsequent years as territory to which Cocopas living north of the international border could return in order to justify withholding U.S. lands from Mexican Cocopas. It is unclear whether Andrade directly drove out Cocopa families who had subsisted on nearby lands along the river, however their population declined during this time. No censuses were taken among the Cocopas until they occupied mainly U.S. soil, but estimates show that the Cocopa population was reduced by over a quarter during the 1880s and 1890s. By 1905, William Kelly estimated that 1500 Cocopa lived in the delta region, split evenly between Hwanyak and Mat Skrui families on the east side of the delta and the Wi Ahwir group on the west side.²⁴

Cocopas were not the only Indians occupying Andrade’s lands. North of the Lerdo Colony, Andrade owned a smaller, 48,000-acre tract called Rancho de Los Algodones that abutted the U.S.-Mexico border on the Mexican side as the river hooked southward to form the border. Other neighboring tribes, the Quechans and Diegueños, were occupying lands contained within Rancho de Los Algodones, and in 1896, Andrade sought to expel these groups from what he considered to be his private lands. He requested authorization from the Mexican government to allow U.S. Indian agents to enter Mexican territory in order to peacefully—“without the use of

²² Lieut. R. Robinson, “Adrift in a Desert,” *The Californian Illustrated Magazine* (December 1893), V, 106, 107, 109, 114.

²³ Hendricks, “The Lost Cucapá Reservation,” 53.

²⁴ Kelly *Cocopa Ethnography*, 10.

overt force”—expel the Quechans and Diegueños from the country and return them to their U.S. reservations because they “did not belong in Mexico” and were seen as a corrupting influence on the Cocopas that still occupied his lands.²⁵ The Ministry of the Northern Territory of Baja California saw the Quechans and Diegueños as particularly problematic to Mexican interests on the border: “The migration of these Indians to Mexican territory will be a permanent nuisance for the country and for the interests of Sr. Andrade in particular....The Indians are bizarre...they are a scourge of the Government and one of the great evils of the State of Sonora,” one official wrote.²⁶

It is not clear whether the Cocopas, Quechans, and Diegueños were eventually removed from these lands, but subsequent correspondence suggests that they constantly moved across the border as it suited them. Andrade’s neighbor and representative, Eulogio Romero, wrote to the Mexican Secretary of War that the Indians needed to leave Andrade’s private lands at Los Algodones, but noted the difficulty in achieving this imperative because they were constantly moving. Writing in January of 1897, he noted, “Many of the Indians, attracted by the gifts of the American government, have abandoned the country and entered the [U.S.] Reservations, but afterwards...they return to their homelands, to the place they consider their own, because they are indigenous to that land, outside of which they cannot conceive of existence.” His proposed solution was to appoint to each group of Indians a tract of land in Los Algodones, enough to carry on overflow farming along the river. However, the occupying Indians would not abide by such fixed tracts, since they derived strength from their continued mobility. They would occupy

²⁵ “Solicitud de Guillermo Andrade para que se expulsen de su propiedad, en la margen derecho del Río Colorado, Distrito Norte de la Baja California, a los indígenas yumas, cucapás, y dieguinos, 1896-1897,” Instituto de Investigaciones Históricas, Universidad Autónoma de Baja California-Tijuana (hereafter IIH), 32.4. This collection of documents includes copies of documents from the Archivo General de la Nación, in Mexico City, pertaining to the Colorado River delta.

²⁶ Ibid.

these lands at least through 1904. On a visit to Cocopa encampments near Los Algodones, the Political Chief from the Northern District of Baja California, Celsa Vega, noted the “scarce number [of Cocopas families] who live in those lands without making a profit, they are therefore very loose, but are peaceable and honorable and they do not harm anybody.” The families on these lands agreed to “not harm” the company in exchange for cultivating portions of Los Algodones.²⁷ In this way, they used mobility and traditional agricultural practices as an adaptive strategy to maintain territorial occupancy directly along the river—and the border.

The Delta Becomes Dry and Cocopas Migrate Across the U.S.-Mexico Border

In 1905, the Colorado River radically changed course on the border in a way that would forever change how Cocopas occupied and moved through their own territory. As the result of an engineering mishap caused by U.S. and Mexican development companies that had built diversion dams to transport water to the Imperial Valley, the river escaped its channel and flowed uncontrolled into the Imperial Valley for two years, creating a massive flood.²⁸ The “great diversion,” as the 1905 to 1907 flood came to be called, was by all accounts a crisis for Cocopas on both sides of the international border because it meant that the Colorado River now ran dry through the part of the delta that they had previously occupied. The shift in the river’s course forced bands to migrate to new locations and look for wage labor on both sides of the border, because a dry delta meant that they could no longer support themselves through subsistence overflow farming.²⁹ Some Cocopas moved to Mexicali and looked for work along the Inter-

²⁷ “Visita de inspección de Celso Vega, jefe político del Distrito Norte, a Mexicali y Los Algodones, para allonar defectada entre ganaderos e indígenas cucapás con dos empresas que se han establecido en la zona,” October 6, 1904, IHH 36.41.

²⁸ Sykes, *Colorado Delta*, 112-113. On this flood, see William deBuys, *Salt Dreams* (Albuquerque: University of New Mexico Press, 1999).

²⁹ Cocopas worked as wage laborers to mitigate the effects of the flood between 1905 and 1907. For an excellent narrative and photographic history of the flood and its impacts on Cocopas, see Miguel Ángel Berumen, *La Conquista del Agua y del Imaginario: Mexicali y Valle Imperial, 1901-1916* (Ciudad de México: Imagen y Palabra, 2013), esp. 151-263.

California Railroad just south of the border. Others moved to the U.S. side near Somerton, and others still remained in Mexico near the border town of San Luis.³⁰ The river's now-dry riverbed essentially forced this labor upon them because they could no longer support themselves.

When the flood subsided in 1907 and the river again returned to the delta, it now occupied a new channel several miles west of the channel it had occupied before the flood.³¹ This meant that the lands that the Cocopas had farmed previously remained dry. Even so, Cocopas learned how to navigate this change by drawing from their past mobility. Many Cocopas established a new migratory pattern of working for wages in the Yuma Valley or near Mexicali and continuing their own overflow farming along the new river channel. Because Cocopas were always moving, it was also difficult for U.S. Indian agents and ethnographers to assess the location of Cocopa encampments and the size of the Cocopa population in the U.S. and Mexico. The Cocopas who had settled in the Somerton and Yuma area lived in migrant camps around farmers' lands. During a 1910 expedition to the delta, for example, the anthropologist Carl Lumholtz observed how bands hybridized wage work and subsistence farming to survive.³²

Shortly after the river returned to the gulf via its new channel, political conditions

³⁰ Kelly, *Cocopa Ethnography*, 13.

³¹ Another effect of the "great diversion" was that this was one of the first instances since the Gadsden Purchase in which U.S. and Mexican sovereignty over territory was at stake. If the international border as drawn in 1854 had been based on the location of the river, then a new question arose: Would the border change with the river? The official term for the lands that changed jurisdiction from one country to the other as a result of the river's movements was "banco." Between 1884 and 1926, there were over 205 bancos formed on the Colorado River and Rio Grande. On the resolution of these diplomatic questions, see *1929 Proceedings of the International Boundary Commission United States and Mexico: Elimination of Bancos Under Convention of March 20, 1905. Colorado River Nos. 501 and 502*, RG 76, International Boundary and Water Commission, Records Relating to Elimination of Bancos, 1905-1931, Box 1, 21-32, NARA Fort Worth. On the diplomatic challenges bancos created between the U.S. and Mexico, especially in relation to the Rio Grande, see Jeffrey Schulze, "The Chamizal Blues: El Paso, the Wayward River, and the Peoples in Between," *Western Historical Quarterly* 43, no. 3 (Autumn 2012): 301-322; and Jerry Mueller, *Restless River: International Law and the Behavior of the Rio Grande* (El Paso: Texas Western Press, 1975).

³² Carl Lumholtz, *New Trails in Mexico* (New York: Scribners, 1912), 250-251.

worsened for the Cocopa bands that continued to occupy lands in the Mexican portion of the delta. The Wi Ahwir Cocopas suffered at the hands of Mexican landowners and government agents. In March 1907, the political chief of the Northern District of Baja California complained to Mexican President Porfirio Díaz on behalf of the Cocopas that Andrade's son, Alberto Andrade, "stripped the tribe of their lands, burned them, threw their cattle out to pasture, and privatized the water, with the decided support of the Mexicali authorities." The Díaz regime, through a series of land policies aimed at displacing and then disavowing responsibility for Indians, did not consider Indians to be Mexican nationals and thus they gave them no protection. Given that the Mexican government did not recognize Cocopas as being entitled to federal land rights, even bands like the Wi Ahwir that primarily resided in Mexico had reason to migrate to the U.S. side of the border in search of a safer place to live, even though they did not wish to "become Americans."³³ By 1913 conditions had become so bad for some bands in Mexico that even after the Mexican government conceded 16 hectares of land per family in Sonora and tribal entitlements to water, the Director of the Mexican Consulate in Yuma observed that many Cocopa families endured the internment of their children at the Fort Yuma Indian School because the "miserable circumstances" in Mexico were worse.³⁴

The U.S. did not equally welcome all Cocopas. The three bands generally ignored the constraints of the international border and crossed back and forth at will until the early 1930s. However, the Bureau of Indian Affairs (BIA), the U.S. federal agency overseeing the administration of Indian reservations, aided by the U.S. Reclamation Service (USRS), the U.S. federal agency overseeing the irrigation of the arid U.S. West, attempted to enforce distinctions

³³ The political chief mentioned that "Sr. Guillermo Andrade could never get Cocopas to declare that they would become Americans," Manuel Cuesta to Mexican President, March 2, 1907, IHH, 11.51.

³⁴ Asuntos varios, Indios, Su Solicitud, Sección Rimera del Departamento de A. Internacionales, Secretaría de Relaciones Exteriores, 16-9-47.

between Mexican-born and U.S.-born Cocopas. The construction of the Yuma Reclamation Project, one of the first irrigation projects initiated by the USRS in 1903, would by 1909 build infrastructure along the Colorado River that would make possible irrigation of 86,700 acres throughout the Yuma area. Although the USRS ostensibly built the Yuma Reclamation Project to irrigate farmland in the Yuma Valley, it had ancillary effects on Cocopas. Primary among these was what the BIA considered a new opportunity to create a Cocopa reservation and provide it with water to grow crops in twinned efforts for reclamation and Indian assimilation, as it had done for the Fort Yuma Indian Reservation just 20 miles to the north. Writing in 1909 to the Commissioner of Indian Affairs, Anna Egan, the Superintendent of the Fort Yuma Indian Reservation who was tasked with overseeing all U.S. Indians in the Yuma area, noted that the Cocopas were “very scattered. Many of them live in Old Mexico at points that it is difficult to get at, and there is a good deal of wandering back and forth.” She broached the idea of establishing a reservation near Somerton, Arizona, so that Cocopas could settle on their own land and “stop these migratory habits...so that our [U.S.] Indians can be induced to leave Mexico for good and all.”³⁵ Her possessive reference to “our Indians” likely meant the Hwanyak Cocopas who were occupying the Colorado River’s bottomlands along the U.S.-Mexico border; the others she likely considered to be Mexicans and unworthy of government assistance. The reservation she sought would not be established until 1917.

In the years before the reservation was established, Cocopas did not seek any affiliation with the U.S. or Mexican governments. In the summer of 1913, Loson Odle, who had assumed the superintendency of the Fort Yuma Indian Agency, met a one hundred-man “counsel” of

³⁵ Quoted in Ruth Jo-Anne Tisdale, “Cocopah Identity and Cultural Survival: Indian Gaming and the Political Ecology of the Lower Colorado River Delta, 1850-1996” (Ph.D. diss., University of Arizona, 1997), 179-180. Tisdale cites the source as Anna Egan to U.S. Indian Service, July 29, 1909, NARA.

migratory Cocopas from Mexico led by a man named John Johnson. Johnson used the border's uncertain status to his band's advantage, refusing to speak with Superintendent Odle and demanding to speak with the Mexican government instead since he and his people "were Mexicans." But when Superintendent Odle returned a few weeks later with a Mexican official, Odle observed, "they were more critical of him and said they did not recognize the Mexican Government except what they made for themselves." In this way, Cocopas refused belonging to either country. Superintendent Odle lamented, "If they get into trouble in the United States they go to Mexico and if there is trouble on the Mexican side they come here."³⁶

In an effort to settle them in permanent locations, Superintendent Odle devised two schemes to constrain the mobility that defined Cocopas' resistance to the U.S. government. The first was to relocate the entire tribe upstream to a reservation near Parker, Arizona, called the Colorado River Reservation. This reservation was under the jurisdiction of a different BIA sub-agency, the Colorado River Indian Agency.³⁷ All bands unanimously rejected this proposal because relocating would permanently remove them from their homeland. Superintendent Odle also met members of the Hwanyak band, led by Frank Tehanna and Mike Cocopa, who were "very adverse to the idea of going farther north and seem to fear the action the Mexican Government may take" should they have to return to Mexico.³⁸ These Cocopas knew that they could stay in the Yuma Valley because white ranchers depended upon their labor. Around Somerton, Arizona, for example, the Hwanyak took up residence just outside town on unoccupied scraps of river bottomland, some belonging to ranchers who allowed them to occupy

³⁶ Loson Odle to Commissioner of Indian Affairs, November 16, 1917, RG 75, CCF 1907-1939, Fort Yuma, Box 20, Folder 29807-17, NARA I.

³⁷ *Yuma Daily Examiner*, June 20, 1913.

³⁸ Loson Odle to Commissioner, June 24, 1913, Administrative Subject Files 1907-26, Fort Yuma, RG 75, Box 4, Folder 103, Claims Against the Agency, 1913-1918, NARA Riverside.

it in exchange for reliable labor. They erected shacks made of leftover wood scraps, mud, and metal, tearing them down and building new ones on a different rancher's land nearby as employment shifted. They were willing to work longer hours in hotter weather for less pay than any other workers, and as a result, often received surprising support for their continued occupancy from landowners and ranchers. Ranchers reported that they preferred them to Mexican or American workers because they "work for a dollar a day from sunrise to dark."³⁹ By leveraging their mobility as laborers in the Yuma Valley workforce, leaders like Tehanna knew that they could remain in their ancestral homelands, paradoxically transient to stay rooted.

Superintendent Odle's other proposal was to compel attendance of all Cocopa children at a day school that he sought to build just north of the border from Los Algodones.⁴⁰ In September of 1917, the conflict came to a head when Cocopas got word of his plan. A Mexican Cocopa man who went by the name "Experiment Joe" informed his current employer, a date palm grower named Bernard Johnson, that "Big Frank" [Frank Tehanna] had visited Indian homes while the men were away at work, and had told Cocopa women that "they must send the children to school or else get out of the country."⁴¹ Mexican Cocopas fiercely resisted this threat, in which Tehanna appeared to be enforcing divisions of nationality at Odle's behest.⁴² Experiment Joe even "hid his children in the brush" for fear that they would be taken away from him.⁴³ As a result of this threat, as many as sixty Cocopa families left the Yuma Valley for lands along the Colorado River

³⁹ Ruth M. Underhill, "Residence and Land Rights of the Cocopah Indians," January 18, 1937. RG 75, Fort Yuma, CCF, 1907-39, Box 21, Folder 9948-30, NARA I.

⁴⁰ This proposed school was different from the Fort Yuma Indian School referenced above and that appears in Chapter Two. Loson Odle to Commissioner of Indian Affairs, November 16, 1917, RG 75, Fort Yuma, CCF 1907-1939, Box 20, Folder 29807-17, NARA I.

⁴¹ Cocopa workers were given English names by their American rancher and farmer employers. L.F. Michael to Commissioner of Indian Affairs, November 20, 1917, RG 75, Fort Yuma, CCF 1907-39, Box 8, Folder 108509-17, NARA I.

⁴² Interview with Jim Dick, Cocopah Indian, November 12, 1917, *ibid*.

⁴³ Interview with Experiment Joe, Cocopah Indian, November 10, 1917, *ibid*.

in Mexico, assuming that they could work in the cotton land holdings of Baja California Governor Esteban Cantú Jiménez. Cocopa labor was vital to Yuma Valley farmers and ranchers, especially during the labor shortages of World War I, and their move to Mexico, in turn, initiated a wave of complaint among Yuma Valley growers. The protest worked: On November 14, an Indian agent concluded that “this agitation is likely to drive out of our valley a large body of indispensable labor.”⁴⁴ By late November the Cocopas who had willfully left for Mexico were back in the Yuma Valley working again, having successfully parried Odle’s threat.⁴⁵

Although this episode seemed to vindicate the resistance strategies of John Johnson’s band of mobile Mexican Cocopas, it also demonstrated fractures among bands. Unlike their unanimous opposition to Odle’s proposal to relocate the tribe to the Colorado River Reservation, the school proposal divided the tribe between U.S. bands like Frank Tehanna’s, who sought to settle in the Yuma Valley because they received preferential treatment from the BIA, and Mexican bands like John Johnson’s, who sought to maintain their border-crossing mobility and evade the BIA’s tutelage. Frank Tehanna testified in 1916 that his followers would be happy to cultivate land set aside for them and “permanently and adopt the ways of better living.” He rejected all ties to Mexican identity or land, and criticized Johnson’s band’s decision to leave the country: “What would the Indians do across the line[?] There is no work or money there.... We are satisfied here.” He downplayed Johnson’s influence, saying that “his following is quite small” because “he [Johnson] does not want the Indians to advance, [or] to talk any other language except Cocopah.” Johnson’s testimony, however, revealed that many of his band members were afraid of Tehanna and tried to escape his influence by crossing back into Mexico: “Tehanna claims to be a chief of all the Cocopa; this is a lie. He tried this same thing in Mexico

⁴⁴ L.F. Michael to Loson Odle, November 14, 1917, *ibid.*

⁴⁵ Interview with Bernard Johnson, November 10, 1917, *ibid.*

about thirty years ago and failed.” Experiment Joe and another Cocopas also testified their support for “Chief Johnson,” who they claimed they payed fifty cents a week from their own wages so he could obtain work for them. Through these informal wage labor agreements, Johnson’s band avoided the influence of both Tehanna and Superintendent Odle, whom they suspected to be in alliance.⁴⁶

Two separate tracts of land totaling 520 acres were finally established as the Cocopah Indian Reservation by executive order of U.S. President Woodrow Wilson in September 1917. One tract of the reservation was located north of Somerton and the other was located west of Somerton along the river. Indian agents opened the two parts of the reservation to any Cocopas who desired to live there, claiming to meet their need to “build a home from which they cannot be driven.”⁴⁷ Indian agents envisioned the two tracts complementing one another: The West Reservation would comprise lands along the Colorado River, and could serve as a location where Cocopas could maintain traditional farming practices with the annual river level overflows. Meanwhile, the North Reservation would be located several miles away, receive irrigation water from the Yuma Reclamation Project, and serve as a place of permanent settlement.⁴⁸ In practice, however, the only Cocopas who sought permanent homes on U.S. soil were members of Tehanna’s band. They became the only Cocopas recognized as American Indians. They were officially enrolled in 1922, which made them wards of the U.S. Government and recognized as members of the tribe.⁴⁹ Superintendent Odle clearly preferred the Cocopas who were enrolled on the reservation, whom he called the “River Cocopah” to distinguish them from the others, whom

⁴⁶ Interviews with Frank Tehanna, John Johnson, Experiment Joe, and Jim Dick, November 12-18, 1917," *ibid.*

⁴⁷ E.M. Swift to Commissioner of Indian Affairs, January 31, 1917, RG 75, Fort Yuma, CCF 1907-39, Box 20, Folder 29807-17, NARA I.

⁴⁸ E.M. Swift, “Land for Cocopahs,” March 10, 1917, *ibid.*

⁴⁹ Tisdale, Ph.D. diss., 117.

he called the “Mountain Cocopah.” In 1921, for example, he wrote, “The River Cocopah were a pastoral people and have always farmed. The Mountain Cocopahs are of a wild disposition, more superstitious and cruel.”⁵⁰

It remained unclear what would happen to the several hundred Mexican-born and unenrolled Cocopas. These Cocopas sometimes occupied land on the West Reservation, even though they were not enrolled there, and sometimes lived on lands in Mexico. “These Indians apparently belong in Mexico, but have no permanent living place, sometimes abiding in United States territory and at other times going into Mexico,” observed an Indian agent writing to Superintendent Odle in 1917.⁵¹ In response, in 1919, U.S. Representative Carl Hayden prevented irrigation water from being delivered by the Yuma Reclamation Project to West Reservation lands because, he claimed, “It certainly would be a great injustice to the American Indians to provide any means for the up-keep of these Mexicans.”⁵² Tehanna and his followers, who had enrolled on the reservation, knew water would only be delivered if they disavowed any ties to the border-crossing, unenrolled Cocopas. Therefore, in a 1920 petition appealing Congress’s withholding of water, he wrote, “We are a full Indian tribe and not connected with Mexicans in any way whatever, nor were we subject to the Mexican government, but instead have long ago expressed our desire to be considered as American Indians.”⁵³ Water was eventually delivered to the West Reservation, while the border-crossing, unenrolled Cocopas were increasingly threatened by border restrictions.

⁵⁰ C.F. Hauke to Loson Odle, August 12, 1921, RG 75, Fort Yuma, CCF 1907-39, Box 20, Folder 29807-17, NARA I.

⁵¹ Campbell to Loson Odle, January 19, 1917, *ibid.*

⁵² Campbell to Commissioner, November 10, 1922, *ibid.*

⁵³ Earl Y. Henderson to Samuel A. Eliot, April 14, 1928, RG 75, Fort Yuma, CCF 1907-39, Box 6, Folder 26652-28, NARA I.

An Enforced U.S.-Mexico Border

In 1924, three pieces of legislation affected the unenrolled Cocopas' ability to move back and forth across the border. First, the U.S. Congress passed the Indian Citizenship Act, which granted U.S. citizenship to all Indians enrolled on reservations. Second, the Immigration Act of 1924 established visas as the official documentation required for cross-border migration. Third, the National Origins Act established the Border Patrol to enforce movement across the border. The effect of these three acts was to make vulnerable to deportation any Cocopas living in the U.S. who were not enrolled on the reservation because they were not considered to be U.S. citizens. The consequences were dramatic: Of the 370 Cocopas living in the U.S., the 320 who were not enrolled in the tribe were threatened by deportation to Mexico.⁵⁴ Thereafter, any Cocopas born in the U.S. would be considered U.S. citizens, but U.S. citizenship would not be granted to unenrolled Cocopas born in Mexico.

The Cocopas who had been deported struggled to survive south of the border because most delta lands by this point had been appropriated by Mexican and American landowners.⁵⁵ Their status as Mexican Indians placed them in a double bind because they did not have legal rights in either the U.S. or Mexico. As a result, they were disconnected from family in the U.S. and excluded from Mexican lands. In addition, they were excluded from regular employment, even on Mexican ranches and farms.⁵⁶ Crossing the border and working in the U.S. was no longer an option, as they could only obtain temporary permits to cross but could not take jobs in the U.S. So, they did the best they could in the Mexican portion of the delta by chopping wood,

⁵⁴ C.H. Gensler to William Zimmerman, Jr. June 19, 1936. RG 75, Fort Yuma, CCF 1907-39, Box 21, Folder 9948-30, NARA I.

⁵⁵ William Kelly field notes, 1940, quoted in Tisdale, "Cocopah Identity and Cultural Survival," 153.

⁵⁶ Indeed, to the Cardenas administration, preferred settlers of these delta lands were Mexican repatriates who had learned modern agricultural techniques while working in the U.S.

picking cotton, and raising a few cattle while also practicing traditional agriculture with the advance and retreat of the river whenever possible.⁵⁷ Beginning in 1935, the Cardenas administration took possession of some delta lands formerly owned by American companies. The Mexican government began developing these lands for government-owned cooperative farms under the *ejido* system. The Mexican government sought to assemble all of these families into an all-Cocopa *ejido*, but Cocopa families had little interest in an enterprise that advanced Mexican interests without entitling Cocopas to land claims or legal rights. Most of the families left the *ejido* for Sonora, where they held undeveloped tracts of land along a canal from San Luis to La Grulla.⁵⁸

For many Cocopas, the closing of the border arbitrarily divided families between those born in the U.S. and those born in Mexico.⁵⁹ For example, in 1933, a U.S. immigration officer who patrolled the border at San Luis said that 60 Cocopa men and their families had been deported. Immigration officers, working closely with Yuma Valley farmers who had previously supported Cocopas in order to secure their labor, determined who would be deported by asking Cocopas their names and places of birth, giving no indication of their purpose for collecting this information.⁶⁰ Former Cocopah chairwoman and one of the first enrollees on the reservation, Clara Brown, recalled border patrol raids of the 1930s: “The border patrol...they would come around to the house and go inside and look around. They called out our names and everything.” She protected an unenrolled cousin from deportation by hiding her so that border patrol would move on when she told them, “I am a [U.S.] citizen.” Others were not as lucky. Officers would “go around and find them and...would send them back and then burn their house. Just put a

⁵⁷ Castetter and Bell, *Yuman Indian Agriculture*, 83.

⁵⁸ Kelly, *Cocopa Ethnography*, 13-14.

⁵⁹ *Ibid.*, 13.

⁶⁰ William Kelly field notes, 1940, in Tisdale, “Cocopah Identity and Cultural Survival,” 152.

match around the house....they don't [sic] care about where they belong."⁶¹ These deportations often meant that young U.S.-born Cocopas lived in the U.S. and earned money working for farmers and ranchers in the Yuma Valley, while their parents were deported to Mexico. The parents were forced to visit the children as often as they could to share in their children's wages and rations.⁶²

The 1936 completion of Hoover Dam effectively stabilized the flow of the river and thus functioned to solidify the border as a material manifestation of the new immigration law. The river would no longer migrate across its floodplain, and Cocopas would no longer migrate with the river to maintain territorial power. The coincident closing of the border to free Cocopa movement and the regulation of the river's flows functioned together to deprive Cocopas of the means of subsistence and resistance that they had formerly employed. Henceforth, the border would function as if there were no river: U.S.-born Cocopas enrolled as U.S. Indians could continue to migrate back and forth across the border at will because Mexico was not enforcing the border, but Mexican-born Cocopas who were in the U.S. could no longer cross into Mexico for fear of not being able to return. Without the movements of an unconstrained river mirroring those of an unconstrained people, the border could divide from within. The river that had encouraged territorial movement was now an obstacle.

Conclusion

By focusing on how Cocopas' arc from mobile to static mirrored the Colorado River's same arc, this chapter highlights the ways in which Cocopas' movements with the river enabled them to resist U.S. encroachment and delay loss of autonomy for as long as many of them along

⁶¹ The interview with Clara Brown was conducted as part of anthropologist Shelby Jo-Anne Tisdale's doctoral research in 1997, quoted in Tisdale, "Cocopah Identity and Cultural Survival," 153.

⁶² Underhill, "Cocopah Indians."

the U.S.-Mexico border did. Before colonization, Cocopa bands lived in transient encampments throughout the Colorado River delta, migrating with the river to use its seasonal overflows to grow crops. Starting in the 1880s, a private land colonization scheme in the Mexican portion of the delta, led by land developer Guillermo Andrade, threatened to disrupt traditional Cocopa subsistence practices as he sought to settle Cocopas on his lands. Cocopas refused his attempts, however, by moving from encampment to encampment along the river, planting crops as they had always done and bartering with various colonists who occupied Andrade's lands. A significant engineering mishap on the Colorado River redirected the river away from the delta for two years between 1905 and 1907, thus preventing Cocopas from overflow farming and forcing them into wage labor on both sides of the international border. Nevertheless, they adapted by drawing on their past mobility. U.S. Indian agents sought to establish a reservation for Cocopas in order to enforce distinctions between Mexican Cocopas and U.S. Cocopas, but many Cocopas did not acknowledge the authority of either the U.S. or Mexican governments and continued to cross the border freely for wage labor opportunities through the 1910s. Amidst tightening border restrictions, Cocopas resisted deportation by leveraging their value to the Yuma Valley agricultural economy. Nevertheless, factions developed within the tribe between those who sought benefits as wards of the U.S. government and those who sought continued cross-border mobility, and the border increasingly divided the tribe between Mexican Cocopas and U.S. Cocopas after the Immigration Act of 1924.

Nevertheless, this chapter demonstrates the power of Cocopa migratory strategies in allowing them to remain within their homelands well into the twentieth century. Beneath the strictures of growing administrative control of land and water in the Colorado River borderlands ran an undercurrent of situational fluency—strategies of mobility that allowed Cocopas to retain

some autonomy. Examples of unlikely alliances, mobility, wage labor, and landscape change are therefore as important to understanding Native resistance to national expansion as are examples of raids and warfare. Like other tribes, Cocopas eventually succumbed to the pressures of increasing state power over the Colorado River borderlands, which manifested as tighter border enforcement, settler encroachment, and stabilization of the river with the construction of Hoover Dam by the mid-1930s. The resistance strategies associated with migrating with the river were no longer available to them. In response to a hardened border that ran through their land and lifeblood, Cocopas composed a song at once elegiac and defiant:

This land is mine
It is our land
The land of the riverbank;
was mine long ago,
when the Indians were Indians,
when the Indians;
when they came and went.⁶³

⁶³ La Tierra Mía,” in Yolanda Sanchez Ogas, *A La Orilla del Rio Colorado: Los Cucapa* (Mexicali: Colonia Pro-Hogar, 2000), 168. Cocopa member Agustín Sáñez González related this song to Ogas.



Figure 6: To plant crops using traditional methods, Cocopas took advantage of the moisture left in soil after Colorado River floodwaters receded. Photo c. 1900. Photo courtesy of Archivo Histórico del Municipio de Mexicali.



Figure 7: A Cocopa home and residents c. 1900. The structure was built out of mud and wood found in the river bottomlands. Photo courtesy of Archivo Histórico del Municipio de Mexicali.

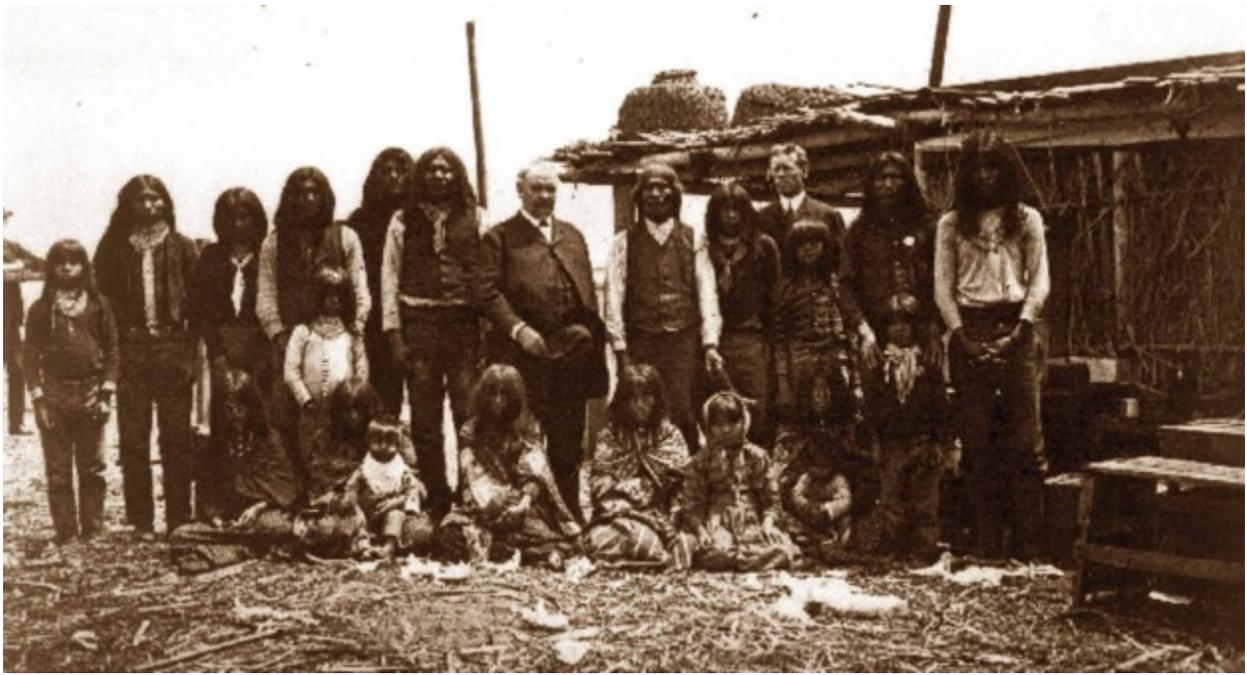


Figure 8: Cocopas with ethnographer William McGee during his 1900 visit to their lands nearby the Lerdo Colony. A traditional Cocopa home is in the background. Photo courtesy of Archivo Histórico del Municipio de Mexicali.



Figure 9: A camp of land developers in the Colorado River delta, c. 1890. Photo courtesy of Archivo Histórico del Municipio de Mexicali.



Figure 10: Cocopas gather in a home in the river's bottomlands near the Lerdo Colony in 1900. Photo courtesy of Archivo Histórico del Municipio de Mexicali.



Figure 11: A Cocopa man on a horse in the Colorado River's bottomlands in 1923. Photo courtesy of Archivo Histórico del Municipio de Mexicali.



Figure 12: Cocopas working as wage laborers on canal-building projects just south of the international border c. 1900. Photo courtesy of Archivo Histórico del Municipio de Mexicali.



Figure 13: In search of wage labor, Cocopa families dispersed throughout the delta on both sides of the border, n.d.. Photo courtesy of Archivo Histórico del Municipio de Mexicali.



Figure 14: Cocopa man on horseback near the Lerdo Colony in 1904. Photo courtesy of Archivo Histórico del Municipio de Mexicali.



Figure 15: A Cocopa man using a raft made out of tules to cross the Colorado River, n.d. Photo courtesy of Archivo Histórico del Municipio de Mexicali.



Figure 16: Cocopas cutting wood in the Colorado River's bottomlands as wage laborers in the steamboat economy, late 19th century. Photo courtesy of Archivo Histórico del Municipio de Mexicali.



Figure 17: Cocopa women working as wage laborers in cotton fields in the Colorado River delta, n.d. Photo courtesy of Archivo Histórico del Municipio de Mexicali.



Figure 18: Frank Tehanna near the Lerdo Colony in 1900. Photo courtesy of Archivo Histórico del Municipio de Mexicali.

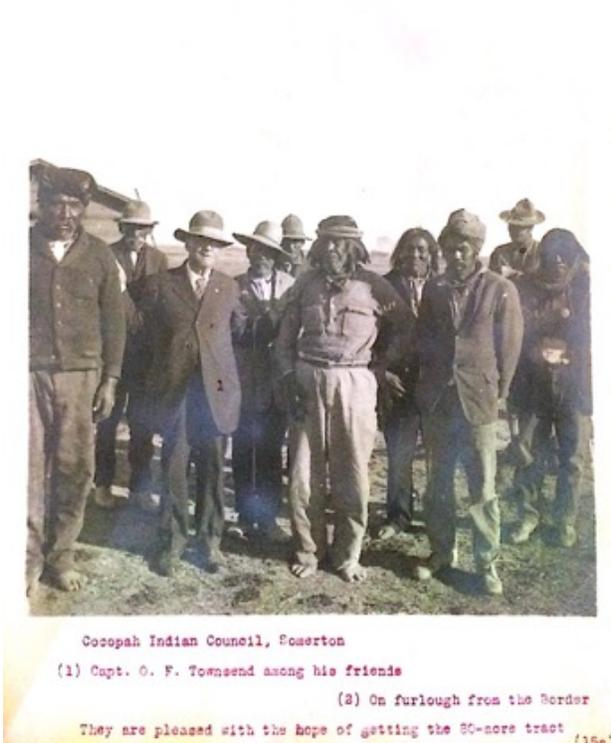


Figure 19: Cocopa Indian Council near the newly established reservation with U.S. Indian Agent O.F. Townsend, c. March 1917. Photo courtesy of National Archives, Washington, D.C., RG 75, CCF 1907-39, Fort Yuma, Box 20, Folder 29807-17.

Chapter Two Enclaves of Autonomy: Quechan Indians

Introduction

On a Sunday morning in the spring of 1914, a Bureau of Indian Affairs agent named John Rhoades, in his dual capacity as the deputized Chief of the Indian Police on the Fort Yuma Indian Reservation and teacher at the Fort Yuma Indian school, drove a horse and buggy several miles west of the town of Yuma to the Colorado River's bottomlands between a levee and the river on the Arizona side of the U.S.-Mexico border. The purpose of his visit was to compel a group of Quechans—as Yuma Indians prefer to be called—living on these lands to send their children to school on the reservation, which they had previously refused to do.¹ Since he had visited them the previous week and had not succeeded in rounding up the children, these Quechans knew his purpose and were prepared to do everything they could to thwart him the next time he visited their encampment along the river. By his own testimony, when he had rounded the bend the previous week, “instead of being ready to come with me, the children on sight of the wagon screamed and ran for the timber where many of them took boats and crossed the river into Mexico.” The following week, he returned to their encampment “to find every house that ought to contain children vacant and learned from other Indians that early that morning the families had taken boats and crossed into Mexico.” As he returned to the reservation empty handed, his interpreter informed him that these Quechans had held a meeting and agreed to “resist every effort to have the children taken to school.”²

¹ Early Spanish explorers named the tribe “Yuma” and U.S. and Mexican officials refer to the tribe primarily as “Yumas.” Throughout this chapter I follow the tribe's wish to be called by their aboriginal name, “Quechan.” The two terms, however, are synonymous. For more on nomenclature, see Daryll Forde, *Ethnography of the Yuma Indians* (Berkeley: University of California Press, 1931), 88-89.

² John Rhoades to L.A. Dorrington, September 8, 1914, RG 75, CCF 1907-1939, Box 8, Folder 43253-14, NARA I.

As Rhoades's testimony shows, a group of Quechans resisted conscripted enrollment as members of the Fort Yuma Indian Reservation by living within the fugitive landscapes of the Colorado River's bottomlands, which spanned the U.S.-Mexico border. Here, they were able to maintain a semblance of their traditional subsistence patterns, tribal organization, and belief systems in a rapidly changing landscape. The Bureau of Indian Affairs (BIA)—the U.S. federal agency overseeing the administration of Indian reservations—sought to compel all Quechans to become wards of the U.S. government and assimilate into mainstream Anglo society by enrolling on the reservation, sending their children to the Fort Yuma Indian School, and farming individual parcels of reservation land called allotments. For the BIA to allot and assimilate Quechans, Indian agents would need to count, name, and enroll their full population. But as the opening vignette attests, agents encountered the challenge presented by those Quechans who lived in the river's bottomlands and refused to comply with such imperatives. These Quechans used a number of resistance strategies: relying on the river's seasonal overflow to farm using traditional methods; using the river to cross back and forth between the U.S. and Mexico to escape the oversight of Indian agents; building informal alliances with Mexican officials to resist extradition to the U.S.; refusing to give names and locations to Indian agents attempting to conduct censuses for tribal enrollment; and refusing to send children to the Indian school. They employed such strategies to create enclaves of autonomy—small spaces on both sides of the U.S.-Mexico border in the river's bottomlands where some Quechans resisted becoming wards of the U.S. government.³ This chapter focuses on how these Quechans used the fugitive landscapes of the Colorado River bottomlands to create enclaves of autonomy during the crucial years of allotment

³ I derive the term “enclaves of autonomy” from Sarah Deutch, “Landscape of Enclaves: Race Relations in the West, 1865-1990,” ed. William Cronon et al. *Under an Open Sky: Rethinking America's Western Past* (New York: W.W. Norton, 1992), 110-131.

between 1893 and 1914. It follows an arc from their occupancy of bottomlands on the Mexican side of the river during the 1890s to their occupancy of bottomlands on the U.S. side of the river in the 1910s.

The U.S. government's establishment and allotment of the Fort Yuma Indian Reservation made "outlaws" of Quechans who refused to become wards of the state. What Indian agents perceived as lawlessness, autonomous Quechans experienced as resistance—fugitivity and autonomy were often two sides of the same coin. This chapter thus builds on the work of scholars who have shown how the increasing administrative oversight over land and resources redefined the legal status of Indians in the U.S. West.⁴ As historian Karl Jacoby shows in *Crimes Against Nature*, using the example of national park designations in the late nineteenth century, "conservation was but one piece of a larger process of colonization and state building in which Indian peoples were transformed (in theory, at least) from independent actors to dependent wards bound by governmental controls." Nevertheless, Jacoby demonstrates how, "despite the unequal balance of power between themselves and non-Indian society, native peoples were able through a variety of tactics to elude the controls placed on them, and even, at other times...to challenge them."⁵ As this chapter will show, the designation and allotment of the Fort Yuma Indian

⁴ Prominent examples include Karl Jacoby, *Crimes Against Nature: Squatters, Poachers, Thieves, and the Hidden History of American Conservation* (Berkeley: University of California Press, 2001); Louis Warren, *The Hunter's Game: Poachers and Conservationists in Twentieth-Century America* (New Haven: Yale University Press, 1999); Mark David Spence, *Dispossessing the Wilderness: Indian Removal and the Making of the National Parks* (New York: Oxford University Press, 2000); Richard White, *The Roots of Dependency: Subsistence, Environment, and Social Change Among the Choctaws, Pawnees, and Navajos* (Lincoln: University of Nebraska Press, 1983); David Rich Lewis, *Neither Wolf Nor Dog: American Indians, Environment, and Agrarian Change* (New York: Oxford University Press, 1994); Joshua Reid, *The Sea is My Country: The Maritime World of the Makahs* (New Haven: Yale University Press, 2015); David Chang, *The Color of the Land: Race, Nation, and the Politics of Landownership in Oklahoma, 1832-1929* (Chapel Hill: University of North Carolina Press, 2010); Alexandra Harmon, "American Indians and Land Monopolies in the Gilded Age," *Journal of American History* 90 (June 2003): 106-133; and Donald Fixico, *The Invasion of Indian Country in the Twentieth Century: American Capitalism and Tribal Natural Resources* (Boulder: University Press of Colorado, 1998). For theoretical grounding on the effects of a nation-state's administrative oversight on local populations and resources, see James Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed* (New Haven: Yale University Press, 1998).

⁵ Jacoby, *Crimes Against Nature*, 151-152.

Reservation had similar effects, demonstrating a different landscape and transnational context in which these dynamics played out.⁶

To be sure, by the latter part of the nineteenth century, the U.S. government's designation of Indian reservations marked the end of Native autonomy for most tribes in the U.S.-Mexico borderlands and across the U.S. West more generally. As historian Brian DeLay puts it, "Comanches, Navajos, Apaches, and others who enjoyed dominion over millions of acres of land...would, within a few decades of the Treaty of Guadalupe Hidalgo, be living impoverished, bounded lives on policed reservations."⁷ Quechans were no exception—historian Natale Zappia marks the "end of Native autonomy" with the establishment of the Fort Yuma Indian Reservation in 1884. From then on, Quechans living on the reservation were wards of the U.S. government, forced to farm allotments, send their children to school, and assimilate into mainstream Anglo culture.⁸ Yet this chapter demonstrates that beneath this dominant trend ran an undercurrent of enclaves of autonomy. In the fugitive landscape of the Colorado River bottomlands on both sides of the U.S.-Mexico border, small groups of Quechans retained vestiges of autonomy by mounting powerful efforts to resist reservation life and forced assimilation. This chapter thus contributes to a well-established but still-growing historiography on Native resistance during the reservation era.⁹

⁶ This argument builds on David Chang's work, which addresses Creek Indian rejection of allotment during a similar period. He writes, "the most common form of resistance was the refusal to be enrolled or to choose an allotment." Chang, *Color of the Land*, 96. See also Brian DeJong, *Stealing the Gila: The Pima Agricultural Economy and Water Deprivation, 1848-1921* (Tucson: University of Arizona Press, 2009), 110-134.

⁷ Brian DeLay, *War of a Thousand Deserts: Indian Raids and the U.S.-Mexico War* (New Haven: Yale University Press, 2008), xxi.

⁸ Natale Zappia, *Traders and Raiders: The Indigenous World of the Colorado Basin, 1540-1859* (Chapel Hill: University of North Carolina Press, 2014), 115, 140.

⁹ See, for example, Evelyn Hu-DeHart, *Yaqui Resistance and Survival: The Struggle for Land and Autonomy* (Madison: University of Wisconsin Press, 1984); Jeffrey Schulze, *Are We Not Foreigners Here?: Indigenous Nationalism in the U.S.-Mexico Borderlands* (Chapel Hill: University of North Carolina Press, 2018); Eric Meeks, "The Tohono O'odham, Wage Labor, and Resistant Adaptation, 1900-1930," *Western Historical Quarterly* 34, no. 4 (2003): 468-489; Nick Estes, *Our History is the Future: Standing Rock Versus the Dakota Access Pipeline, and the Long Tradition of Indigenous Resistance* (New York: Verso, 2019); and Reid, *The Sea is My Country*.

Gradual Loss of Quechan Autonomy

In order to see how fugitive landscapes formed in the Colorado River's bottomlands, and how some Quechans created enclaves of autonomy within these landscapes starting in the 1890s, it is important to understand the growing administrative oversight that led to the Quechans' gradual loss of autonomy through the second half of the nineteenth century. The bottomlands these Quechans occupied were small fragments of their indigenous homelands. Since the lands of the delta are some of the most arid in North America, the river was historically the Quechans' lifeblood. They relied heavily on agriculture for subsistence using the seasonal overflow of the river as irrigation. Bands lived throughout the river's bottomlands until the flood season came in April or May, when they would move to nearby mesas and uplands to escape inundation until the river returned to its channel.¹⁰ When the flood waters receded enough to expose mud, usually in June or July, Quechans would plant maize, beans, pumpkins, melons, and grasses, relying on the moist soil to provide the irrigation necessary for the crops to grow.¹¹ They relied on this agricultural method to maintain autonomy in the face of increasing encroachment, starting in the mid-nineteenth century.

Traditionally, multiple bands of Quechans lived in widely scattered settlements along both sides of the Colorado River in the northern portion of the delta, each located on land that could be irrigated from the river's seasonal overflow.¹² Quechans' ancestral territory was north of the Cocopas, east of the Diegueños, south of the Mojaves, and west of the Maricopas.¹³ Each

¹⁰ Forde, *Ethnography*, 101. For more on Quechan agricultural techniques and practices, see Edward Castetter and Willis Bell, *Yuman Indian Agriculture: Primitive Subsistence on the Lower Colorado and Gila Rivers* (Albuquerque: University of New Mexico Press, 1951), esp. 131-178.

¹¹ Forde, *Ethnography*, 109.

¹² Here, I am using the term "settlement" in the informal sense, to mean a place where people establish a community, not in the legal sense connoting the ownership of property.

¹³ Eugene Trippel, "The Yuma Indians," *Overland Monthly* 13, no. 78 (June 1889): 561-584, 562.

band's settlement had its own leader and was politically autonomous and distinct from the others, even though collectively they maintained a strong sense of tribal unity.¹⁴ Quechans' autonomy was slowly degraded starting in the mid-nineteenth century. The 1848 Treaty of Guadalupe Hidalgo and subsequent 1854 Gadsden Purchase defined a thirty-mile section of the modern U.S.-Mexico border as the Colorado River between Yuma, Arizona and San Luis Rio Colorado, Mexico. The newly redrawn border divided the tribe between bands living in Mexico and those living in the United States. From this point forward, the U.S. exerted increasing influence over Quechans living on the U.S. side of the border. In 1852, the U.S. military established a garrison called Fort Yuma to quell Quechan depredations against forty-niners who had to cross Quechan territory en route to the California gold fields. The military presence effectively quelled Quechan violence against Euro-Americans, and the military declared the Quechans "conquered" and "entirely subdued" soon after Fort Yuma was established. Nevertheless, Quechans managed to maintain some autonomy by inhabiting their ancestral bottomlands along the river, subsisting by planting crops using overflow irrigation and cutting wood along the river to sell to the growing steamboat economy.¹⁵

Quechans' autonomy was further eroded when, in 1884, an executive order by the U.S. president established the Fort Yuma Indian Reservation. The reservation comprised 54,000 acres in the southeasternmost corner of California, and was bounded to the south and east by the Colorado River. The executive order also provided that jurisdiction of the reservation would be assumed by the U.S. Department of the Interior.¹⁶ Although the reservation existed within

¹⁴ Forde, *Ethnography*, 139-140.

¹⁵ Jack Forbes, *Warriors of the Colorado: The Yumas of the Quechan Nation and their Neighbors* (Norman: University of Oklahoma Press, 1965), 338-339.

¹⁶ *Executive Orders Relating to Indian Reserves, from May 14, 1855, to July 1, 1902* (Washington, D.C.: Government Printing Office, 1902), 35.

ancestral Quechan territory—thus offering the tribe more connection to their Indigenous homelands than other tribes that were displaced to a reservation far from their homelands—it also became another administrative boundary with which Quechans had to contend. Increasingly, as far as the U.S. government was concerned, Quechans’ territorial reach would be synonymous with the boundaries of the reservation. Nevertheless, in practice, at least in the years immediately following the reservation’s establishment, Quechans lived both on and off the reservation as they wished. In an 1889 *Overland Monthly* article, ethnographer Eugene Trippel noted that “they are free to wander where they choose, live where they prefer, and do pretty much as they please; these privileges are seldom abused.”¹⁷

In the mid-1880s, the BIA set about attempting to assimilate Indians into mainstream U.S. society.¹⁸ One way they did this was through education. Shortly after the Fort Yuma Indian Reservation was established, in 1886, the BIA decommissioned the military fort and repurposed it as an Indian school. Like other Indian schools that were appearing across the U.S. during this period, its purpose was to assimilate Indian children into mainstream U.S. society by replacing Indigenous culture with Anglo culture under the motto of “kill the Indian, save the man.”¹⁹ For example, students were separated from their parents, boys’ hair was cut short, and they learned trades such as tinsmithing and carpentry that the BIA hoped Quechan men could use to become self-sufficient U.S. citizens. The BIA deputized an order of Catholic nuns led by a woman named

¹⁷ Trippel, “The Yuma Indians,” 562.

¹⁸ On Indian assimilation, see Frederick Hoxie, *A Final Promise: The Campaign to Assimilate the Indians, 1880-1920* (Lincoln: University of Nebraska Press, 1984).

¹⁹ The literature on Indian schools is extensive. Examples of important works include Francis Paul Prucha, *The Great Father: The United States Government and the American Indians* (Lincoln: University of Nebraska Press, 1984), 687-715, 814-840; K. Tsianina Lomawaima, *They Called it Prairie Light: The Story of the Chilocco Indian School* (Lincoln: University of Nebraska Press, 1995); David Wallace-Adams, *Education for Extinction: American Indians and the Boarding School Experience, 1875-1928* (Lawrence: University of Kansas Press, 1995); Clyde Ellis, *To Change Them Forever: Indian Education at the Rainy Mountain Boarding School, 1893-1920* (Norman: University of Oklahoma Press, 1996); and Frederick Hoxie, *A Final Promise*.

Mary O'Neil to run the Indian school.²⁰ Quechan children protested the severe punishments that the nuns meted out and parents protested the loss of culture that sending their children to the Indians school entailed. For these reasons, some Quechans would come to resist government authority by withholding their children from school.

U.S. Indian assimilation policies also found expression in allotment. In 1887, the U.S. Congress passed the Dawes Severalty Act. This act was intended to gradually do away with Indian reservations across the U.S. by subdividing collectively held tribal lands into privately held allotments owned by individual Indians and teaching them how to farm using Euro-American methods. The allotted Indians would be wards of the U.S. government for twenty-five years under trust patents, after which they would be granted U.S. citizenship. In order to implement the Dawes Act, the BIA sought to take family histories and censuses of tribes to enroll individuals as residents of each reservation, thus making them subjects of the U.S. government. After being enrolled, each Indian was to receive an allotment of land. The Dawes Act was passed before any of the U.S. West had been formally irrigated, and it stated that only reservation lands deemed irrigable could be allotted.²¹ In order to make lands within the Fort Yuma Indian Reservation formally irrigable, they would need to be protected by levees from the river's seasonal overflows and given a reliable supply of water via canals diverted from the river.

²⁰ On the role of Catholic nuns on Indian reservations in the U.S. West, see Anne Butler, *Across God's Frontiers: Catholic Sisters in the American West, 1850-1920* (Chapel Hill: University of North Carolina Press, 2012); and Danae Jacobson, "Spiritual Geographies: How Nuns Changed the U.S. West" (Ph.D. diss., University of Notre Dame, 2019).

²¹ For good general overviews of impacts of the Dawes Act and allotment, see Prucha, *The Great Father*, 659-686; Emily Greenwald, *Reconfiguring the Reservation: The Nez Percés, Jicarilla Apaches, and the Dawes Act* (Albuquerque: University of New Mexico Press, 2002), esp. 15-36; C. Joseph Genetin-Pilawa, *Crooked Paths to Allotment: The Fight over Federal Indian Policy after the Civil War* (Chapel Hill: University of North Carolina Press, 2012), 134-155; David Rich Lewis, *Neither Wolf Nor Dog*, 139-141; and R. Douglas Hurt, *Indian Agriculture in America: Prehistory to the Present* (Topeka: University Press of Kansas, 1987), 136-153; Leonard Carlson, *Indians, Bureaucrats, and Land: The Dawes Act and the Decline of Indian Farming* (Westport: Greenwood Press, 1981); and David Chang, *The Color of the Land*, 71-109.

It would be years before this infrastructure was built, but the Dawes Act paved the way for allotment to proceed under the assumption that the land would become irrigable.

In 1893, three commissioners from the BIA's headquarters in Washington, D.C. arrived on the Fort Yuma Indian Reservation to implement the Dawes Act. In collaboration with the Catholic nuns, these commissioners forced Quechans to sign an "agreement" that stipulated the following: The tribe would cede almost half of their reservation—25,000 acres—in exchange for five-acre allotments on the remaining lands, with water rights given to each Quechan. Quechans would be expected to farm their allotments for twenty-five years under trust patents. The proceeds of the sale of the remaining irrigable lands at public auction would be held for the tribe, and the remaining non-irrigable land would be opened to settlement under public land laws. The U.S. government would contract with a private irrigation company called the Colorado River Irrigation Company to build the irrigation system. This agreement was ratified by Congress in an act of 1894.²²

However, substantial evidence collected by Quechans after the fact indicates that the 1893 "agreement" was fraudulent. Quechans testified that it was secured by the commissioners through deceit and coercion. In a 1935 eyewitness account of the events that transpired leading up to the commissioners' arrival on the reservation, Patrick Miguel, the son of Chief Miguel, who was leader of the Quechans on the reservation during this time, claimed that commissioners had exploited divisions within the tribe, and that dissenting Quechans were jailed while the signatures were made. Moreover, the eye-witness account suggests that the 203 signatures

²² For the text of the 1893 agreement, see "Articles of Agreement Made and Entered Into on the Fort Yuma Indian Reservation, County of San Diego, California, on the Part of the Yuma Indians," July 24, 1893; in Senate, Letter from the Secretary of the Interior, Transmitting a Copy of an Agreement with the Yuma Indians, with a Report from the Commissioner of Indian Affairs and Accompanying Papers, 53d Cong., 2d sess., 1894, S. Ex. Doc. 68, serial 3160. For the text of the act of 1894 ratifying the 1893 agreement, see Act of August 15, 1894, 28 Stat. 286 at 332, *Congressional Record*, 53d Cong., 2d sess., July 12, 1894, 26: 7386-87.

themselves were fraudulent, as many Quechans on the reservation who signed were illiterate and forced to sign without understanding its terms. The Agency police also rounded up members of other tribes on both sides of the U.S.-Mexico border and forced them to sign. Finally, commissioners manufactured 40 names that none of the Quechans recognized.²³

In the years that followed, the 1893 agreement did not fulfill its stated stipulations. The Colorado River Irrigation Company never began construction on the irrigation project, so allotment could not proceed, at least initially. Nevertheless, the land cession took place in 1894, and the U.S. General Land Office—the federal agency tasked with administering public lands—assumed control over the 25,000 acres. The lands the Quechans had ceded to the government were eventually irrigated and opened to settlement, but the tribe never saw the proceeds as the agreement had stipulated. In the decades following the agreement, officials at the highest levels of the BIA acknowledged these failures. In 1931, John Collier, who would become Commissioner of Indian Affairs in 1933, derided the agreement as a “swindle.”²⁴ Quechan attempts to recover proceeds from the sale of lands they had lost would be tied up in litigation and congressional hearings for the better part of a century.²⁵

²³ For a Quechan eye-witness account of the 1893 agreement, see “Quechan Tribe of Fort Yuma Reservation, California hearings before the Subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs,” United States Senate, 94th Cong., 2d sess., on oversight on Quechan land issue, May 3 and June 24, 1976 (Washington, D.C.: Government Printing Office, 1976), 89-94.

²⁴ John Collier to Lynn Frazier, October 25, 1931, RG 48, CCF 1937-53, Box 3395, File 5, NARA II.

²⁵ Litigation culminated in a series of 1976 hearings before the U.S. Congressional Subcommittee on Indian Affairs. Testimony and evidence from these hearings is contained within “Quechan Tribe of Fort Yuma Reservation, California hearings before the Subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs,” United States Senate, 94th Cong., 2d sess., on oversight on Quechan land issue, May 3 and June 24, 1976 (Washington, D.C.: Government Printing Office, 1976). The following works analyze the events leading up to, and the effects of, the 1893 agreement: Robert Bee, *Crosscurrents Along the Colorado: The Impact of Government Policy on the Quechan Indians* (Tucson: University of Arizona Press, 1981), 33-42; Robert Sauder, *The Yuma Reclamation Project: Irrigation, Indian Allotment, and Settlement Along the Lower Colorado River* (Reno: University of Nevada Press, 2009), 40-44; and Ian Michael Smith, “From Subsistence to Dependence: The Legacy of Reclamation and Allotment on Quechan Indian Lands, 1700-1940” (MA thesis, University of Montana, 2010), 48-80.

Allotment eventually proceeded once water had been secured for the Fort Yuma Indian Reservation. The 1902 Newlands Reclamation Act brought the task of diverting water from rivers to irrigate arid lands across the U.S. West under a new federal agency within the Department of the Interior, the U.S. Reclamation Service.²⁶ This agency obviated the need for private irrigation companies to allot and settle arid lands. Irrigation of the Fort Yuma Indian Reservation occurred several years later under the Indian Appropriations Act of 1904, which provided for the allotment and sale of irrigable reservation lands through one of the first reclamation projects in the nation, the Yuma Reclamation Project. This project, which began in 1903, would by 1909 build infrastructure along the Colorado River that would make possible irrigation of 86,700 acres throughout the Yuma area on both the Arizona and California sides of the river, including 9,000 acres of ceded lands and 8,000 acres of Indian allotments.²⁷ The Yuma Reclamation Project initiated a land rush because it opened a great deal of irrigated land to settlement. As a result, Quechans experienced settler encroachment within and outside the reservation. The actual allotting of the reservation would not begin until 1911 when another act of Congress determined allotment size.²⁸

²⁶ For a good general overview of the 1902 Reclamation Act and its effects on the irrigation of the U.S. West, see Donald Pisani, *Water and American Government: The Reclamation Bureau, National Water Policy, and the West, 1902-1935* (Berkeley: University of California Press, 2002). See also Mark Fiege, *Irrigated Eden: The Making of an Agricultural Landscape in the American West* (Seattle: University of Washington Press, 1999); Donald Worster, *Rivers of Empire: Water, Aridity, and the Growth of the American West* (New York: Oxford University Press, 1992). For an analysis of how reclamation affected the Colorado River delta in particular, see Shaylih Muehlmann, *Where the River Ends: Contested Indigeneity in the Mexican Colorado Delta* (Durham: Duke University Press, 2013), 25-54; Evan Ward, *Border Oasis: Water and the Political Ecology of the Colorado River Delta, 1940-1975* (Tucson: University of Arizona Press, 2003); Eric Boime, "'Beating Plowshares into Swords': The Colorado River Delta, The Yellow Peril, and the Movement for Federal Reclamation, 1901-1928," *Pacific Historical Review* 78, no. 1 (2009): 27-53. For an overview of water policy on Indian lands in the U.S. since the turn of the twentieth century, see Daniel McCool, *Command of the Waters: Iron Triangles, Federal Water Development, and Indian Water* (Tucson: University of Arizona Press, 1994).

²⁷ Two works in particular analyze the impact of irrigation on the Fort Yuma Indian Reservation: Robert Sauder, *The Yuma Reclamation Project* (Reno: University of Nevada Press, 2009); and Smith, "From Subsistence to Dependence."

²⁸ Sauder, *Yuma Reclamation Project*, 57-88.

Two major infrastructural components of the Yuma Reclamation Project were of particular importance to Quechans. One was Laguna Dam, which diverted water from the river on the northern edge of the reservation to all Yuma Reclamation Project lands, including the reservation, via canals. In years to come, Laguna Dam would have an unintended consequence of diminishing seasonal overflows that Quechans had depended upon for traditional farming along the river. The other component was the construction of levees. Levees protected lands from seasonal overflows and thus allowed them to be irrigated and settled or allotted without the risk of flooding. Levees were built on both sides of the river in Arizona and California, but because the U.S.-Mexico border followed the river on the west side of the Arizona levees and the U.S. Reclamation Service only had jurisdiction over U.S. soil, levees were only built on the U.S. side of the border along the river. Levees were roughly a half mile from the river, which meant that the bottomlands between levees and the river still flooded.

The cumulative effect of this increasing administrative oversight was the privatization of land on both sides of the Colorado River. On the Mexican side of the border, most of the land had been purchased by the wealthy businessman, Guillermo Andrade, in 1896 for settlement and construction of an irrigation canal. Nevertheless, spaces along the river could not easily be settled because the seasonal overflow rendered the land prone to flooding. In the U.S., land was either designated as part of the reservation or opened to public entry under the Homestead Act, which allowed settlers to purchase individual parcels from the General Land Office. However, land along the river fell outside of either category and was considered wasteland because it proved too unreliable for settlement. Levees and irrigation would accentuate the division between bottomlands and settled lands in the Yuma Valley. And so, accompanying administrative oversight over lands that were already or were soon to be privatized, emerged a

fugitive landscape in the Colorado River bottomlands that fell outside the purview of state control.

Quechans Occupy Rancho de Los Algodones

A group of Quechans resisted the terms of the 1893 agreement by residing in the northeastern corner of Baja California, just across the U.S.-Mexico border from the Fort Yuma Indian Reservation. Guillermo Andrade, a wealthy Mexican businessman who owned a large part—approximately 300,000 acres—of the Mexican portion of the Colorado River delta, purchased these lands from the Mexican government in 1896. Rancho de Los Algodones, as the recently purchased portion of Andrade’s holdings occupied by the Quechans was called, was a long, narrow 48,000-acre tract extending southward along the stretch of the U.S.-Mexico border drawn by the Colorado River. The ranch was valuable to Andrade because it offered the prospect of the cheapest and easiest route for a canal that could divert water from the Colorado River to irrigate the fertile but arid lands of the delta. The river was also the principal reason why the land where the ranch was now located was valuable to Quechans, who had for centuries depended upon the river’s overflow to cultivate crops. Indeed, the ranch was reportedly named after the longtime Indian settlement of Los Algodones that was located several miles below the international line.²⁹ As we have seen, Andrade also had intended to “colonize” his land holding further south, the Lerdo Colony, with Mexicans in order to maintain legal possession.³⁰

Andrade was concerned that there were twenty-five Quechan families that had been living on Rancho de Los Algodones in the years since he acquired the land, and he complained to

²⁹ William Oral Hendricks, “On An Attempt to Expel Some Yuma Indians from Baja California, Part II,” *Pacific Coast Archaeological Society Quarterly* 6, no. 1 (January 1970): 47-57, 47-51. For more on Guillermo Andrade and his land holdings in the Mexican portion of the Colorado River delta, see William Oral Hendricks, *Guillermo Andrade y el Desarrollo del Delta Mexicano del Rio Colorado, 1874-1905* (Tijuana: Universidad Autónoma de Baja California, 1996).

³⁰ See Chapter One.

the Mexican Ministry of Foreign Affairs in an attempt to expel them. Responding to Andrade's complaint, on May 1, 1897, Mexican Ambassador Matías Romero wrote the U.S. Secretary of State with a list of Quechan names to inquire whether they fell under U.S. jurisdiction. If so, this would alleviate Mexican officials' anxieties about using military force to eject the Quechans.

"Señor Andrade applied to the Mexican government, asking that the aforesaid Indians be forcibly expelled from his lands," he wrote. "Before giving orders to that effect, the Mexican government desires to know whether, in virtue of the jurisdiction which the government of the United States exercises over the Indians, it could make them return to the Yuma Reservation, since in case this cannot be done the Mexican government would have to use force to eject them from the lands they are wrongfully occupying."³¹ While the lands comprising Rancho de Los Algodones were part of ancestral Quechan territory, it appears these particular Quechan residents had been living for a number of years prior to the 1893 agreement on the Fort Yuma Reservation. In attempting to answer the question of jurisdiction, Ambassador Romero wrote, "a number of Yuma Indians of the Fort Yuma Reservation in California...have crossed into Mexican territory and established themselves on the Rancho de Los Algodones."³²

The Mexican Embassy and BIA believed that the question of jurisdiction could be answered by determining whether the Quechans had sought allotments on the reservation after the 1893 agreement. After the agreement had been ratified by the act of 1894, Indian agents worked to begin allocating individual allotments to Quechans. Both the Superintendent of the Fort Yuma Indian School, Mary O'Neil, and Mexican Ambassador Romero claimed that the

³¹ Mexican Ambassador Matías Romero to U.S. Secretary of State, March 1, 1897, quoted in Hendricks, "On An Attempt to Expel Some Yuma Indians from Baja California, Part II," 51-52. Hendricks copied verbatim and translated these officials' correspondence in this article. He reports that the U.S. National Archives contain the original documents of this and subsequent correspondence.

³² Mexican Ambassador Matías Romero to U.S. Secretary of State, March 1, 1897, quoted in Hendricks, "On An Attempt to Expel Some Yuma Indians from Baja California, Part II," 51-52.

Quechans now living south of the border had previously applied for allotments. Romero observed in his correspondence with the U.S. Secretary of State, for example, that “in distributing the lands of the Fort Yuma Reservation among the Indians of that tribe, those who are now on the Algodones ranch had made application for their share, which indicates that they intend to maintain their standing in the United States.”³³ O’Neil reinforced this position, arguing that “the fact of their claiming the rights and privileges of reservation Indians and the signing of that treaty for the division of their land in severalty is an evidence of their intention to be members of the tribe and subject to the government, and this was done by them voluntarily and without coercion notwithstanding the statements made by them on the contrary.”³⁴ This correspondence suggests that officially, at least, O’Neil and Romero thought that these Quechans fell under U.S. jurisdiction because they had resided on the reservation. However, it was not clear whether these Quechans in fact had sought allotments on the reservation. Quechans like Patrick Miguel, the son of the leader of the group of Quechans who had historically lived south of the border, would many years later challenge O’Neil’s claim that this group had favored allotment. “When the Government proposed an agreement with the Yumas to allot the Fort Yuma Reservation, this group of twenty-five families refused to have any part in the deal,” he wrote.³⁵

There were several reasons that these Quechans left the Reservation. While there is no evidence in their voices explaining their reasoning, correspondence between U.S. and Mexican officials suggests that one motivation for leaving the reservation was to raise crops using traditional methods of overflow farming in the river’s bottomlands; this could be more easily

³³ Ibid.

³⁴ Mary O’Neil to Commissioner of Indian Affairs, May 1, 1897, quoted in Hendricks, “On An Attempt to Expel Some Yuma Indians from Baja California, Part II,” 55-57.

³⁵ Patrick Miguel, Sr. “Quechan Indian Home-Sites,” n.d., AHS-Rio Colorado, Ephemera Collection.

accomplished across the international line. O’Neil wrote the Commissioner of Indian Affairs on May 1, 1897, that this group of Quechans “claimed to be a part of the Yuma Tribe of the Reservation giving as a reason for not living on the Reservation that there was more overflowed land in Mexico on which they could raise crops.”³⁶ Another reason they “quit the territory” may have been that they did not want to be forced to send their children to the Indian school because the nuns had been meting out harsh punishments and had separated children from their parents—a complaint that would resurface in later years.³⁷ O’Neil complained, for example, that “these Indians...immediately refused to send their children to school, set up a claim that they were Mexican Indians and defied the authority of the Yuma Reservation Chief and Police.”³⁸

Resolving the jurisdictional challenge of removing the Quechans from Andrade’s lands would require an investigation. Romero’s inquiry reached the desk of the Acting Commissioner of Indian Affairs via the U.S. State Department and Department of the Interior. The Commissioner of Indian Affairs declared that although the Quechans living in Mexico fell under U.S. jurisdiction, the BIA did not have authority to forcefully retain the Quechans on the reservation. So, he dispatched an Indian agent named Francisco Estudillo from the Mission Indian Agency in Riverside, California, to travel across the international line to attempt to persuade the Quechans to return to the reservation of their own volition. Writing to Andrade on March 24, 1897, the Mexican Foreign Minister reported,

the Commissioner of Indian Affairs declares that it is not possible to keep the Indians on the reservation against their will without using force, for which there is no provision, but that, by attention to the request of the government of Mexico, he has given instructions to the Indian Agent...to go to Señor Andrade’s ranch and try by all legal means within his power to induce the Indians to return to the Yuma Reservation, or at least leave Baja California, with the idea that if

³⁶ Mary O’Neil to Commissioner of Indian Affairs, May 1, 1897, quoted in Hendricks, “On An Attempt to Expel Some Yuma Indians from Baja California, Part II,” 55-57.

³⁷ Mexican Ambassador Matías Romero to U.S. Secretary of State Richard Olney, March 1, 1897, quoted in Hendricks, “On An Attempt to Expel Some Yuma Indians from Baja California, Part II,” 51-52.

³⁸ Mary O’Neil to Commissioner of Indian Affairs, May 1, 1897, quoted in Hendricks, “On An Attempt to Expel Some Yuma Indians from Baja California, Part II,” 55-57.

this does not succeed, it will suggest to the Mexican government the measures which might be convenient to adopt.³⁹

Sometime in the following three weeks, Estudillo arrived at the Algodones Quechan settlement and found the Quechans waiting for him at the house of a Mexican judge who lived nearby. They conversed by means of an interpreter. Estudillo quickly found the task of convincing them to return to the U.S. more difficult than he had anticipated, for the Quechans were unanimous in their refusal to vacate their lands. They showed him titles they claimed to have been given by the governor of Baja California, adamantly asserting that the lands were theirs and that they did not know or care which government claimed jurisdiction over the territory. Estudillo reported back to the Commissioner of Indian Affairs, on April 11, 1897:

I noted that the Indians did not want to leave their ancient homes. They say that they have lived for many years where they now reside, that they never knew to which government the lands belonged, and that always they have been theirs and still...they were in agreement on not wanting to leave their native country and go away to settle on American lands. Although unquestionably these Indians are Yumas, they have lived many years near the Colorado River without paying attention to which was the government under whose jurisdiction they were or whom they ought to obey.⁴⁰

The Quechans' refusal to leave—let alone recognize which government had jurisdiction over the lands they were occupying—showed that both the U.S. and Mexican governments would need stronger tactics if they were going to fulfill Andrade's desire to expel them from his ranch. "I do not understand what else can be done except to let them remain as and where they are," Estudillo concluded.⁴¹

While Estudillo did not accomplish his goal of removing the Quechans from Rancho de Los Algodones, he did apparently cause them much consternation. Patrick Miguel recollected

³⁹ Ignacio Mariscal, Mexican Foreign Minister to Guillermo Andrade, March 24, 1897, quoted in Hendricks, "On An Attempt to Expel Some Yuma Indians from Baja California, Part I," 57.

⁴⁰ Francisco Estudillo, United States Agent, to Commissioner of Indian Affairs, April 11, 1897, quoted in Hendricks, "On An Attempt to Expel Some Yuma Indians from Baja California, Part I," 58-59.

⁴¹ Ibid.

later that although Estudillo “failed to move the Indians,” he “left a nasty, hair-raising rumor” among Quechans both on the reservation and in Mexico that the BIA central office would issue orders to U.S. troops to “go down over the line and shoot all the Indians who continued to live there.”⁴² Miguel’s recollection is the only source that mentions the rumor, but it suggests the growing anxiety that Quechans felt about the increasing federal presence both on and off the reservation.

Since Estudillo had not succeeded in removing the Quechans, on April 24, 1897, the U.S. Commissioner of Indian Affairs forwarded a copy of Estudillo’s report to Mary O’Neil for her to comment on the situation and suggest some alternative strategies for accomplishing the Quechans’ removal. “Your report upon these points should be accompanied by such statement of fact and circumstance as will tend to support the position that the Indians are or are not American Indians, and that they have or have not a lawful right to occupy the land in question,” he wrote.⁴³ In response, on May 1, O’Neil reported that she was doubtful the BIA had jurisdiction over the Algodones Quechans, that children had been running away from the Indian school to join this group in Mexico and she could not persuade them to return. She elaborated that this group was a negative influence on the reservation Quechans because they harbored truant children: “The school children began to run away from this school and sought freedom in Mexico and in several instances where the parents of these children living on the Reservation went after them to return them to the school, these Indians threatened bodily harm to the messengers and refused permission for the parents to remove their children.” The problem of truant reservation children seeking haven among the Algodones Quechans proved especially thorny for determining

⁴² Patrick Miguel, Sr. “Quechan Indian Home-Sites,” n.d., AHS-Rio Colorado, Ephemera Collection.

⁴³ D.M. Browning, Commissioner of Indian Affairs, to Mary O’Neil, Superintendent, Fort Yuma Indian School, April 24, 1897, quoted in Hendricks, “On An Attempt to Expel Some Yuma Indians from Baja California, Part II,” 53-54.

whether the Quechans had lawful right to occupy the land in question. “Until this matter is definitely settled more or less trouble will be experienced as the school children know very well that once in Mexico they are safe even from their parents, and the Algodones Indians gladly welcome and encourage these truant children as they are very antagonistic to education and enjoy our discomfiture,” O’Neil stated.⁴⁴

Moreover, her jurisdictional problems were compounded by the fact that the Mexican judge who lived near the Quechans—probably the same judge whose house served as the meeting place for Estudillo and the Algodones Quechans when he visited the settlement—suggested that he did not have authority to send the children back to school, and that the reservation chief and police had no authority in Mexico. O’Neil surmised that the Algodones Quechans were bribing the judge to act on their behalf: “I am inclined to believe the Mexican Judge for personal reasons is desirous of the Indians remaining where they are, as they give him presents of food and grain all of which are very welcome and highly appreciated by this poorly paid official.” O’Neil concluded that the Algodones Quechans were largely autonomous, adhering to neither Mexican nor U.S. authority. “These Indians claim without any right the privilege of occupying land anywhere and recognize no ownership other than their own.”⁴⁵ In light of these constraints, O’Neil proposed a plan to secure the Quechans’ removal. She suggested that “the Mexican Government notify the Governor of Lower California to order the Judge at the Algodones to remove all Yuma Indians across the line, once there the Reservation police can handle them.”⁴⁶

⁴⁴ Mary O’Neil to Commissioner of Indian Affairs, May 1, 1897, quoted in Hendricks, “On An Attempt to Expel Some Yuma Indians from Baja California, Part II,” 55-57

⁴⁵ Ibid.

⁴⁶ Ibid.

The U.S. Department of Interior took up the matter to determine a legal method of expelling the Algodones Quechans. The department would have to resolve the question of whether it could legally remove the Quechans from Mexico, and it soon realized that this would be a difficult proposition. The Extradition Treaty of 1861 required that the Quechans would have had to have committed a crime in Mexico in order for the U.S. to extradite them, and they had not done so.⁴⁷ In light of the fact that neither the U.S. nor Mexican governments could accuse the Quechans of a crime, Smith concluded that the best they could do would be to follow the plan O'Neil outlined and ask the Mexican government to take the Quechans to the border where they would be met by the Indian police.⁴⁸ But in a May 12, 1897 letter to the Secretary of the Interior, the Acting Commissioner of Indian Affairs added the caveat that "if, in spite of the efforts this government makes toward that end, they insist on returning to Mexican territory and the government of that republic does not permit them to reside on some unoccupied lands, probably only a sentiment of compassion for their afflicted state will prevent the government from treating them as disturbers of the public tranquility, in conformity with the provisions of Mexican law in this particular [instance]."⁴⁹ The U.S. Department of State concurred, adding that "if the Mexican government insists on expelling them from its territory, this government will be ready to receive them in the manner that is suggested in the report of the Acting Commissioner of Indian Affairs and will do everything legally within its capacity in order to persuade them to remain within the territorial jurisdiction of the United States."⁵⁰ There is no evidence that either government

⁴⁷ Thomas P. Smith to Secretary of the Interior, May 12, 1897, quoted in Hendricks, "On An Attempt to Expel Some Yuma Indians from Baja California, Part I," 60-64.

⁴⁸ *Ibid.*

⁴⁹ *Ibid.*

⁵⁰ John Sherman to U.S. Secretary of State, May 19, 1897, quoted in Hendricks, "On An Attempt to Expel Some Yuma Indians from Baja California, Part I," 64-65.

successfully enacted this plan. However, the fact that the Quechans remained on these lands until at least 1910 suggests that extradition was not successful.

Quechans Refuse to Participate in Indian Agents' Collection of Family Histories in Mexico

In 1902, the Newlands Reclamation Act established the U.S. Reclamation Service, which assumed control over irrigation of the arid U.S. West. This had three major consequences for how land was used and allocated on the Fort Yuma Indian Reservation. Allotment of the reservation was supposed to begin shortly after the 1893 Agreement, when the U.S. government contracted with a private irrigation company, the Colorado River Irrigation Company, to bring water free of charge to five-acre Quechan allotments. This company went bankrupt and never began construction on irrigation projects, so with the passage of the 1902 act, the U.S. Reclamation Service took over the project of irrigating the reservation, thus allowing allotment to proceed. Another act, in 1904, authorized five-acre irrigated allotments to individual Quechans on 8,000 acres of the reservation as a part of the newly established Yuma Reclamation Project.]Quechans would hold allotments under 25-year trust patents, after which they would become U.S. citizens. The 1904 act also authorized the disposal of 9,000 acres of "surplus" irrigable lands on the reservation to be sold at public auction to settlers.⁵¹ In 1910 these lands would become the Bard Irrigation District. Finally, the 1904 act provided for the construction of major new water infrastructure, including levees along the river to prevent flooding of irrigated land and the Laguna Dam to divert water from the river to canals for irrigation under the Yuma Reclamation Project. Both of these projects would be completed in 1909, and would have dramatic impacts on Quechans who had continued to practice traditional overflow farming along the river.

⁵¹ Charles Hauke to Loson Odle, October 30, 1913, Fort Yuma, RG 75, CCF 1907-1939, Box 19, Folder 123592-13, NARA I.

In order for Quechans to be allotted, Indian agents needed to determine who would occupy each allotment, and in order to do that, agents sought to make a census and collect family histories of all enrolled Quechans on and off the reservation. Collecting family histories involved asking Quechans their names, ages, birthplaces, past and present residences, citizenship status, enrollment status, degree of Quechan blood and tribal affiliation, and whether they had received enrollment benefits, as well as parents' names, residences, and birthplaces. This proved a difficult task. Indian agents reported that it was "unsatisfactory, slow, and tedious" to conduct family histories on the reservation because Quechans did not speak the names of the dead.⁵² Conducting family histories off the reservation was more complicated still owing to the Quechans' resistance to living on the reservation in the first place. Nevertheless, Indian agents hoped that the prospect of allotment would lure the Algodones Quechans back to the reservation so that they would be more easily governable by the BIA.

While correspondence at this time often referred to Algodones Quechans as "Yuma Indians living in Mexico," there is good reason to believe that this was the same group that had occupied Andrade's lands ten years earlier. An Indian agent, for example, noted in 1910 that "Yuma Indians are at present living along the Colorado River, in Mexico, on land belonging to the California Development Company." The California Development Company had purchased Rancho de Los Algodones from Andrade in the late 1890s, suggesting that this was the same land they had previously occupied, and that they had not moved to the U.S. as late as 1910. It appears that some, but not all, of the Algodones Quechans were enrolled, as Indian agents referred to them variously as "enrolled" and "unenrolled."⁵³

⁵² Douglas Graham, Special Allotting Agent, to Commissioner of Indian Affairs, November 9, 1909, RG 75, Fort Yuma, CCF 1907-39, Box 20, Folder 91005-07, NARA I.

⁵³ Carl Gunderson, Supervisor of Allotting Agents, to Commissioner of Indian Affairs, March 16, 1910, RG 75, Fort Yuma, CCF 1907-39, Box 20, Folder 91005-07, NARA I.

In October of 1909, the Commissioner of Indian Affairs deputized a “Special Allotting Agent” named Douglas Graham to collect family histories on and off the reservation. In correspondence with the commissioner on October 30, 1909, Graham reported that after he completed taking the family histories of the Quechans living on the reservation, he was informed that there were “about a hundred” Quechans living in Mexico, and he “made a special trip to visit them, and to try to induce them to return to their reservation.” When he met with the “head Chiefs and about thirty others,” he found them to be skeptical but curious about his intentions. “They were reluctant about returning but were interested enough to inquire the number of acres they would receive,” he wrote. The Quechans were likely curious because allotment size was then a matter of contestation, which delayed the allotment process. Graham did not succeed in collecting family histories or persuading them to return to the reservation, but he remained optimistic that the Quechans would ultimately do so. “When the area of allotments are finally decided and when they see the other Indians receiving their land, they will return to the reservation and accept their allotments,” he forecasted.⁵⁴

Since Graham did not succeed, the BIA tried a different tack. Recognizing the potential strength of tapping a leader of the group living in Mexico to do the BIA’s bidding, on November 9, 1909, the Commissioner of Indian Affairs wrote Miguel, who had been chief of Algodones Quechans before he moved to the reservation and assumed the role of chief of the entire tribe during the lead-up to the 1893 agreement. The commissioner tried to persuade him to visit his people in Mexico and in turn persuade them to participate in the family histories. Graham reported to the commissioner that Miguel had started to comply with the commissioner’s request among some of his followers on the reservation. “Your letter to ex-chief Miguel had the desired

⁵⁴ Douglas Graham, Special Allotting Agent, to Commissioner of Indian Affairs, October 30, 1909, RG 75, Fort Yuma, CCF 1907-39, Box 20, Folder 91005-07, NARA I.

effect. It pleased the old man very much and I saw at once it had done the work.... Miguel advised his followers and others to give their names, which they are now doing," he wrote. Encouraged, he added, "I will have Miguel visit his people in Mexico and try and induce them to return to their reservation. I visited them recently but they were unwilling to return to their reservation or give information regarding their family history."⁵⁵

It is unclear whether Miguel eventually visited his people in Mexico to comply fully with the commissioner's request. But regardless of whether or not he went, Graham's letter of November 20 to the commissioner suggests that his optimism was waning that the Algodones Quechans would return to the reservation. Graham had completed the family histories, enumerating 608 on the reservation and estimating that 100 lived in Mexico, but he hedged on his estimate of Algodones Quechans with the simple declaration, "there may be more." Indeed, later estimates of this group's population would be much higher. Based on hearsay, Graham wrote, "It is reported the Yuma Indians who are living in Mexico are coming to give their names," but his sanguine outlook that they would ultimately comply appeared diminished if not exhausted. "If they do come I will take the desired information, but it is a waste of time for me to wait for them, when the work can be done if they decide to return and receive their allotments," he concluded.⁵⁶ The commissioner pressed the point that the family histories were necessary, given his fear that the Quechans might not comply in the future. In a letter on December 3, he wrote, "If it is possible to obtain family histories of all the Yuma Indians at this time, it should be done, including those enrolled with the Yuma tribe who are living in Mexico. It is deemed

⁵⁵ Douglas Graham, Special Allotting Agent, to Commissioner of Indian Affairs, November 9, 1909, RG 75, Fort Yuma, CCF 1907-39, Box 20, Folder 91005-07, NARA I.

⁵⁶ Douglas Graham, Special Allotting Agent, to Commissioner of Indian Affairs, November 20, 1909, RG 75, Fort Yuma, CCF 1907-39, Box 20, Folder 91005-07, NARA I.

advisable to procure the family histories at this time, as future developments may render the Indians unwilling to furnish the information desired.”⁵⁷

Given Graham’s inability to procure family histories of the Algodones Quechans, the BIA next sent his superior, Supervisor of Allotting Agents Carl Gunderson, to Yuma to oversee the allotment process. While there, Gunderson ventured south of the international line and counted 260 Quechans living along the Colorado River on lands belonging to the California Development Company, a larger number than Graham had originally estimated. While his ostensible purpose was to continue Graham’s mission of persuading these Quechans to accept allotments on the reservation, in a March 16, 1910 letter to the commissioner he noted an added incentive: “[The California Development Company] is desirous that the Indians stop trespassing and return to the Reservation.” On March 9, Gunderson had driven to their settlement with the superintendent of the reservation, Anna Egan, and “urged them to return and take their allotments.” The Quechans reiterated the response they had given Graham: they would consider moving “when [the BIA] could make them a definite offer as to the amount of land that will be allotted them.” Given the uncertainty over allotment size, Gunderson concluded, “I believe nearly if not all of the Yuma Indians will take their allotments when the amount which they are to receive is definitely fixed.”⁵⁸

The Quechans were likely referring to a controversy over allotment size that had been brewing for several years since the passage of the 1904 act. Even though allotment should have proceeded unimpeded after the act’s passage, it stalled because of protests mounted by several groups, including Quechans on the reservation led by Miguel, a vocal collection of local chapters

⁵⁷ Cf. Hauke to Douglas Graham, Special Allotting Agent, December 3, 1909, RG 75, Fort Yuma, CCF 1907-39, Box 20, Folder 91005-07, NARA I.

⁵⁸ Carl Gunderson, Supervisor of Allotting Agents, to Commissioner of Indian Affairs, March 16, 1910, RG 75, Fort Yuma, CCF 1907-39, Box 20, Folder 91005-07, NARA I.

of the Womens' Temperance Union across the U.S., and the Mission Indian Federation, a political group advocating on behalf of several of the area's tribes. They all argued that five-acre allotments would not be sufficient for each individual to farm successfully, and advocated instead for ten-acre allotments. One Indian agent suggested to the Commissioner of Indian Affairs on May 10, 1910, that the main arguments in favor of the ten acre allotments were that the Quechans would be "dissatisfied for years to come" with anything less, that they wanted the forty-acre tracts that the Reclamation Service had fixed as the appropriate unit for each white settler, but would settle for ten.⁵⁹ The protests appeared effective, as on October 27, 1909, allotment work was suspended on the reservation so that Congress could consider the matter. Because the Algodones Quechans reiterated their reluctance to return to the reservation multiple times until allotment size was determined, and because allotments were postponed until allotment size was determined, we can infer that the Algodones Quechans remained in Mexico at least until this uncertainty was resolved.] Ultimately, a congressional act in 1911 changed the allotment size from five to ten acres.⁶⁰

It is unclear whether the Algodones Quechans ultimately abandoned their lands in Mexico and accepted their allotments in the U.S. The prospect of allotments may have brought some back to the reservation. Others may have been forced out by social unrest in northern Baja California as a result of the Mexican Revolution; Patrick Miguel recollected years later that they were "compelled to abandon [their lands in Mexico] during the Poncho Villa uprisings."⁶¹ It is also probable that some moved across the river to overflow lands in Arizona, directly across the border from Algodones. BIA correspondence from 1913 refers to unenrolled Quechans living

⁵⁹ FH Abbott to Commissioner of Indian Affairs, May 10, 1910, RG 75, CCF 1907-1939, Box 20, Folder 91005-07, NARA 1.

⁶⁰ Ibid.

⁶¹ Patrick Miguel, Sr. "Quechan Indian Home-Sites," n.d., AHS-Rio Colorado, Ephemera Collection.

along the river in Arizona who had “resided a little beyond the boundary line between the U.S. and Mexico until four years ago they came over to the American side on account of disturbances in Mexico,” suggesting that while some of the Algodones Quechans may have been enrolled, not all of them were.⁶² But the fact that these Algodones Quechans remained in Mexico for as long as they did attests to their success evading reservation authorities across the international line.

Quechans Living in the Colorado River’s Bottomlands in Arizona

In 1913, BIA agents began to notice this Arizona group of unenrolled Quechans living on overflow lands along the Colorado River just west of Yuma and extending southward to a Cocopa encampment. The agents appeared confused about, and offered varying assessments of, how many were living on the U.S. side of the border and to which country they belonged. Some of these Quechans may have resided at the Algodones settlement but moved back and forth across the international line as they saw necessary. Loson Odle, who had by now assumed the superintendency of the Fort Yuma Indian Reservation from Anna Egan, noted, “These people live just across the river from Mexico and when trouble arises on either side they cross the river.”⁶³ Other Quechans in this group may have lived in Arizona for a long time, as Superintendent Odle also noted that “most of [these Quechans] have lived where they now reside in Arizona more than fifty years.”⁶⁴ Estimating the population proved difficult. Odle estimated the group at fifty in one missive, while offering the caveat in another that “the exact number of these people cannot be given.”⁶⁵ Another Indian agent, Omar Babcock, who served as the

⁶² Cachora et al. to S.M. Brosius, Secretary of Indian Rights Association, June 29, 1914, RG 75, Fort Yuma, CCF 1907-1939, Box 8, Folder 43253-14, NARA I.

⁶³ Loson Odle to Commissioner of Indian Affairs, November 14, 1913, Fort Yuma, RG 75, CCF 1907-1939, Box 19, Folder 123592-13, NARA I.

⁶⁴ Loson Odle to Commissioner of Indian Affairs, February 25, 1914, Fort Yuma, RG 75, Box 19, CCF 1907-1939, Folder 123592-13, NARA I.

⁶⁵ Loson Odle to Commissioner of Indian Affairs, October 14, 1913, Fort Yuma, RG 75, CCF 1907-1939, Box 19, Folder 123592-13, NARA I.; Loson Odle to Commissioner of Indian Affairs, November 14, 1913, Fort Yuma, RG 75, CCF 1907-1939, Box 19, Folder 123592-13, NARA I.

superintendent of the Colorado River Reservation and who would attempt to conduct a census among these Quechans that same year, estimated after visiting their camps that there were “150 unattached Yumas” in this group. But he noted that it was difficult to give exact numbers because they lived among—and were intermarried with—“400 unattached Cocopahs” and “150 unattached Diegueños.”⁶⁶ Given these varying estimates, it is likely that this group of Quechans moved across the U.S.-Mexico border and among other encampments frequently.

Indian agents were unanimous, however, in calling this group of Quechans “lawless” and referring to them as “outlaws,” because they remained largely autonomous and Indian agents felt that they threatened government oversight on the Fort Yuma Indian Reservation.⁶⁷

Superintendent Babcock noted, for example, in correspondence with the Commissioner of Indian Affairs on May 18, 1914, following his visit to their encampment, “Regarding these unallotted and unattached bands of Indians living on the Arizona side, I would respectfully state that they are a great hindrance to the progress of the Indians on the reservation adjoining, they are reluctant to become enrolled because they do not care to send their children to school and feel that enrollment would give the Government jurisdiction over their children for that purpose.”⁶⁸

John Rhoades, who oversaw the Indian police in the episode that opened this chapter, claimed in correspondence with the Special Allotting Agent on the reservation in 1914 that “there is a band of Yuma Indians living across the state line in Arizona who have successfully resisted every effort to bring their children to school.” He noted that “they wanted the old way and a chief.” He

⁶⁶ Omar Babcock, Superintendent of Colorado River Reservation to Commissioner of Indian Affairs, May 18, 1914, Fort Yuma, RG 75, CCF 1907-1939, Box 19, Folder 123692-13, NARA I. Babcock’s label for unenrolled Indians was “unattached” Indians.

⁶⁷ Omar Babcock to L.A. Dorrington, Special Agent, Parker, Arizona, September 5, 1914, RG 75, CCF 1907-1939, Box 8, Folder 43253-14, NARA I.; Loson Odle to L.A. Dorrington, Special Agent, US Indian Service, Yuma Arizona, September 11, 1914, RG 75, CCF 1907-1939, Box 8, Folder 43253-14, NARA I.

⁶⁸ Omar Babcock, Superintendent of Colorado River Reservation to Commissioner of Indian Affairs, May 18, 1914, Fort Yuma, RG 75, CCF 1907-1939, Box 19, Folder 123692-13, NARA I.

stated that his Quechan interpreter told him that “the Indians had agreed to resist every effort to have the children taken to school and said if I did not quit coming for them that they would kill me.”⁶⁹ There is no way to verify whether the Quechans had in fact threatened to kill Rhoades, but his anxiety attests to the autonomy that this group maintained. “The leaders have never recognized an agent on this reservation and claim no dependence on the United States or Mexican Governments,” Superintendent Odle complained.⁷⁰

These “outlaw” Quechans were able to occupy scraps of land along the eastern margin of the Colorado River because as soon as levees were built, overflow lands became a fugitive landscape that fell outside the purview of the U.S. Reclamation Service. As part of the Yuma Reclamation Project, in 1909 the USRS had completed a levee along the eastern margin of the Colorado River’s bottomlands over a thirty mile-stretch from Yuma south to San Luis. The levee was ostensibly built to protect irrigable farmland from the river’s overflows throughout the Yuma Valley so that it could be opened to settlement. It was constructed about a mile from the river, so that the land between the levee and the river was subject to seasonal overflow as it had always been. After the levee was built, one of the last places that unenrolled Quechans could continue their traditional agricultural practices was thus between the levee and the river. Not only did these lands offer seasonal overflow for subsistence that they could combine with labor in nearby irrigation camps to make a living, but the area also provided easy access to Mexico for Quechans who sought to move back and forth across the river. Moreover, Indian agents reported difficulty in keeping track of unenrolled Quechans on these overflow lands. For example, Superintendent Odle observed in a letter to the Commissioner of Indian Affairs on November 14,

⁶⁹ John Rhoades to L.A. Dorrington, September 8, 1914, RG 75, CCF 1907-1939, Box 8, Folder 43253-14, NARA I.

⁷⁰ Loson Odle to Commissioner of Indian Affairs, February 25, 1914, Fort Yuma, RG 75, Box 19, CCF 1907-1939, Folder 123592-13, NARA I.

1913, “it is probable that authorities have not been cognizant of their existence as they are located in an isolated section of waste land where few white people have any business.”⁷¹ What was a “waste land” to Superintendent Odle was an enclave of autonomy for these unenrolled Quechans.

By 1913, 8,000 acres of irrigable lands on the Fort Yuma Indian Reservation had been allotted to 809 Quechans.⁷² Meanwhile, Superintendent Odle sought to determine how to allot the unenrolled Quechans living off the reservation on overflow lands between the levee and the river in Arizona. Odle advised the Commissioner of Indian Affairs on October 14, 1913, “there are probably fifty Yuma Indians living on overflow lands of the Colorado River on the Arizona side, which are between the river and levees constructed to protect valley lands, who have not received allotments on the reservation and have no other homes.” Of those fifty, fourteen had reluctantly applied for allotments; Odle stated that even those who had applied held an “unfavorable” attitude toward allotment.⁷³ Odle had received word from the project engineer of the USRS that 770 acres of previously unallotted lands on the reservation would soon be opened for settlement, and he inquired of the commissioner whether an abeyance could be issued on public entry, hoping that the unenrolled Quechans could be allotted in this area instead.⁷⁴ But the commissioner replied that allotments had already been determined, and that the BIA could only provide for the fourteen who had previously applied and not the whole fifty—using pre-existing reservation allotments that had been relinquished. Moreover, he was puzzled that Odle had not sought allotments for this group sooner. He wrote, “[the] Special Allotting Agent...closed up the

⁷¹ Loson Odle to Commissioner of Indian Affairs, November 14, 1913, Fort Yuma, RG 75, CCF 1907-1939, Box 19, Folder 123592-13, NARA I.

⁷² Annual Report of the Commissioner of Indian Affairs (Washington, D.C.: Government Printing Office, 1913), 72.

⁷³ Loson Odle to Commissioner of Indian Affairs, November 14, 1913, Fort Yuma, RG 75, CCF 1907-1939, Box 19, Folder 123592-13, NARA I.

⁷⁴ Loson Odle to Commissioner of Indian Affairs, October 14, 1913, Fort Yuma, RG 75, CCF 1907-1939, Box 19, Folder 123592-13, NARA I.

allotment work on this reservation something over eighteen months ago, and naturally the question arises at this time – why were the fifty Indians to which you refer...not provided for at that time? Do these Indians hold allotments in Arizona? If so, what is the status of the land on which they are now living?” The commissioner expressed doubt that the BIA would agree to allot any of the remaining 770 acres for additional Quechans because “the area available for disposal under the Reclamation Act within this reservation was very limited.” Instead, he suggested that the remaining thirty-six Quechans be allotted instead on the Colorado River Reservation, some eighty miles upstream at Parker, Arizona.⁷⁵

In response, Superintendent Odle set about attempting to relocate the group of unenrolled Quechans to the Colorado River Reservation. To do so, he would need their family histories. But since he could not spare an employee of the Fort Yuma Indian Agency for the month the work would require, he asked whether an agent from the Colorado River Agency could fill in.⁷⁶ In April 1914, Superintendent of the Colorado River Agency Omar Babcock agreed to make the census himself, though he acknowledged that he did not know how many people there were to enumerate and that it would be “slow work to get them enrolled” because they all “worked in the various irrigation camps.”⁷⁷

In May 1914, Superintendent Odle ordered John Rhoades, the head of Fort Yuma Agency Indian police, to “take the driving team and accompany Superintendent Babcock to the outlaw band of Yuma Indians living in Arizona.” Rhoades was a reviled figure among Quechans. In a petition from the Complaint Committee for the Yuma Indians, Quechans complained that “Mr.

⁷⁵ CF Hauke to Loson Odle, October 30, 1913, Fort Yuma, RG 75, CCF 1907-1939, Box 19, Folder 123592-13, NARA I.

⁷⁶ Loson Odle to Commissioner of Indian Affairs, February 25, 1914, Fort Yuma, RG 75, Box 19, CCF 1907-1939, Folder 123592-13, NARA I.

⁷⁷ Omar Babcock to Commissioner of Indian Affairs, April 30, 1914, Fort Yuma, RG 75, CCF 1907-1939, Box 19, Folder 123592-13, NARA I.

Odle has allowed Mr. Rhoades to run the Fort Yuma Agency,” that “if we but dared open our lips to reason with him, he would turn on us with all the savageness of a barbarian,” and that “he seems like a nervous lunatic who would not hesitate his hands to shoot a person on the slightest pretense.”⁷⁸ The reason that Superintendent Odle asked Rhoades to accompany Babcock on his visit to the Quechan encampments was to compel the school attendance of Quechan children. Odle directed Rhoades “to enroll all unallotted Indians he desired and bring to the school all children of school age he could locate. There are a number of Yuma children of school age living with this band who have allotments on this reservation who have never been to school.”⁷⁹

The resulting event on May 6, 1914, was the violent culmination of Superintendent Odle’s attempts to allot the unenrolled Arizona Quechans and force their children into school. By Babcock’s later testimony, about a mile and a half west of Yuma, he and Rhoades met two Quechan boys carrying a load of wood on the road. “I stopped them and asked their names, which they were reluctant to give,” he recalled. “After a short hesitation one of them gave his family history and stated that he and his family were allotted on the Yuma Reservation. The other stated that they were not allotted but refused to give his name or any of the particulars concerning his family.”⁸⁰ By later Quechan testimony to the Indian Rights Association, Rhoades pointed a gun at the boys and ordered them into the wagon. Rhodes and Babcock proceeded to other Quechan encampments, where they asked the same questions of other young unenrolled Quechans who had not been to school, ordering each into the wagon until it was full. Finally, they came upon a boy with his father and uncle. When the boy hesitated at Rhoades’s order to

⁷⁸ Petition from Complaint Committee for the Yuma Indians, Fort Yuma Reservation, April 1914, RG 75, CCF 1907-1939, Box 8, Folder 43253-14, NARA I.

⁷⁹ Loson Odle to L.A. Dorrington, Special Agent, US Indian Service, Yuma Arizona, September 11, 1914, RG 75, CCF 1907-1939, Box 8, Folder 43253-14, NARA I.

⁸⁰ Omar Babcock to L.A. Dorrington, Special Agent, Parker, Arizona, September 5, 1914, RG 75, CCF 1907-1939, Box 8, Folder 43253-14, NARA I.

climb into the wagon, Rhoades jumped down and aimed the gun at him. The boy's father interfered, knocking the gun askew as Rhoades fired at the boy, and the bullet went into the father's leg instead. Rhoades then walked up to the wounded father and aimed the gun at him, but the boy's uncle interfered this time and knocked the gun away.⁸¹ This resistance appeared to have worked, as Rhoades and Babcock made a hasty retreat back to Yuma and, by Odle's telling, Babcock left for his home in Parker "after failing to make any headway with enrolling the tribe."⁸² This violent episode suggests that the unenrolled Quechan children knew to avoid Indian agents and to refuse to give their family histories. Their refusal caused such frustration among Indian agents that they resorted to violence.

The episode also suggests that as late as 1914, the BIA could not compel unenrolled Quechans to leave the overflow lands along the river, accept allotments, or send children to school on either reservation. On May 18, 1914, a contrite Superintendent Odle wrote the Commissioner of Indian Affairs that "it is taken as fear on the part of this government to molest them. Nothing could be quite so convincing of their attitude as a visit of the Commissioner of Indian Affairs to their camps." Yet even the commissioner's visit appeared to have little effect.⁸³ The only solution Superintendent Babcock could suggest to the commissioner was to threaten even greater violence with U.S. troops, violence intended to "eliminate" them. "In conclusion," he wrote,

I would respectfully recommend that these unallotted and unattached Indians be eliminated, those who care to be enrolled and allotted on the Colorado River Reservation be so disposed of and placed under the jurisdiction of that reservation, those not desiring such allotment and claiming residence in Mexico be sent to Mexico.... The show of military force would be all that is necessary to accomplish this.⁸⁴

⁸¹ Cachora et al. to S.M. Brosius, Secretary of Indian Rights Association, June 29, 1914, RG 75, Fort Yuma, CCF 1907-1939, Box 8, Folder 43253-14, NARA I.

⁸² Loson Odle to Commissioner of Indian Affairs, May 18, 1914, Fort Yuma, RG 75, CCF 1907-1939, Box 19, Folder 123592-13, NARA I.

⁸³ Ibid.

⁸⁴ Omar Babcock, Superintendent of Colorado River Reservation to Commissioner of Indian Affairs, May 18, 1914,

Superintendent Odle agreed, adding, “It is my opinion that these Indians will never improve until a show of military force is made.”⁸⁵ There is no evidence that a show of military force materialized, but such declarations suggest that this group of Quechans managed to remain autonomous and resist with surprising strength the BIA’s attempts to force them off their lands—so much so that the BIA finally resorted to considering military force to accomplish what it had failed to do by every other means.

Conclusion

What became of this group of Quechans living along the river in Arizona is not well documented; the archival trail fades away after 1914. But several plausible outcomes can be inferred from the evidence that does exist. The Arizona group may have abandoned the lands they had occupied between the levee and the river and moved to Mexico or elsewhere. There is some evidence to support this hypothesis, as the ethnographer Daryll Forde wrote that as late as 1928, “a large number of the Yuma had lived until recently along the river near Pilot Knob, a few miles south of Algodones across the international boundary.”⁸⁶ It is unclear whether members of this Algodones group had always lived there and never moved to the U.S. side of the river, or whether this group included Quechans who had previously been living in Arizona. Perhaps the document trail fades away after 1914 because the U.S. and Mexican governments turned their attention away from the Quechans living along the river, but there is no way to verify this hypothesis. Finally, perhaps the document trail fades away because these Quechans moved onto the Fort Yuma Reservation or Colorado River Reservation to accept allotments.

Fort Yuma, RG 75, CCF 1907-1939, Box 19, Folder 123692-13, NARA I.

⁸⁵ Loson Odle to Commissioner of Indian Affairs, May 18, 1914, Fort Yuma, RG 75, CCF 1907-1939, Box 19, Folder 123592-13, NARA I.

⁸⁶ Forde, *Ethnography*, 101-102.

There is some evidence to suggest this outcome, as the Indian population of the Fort Yuma Indian Reservation increased from 794 in 1913 to 856 in 1924, though it is unclear whether this increase was on account of newly enrolled Quechans from off the reservation, new children born to resident Quechans, or members of neighboring tribes such as Cocopahs and Mojaves who became enrolled on the reservation.⁸⁷ It is also possible that some combination of these outcomes occurred.

That these groups of Quechans retained autonomy living off the reservation and along the Colorado River as late as 1928 suggests that pockets of resistance lingered long after the reservation was established, the lands contained within it were irrigated and allotted, and “surplus” lands in the Yuma Valley were settled. Against an administrative backdrop in which the U.S. and Mexican governments increasingly privatized the Colorado River borderlands for settlement, Quechans used a number of strategies to live within fugitive landscapes that were created as an ancillary effect of federal oversight of Indians, land, and water. After the 1893 agreement enabled the provisions of the Dawes Act to unfold on the Fort Yuma Indian Reservation, some Quechans refused to become wards of the U.S. government in the impending allotment process by crossing the international line, occupying and subsisting within ancestral lands along the Colorado River, and avoiding extradition to the U.S.—even as these lands were privatized as a transnational irrigation corridor called Rancho de Los Algodones. Despite repeated attempts by U.S. Indian agents to collect these Quechans’ family histories as part of the process of inducing them to leave the ranch and accept allotments on the reservation, Quechans refused to comply and used to their advantage ongoing uncertainty over allotment size to remain where they were until at least 1910. After levees built by the Reclamation Service in 1909 on the

⁸⁷ *Annual Report of the Commissioner of Indian Affairs* (Washington, D.C.: Government Printing Office, 1913), 60; *Annual Report of the Commissioner of Indian Affairs* (Washington, D.C.: Government Printing Office, 1924), 32.

U.S. side of the river partitioned overflow lands along the river from protected lands in the Yuma Valley, a group of Quechans, which may have included members of the Algodones group, came to inhabit overflow lands between the levee and the river until 1914, and possibly later. Here, they continued traditional farming methods using overflow from the river, crossed the international border at will, worked in irrigation camps, and refused to give family histories to Indian agents who continued to try to allot them on the Fort Yuma and Colorado River reservations. This chapter shows that the privatization of land coupled with federal oversight over collectively- and individually-held Indian land and over irrigation created the fugitive landscape within which these Quechans were able to carve out enclaves of autonomy. Ultimately, however, it was this same federal oversight that ended their autonomy as encroaching settlement throughout the Yuma Valley made the Fort Yuma Indian Reservation the only place within their ancestral homelands that Quechans could reside. Nevertheless, for up to thirty years, and possibly longer, some Quechans were able to extend their autonomy by carving out autonomous spaces that fell outside federal oversight.

With the completion of the allotment process in 1913, Quechans living on the reservation continued to struggle with the outcomes of the 1893 agreement. Even though Quechans became U.S. citizens as allotment intended, they did not receive the benefits of allotment.⁸⁸ In a petition, Quechans stated simply, “We have never wanted allotments and all our troubles have come since we had it.”⁸⁹ Quechans complained that Indian agents leased their allotments to settlers out from under them and they were not seeing the lease money, that they were forced to pay for water deliveries to their allotments that the act of 1894 had promised to subsidize, and that they could

⁸⁸ While the Dawes Act stipulated that 25-year trust patents on allotments would end in U.S. citizenship, the Indian Citizenship Act of 1924 made citizenship possible for all U.S.-born Indians, not only Indians receiving allotments.

⁸⁹ Petition of Indians on the Yuma Reservation, May 5, 1923, RG 75, Fort Yuma, CCF 1907-39, Box 2, Folder 40947, NARA I.

not afford to improve the land as surrounding settlers could.⁹⁰ Summarizing the arc of their troubles in a 1923 petition to the Secretary of the Interior, they wrote, “We...are those people who have always lived on the land around here, where we had plenty of acres before the white people came. We always made good crops every year from the overflow of the Colorado and had plenty. Then when the white settlers began to come in they began taking our land and pushing us into smaller and smaller places.”⁹¹ The encroachment of settlers from outside and within the reservation as well as insufficient resources to farm their own allotments meant that Quechans would increasingly attempt to recover lands that had been ceded to the U.S. government as part of the 1893 agreement. In the years ahead, these attempts would result in fraught contestations with settlers, federal agencies, and, as Chapter Three will demonstrate, an unlikely group of African American squatters.

⁹⁰ Henry Wilson, on behalf of Yuma Branch of Mission Indian Federation, to Commissioner of Indian Affairs, July 30, 1923, RG 75, Fort Yuma, CCF 1907-39, Box 2, Folder 40947, NARA I.

⁹¹ Yuma Indian Petition to Secretary of the Interior, May 26, 1923, RG 75, Fort Yuma, CCF 1907-39, Box 2, Folder 40947, NARA I.

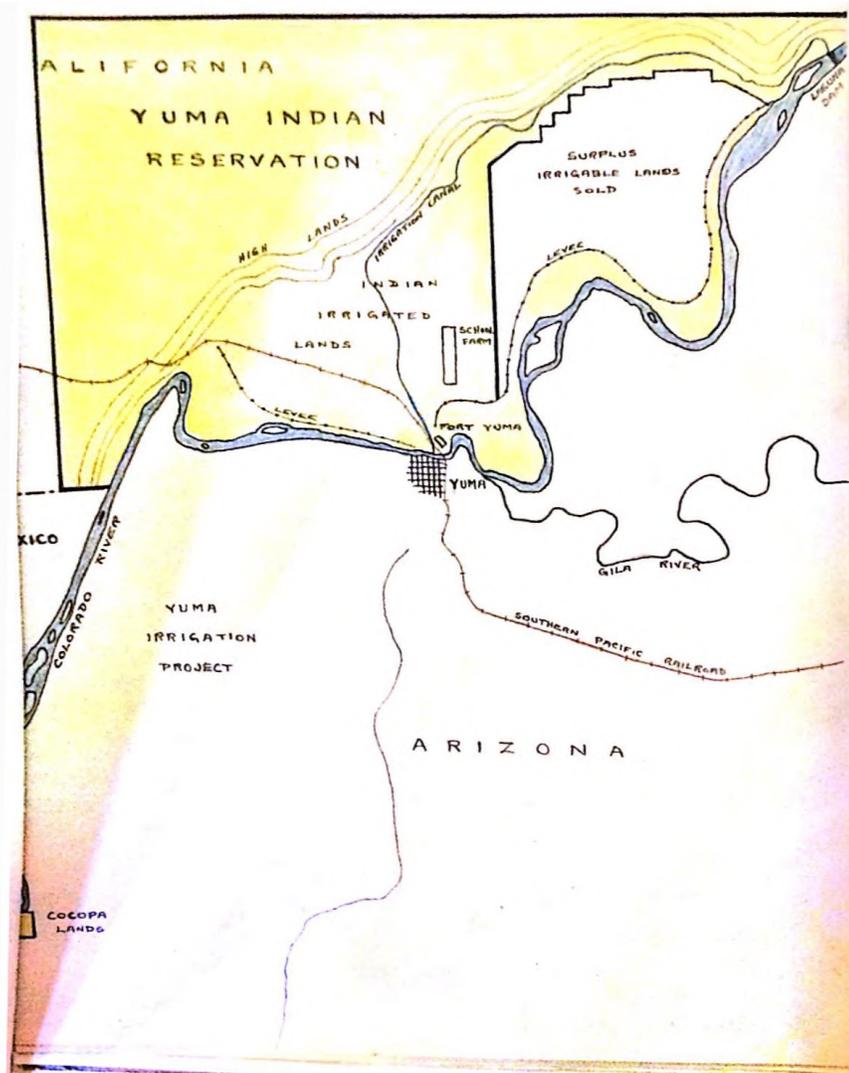


Figure 20: Map of the Fort Yuma Indian Reservation, 1928. Courtesy of National Archives, Washington, D.C., RG 75, Fort Yuma, Central Classified Files, 1907-1939, Box 6, Folder 26652-28.



Group of small adobe huts. This shows how bare the ground is around the majority of the Indian homes.



Young Indian in front of his adobe hut.

Figure 21: 1928 Quechan homes on the Fort Yuma Indian Reservation, with accompanying narration by Indian agents. Photos courtesy of National Archives, Washington, D.C., RG 75, Fort Yuma, Central Classified Files, 1907-1939, Box 6, Folder 26652-28.



Figure 22: Loson Odle, the Superintendent of the Fort Yuma Indian Reservation, with a U.S. soldier at the U.S.-Mexico border near Yuma on March 10, 1917. Photo courtesy of National Archives, Washington, D.C., RG 75, Bureau of Indian Affairs Central Classified Files, 1907-1939, Box 4, Folder 29808-17.



One of the dormitory buildings at the
boarding school.



A view of the school campus showing
one of the walled-in spaces
which is irrigated to make the
growth of vegetation possible

Figure 23: Fort Yuma Indian School dormitory, 1928, with accompanying narration by Indian agents. Photos courtesy of National Archives, Washington, D.C., RG 75, Fort Yuma, Central Classified Files, 1907-1939, Box 6, Folder 26652-28.

Chapter Three An Enclave of Freedom: African Americans

Introduction

On November 16, 1936, an African American woman named Essie Wilkins Evans and her husband, L.M. Wilkins, wrote a series of handwritten letters addressed to U.S. President Franklin Roosevelt. They pleaded as members of a “colony” of several hundred African American squatters for the rights to remain on what they called “Squatters’ Island,” a brushy tract of Colorado River bottomlands due east of the Fort Yuma Indian Reservation. With a loan from the Farm Security Administration, the Wilkins family had cleared enough brush to build an adobe shack and to farm several acres of cotton, potatoes, maize, and grain. Having occupied the land for years, the Wilkins hoped their improvements would grant them rights to settle under public land laws should the tract be opened to public entry. Instead, they were dismayed to learn that the General Land Office was threatening to “dispossess us of our home and cast out on the highways” the thirty other neighboring families. For African Americans like the Wilkins, “the highways” was a euphemism for the migrant itinerancy that defined their search for land where they could safely and legally settle during the first decades of the twentieth century.¹

What was this Squatters’ Island that provided people like Wilkins Evans respite from the highways? The island was a part of a fugitive landscape called No Man’s Land that was contested among African American squatters, Quechan Indians, white settlers, and federal

¹ Essie Wilkins Evans to U.S. President, November 16, 1936, RG 115, Project Correspondence File 1930-1945, Box 1302, Folder 400.11, NARA Denver. I use the terms “African American” and “Black” interchangeably throughout this chapter to refer to the group to which Essie Wilkins Evans belonged, since there were likely no other African-descended peoples in the Yuma area during the period covered in this chapter. However, I recognize the important racial and ethnic distinctions between these two terms, and follow current conventions to capitalize “Black,” under the premise that, as Aida Solomon writes, African Americans self-defining a “label contributes to the ownership and power [they] can then assume when asserting this label.” Aida Solomon, “What’s in a Name?: Understanding the Racial and Ethnic Labels Among People of African Descent” (M.A. thesis, University of Washington, 2015), 11. When quoting from archival documents directly, I do not change the historical terminology used therein.

agencies including the Bureau of Indian Affairs (BIA), the General Land Office, the U.S. Reclamation Service, and the Resettlement Administration. All contested No Man's Land because it was not at all clear under whose jurisdiction it fell. The Colorado River served as the boundary between the Yuma Indian Reservation and U.S. public land, and between the states of Arizona and California. When the river shifted in 1920, it created jurisdictional problems because boundaries no longer conformed to the legal designations necessary to determine jurisdiction and use. To understand these complexities, the map at the end of this chapter (Figure 24) provides a useful reference. On this map, No Man's Land constitutes the total area in pink and blue. It encompassed all the land between the levee built by the U.S. Reclamation Service to the north and the present channel of the Colorado River to the south. The land in pink belonged to California, and Squatters' Island in blue belonged to Arizona. No Man's Land was bordered to the west by the Yuma Indian Reservation (orange) and to the north by the Bard Irrigation District (yellow).

Essie Wilkins Evans's letter attests to No Man's Land as an enclave of freedom to the African American community who came to inhabit it—a refuge where they could stay put and be relatively self-sufficient instead of continuing their ongoing migrant journeys on “the highways.” But if this enclave of freedom was a haven, it was not without threat. Indeed, the very attributes of the landscape that made it a desirable place to seek refuge were also the greatest obstacles to squatters' abilities to remain. From the moment they established themselves on the land, squatters contended with the threat of flooding, which could cause drownings and ruin farmland as easily as it could provide water for informal irrigation. Because the land had not yet been opened for entry, they took the chance that it would be, meanwhile facing eviction threats from the Bureau of Indian Affairs on behalf of Quechan Indians. And they faced pervasive racial

prejudice on all sides—from Bureau of Indian Affairs agents and from white settlers in Bard, the irrigation district directly to the north of No Man’s Land. In this chapter, I focus on how this African American community created an enclave of freedom on No Man’s Land amidst such threats by using administrative confusion over the Colorado River bottomlands to their advantage between 1920, when Squatters’ Island formed, and 1936, when the construction of Hoover Dam stabilized the flow of the river and ensured that No Man’s Land would persist. At almost every turn in this story, the uncertainty over the status and jurisdiction of No Man’s Land created enough confusion that the status quo favored the squatters’ continued occupation of the land.²

It is common practice to apply the label “fugitive” to enslaved people who attempted by means of migration to escape slavery, but it is less common to apply the term to African Americans post-emancipation, even though they experienced violent and enduring social, economic, and political constraints to acquiring land that kept them in constant search for places of belonging.³ Often, the nomenclature for African American migrants morphed into the language of Euro-American settlement—“settlers,” “pioneers,” and “colonists”—even though the shadow of fugitivity followed African American migrants wherever they went.⁴ Can African Americans seeking refuge from continuous and pervasive racial violence on their migrant

² I derive the term “enclaves of freedom” from Sarah Deutsch, “Landscape of Enclaves: Race Relations in the West, 1865-1990,” in *Under an Open Sky: Rethinking America's Western Past*, William Cronon, George Miles, and Jay Gitlin, eds. (New York: W.W. Norton, 1992).

³ See, for example, Damian Alan Pargas, ed. *Fugitive Slaves and Spaces of Freedom in North America* (Gainesville: University of Florida Press, 2018).

⁴ For overviews and examples of African American migration and settlement in the U.S. West, see Quintard Taylor, *In Search of the Racial Frontier: African Americans in the American West, 1528-1990* (New York: W.W. Norton, 1998), pp. 134-163; David Chang, *The Color of the Land: Race, Nation, and the Politics of Landownership in Oklahoma, 1832-1929* (Chapel Hill: University of North Carolina Press, 2010), pp. 149-174; William Loren Katz, *The Black West: A Documentary and Pictorial History of the African American Role in the Westward Expansion of the United States* (New York: Touchstone, 1987); Anna-Lisa Cox, *The Bone and Sinew of the Land: America's Forgotten Black Pioneers and the Struggle for Equality* (New York: Public Affairs, 2018); and Thad Sitton and James Conrad, *Freedom Colonies: Independent Black Texans in the Time of Jim Crow* (Austin: University of Texas Press, 2005).

journeys westward be considered “settlers” in the same sense that white migrants can? Surely the answer requires recognition of a degree of historical complexity that the term “settler” fails to convey. Although Wilkins Evans referred to her African American community on the island as a “colony,” the members of which sought rights as “settlers,” we as historians risk linguistically equating the experiences of Black and white migrants seeking land in the U.S. West if we use the same nomenclature for them in the face of a well-established record showing radically different histories of continental migration. To equate Black and white settlement is to conflate white westward migration with what historian Lori Bogle has called the “Black Trail of Tears.”⁵ As historian Tiya Miles puts it, “The terms *black settler* and *black pioneer* referentially pack African American experience onto the offensive end of the settler colonial playing field in a way that does not allow us—let alone urge us—to carefully consider gradations of difference in positioning and interaction.”⁶

Nevertheless, by seeking to establish themselves on No Man’s Land to survive racial violence and resist further displacement, African American squatters also enacted forms of encroachment on Native territory similar to those white settlers enacted. In their search for refuge safe from racial persecution, African American squatters were undoubtedly, in Miles’s words, “benefiting from the dispossession of indigenous lands” and “participating in American expansionist policies” derived from the opening of public lands to settlement under the 1862

⁵ On “Black Trail of Tears,” see Lori Bogle, “On Our Way to the Promised Land: Black Migration from Arkansas to Oklahoma, 1889-1893.” *Chronicles of Oklahoma* 72, no. 2 (1994): 160-177, 169.

⁶ As Miles succinctly puts it, “The Afro-settler is an exo-settler, pushed by exigencies of exodus and exile and (almost) always exogenous to the settler state.” Tiya Miles, “Beyond a Boundary: Black Lives and the Settler-Native Divide.” *William and Mary Quarterly* 76, no. 3 (2019): 417-426, 420, 425. Nell Irvin Painter’s term “exoduster” has long depicted the fraught and precarious status formerly enslaved Black families held as they set out to seek the rights to land settlement that would elude them wherever they went, even as the concept of free soil lived fiercely in their imaginations. Nell Irvin Painter, *Exodusters: Black Migration to Kansas After Reconstruction* (New York: Knopf, 1977). See also Kendra Field, “‘Turn Our Faces to the West’: Refugees, Pioneers, and the Roots of ‘All-Black’ Oklahoma,” in *Freedom’s Racial Frontier: African Americans in the Twentieth-Century West*, Herbert Ruffin II and Dwayne Mack, eds. (Norman: University of Oklahoma Press, 2018).

Homestead Act.⁷ Yet however much Black people squatted on Native lands and used Native resources, these actions were “desperate quest[s] for survival” with their own logics rather than mirror images of white settlement.⁸ Throughout the sources that inform this chapter, government agents refer to the squatters as “settlers,” and so too do the migrants themselves. But since their attempts to settle legally on No Man’s Land did not come to fruition during the period this chapter covers, I use the term “squatter” to convey their ongoing fugitive status and to distinguish them from the landed, predominantly white settlers surrounding them.⁹

This chapter contributes to a growing historiography on post-Reconstruction African American migration in the U.S. West.¹⁰ Historian Kendra Field, in *Growing Up With the*

⁷ For migrant freedpeople “benefitting from the dispossession of indigenous lands,” see Tiya Miles, *The Dawn of Detroit: A Chronicle of Slavery and Freedom in the City of the Straits* (New York: New Press, 2017), 259. For Black “participation in American expansionist policies,” see Kendra Field, “‘No Such Thing as Stand Still’: Migration and Geopolitics in African American History,” *Journal of American History* 102, no. 3 (2015): 693-718.

⁸ Miles, “Beyond a Boundary,” 422. The African American occupation of No Man’s Land was a legacy of the migration that characterized the African Diaspora to Indian Territory. Tiya Miles and Sharon Holland argue that Black migrants seeking land on which to settle in the U.S. West following Reconstruction envisioned a place where Indians were “necessary but peripheral,” in that Indigenous presence was necessary to “differentiate Indian Territory from the states,” but peripheral because “Blacks located Native people at the margins of their new communities.” Moreover, they argue, “the concept of black Indian Territory transformed Indians into a vehicle for black identity formation and racial uplift...the founders and settlers of all-black towns in Indian Territory sought a place where, by showing the values of race pride, self-reliance, moral fortitude, and industry, they could demonstrate their fitness for equal inclusion in the broader U.S. republic.” In Tiya Miles and Sharon Holland, eds. *Crossing Waters, Crossing Worlds: The African Diaspora in Indian Country* (Durham: Duke University Press, 2006), 5. For other seminal works on African American occupation of Indian lands and relations with Indians, see James F. Brooks, ed. *Confounding the Color Line: The Indian-Black Experience in North America* (Lincoln: University of Nebraska Press, 2002); Claudio Saunt, *Black, White, and Indian: Race and the Unmaking of an American Family* (New York: Oxford University Press, 2005); Barbara Krauthamer, *Black Slaves, Indian Masters: Slavery, Emancipation, and Citizenship in the Native American South* (Chapel Hill: University of North Carolina Press, 2013); David Chang, *The Color of the Land: Race, Nation, and the Politics of Landownership in Oklahoma, 1832-1929* (Chapel Hill: University of North Carolina Press, 2010). On Black settlement as a “desperate need to survive,” as opposed to the ideology of white supremacy that fueled Euro-American settlement, see also Zainab Amadahy and Bonita Lawrence, “Indigenous Peoples and Black People in Canada: Settlers or Allies?” in Arlo Kempf, ed. *Breaching the Colonial Contract* (Dordrecht: Springer Netherlands, 2009).

⁹ On the administrative distinctions between squatters and settlers on U.S. public lands, see Karl Jacoby, *Crimes Against Nature: Squatters, Poachers, Thieves, and the Hidden History of American Conservation* (Berkeley: University of California Press, 2001); Hannah Dobbs, *Nine-Tenths of the Law: Property and Resistance in the United States* (Oakland: AK Press, 2012); and Chang, *Color of the Land*.

¹⁰ For examples of recent scholarship on post-emancipation African American migration in the U.S. West, see Ira Berlin, *The Making of African America: The Four Great Migrations* (New York: Penguin, 2011); Anna-Lisa Cox, *The Bone and Sinew of the Land*; Bruce Glasrud, ed. *The Harlem Renaissance in the American West: The New Negro’s Western Experience* (New York: Routledge, 2012); Leslie Schwalm, *Emancipation’s Diaspora: Race and Reconstruction in the Upper Midwest* (Chapel Hill: University of North Carolina Press, 2009); Herbert G. Ruffin,

Country, characterizes post-Reconstruction migration of African American freedpeople out of the U.S. South as a “continuum of flight.”¹¹ Field portrays African Americans who were able to carve out a life for themselves within Indian Territory among the Choctaw, Cherokee, and Creek peoples. However, despite fleeting periods of rootedness, by 1920 these African American families found themselves back on a path of constant migration, and returned to “the highways” to which Wilkins Evans alluded. While we do not know where all of the squatters of No Man’s Land came from or whether some came from the Indian Territory that is the focus of Field’s work—census records show that some of the squatters came from Missouri, Texas, and Arkansas—we do know that they were a part of a broader westward migration in their ongoing hopes of finding a promised land.¹² This chapter thus picks up where Field leaves off and gives a nuanced example of the precarious stability one community of African American migrants experienced among another Indian people, the Quechans. And it demonstrates how this enclave of freedom was created on No Man’s Land. In this way, this chapter takes up Field’s call to understand “how [African American] people, in the face of adversity, make freedom ‘real.’”¹³

The Creation of No Man’s Land

In order to understand why this piece of land was contested by so many different groups and agencies, it is important to recognize that No Man’s Land was a fugitive landscape in the Colorado River’s bottomlands, similar to and several miles upstream from the bottomlands occupied by the autonomous Quechans featured in Chapter Two. The roughly 12,000 acres

ed., *Freedom’s Racial Frontier: African Americans in the Twentieth-Century West* (Norman: University of Oklahoma Press, 2018); Quintard Taylor, *In Search of the Racial Frontier*; For the seminal work on Black migration following Reconstruction, see Nell Irvin Painter, *Exodusters*.

¹¹ Kendra Field, *Growing Up with the Country* (New Haven: Yale University Press, 2018), 5. Field uses the term “unbound migration” to characterize African Americans’ ongoing search for land following emancipation. See Kendra Field, “‘No Such Thing as Stand Still’, 696.

¹² United States of America, Bureau of the Census. *Fifteenth Census of the United States, 1930* (Washington, D.C.: NARA, 1930), T626, 2,667 rolls.

¹³ *Ibid.*, 13.

comprising No Man's Land was formed by the process of accretion—the river's gradual carving and depositing of sediment that resulted in a large meander that can be seen as the line between the pink and blue portions of the map in Figure 24.¹⁴ This line represents the 1920 river channel. But the land contained within the meander would not come to be called an "island" until one night during a particularly extreme high water season in the summer of 1920, when the Colorado River suddenly broke through its channel and funneled into an existing channel of the Gila River directly to its south, thereby cutting off the meander entirely through the process of avulsion.¹⁵ The new, post-1920 Colorado River channel is labeled as the "Present Channel" on the map in Figure 24. Even after the sudden change in 1920, water remained in the pre-1920 channel, creating the illusion of the island, even though it was not hemmed in by flowing water on all sides. Indeed, with the exception of the standing pools of water left in the old 1920 channel, the 8,000-acre island was contiguous with the surrounding land. Even though the river had left its 1920 channel, roughly 5,000 acres of dense, fast-growing vegetation typical of the bottomlands—mesquite, willow, cottonwood, and salt-cedar—continued to grow along the abandoned channel because groundwater, standing water, and seasonal flooding remained even if the river in its 1920 channel did not. Furthermore, the sediment that the river had previously deposited, a sandy loam, also remained. Some of this sediment became drifting sand dunes on

¹⁴ The map is located in RG 75, Fort Yuma, Central Classified Files (Hereafter CCF) 1907-39, Box 18, Folder 57120-27, NARA I.

¹⁵ While most government correspondence in the years following the Colorado River's shift attributed the shift to high water, over subsequent decades, some reports suggested that in an attempt to alleviate flooding on their farmland, settlers in the Gila Valley redirected the river into the new channel themselves. It is possible that both explanations could be true, in that high water may have caused these settlers to redirect the river. Regardless, for the purposes of this chapter, the important point is that the river changed course, and that the change was due to a process called avulsion—the rapid cutting of a river into a new channel—that would have legal ramifications for how the land would be designated. This conjecture comes from a survey conducted in 1929 by John Warboys, a U.S. Cadastral Engineer (Hereafter "Warboys Survey"). John Warboys, "Report of the Investigation of the Channels of the Colorado River in the vicinity of Yuma, Arizona through portions of T. 8s., Rs. 22, 23 and 24 W., G. & S.R.M., and T.16 S., Rs. 22 and 23 E., S.B.M., RG 141," Interstate Stream Commission Reports, Box 68, Arizona State Archives.

the eastern portion of the island that would not support farms. On the flat portions of No Man's Land, the sediment made for ideal farmland. But because the river, even in its new location to the south, was subject to seasonal flooding, none of No Man's Land could be formally brought under irrigation and opened to settlement. And so it remained a scrubby, undeveloped enclave surrounding by irrigated farmland.¹⁶



Figure 24: A map of No Man's Land. Courtesy of National Archives, Washington, D.C.¹⁷

The eccentric features of this fugitive landscape made its jurisdiction and use uncertain. Quechans sought to restore all of No Man's Land to the Fort Yuma Indian Reservation because

¹⁶ I built this description of No Man's Land from the accompanying map (Figure 24), and from the 1929 "Warboys Survey," RG 141, Interstate Stream Commission Reports, Box 68, Arizona State Archives.

¹⁷ Map of the Arizona-California Boundary, RG 75, Fort Yuma, Central Classified Files, 1907-39, Box 18, Folder 57120-27, NARA I.

the 1884 executive order that established the reservation defined its easternmost boundary as the middle of the channel of the Colorado River. When the river shifted in 1920, Quechans and BIA officials argued over which river channel would be used to determine the eastern boundary of the reservation. In the 1893 agreement, Quechans ceded to the U.S. government 28,000 acres of reservation lands, some of which were encompassed in No Man's Land.¹⁸ Since their reservation was established within California's borders, however, when the river shifted they could only legally lay claim to the California portion of No Man's Land, shown in pink on the map, even though they believed that the executive order entitled them to all of No Man's Land, including the Arizona portion. Nevertheless, the tribe was willing to settle for the California portion of No Man's Land because it was quite valuable for woodcutting, an essential economic activity for the tribe. Roughly 4,000 of the 5,000 acres of the woodlands along the abandoned channel would be available for the Quechans' use if they were to succeed in restoring the California land to the reservation.¹⁹ But until that happened, all the land contained within No Man's Land remained part of the public domain and belonged to the U.S. government. The BIA represented the Indians' legal case in their attempts to secure the California portion of No Man's Land, even as Quechans themselves remained wary about whether the BIA had their best interests in mind.

Unlike No Man's Land, lands within the Bard Irrigation District and Fort Yuma Indian Reservation were protected by the new levee from seasonal flooding. This meant that the acreage could be brought under irrigation by the Yuma Reclamation Project, which was initiated by the Reclamation Service in 1903 after the Reclamation Act of 1902 was passed to bring arid lands of the U.S. West under irrigation. The Bard Irrigation District was part of the lands ceded by the

¹⁸ The 1893 agreement enacted the Dawes Severalty Act on the Fort Yuma Indian Reservation and paved the way for allotment in exchange for cession of reservation lands to the U.S. government. See Chapter Two.

¹⁹ CH Gensler to Commissioner of Indian Affairs, August 20, 1937, RG 75, Fort Yuma, CCF 1907-39, Box 18, Folder 57120-27, NARA I.

Quechans in the 1893 agreement. Bard began receiving irrigation water in 1910 and was inhabited mostly by white landed settlers. The Yuma Indian Reservation also received water under the Yuma Reclamation Project around the same time. Both of these settled areas surrounded the unopened lands of No Man's Land. Because No Man's Land sat between the levee and the new river channel, it was subject to seasonal flooding. This meant that the Reclamation Service did not consider it irrigable by the Yuma Reclamation Project. Unlike the settled and irrigated tracts of Bard and the reservation, therefore, the administrative status of No Man's Land remained ambiguous.²⁰

African Americans, seeking any tract of land where they might establish themselves, took advantage of this administrative ambiguity and the agricultural potential of No Man's Land to squat there starting in the early 1920s, soon after the river shifted. The bottomlands along the abandoned 1920 river channel, the same tracts that the Quechans sought for wood cutting, were the only places they could farm because they needed to be near the abandoned channel in order to pump their own irrigation water. They took up residence on both the California and Arizona portions of the bottomlands, expecting the land to be opened to public entry soon thereafter, which would give them squatters' rights when it happened. However, even though No Man's Land was part of the public domain, it was not formally opened to settlement under U.S. public land laws because the president had not issued a proclamation opening such lands to entry. This meant that their hoped-for squatters' rights would prove elusive.²¹ Nevertheless, many squatters

²⁰ Robert Sauder, *The Yuma Reclamation Project: Irrigation, Indian Allotment, and Settlement Along the Lower Colorado River* (Reno: University of Nevada Press, 2009), 57-123. For overviews of how the Reclamation Act of 1902 affected public lands in the arid U.S. West, see Donald Pisani, *Water and American Government: The Reclamation Bureau, National Water Policy, and the West, 1902-1935* (Berkeley: University of California Press, 2002). See also Mark Fiege, *Irrigated Eden: The Making of an Agricultural Landscape in the American West* (Seattle: University of Washington Press, 1999); Donald Worster, *Rivers of Empire: Water, Aridity, and the Growth of the American West* (New York: Oxford University Press, 1992).

²¹ CJ Rhoades to Samuel McNabb, January 29, 1931, RG 75, Fort Yuma, CCF 1907-39, Box 21, Folder 57120-27, NARA I.

found they could establish small farming operations on the bottomlands, building modest homes and making “improvements” such as clearing brush, leveling and planting fields, and installing water pumps to tap the abandoned channel.²² As more African Americans arrived, they built an all-Black church and schoolhouse, though some children attended school in Bard. While we do not know the exact population on No Man’s Land given how difficult it was for federal officials to conduct reliable surveys, the officials who tried estimated that between 200 and 300 African Americans belonged to this squatting community through the 1930s. While it remained overwhelmingly African American, up to 25 whites lived among them.²³

Tensions Build on No Man’s Land

The squatters had only been living on No Man’s Land for three years, hoping that it would soon be formally opened to entry under the Homestead Act, when they began to attract attention. Quechans began making public appeals to claim the land as part of the Fort Yuma Indian Reservation.²⁴ The first formal complaints for which we have evidence started in 1928. In a letter on February 12, Quechan Tribal Council President Mike Escalanti complained to the Secretary of the Interior that “there are many Mexicans and colored people entering and trespassing on our reservation. Still more coming in. These people are cutting and hauling our woods [sic] out, and not being stopped.” Quechans used wood for building houses and burning the dead, and they sold it in town to support their families. Moreover, he claimed that the interlopers “tear our shacks down, when the Indians put up their fences they tear them down burn them up and when we enter they chase us out.” By Escalanti’s account, when the Quechans

²² EC Fortier, District Engineer to A.L. Wathen, Acting Chief Engineer of Reclamation Service, Office of Indian Affairs, December 30, 1940, RG 75, Fort Yuma, CCF 1907-39, Box 18, Folder 57120-27, NARA I.

²³ Roy Bennett to Regional Supervisor of Operations and Maintenance, Bureau of Reclamation, May 23, 1947, Folder G1-13, NARA-Denver. Bennett noted that these whites had occupied this land since the 1930s.

²⁴ Charles Burke to Senator Carl Hayden, June 14, 1928, RG 75, Fort Yuma, CCF 1907-39, Box 21, Folder 57120-27, NARA I.

confronted the squatters face-to-face and told them to “keep out,” the squatters replied that they had “a right to live” there and mentioned “papers” issued to them from Washington and Phoenix attesting to their right to be there. It is not clear what papers the squatters had. But these confrontations marked the beginning of the confusion that would increasingly cloud who had right to No Man’s Land.²⁵

The General Land Office, too, recognized a brewing conflict over No Man’s Land. D.K. Parrott, a land office agent, wrote the Commissioner of Indian Affairs,

it appears that a number of squatters have located on the area and have made some improvements with a view to acquiring title under the homestead laws, alleging that these lands are unsurveyed public lands in the State of Arizona. The Indians are objecting to these activities, claiming that the lands are a part of the Fort Yuma Indian Reservation, and that no one but the Indians has a right to settle thereon or to cut the timber.²⁶

Furthermore, Parrott noted that because of the 1920 shift in the river, the jurisdiction of the land was up for debate. His initial hunch was that the boundaries of the Fort Yuma Indian Reservation and the state line between Arizona and California would not change and would remain defined by the old riverbed since the change in the course of the river had been caused by avulsion—a sudden shift over the course of only a day. But he acknowledged the need to determine the boundaries of and legal jurisdiction over the land more formally: “The definite determination of the boundary line...which will also define the limits of the Indian Reservation on the one hand and the unsurveyed public lands in Arizona, is a problem of considerable complexity, and will require a thorough investigation by an engineer of the area of the condition and relationship of the official surveys on both sides of the Colorado River.”²⁷

²⁵ Mike Escalanti et al. to Secretary of the Interior, February 12, 1928, CCF 1907-39, Box 21, Folder 57120-27, NARA I. Whether the Indians felt that BIA agents represented their interests is another matter. Indeed, when the Quechan Tribal Council reported grievances to Jolley about squatters cutting wood on No Man’s Land, the council complained that “he does not protect our interests,” despite his promise to write to Washington on their behalf.

²⁶ DK Parrott to Commissioner of Indian Affairs, January 19, 1928, CCF 1907-39, Box 21, Folder 57120-27, NARA I.

²⁷ DK Parrott (GLO) to Commissioner of Indian Affairs, January 19, 1928, RG 75, Fort Yuma, CCF 1907-39, Box

To address the General Land Office's request, Commissioner of Indian Affairs J. Henry Scattergood, commissioned a survey, hoping that it would definitively establish jurisdiction to the land in question. John Warboys, the U.S. Cadastral Engineer assigned to conduct the survey, determined that No Man's Land had been formed by accretion—gradual changes as the river cut southward between 1895 and 1920—and not by avulsion as Parrott had previously surmised, and that therefore the Indians had legal claim to the land.²⁸ For Indian agent C.J. Rhoades, the Warboys Survey's finding that No Man's Land was accretion land provided conclusive evidence that the squatters were occupying Indian territory. He noted that the "old channel is still plainly visible in many places. If this be the case at the point where the squatters are located, there should be no difficulty in clearly distinguishing that they are on reservation land."²⁹ Scattergood stated that the survey, having clearly established No Man's Land as part of the reservation, determined that it was "not subject to settlement under the public land laws. Such persons as have located thereon are clearly squatters and will have to vacate. They should be fully informed of the status of the land and that their removal is required."³⁰

Using the Warboys Survey as evidence of the squatters' unlawful occupation of reservation lands, beginning in 1929, BIA agents on the Fort Yuma Indian Reservation began serving eviction notices to the squatters. This action marked the start of an escalating legal battle between the squatters and the Indians that would drag on over the coming decade in a series of eviction attempts. The battle involved many federal agencies, including the BIA, Department of Justice, General Land Office, Reclamation Service, and Resettlement Administration. Eleven

21, Folder 57120-27, NARA I.

²⁸ "Warboys Survey," RG 141, Interstate Stream Commission Reports, Box 68, Arizona State Archives.

²⁹ CJ Rhoades to Herbert B. Jolley, January 12, 1931, RG 75, Fort Yuma, CCF 1907-39, Box 21, Folder 57120-27, NARA I.

³⁰ J Henry Scattergood to HB Jolley, February 7, 1930, RG 75, Fort Yuma, CCF 1907-39, Box 21, Folder 57120-27, NARA I.

eviction notices were initially served. Herbert B. Jolley, Superintendent of the Fort Yuma Indian Reservation who oversaw Indian agents' attempts to evict the squatters, felt compelled to press ahead with legal proceedings on behalf of the Indians. He used as justification complaints from both Quechans and landed whites in the Bard settlement, which was directly east of the reservation and north of No Man's Land. On March 17, 1930, Jolley wrote to the Commissioner of Indian Affairs with a list of the squatters in an attempt to have the Department of Justice order their immediate eviction on the grounds that "most of them are negroes and many are very undesirable characters, and white people in the Bard vicinity, as well as the Indians, are very anxious to have them removed."³¹

Racial hostility against the squatters motivated the BIA's efforts to evict them, at least in part. The race of every squatter in these first lawsuits is unclear, but those who can be identified in the 1930 census were African American.³² Throughout the subsequent series of eviction attempts in the 1930s, Indian agents frequently remarked on the negative influence that they feared the squatters would have on neighboring whites and Quechans. In 1935, for example, Clyde H. Gensler, who succeeded Jolley as superintendent at Fort Yuma and who played a prominent role in the eviction proceedings, expressed misgivings that the squatters' behavior could corrupt the Quechans:

It is a fact that this negro settlement is made up very largely of renegade people and cannot be a good influence on the Indians....This negro colony started, according to general rumor, by refugees from justice. They were petty thieves and bootleggers and if rumor has it correct, perhaps even worse. Since this settlement has started there have been some decent negro people move in there. However, white men whose farms border this tract of land say that every one of them are thieves, that they will even carry alfalfa hay out of your fields. I can see a bad situation ahead through the mixture of these negroes and our Indians, not only race mixtures which will take place, but there will be constant quarreling and constant thievery.³³

³¹ HB Jolley to Commissioner of Indian Affairs, March 17, 1930, RG 75, Fort Yuma, CCF 1907-39, Box 21, Folder 57120-27, NARA I.

³² U.S. Bureau of the Census. *Fifteenth Census of the United States, 1930* (Washington, D.C.: NARA, 1930), T626, 2,667 rolls.

³³ CH Gensler to Commissioner of Indian Affairs, January 25, 1935, RG 75, Fort Yuma, CCF 1907-1939, Box 18,

However conclusive BIA agents hoped the Warboys Survey would be, it still left seeds of administrative doubt, and this confusion persisted throughout the eviction attempts. Despite the Warboys finding that No Man's Land had been formed by accretion and thus belonged to the Reservation, squatters doubted whether this was true. One squatter named John Johnson disputed that the land was accretion land, and argued that No Man's Land should be classified under the public domain rather than as part of the Fort Yuma Indian Reservation.³⁴ In a 1930 appeal to the decision of the General Land Office Commissioner rejecting his settlement claim, he argued that No Man's Land had been caused by the avulsion of 1920—not by accretion—and that the boundary of the Fort Yuma Indian Reservation “should remain as it was, in the center of the old channel although now water may be flowing therein.”³⁵ But Indian agents had the Warboys Survey on their side. One Indian agent, CJ Rhoades, wrote in a letter to the Secretary of the Interior on April 10, 1930, that the land in question was accretion land:

In view of the fact that this area is subject to overflow annually, the short period of occupation, and uncertainty on the part of the squatters as to the legal status of the land, it is strongly doubted that improvements of any value have been placed thereon or the lands improved to any extent through cultivation. Any claim that the squatters might make to the effect that these lands were at one time outside the reservation but have since been added thereto by a change in the course of the river would not be substantiated by the records, as it appears that there was a gradual eating into the reservation lands by the river.³⁶

Other squatters responded to eviction notices by appealing to the BIA directly in order to maintain occupancy of No Man's Land under the Homestead Act. They appeared to be operating from the assumption that they could establish residence on public land with the intention of filing

Folder 57120, NARA I.

³⁴ This John Johnson was a different John Johnson than the Cocopa man who appeared in Chapter One. Many squatters mentioned in this chapter had the last name of Johnson: John Johnson, Charlotte Johnson, and Sid Johnson. Given the relatively small number of large families occupying No Man's Land, we might infer a familial relation among these individuals, though census records could not confirm this.

³⁵ John Edwards to Secretary of the Interior, Appeal from the General Land Office, August 18, 1930, CCF 1907-39, Box 21, Folder 57120-27, NARA I.

³⁶ CJ Rhoades to Secretary of the Interior, April 10, 1930, RG 75, Fort Yuma, CCF 1907-39, Box 21, Folder 57120-27, NARA I.

a claim when it was opened for entry under the Homestead Act. Squatters who had received eviction notices, including a man named Edward Carlisle, asked the Department of the Interior for clarification and sympathy:

I am in receipt of a letter from your agent, H.B. Jolley, at the Fort Yuma Indian School in which he requests the immediate removal of my possessions from a tract of land between the old bed of the Colorado River and the Reclamation Service levee which I now occupy about 3 ½ miles north of Yuma. At the time I occupied this land it was unsurveyed, and I am now using my squatters rights and also as an ex-service man I feel as though some consideration is due me, as I have occupied land for a year.³⁷

But his appeal did not persuade the Indian agent. He received a response less than a month later, which argued that “the lands were recently determined through public survey to be within the Yuma Reservation. As none of the land within this area is subject to entry under the public land laws, and no squatter rights can be recognized, it will be necessary for Mr. Carlisle, and all other persons of the same class, to remove from the reservation.”³⁸

Yet other squatters contested their eviction notices by appealing to the General Land Office with similar arguments. One of these squatters, Charlotte Johnson, alleged in a handwritten letter to the GLO on December 17, 1929, that “Indians has been sent down on us with deadly weapons by the Indian agent with false papers ordering us out at once.” She believed the eviction notice to be false because she understood that No Man’s Land “is govelment [sic] land, also reclamation claimed to our lawyers they had nothing to do with anything on the Colorado River side of the levy...it is not Indian lands. Now some has been here 3 and 4 years, some 10 months and on. We law abiding citizens began to improve on this govelment [sic] land then there were plans made to get us off.”³⁹ Johnson hoped that the GLO would view

³⁷ Edward Carlisle to Secretary of the Interior, February 26, 1930, RG 75, Fort Yuma, CCF 1907-39, Box 21, Folder 57120-27, NARA I.

³⁸ C.J. Rhoads to H.B. Jolley, March 17, 1930, RG 75, Fort Yuma, CCF 1907-39, Box 21, Folder 57120-27, NARA I.

³⁹ Charlotte Johnson to United States Land Office, December 17, 1929, RG 115, General administrative and project records 1919-1945, Box 1170, Folder 070.1, NARA Denver.

sympathetically the residents' wells and pumps, "fairly good little houses," and bales of cotton. She based her assessment that No Man's Land was government land on a map, though she did not include the map with her letter. She concluded, "the land is not for Indians for we no [sic] that this govelment [sic] will not put Indians in the riverbed on the river side of the levy where we are also...so we are asking for a notice of protection." It is unclear what kind of "notice of protection" she sought, and it is impossible to know whether the BIA had in fact enlisted Quechans to threaten violence if the squatters refused to leave. But her appeal suggests her hope for documentation that would allow her to resist the BIA's eviction orders.

While the squatters' appeals met with limited sympathy in the GLO and even less in the BIA, they refused to vacate No Man's Land, and most disregarded the BIA's eviction notices altogether. Superintendent Jolley compiled a list of thirty-one squatters he had attempted to evict, and complained to the Commissioner of Indian Affairs that

only two of the alleged squatters paid any attention to the notice. These two were A.H. Dearing and E.S. Smart, who called at the office and told me they would vacate immediately but thought that justice demanded that they be reimbursed for the expenses they had incurred in clearing the land occupied by them. However, they failed to remove off as they agreed to do and are still occupying the land as are all the other settlers referred to.⁴⁰

A result of these squatters' appeals was confusion at the highest levels of the federal government. The Assistant U.S. Attorney, for example, noted in 1931 that "[i]t appears that when these squatters settled upon the Reservation, they had procured some vague and indefinite information that this land could be and would be later opened to settlement." He lamented that the U.S. Land Offices in Phoenix and Los Angeles had not dissuaded them from this assumption.⁴¹

⁴⁰ HB Jolley to Commissioner of Indian Affairs, March 17, 1930, RG 75, Fort Yuma, CCF 1907-39, Box 21, Folder 57120-27, NARA I.

⁴¹ Sharpless Walker to Joseph Dixon, September 28, 1931, RG 75, Fort Yuma, CCF 1907-39, Box 21, Folder 57120-27, NARA I.

Evictions thus proved more elusive than Jolley had anticipated. He had to admit that even though he thought the BIA had the law on its side, unless the confusion over the land's jurisdiction could be resolved, the status quo favored the squatters' continuing occupation of No Man's Land. The BIA would have to seek more powerful authority if it was to succeed in removing them. The Commissioner of Indian Affairs put the matter bluntly: "If they fail to leave, the matter will be promptly laid before the Department of Justice.... Eviction without court action is preferred, and you should make every available effort to bring it about. However, as settlement was probably made prior to the time when it was definitely determined through survey that the land is within the reservation, physical force should not be resorted to."⁴² Thus ongoing administrative confusion allowed the squatters to remain on No Man's Land.

Evictions and Complications

The BIA put the matter before the Department of Justice and asked for direction. Sharpless Walker, a U.S. attorney, requested that Indian agents advise him of "the number of settlers involved, the approximate area claimed by each, and date of settlement."⁴³ Specific descriptions of the particular sections or subdivisions of sections claimed by each squatter were necessary, Walker warned, because "if we fail to describe and identify the particular tract in the Complaint, it is probable that the Court would sustain a demurrer [objection] on the ground that the land was insufficiently described" for a civil lawsuit.⁴⁴ But here, too, BIA agents found the task more difficult than they had anticipated. One agent who tried to carry out the request wrote, "It is impossible to procure the description of the particular subdivision on which each squatter

⁴² J. Henry Scattergood to HB Jolley, February 7, 1930, RG 75, Fort Yuma, CCF 1907-39, Box 21, Folder 57120-27, NARA I.

⁴³ HB Jolley to Commissioner of Indian Affairs, March 17, 1930, RG 75, Fort Yuma, CCF 1907-39, Box 21, Folder 57120-27, NARA I.

⁴⁴ Sharpless Walker to Secretary of the Interior, January 24, 1931, RG 75, Fort Yuma, CCF 1907-39, Box 21, Folder 57120-27, NARA I.

resides, for the reason that they refuse to divulge their names, and some of them move about from one location to another.”⁴⁵ Superintendent Jolley sent a list but added “as near as I can ascertain, the list given above shows the persons who are occupying this land.” He included the caveat that “each of them claim approximately 80 acres, but many of their claims overlap and there is considerable confusion among them. The date of settlement is not known as they kept coming and going in this section for the past three or four years.” He concluded, “It is almost impossible for me to furnish all this information as the settlers will...do everything in their power to thwart any movement toward their removal from the land.”⁴⁶ On July 6, 1930, Walker apologized to the Attorney General for the confusion: “There was long delay in this action by reason of our inability to procure an accurate list of the squatters or a description of the legal subdivision on which each squatter was located.”⁴⁷

Lacking the descriptions of each squatter’s tract of land that would be necessary if the Department of Justice were to press civil ejectment suits, Walker proposed a different legal tack: a criminal lawsuit against the squatters, directed by the U.S. Attorney General. A criminal suit would not require detailed land descriptions, and would focus instead on who had right to possession of No Man’s Land. But here, too, potential difficulties arose. Primary among these was a new question about land classification that would determine who could possess the land: was it, or was it not, irrigable? In order for land to be designated as irrigable, it had to be protected from the risk of flooding. Since No Man’s Land sat between the Reclamation Service levee and the river, it was frequently inundated by seasonal flooding. As long as the river

⁴⁵ Samuel McNabb to Attorney General, July 15, 1930, RG 75, Fort Yuma, CCF 1907-39, Box 21, Folder 57120-27, NARA I.

⁴⁶ HB Jolley to Commissioner of Indian Affairs, March 17, RG 75, Fort Yuma, 1930, CCF 1907-39, Box 21, Folder 57120-27, NARA I.

⁴⁷ Sharpless Walker to Joseph M. Dixon, July 6, 1931, RG 75, Fort Yuma, CCF 1907-39, Box 21, Folder 57120-27, NARA I.

continued to overflow its banks, the land was classified as non-irrigable. This would change with the completion of Hoover Dam in 1936, so the confusion over jurisdiction persisted until then.

The agreement of 1893 had stipulated that the Quechans were not entitled to ceded non-irrigable lands, so Walker surmised that No Man's Land belonged to the U.S. government. Even here, though, he thought the Quechans might have a case to make that the area was accretion land and therefore had never been ceded, even if it was non-irrigable.⁴⁸ Indeed, Indian agent C.J. Rhoades took this position.⁴⁹

Moreover, as long as the land was considered part of the public domain but not yet open to settlement under U.S. general land laws by proclamation of the president, Walker was reluctant to level a criminal suit against the squatters. No Man's Land would likely be opened to settlement eventually, and the squatters could apply for legal entry when that happened. In a January 24, 1931, letter to the Secretary of the Interior, Walker wrote, "It appears to be an accepted fact that the land squatted upon by the trespassers is non-irrigable land, and the presumption naturally arises that those settlers located upon the land in good faith and without criminal intent, expecting that the land would be eventually opened to settlement." Under such circumstances, a criminal suit would fail. Walker therefore redoubled his efforts to gather the descriptions of the legal subdivisions and lots each squatter occupied in order to press civil ejectment suits, and he requested another survey to accomplish this.⁵⁰ Ultimately, a new survey proved unnecessary, because John Warboys, the cadastral engineer who had completed the

⁴⁸ Sharpless Walker to Secretary of the Interior, January 24, 1931, RG 75, Fort Yuma, CCF 1907-39, Box 21, Folder 57120-27, NARA I.

⁴⁹ CJ Rhoades to Samuel McNabb, January 29, 1931, RG 75, Fort Yuma, CCF 1907-39, Box 21, Folder 57120-27, NARA I.

⁵⁰ Sharpless Walker to Secretary of the Interior, January 24, 1931, CCF 1907-39, Box 21, Folder 57120-27, NARA I.

survey of No Man's Land in 1929, provided the additional information in an addendum to his original survey.⁵¹

With this information, in February 1931 Walker had the evidence he needed to file civil ejectment suits against eleven of the squatters. The most prominent suit of the group was against an African American squatter named Sid Johnson. Sid, his wife, Lorane, and their six children had occupied No Man's Land since before January 1, 1929.⁵² In his defense, Sid Johnson stated that he had the right to "enter upon, claim and procure title" to the land he occupied because it was part of the "undisposed of public lands of the U.S." that had "passed from the Indians to the United States and was not allotted to Indians and remained available for reclamation but was not used as a part of the Bard Project and was left outside the levee and has not had any reclamation use thereof."⁵³ In turn, the U.S. attorney argued that "the mere occupancy of public lands that have not been formally made subject to entry establishes no right" to settlement.⁵⁴ *United States vs. Sid Johnson, et al.*, promised to determine "the question of the availability of said lands for settlement and the rights of said defendants to enter upon and procure title to said lands...as well as the question of whether or not said land is contained within [the] Yuma Indian Reservation."⁵⁵ But the question would not be answered; instead, the case dragged on for four years amidst continuing confusion among all parties involved. In fact, even more African Americans located their families on No Man's Land during the Great Depression. As BIA agents discovered more

⁵¹ Affidavit of Sharpless Walker, *United States of America vs. Sid Johnson, et al.*, No. 188-C, RG 21, Civil Law Cases, 1929-1938, Box 13, NARA Riverside.

⁵² Affidavit of Sidney Johnson, *United States of America vs. Sid Johnson, et al.*, No. 188-C, RG 21, Civil Law Cases, 1929-1938, Box 13, NARA Riverside.

⁵³ Reply brief of defendants, *United States of America vs. Sid Johnson, et al.*, No. 188-C, RG 21, Civil Law Cases, 1929-1938, Box 13, NARA Riverside.

⁵⁴ Plaintiff's opening brief, *United States of America vs. Sid Johnson, et al.*, No. 188-C, RG 21, Civil Law Cases, 1929-1938, Box 13, NARA Riverside.

⁵⁵ Affidavit in support of motion to vacate judgment and for hearing, *United States of America vs. Sid Johnson, et al.*, No. 188-C, RG 21, Civil Law Cases, 1929-1938, Box 13, NARA Riverside.

squatters, they served another round of eviction notices. “Fifteen eviction suits were [initially] filed, and when it was discovered that there were more settlers living on the ‘disputed territory,’ nine additional suits were filed,” wrote U.S. Attorney Peirson Hall to the Secretary of the Interior on June 30, 1933.⁵⁶

Amidst these evictions and subsequent legal confusion, newly arrived squatters involved in the new round of ejection suits responded in much the same way that squatters on No Man’s Land had five years prior—by listing improvements they had made to the land and by defending their reasons for doing so. On July 15, 1933, a squatter named James Anderson, Jr. wrote to the judge presiding over the ongoing eviction case,

I have settled on 160 acres.... On account of unemployment, a large family and being an experienced farmer we located here in February 1933 with the understanding that this land would be formally opened this year. Of this acreage we have cleared, leveled and put under cultivation 75 acres or more. We have installed 2 domestic and 1 irrigation pump, pumping our water from the river; purchased 4- head of working stock, hogs, poultry and farming implements; built a 1 room house, sheds and corrals. We have invested every cent we have in this property and our crop of cotton, corn and alfalfa is in the advanced stages. We have received notice from the Land Office at Los Angeles and the agent at Yuma, Arizona to vacate at once. Information is requested as to when this land will be opened and shall we vacate, losing all we have, or shall we remain here and continue to improve this land?⁵⁷

The BIA responded directly to Anderson’s plea, reiterating its belief that the land belonged to the Fort Yuma Indian Reservation, and that all improvements he had made were undertaken at his own risk.⁵⁸

Moreover, the Department of Justice itself expressed reservations about the evictions that U.S. Attorney Peirson Hall himself had promoted. Indeed, Hall even appeared to sympathize with the squatters. “Should they be ejected?” he asked, adding, “Some of them have done

⁵⁶ Peirson Hall to Secretary of the Interior, June 30, 1933, RG 75, Fort Yuma, CCF 1907-39, Box 18, Folder 57720-27, NARA I.

⁵⁷ James Anderson Jr. to Hon. William McAdoo, July 15, 1933, RG 75, Fort Yuma, CCF 1907-39, Box 18, Folder 57720-27, NARA I.

⁵⁸ John Collier to James Anderson, Jr., August 21, 1933, RG 75, Fort Yuma, CCF 1907-39, Box 18, Folder 57720-27, NARA I.

considerable work in clearing the land of brush and erected shacks for dwelling houses.... It would seem to be an unnecessary hardship upon them to remove them merely because technically the land had never been formally opened to settlement.”⁵⁹ Meanwhile, the court case dragged on so long that Indian agents at the BIA headquarters in Washington, D.C. mistakenly believed that the squatters had been successfully evicted. Superintendent H.B. Jolley quickly dispelled them of this notion: “The Office is under the impression that the suit for the ejection of the squatters on Indian land has been completed and that the trouble has been definitely eliminated, but such is far from being the case.”⁶⁰

The Quechans knew as well as anyone that the case was far from resolved, and wondered why the squatters continued to occupy land they considered part of their reservation. John Black and Alfonso Hammond, chairmen of the Quechan Tribal Committee, wrote to the Commissioner of Indian Affairs on March 28, 1934,

The Quechan Tribal committee wished to be informed as to what steps are being taken at this time towards the removal of certain negro squatters now resident upon river bottom lands encompassed within the boundaries of the Yuma Indian Reservation... We are prepared to and if necessary will make a determined fight to recover this land as a very valuable part of our reservation. Any information which your office can give us and any assistance which you can render us in this matter will be greatly appreciated.⁶¹

In 1935, *The United States of America v. Sid Johnson, et al.* case finally concluded, resulting in two decisions. First, the court found the eleven defendants guilty and ordered their immediate eviction.⁶² But the squatters were granted a two-month stay of eviction when the Resettlement Administration, the New Deal federal agency tasked with relocating and providing

⁵⁹ Peirson Hall to Secretary of the Interior, June 30, 1933, RG 75, Fort Yuma, CCF 1907-39, Box 18, Folder 57720-27, NARA I.

⁶⁰ HB Jolley to Commissioner of Indian Affairs, May 22, 1933, RG 75, Fort Yuma, CCF 1907-39, Box 18, Folder 57720-27, NARA I.

⁶¹ John Black and Alfonso Hammond to Commissioner of Indian Affairs, March 28, 1934, RG 75, Fort Yuma, CCF 1907-39, Box 18, Folder 57120-27, NARA I.

⁶² Findings of Fact and Conclusions of Law, *United States of America vs. Sid Johnson, et al.*, No. 188-C, RG 21, Civil Law Cases, 1929-1938, Box 13, NARA Riverside.

work relief to poor, migrant, African American families during the Great Depression, intervened on the squatters' behalf. Jonathan Garst, the Regional Director of the Resettlement Administration, successfully lobbied the Attorney General to defer the ejectments until he could relocate the squatters on the island portion of No Man's Land, just across the 1920 river channel in Arizona. Over the next several years, Garst became a prominent advocate for the squatters. He explained his motivation for intervening: "In the first place, we are of course under no compulsion to resettle the negro squatters along the Colorado River there. In a general way, our interest was to protect the Office of Indian Affairs from the onus of evicting negro families who had occupied this land for a number of years and to a considerable extent had succeeded in maintaining themselves." But, he elaborated, "I confess, on the other hand, that we were moved by a feeling of compassion for the colored people involved and also for other colored people in southwestern Arizona who have been inveigled into paying for being located on homesteads on the grounds that would be irrigated by the Colorado River water." The Resettlement Administration's advocacy on behalf of the squatters marked a turning point; now the squatters' case would be represented by a federal agency.⁶³

This proved a troublesome development for Superintendent Gensler, who had hoped that the case's conclusion would finally put the matter to rest. In September 1935, he wrote the Commissioner of Indian Affairs that although the "two month stay of eviction proceedings is satisfactory, we are interested mostly in the certainty of their leaving this fall. Negro attorneys very active. We should guard against action which might be used in attempt to set aside court decision."⁶⁴ To make matters worse for the BIA, Gensler received notice that he would have to

⁶³ Jonathan Garst to Commissioner of Indian Affairs, December 31, 1935, RG 75, Fort Yuma, CCF 1907-39, Box 18, Folder 57120-27, NARA I.

⁶⁴ CH Gensler to Commissioner of Indian Affairs, September 7, 1935, RG 75, Fort Yuma, CCF 1907-39, Box 18, Folder 57120-27, NARA I.

bring suit against the entire population of squatters if he were to succeed in evicting any of them, since estimates put the squatter population on No Man's Land between 200 and 300 by 1935.⁶⁵ This would prove a difficult proposition. Gensler surmised, "if we want to put the rest of them off this land we will have to bring another lawsuit. It is difficult to arrive at just how many Negroes are down there, but the Bard School District advises me that they had 35 children in school there and that perhaps only about one half of the children were in school. So there is quite a population." Because of the stays in eviction that Garst achieved on the squatters' behalf, Gensler realized that "in reality none of them have left." He concluded that perhaps the BIA could move forward with attempting to evict the original eleven squatters in the *United States of America v. Sid Johnson* suit, but added that "we are gaining nothing until we again sue for the ejection of the remaining population."⁶⁶ Thus, far from resolving the confusion that had shrouded this piece of land, the case in fact furthered it.

In addition, the court found that the California portion of No Man's Land was in fact irrigable. This meant, in theory, that the land could be restored to the Fort Yuma Indian Reservation. However, since the United States was the plaintiff in the case, not the Quechans, this finding did not automatically mean that the land would be restored, only that it was subject to further contestation. Nevertheless, the case would be used by the BIA in subsequent years in an attempt to restore the land to the Quechans.⁶⁷

⁶⁵ CH Gensler to Commissioner of Indian Affairs, December 2, 1935, RG 75, Fort Yuma, CCF 1907-39, Box 18, Folder 57120-27, NARA I.

⁶⁶ CH Gensler to Commissioner of Indian Affairs, September 3, 1935, RG 75, Fort Yuma, CCF 1907-39, Box 18, Folder 57120-27, NARA I.

⁶⁷ Findings of Fact and Conclusions of Law, *United States of America vs. Sid Johnson, et al.*, No. 188-C, RG 21, Civil Law Cases, 1929-1938, Box 13, NARA Riverside.

From the California Portion to the Arizona Portion of No Man's Land

The court's reversal in finding the land irrigable may have been the result of the impending completion of Hoover Dam.⁶⁸ Located roughly 270 miles north of Yuma, the dam was built between 1931 and 1936 as a product of the 1922 Colorado River Compact, which allocated water rights to the seven states in the Colorado River Basin.⁶⁹ Completion of the dam mitigated the risk of flooding on the lower Colorado River and prevented the river channel from migrating across its floodplain. On No Man's Land these two developments led to a cascade of consequences for the squatters, Quechans, and government agencies alike. Arnoldas McClure, an engineer for the Bureau of Reclamation, wrote to the president, "At one time it might have been considered inadvisable to use these lands which are in the lower lands adjacent to the Colorado River for such purposes because of the possible flood conditions. This flood condition, however, has been removed by the completion of the Boulder Canyon Dam and there is no good reason, from a physical or practical standpoint, why these lands should not be used for agricultural purposes."⁷⁰ In theory, a mitigated flood threat meant that the land was now irrigable and therefore subject to restoration within the Yuma Indian Reservation. But that resolution would not come for several years. Meanwhile, the squatters grappled with the changing physical and administrative landscape the dam wrought.

The squatters knew as well as anyone how dramatically Hoover Dam would alter the lives of those who lived downstream. To them, the dam was both a blessing and a curse. On the one hand, the dam decreased the flood risk to squatters, which had been substantial. The perils of

⁶⁸ Hoover Dam also went by the name "Boulder Canyon Dam."

⁶⁹ For more on the Hoover Dam and the Colorado River compact, see Norris Hundley, Jr., *Water in the West: The Colorado River Compact and the Politics of Water in the American West* (Berkeley: University of California Press, 2009).

⁷⁰ Arnoldas McClure to U.S. President, May 14, 1935, RG 75, Fort Yuma, CCF 1907-39, Box 18, Folder 57120-27, NARA I.

inhabiting the bottomlands of an unregulated river were many. The overflows that the squatters depended upon for irrigation were also a source of danger; indeed, two squatters reportedly had drowned when the Colorado River had overflowed. A man known as Reverend Jackson, who served as the minister of the all-Black church on No Man's Land, described life in 1926, when he and the other the squatters "sacrificed and risked our lives during the high waters, that backed up from the Colorado river and flooded the whole section many lost their lives." But, he noted, with the mitigated flood risk in the 1930s, squatters no longer had to contend with the volatility of the river, providing an unexpected source of safety: "Those who survived remained, now that the dam is finished, we don't have that trouble anymore."⁷¹ On the other hand, the diminished flood risk brought water shortages to squatters because they no longer received the seasonal overflow water from the river's annual fluctuations. Appealing directly to President Franklin Delano Roosevelt on November 16, 1936, Essie Wilkins Evans, the woman who opened this chapter, wrote, "We beg to advise that are living on Squatter Island via Yuma in time past depending solely on the River overflow and since that time the Dam has kept us short of overflow water."⁷²

While the squatters experienced these effects directly, the dam's jurisdictional impacts also determined their fate. Primary among these was the Reclamation Service's new classification of No Man's Land as irrigable. The BIA seized on this new classification to argue that it could restore No Man's Land to the Yuma Indian Reservation. The BIA's argument was bolstered by Section 3 of the 1934 Indian Reorganization Act, which stipulated that ceded lands could be restored to Indian reservations if deemed irrigable.⁷³ In 1938, for example, an Indian

⁷¹ Rev. James A Jackson to Franklin Delano Roosevelt, October 14, 1937, RG 115, Box 1302, Project Correspondence 1930-1945, Folder 400.11, NARA Denver.

⁷² Essie Wilkins Evans to President of the United States, November 16, 1936, RG 115, Project Correspondence File 1930-1945, Box 1302, Folder 400.11, NARA Denver.

⁷³ For an overview of the Indian Reorganization Act, see Francis Paul Prucha, *The Great Father: The United States Government and the American Indians* (Lincoln: University of Nebraska Press, 1984), 969-992.

agent relayed to C.H. Gensler, who by now had assumed the superintendency from Jolley, a conversation he had had with a reclamation agent: “It will be observed that A.L. Wathon, Director of Irrigation, who is quite familiar with the Yuma land situation, is of the belief that in all probability the lands which you desire to have restored to a tribal status could, unquestionably, be classified as irrigable. If this is the case, there is ample authority to make the restoration under Section 3 of the Indian Reorganization Act and additional legislation would not be necessary.”⁷⁴ The Commissioner of Indian Affairs elaborated on this point, arguing to Gensler that the cession of tribal lands in the 1893 agreement was not absolute, but rather “in trust for the use and benefit of the Indians. The beneficial ownership of the Indians in the irrigable lands thus continued notwithstanding the relinquishment or cession. In view of this, it appears that all of the irrigable lands of the Yuma Reservation that have been opened for sale or are authorized to be opened for sale but still remain undisposed of are subject to restoration to tribal ownership.”⁷⁵

Gensler’s ongoing legal attempts to restore the California portion of No Man’s Land to the reservation was in part a response to continuing appeals from Quechans themselves. To be sure, Quechans insisted on the BIA’s advocacy in helping them claim No Man’s Land as part of the reservation not because they sought to settle there. Rather, they wanted to use the land because it offered brush for wood cutting. They did not intend to use the new classification of the land as irrigable in order to actually put it under irrigation. C.H. Gensler had downplayed this point in his prior advocacy, but now that the lands were deemed irrigable, he made a stronger case for the Quechans along the entire stretch of bottomlands that bordered the reservation:

⁷⁴ JM Stewart to Clyde H. Gensler, March 28, 1938, RG 75, Fort Yuma, CCF 1907-39, Box 18, Folder 57120-27, NARA I.

⁷⁵ John Collier to Clyde Gensler, January 12, 1938, RG 75, Fort Yuma, CCF 1907-39, Box 18, Folder 57120-27, NARA I.

“There is approximately 4,000 acres of this wood of a dense stand on the lands along the river which were formerly considered to be tribal lands,” he wrote to the Commissioner of Indian Affairs in 1937. “The Indian area, where the Negro squatters were and which required a court case dragging over three or four years at Yuma, is essentially wood land. We spend many hundreds of dollars annually to buy wood from Indians.... Marketing wood is one of the chief sources of income.... Just this month...I passed three Yuma Indians on the road, each of them with a cord of wood going to Yuma. I later passed two of them returning with a sack of flour and some other groceries.... That goes on daily and, of course, more so during the colder weather.”⁷⁶

But Gensler was likely also responding to ongoing racial hostility coming from white landed settlers in Bard. “The white settlers on the Bard Irrigation District have always opposed locating negroes on this No Man’s Land. They have advised me repeatedly that they are entirely satisfied with the Indians but that they do not want these negroes,” he wrote.⁷⁷ In a resolution on February 6, 1936, the Bard Irrigation District Board of Directors, which represented 1,000 whites living on 6,000 acres within the irrigation district, protested against the Resettlement Administration’s attempts to relocate the squatters on the island portion of No Man’s Land in Arizona. In their complaint, they enumerated their reasons: that the squatters were preventing Indians from cutting timber; that adding African Americans to a labor supply of Mexicans, Indians, and poor whites would create an over-supply of labor in the area; that if the Resettlement Administration succeeded in resettling the squatters, the whites would be surrounded to the west by Indians and to the east by Blacks, which to them was unacceptable;

⁷⁶ CH Gensler to Commissioner of Indian Affairs, August 20, 1937, RG 75, Fort Yuma, CCF 1907-39, Box 18, Folder 57120-27, NARA I.

⁷⁷CH Gensler to Commissioner of Indian Affairs, December 2, 1935, RG 75, Fort Yuma, CCF 1907-39, Box 18, Folder 57120-27, NARA I.

and that the Bard School District would experience problems as “many residents are from the southern states, and they resent their children attending school with colored children.”⁷⁸

The Indian Reorganization Act and the new classification of No Man’s Land as irrigable together gave the BIA the legal mechanisms it needed to complete the evictions. By May of 1936, Superintendent Gensler had succeeded in evicting the squatters from the California portion of No Man’s Land and claimed it as part of the Fort Yuma Indian Reservation. “At this time the Negroes have, with the exception of one or two, been removed from the Indian land but those who have always resided on this Arizona strip [the island] bounded by the Indian land and the river still remain,” he wrote.⁷⁹ But Gensler raised the concern that Jonathan Garst and the Resettlement Administration’s efforts to relocate the squatters on the island, just across the river from Quechans on the Reservation, would create a “bad social setup.” Some of the squatters had already been living on the Arizona island, there being little difference to them between land in Arizona and California. Gensler considered Garst’s proposal to relocate the evicted squatters to this already-established settlement almost as troublesome as their occupation of No Man’s Land in California.

Racial prejudice was a primary basis for Gensler’s concern. “I feel...that we should weigh the social question involved and be definitely sure we want to encourage a colored neighborhood within our Indian settlement before we offer encouragement to Mr. Garst. As I see this matter, if we think it desirable to increase the Negro blood in our Indians, this proposition of Mr. Garst will practically assure it,” he wrote.⁸⁰ The Commissioner of Indian Affairs, too,

⁷⁸ Bard Irrigation District Board of Directors Resolution, February 6, 1936, RG 75, Fort Yuma, CCF 1907-39, Box 18, Folder 57120-27, NARA I.

⁷⁹ CH Gensler to JM Stewart, May 20, 1936, RG 75, Fort Yuma, CCF 1907-39, Box 18, Folder 57120-27, NARA I.

⁸⁰ CH Gensler to Commissioner of Indian Affairs, December 22, 1938, RG 75, Fort Yuma, CCF 1907-39, box 18, folder 57120-27, NARA I.

appeared troubled by the prospect of such close proximity: “If the action proposed by the Resettlement Administration were consummated, the results of our efforts over a long period of years for the welfare, protection and advancement [of the Quechans] would no doubt soon be destroyed,” he concluded.⁸¹ Gensler, anxious that the BIA could not muster enough strength to prevent the squatters’ relocation on the island, enlisted the help of the Arizona State Land Commissioner: “[The Land Commissioner] advised me personally that he would work with us in keeping the Negroes off the Arizona strip. He told me that if necessary he would go to the Governor with it.”⁸²

Despite Gensler’s protests, however, that same month, Garst and the Resettlement Administration proceeded with relocating the squatters on the island, and even brought in more migrant African Americans on work relief. On May 25, 1936, Garst wrote the Commissioner of Indian Affairs, “The Resettlement Administration has, through their Legal Department in Washington, requested that the Department of the Interior transfer title of the Arizona side of the alleged island...to the Resettlement Administration for purposes of colonization.”⁸³

Paradoxically, one of the strongest assets Garst had at his disposal was the island’s new classification as irrigable, since it would allow the agency to settle the squatters even if the Bureau of Reclamation was still deciding on whether to add the island to the Yuma Reclamation Project. Resettlement offered the squatters farms, homes, and loans for irrigation pumps—enough to establish themselves on the island. One squatter, L.M. Wilkins, the husband of Essie Wilkins Evans, described his farming operation on the island: “I didn’t have water to farm with

⁸¹ John Collier to Secretary of the Interior, December 23, 1935, RG 75, Fort Yuma, CCF 1907-39, Box 18, Folder 57120-27, NARA I.

⁸² CH Gensler to JM Stewart, May 20, 1936, RG 75, Fort Yuma, CCF 1907-39, Box 18, Folder 57120-27, NARA I.

⁸³ Jonathan Garst et al. to Commissioner of Indian Affairs, May 25, 1936, RG 75, Fort Yuma, CCF 1907-39, Box 18, Folder 57120-27, NARA I

so I put down a well this year to irrigate 160 acres, and also bought a tractor using an Farm Security Administration loan from Jonathan Garst.”⁸⁴ Garst was determined “to colonize these negroes on this land and in addition to the negroes who are already in that colony, to bring in others.”⁸⁵ Arguing that his agency “has these negroes in various parts in Arizona and California on relief and must have a place where they can settle them with some thought of the negroes making their own living,” Garst proved a surprisingly powerful ally as squatters resisted Gensler’s attempts to oust them from the island portion of No Man’s Land.

Because the island—and, indeed, all of No Man’s Land—was now classified as irrigable, the Reclamation Service increasingly sought to determine whether the island could be irrigated under the Yuma Reclamation Project. At first, reclamation agents were sanguine about the prospect. “No changes in the river are anticipated in the immediate future,” one engineer wrote as reason for the Reclamation Service’s newfound interest in irrigating the island. But the agents were wary to act too quickly. “No lands along the Colorado River should be released from reclamation withdrawal until it is definitely certain that such lands will not be flooded,” one engineer wrote in 1939. Another warned that, as an unforeseen consequence of Hoover Dam, silt accumulated in the river channel below the dam between 1935 and 1939, raising the riverbed such that it posed the risk of flooding the island. He worried that the island might return to its 1920 channel in the future, writing “The river will, no doubt, resume its course previous to the change during the flood of 1920.” This concern caused the Reclamation Service to argue against development of irrigation on the island since the land might be susceptible to overflow after all.⁸⁶

⁸⁴ L.M. Wilkins to Commissioner of Reclamation, RG 115, Bureau of Reclamation Project Correspondence File 1930-1945, Box 1302, Folder 400.11, NARA-Denver. The Resettlement Administration became the Farm Security Administration in 1937. Garst continued leading its operations on the Arizona portion of No Man’s Land.

⁸⁵ Jonathan Garst to Commissioner of Indian Affairs, December 31, 1935, RG 75, Fort Yuma, CCF 1907-39, Box 18, Folder 57120-27, NARA I.

⁸⁶ John Rohrer to Commissioner of Reclamation, September 25, 1939, RG 115, Box 1302, Project Correspondence 1930-1945, Folder 400.11, NARA Denver.

The question of whether or not to include the island in the Yuma Reclamation Project continued into the 1940s. In 1942, the Reclamation Service determined, “In consideration of the uncertainties in regard to future conditions, it appears unwise to make any change in the status of the accretion lands at this time.”⁸⁷

Instead of irrigating the island, the Reclamation Service proposed that a lake park reserve ought to be built from the standing water in the 1920 river channel, at the northwest corner of the island. It would be called Haughtelin Lake. The lake would allow public use of the island without the flood risk posed by including it in the Yuma Reclamation Project. Haughtelin Lake’s primary proponents were county officials and the City of Yuma, who sought a recreational area for residents. Superintendent Gensler was not opposed to the proposal, as it would not threaten the wood supply in the California portion of No Man’s Land that had been successfully restored to the reservation, since the park was proposed for the island in the Arizona portion of No Man’s Land. “This withdrawal for a public park will by no means reduce the wood land beyond value to the Indians,” he wrote to the Commissioner of Indian Affairs on August 20, 1937.⁸⁸

The threat the lake would pose to the squatters, however, was another matter. If the park were developed, squatters worried, they would be displaced from the island and returned to “the highways.” They argued against the proposed reserve using justifications similar to those they had used previously—that they had improved the land with help from Garst and the Farm Security Administration and that they deserved to remain there. Essie Wilkins Evans handwrote an appeal to President Franklin Roosevelt, “We have built homes, cleared and cultivated about 640 acres, we have put in several pumping plants including one well...and it irrigated 120 acre

⁸⁷ S.O. Harper to Commissioner of Reclamation, June 6, 1942, RG 115, Project Correspondence 1930-1945, Box 1302, Folder 400, NARA Denver.

⁸⁸ CH Gensler to Commissioner of Indian Affairs, August 20, 1937, RG 75, Fort Yuma, CCF 1907-39, Box 18, Folder 57120-27, NARA I.

for 5 years as the Depression came on us.” She noted that all the African American squatters had signed a petition that they had sent to the Secretary of the Interior on February 8, 1937, protesting the park and asking him “to please consider us as law abiding citizens...to save our families from being casted [sic] out on the highways without any place or home to go to.”⁸⁹ Another appeal to President Roosevelt from Rev. James A. Jackson, the minister of the church on the island, reinforced their concerns. “Now Mr. President,” he implored, “knowing your attitude that all Americans born citizens of these United States has a right to till a portion of the land for living purposes. As the leader of these people I am appealing to you that our homes are not destroyed.”⁹⁰ The squatters’ protests appeared to succeed, at least in dissuading the Reclamation Service from including the entire island within the boundaries of the lake reserve. A month after the squatters sent their petition, the Commissioner of Reclamation wrote to the Secretary of the Interior, “it is my understanding from representatives of the Yuma district that there is no need for including the entire area...and thus dispossessing these colored squatters.”⁹¹ While it is unclear whether the squatters’ appeals proved decisive, the Haughtelin Lake reserve was never developed, and the squatters remained.

Conclusion

The effects of Hoover Dam were thus mixed for both Black and Quechan residents as they contested No Man’s Land. The dam stabilized the flow of the river such that the land could be classified as irrigable and governmental jurisdiction could be settled. On one hand, this clarification allowed BIA agents eventually to evict the squatters and restore the California

⁸⁹ Essie Wilkins Evans to President Franklin Delano Roosevelt, March 1, 1937, RG 115, Box 1302, Project Correspondence 1930-1945, Folder 400.11, NARA Denver.

⁹⁰ Rev. James A. Jackson to President Franklin Delano Roosevelt, October 14, 1937, RG 115, Box 1302, Project Correspondence 1930-1945, Folder 400.11, NARA Denver.

⁹¹ Commissioner of Reclamation to Secretary of the Interior, April 17, 1937, RG 115, Box 1302, Project Correspondence 1930-1945, Folder 400.11, NARA Denver.

portion to the reservation under the Indian Reorganization Act for purposes of Quechan wood cutting. On the other hand, the island's new irrigable classification also allowed the squatters to establish and continue residency and make agricultural improvements under the auspices of the Farm Security Administration, even with undetermined property rights and no formal irrigation from the Yuma Reclamation Project. This clarified boundary, far from alleviating conflict, ensured that the uneasy proximity of African American and Quechan residents on these two tracts of land would persist. That the squatters' occupancy of No Man's Land came at the expense of Quechan Indians' attempts to recover their ceded reservation lands attests to the tragedy of their separate but intertwined fates: Quechans' dispossession from their homeland ultimately conflicted with these African Americans' enclave of freedom. This chapter thus demonstrates an instance in which separate Native American and African American histories of dispossession intersected in the Colorado River's bottomlands and resulted in mutually incompatible claims to the same land.

More broadly, this chapter has charted an arc from the early 1920s, when African American squatters came to inhabit No Man's Land, to the early 1940s, when the effects of Hoover Dam on downstream communities were realized. Squatters initially came to occupy No Man's Land precisely because of its indeterminate status, with the hope that the land would be soon opened for settlement under public land laws while risking eviction attempts by the Bureau of Indian Affairs on behalf of Quechan Indians. They discovered quickly that the fugitive landscape that had been created by the shifting Colorado River rendered enough administrative confusion over the boundaries of No Man's Land that they could employ several different strategies in order to remain: they evaded BIA eviction notices by frequently moving from place to place and refusing to give their names and locations; they resisted ejectment lawsuits by

appealing to various federal agencies for recognition of their squatters' rights based on the agricultural improvements they had made; and even after eviction from the California portion of No Man's Land, they relocated on the island across the old riverbed through the tutelage of the Resettlement Administration and, later, Farm Security Administration. To be sure, the squatters were often just as confused over the status of their occupancy as everyone else was, so these strategies were less premeditated than they were reactive.

Whatever hard-won freedom the squatters achieved came at a cost. If No Man's Land provided refuge to the squatters, it was surely an unsettled one. The squatters were forced to inhabit this tract of bottomlands to begin with because African American migrants faced racial barriers to settlement elsewhere. And as long as the squatters occupied No Man's Land, racial prejudice institutionalized within federal agencies contributed to the eviction threats they continuously faced. Still, their continued occupancy of No Man's Land in the face of such threats demonstrated this group of African Americans' capacity to create an enclave of freedom as a refuge from migrant life on "the highways."

N O T I C E

To: Fred Wright,
Township 16 South,
Range 23 East, S.B.M.,
Fort Yuma Indian Reservation.

YOU ARE HEREBY NOTIFIED that the land on which you have located, and are now located, in Township 16 South, Range 23 East, S.B.M., is within the Fort Yuma Indian Reservation, and is not subject to settlement, and that you are a trespasser thereon.

YOU ARE FURTHER HEREBY NOTIFIED to quit, vacate and remove from the said land on which you are located in said Township 16, and to quit, vacate and remove from the said Fort Yuma Indian Reservation, within thirty (30) days from the date of the service of this Notice upon you.

AND YOU ARE FURTHER HEREBY NOTIFIED that in the event you fail to quit, vacate and remove from the said Township 16 South, Range 23 East, S.B.M., and from the said Fort Yuma Indian Reservation, within the said thirty (30) days from the date of this Notice, the matter of your refusal to so quit, vacate and remove from said Township 16 and from said Fort Yuma Indian Reservation will be referred to the United States Attorney for the Southern District of California - within which said District the said Fort Yuma Indian Reservation is situated - for such civil or criminal action as the facts and the law may justify.

September _____, 1930.



Superintendent, Fort Yuma
Indian Reservation

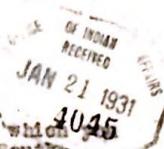


Figure 25: An eviction notice served to one of the squatters living on No Man's Land in 1930. Courtesy of National Archives, Washington, D.C., Fort Yuma, CCF 1907-39, Box 21, Folder 57120-27.

SQUATTERS ON FORT YUMA INDIAN RESERVATION,
LAND ALL SITUATED IN TOWNSHIP 16, S. R. 23
E., S. B. M.

OFFICE OF INDIAN AFFAIRS
MAR 7 1930
14014

NUMBER	NAMES	DESCRIPTION
118-C	Sid Johnson and Mrs. Sid Johnson	N.W. $\frac{1}{4}$, Section 16
119-M	E. D. Johnson, Mrs. E. D. Johnson, and John Johnson and Mrs. John Johnson	Section 9
120-J	Robert Daniels and Mrs. Robert Daniels	S.E. $\frac{1}{4}$, Section 15
121-C	P. Davenport and Mrs. P. Davenport	S.W. $\frac{1}{4}$, Section 9
122-M	Fred Wright	Section 16
123-J	N. H. Newson and Mrs. N. H. Newson, and Ben Smith	N.W. $\frac{1}{4}$, Section 30
124-C	W. M. Kinard	S.W. $\frac{1}{4}$, Section 15
125-M	L. Cato	N.E. $\frac{1}{4}$, Section 30
126-J	S. H. Walker and Mrs. S. H. Walker	S.W. $\frac{1}{4}$, Section 15
127-C	W. H. Gentry and Mrs. W. H. Gentry	S.E. $\frac{1}{4}$, Section 15
128-M	H. M. Knight and Mrs. H. M. Knight	N. E. $\frac{1}{4}$, Section 16
129-J	C. F. Knight	N.E. $\frac{1}{4}$, Section 16
130-C	K. Jesse and Mrs. K. Jesse	S.W. $\frac{1}{4}$, Section 15
131-M	A. H. Dearing	S.W. $\frac{1}{4}$, Section 19
132-J	M. W. Walker and Mrs. M. W. Walker	S.W. $\frac{1}{4}$, Section 15
133-C	D. H. Richardson	N.W. $\frac{1}{4}$, Section 19

Figure 26: List of squatters living on the California portion of No Man's Land who had been served eviction notices, 1930. Courtesy of National Archives, Washington, D.C., Fort Yuma, CCF 1907-39, Box 21, Folder 57120-27.

Conclusion Undercurrents Revealed

The soil covering cemetery gravestones in the bottomlands of the Colorado River also covered a bygone era—one in which the river freely migrated across its floodplain and overflowed its banks. On that bright spring morning in 2019, when I worked alongside a group of Cocopa and Quechan Indians to clean up a cemetery, each shovelful of dust revealed a white gravestone. We were excavating a history of social undercurrents, and the people buried in the cemetery were among the makers of that history. This dissertation reveals some of their stories. It shows how Cocopa Indians, Quechan Indians, and African Americans developed strategies, using the fugitive landscapes of the lower Colorado River’s bottomlands, to resist threats to their continued occupancy and survival. I argue that these eccentric landscapes revealed social undercurrents—subtle countervailing exceptions of place-based resistance and survival roiling just beneath the surface of prevailing historical trends. I identify these undercurrents as Cocopas’ situational fluency, Quechans’ enclaves of autonomy, and African Americans’ enclave of freedom. Each group used different strategies to carve out territories that allowed them to survive, resist, and endure amidst increasing administrative oversight and territorial encroachment. When considered together, the strategies show that state power over these communities in the Colorado River borderlands between 1848 and 1936 was provisional, not absolute.

Chapter One demonstrates that, amidst a dominant historical trend of Indigenous loss of autonomy from expanding settler nation-states and modern capitalism in the late nineteenth-century borderlands, Cocopa Indians used their geographic position along the Colorado River to adapt nineteenth-century mobility patterns to twentieth-century border constraints, revealing a social undercurrent of *situational fluency*. By providing a cheap and indispensable labor supply

for U.S. and Mexican farmers and ranchers starting in 1905, Cocopas leveraged economic value for continued cross-border mobility through the 1920s, even as both U.S. and Mexican governments increasingly sought to enforce the international border and colonize Cocopa lands. Their strategies included crossing the river back and forth between Mexico and the U.S. as it suited them; refusing to live on a tract of land set aside for them in Mexico and a reservation in the U.S.; refusing to give names, locations, and residences to U.S. and Mexican officials attempting to determine under whose jurisdiction they fell; and becoming such essential transient wage laborers that U.S. farmers and ranchers advocated on their behalf. These strategies befuddled Mexican diplomats and U.S. Indian agents alike, who were puzzled that this ostensibly peaceful tribe could be so difficult to govern. Cocopas maintained territory on both sides of the U.S.-Mexico border well after it was established and lands on both sides colonized. It was only after 1924, when the U.S. government began enforcing the border, that these strategies were no longer as effective. Cocopas' ongoing presence signified the enduring power they derived from the river.

Chapter Two shows how, amidst a dominant historical trend in which tribes lost autonomy and were forced to accept allotments and assimilate on U.S. Indian reservations between 1893 and 1914, some Quechans resisted becoming wards of the U.S. government by creating *enclaves of autonomy* within the river's bottomlands on both sides of the U.S.-Mexico border. To do so, they used a number of strategies to live within fugitive landscapes: occupying the bottomlands to farm using traditional methods; refusing allotments on the reservation in the U.S. by living on bottomlands just across the Mexican border; building informal alliances with Mexican officials to resist extradition to U.S.; refusing to give names and locations to Indian agents attempting to collect family histories; refusing to send children to an Indian school; and

using the river to cross back and forth between Mexico and the U.S. as they wishes. Thus, they were able to maintain a semblance of their traditional subsistence patterns, tribal organization, and belief systems in a rapidly changing landscape. An onslaught of attempts by private landowners, Mexican agencies, and the U.S. Bureau of Indian Affairs to remove these Quechans from lands on both sides of the border proved futile during this period, to the point that U.S. Indian agents even considered sending in military force to accomplish what they had failed by every other means to do. During this period, state power remained provisional over these “outlaw” Quechans and the bottomlands they occupied.

Chapter Three demonstrates how, amidst a dominant historical trend of constant African American migration during the 1920s, a group of Black people squatted on a portion of the Colorado River’s bottomlands adjoining the Fort Yuma Indian Reservation, an area called No Man’s Land because of its indeterminate jurisdictional status. Here, they created an *enclave of freedom*, a refuge where they could be relatively self-sufficient instead of continuing their migrant journeys on “the highways,” hoping that the land would soon be opened for settlement. From the moment they arrived, they resisted threats to their occupancy from a number of sources, but discovered quickly that the fugitive landscape that had been created by the shifting Colorado River rendered enough administrative confusion over the boundaries of this land that they could employ several different strategies in order to remain. They evaded Bureau of Indian Affairs eviction notices by frequently moving from place to place and refusing to give their names and locations; they resisted ejectment lawsuits by appealing to various federal agencies for recognition of squatters’ rights based on the agricultural improvements they had made; they used the river’s seasonal overflows for informal irrigation, even as floods posed risks of drowning; and even after their eviction from the California portion of No Man’s Land that was

eventually restored to the Fort Yuma Indian Reservation, they maintained occupancy on the Arizona portion of the land. Before 1936, when the construction of Hoover Dam stabilized the flow of the river and allowed the land to be designated as irrigable, the uncertainty about the status of and jurisdiction over No Man's Land rendered enough confusion in every involved federal agency that the status quo favored the squatters' continuing occupation of the land.

The Hoover Dam's completion in 1936 had the ancillary effect of mitigating the Colorado River's seasonal overflows and frequent migrations. A visitor to the delta in 1937 summarized the effects of the dam on the river downstream: "The recent completion of Boulder [Hoover] Dam has inaugurated a new regime for the down-stream section of the Colorado. The violent fluctuations in water volume...will cease in the lower river. The delta, therefore, now enters a period of relative fixity."¹ As a result, the U.S. and Mexican states could more easily control the fugitive landscapes of the lower Colorado River's bottomlands, and thus the people within them. Nevertheless, that Cocopa Indians, Quechan Indians, and African Americans evaded and resisted the full imposition of law and state power for as long as they did attests to the skill by which they navigated the shifting geographies of the Colorado River borderlands. They were resourceful agents who used this landscape to their respective advantage in order to assert their own territorial claims. This observation does not diminish the violence each community suffered at the hands of the U.S. and Mexican governments, but rather points to the remarkable endurance each displayed in the face of such violence. Nevertheless, one of the greatest tragedies of their interwoven histories is that the effects of settler colonialism at times pitted these groups against one another, as when Quechans' attempts to reclaim part of the Fort Yuma Indian Reservation conflicted with African Americans' occupancy of No Man's Land.

¹ D.T. MacDougal, in Foreword to Godfrey Sykes, *The Colorado Delta* Washington, D.C.: Carnegie Institution of Washington and American Geographical Society of New York and, 1937), iii.

The physical undercurrents of the Colorado River, combined with growing government oversight, created the fugitive landscapes within the riverine borderlands where the social undercurrents of Cocopa, Quechan, and African American communities emerged. It is likely no coincidence that these social undercurrents were rendered particularly visible here, as the Colorado River rendered lands along this short stretch of U.S.-Mexico border difficult for both nations to control. As a result, the fugitive landscapes of the river's bottomlands became an intercultural crossroads where Native American and African American groups used various strategies to occupy land and resist state power for as long as the river rendered government control of the area provisional. While these eccentric landscapes may have revealed social undercurrents in particularly striking ways, such undercurrents surely have existed among other communities across North America, and they continue into the present. The histories that this dissertation excavates help to expand our understandings and imaginings of the many forms of resistance and survival roiling just beneath the surface.

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