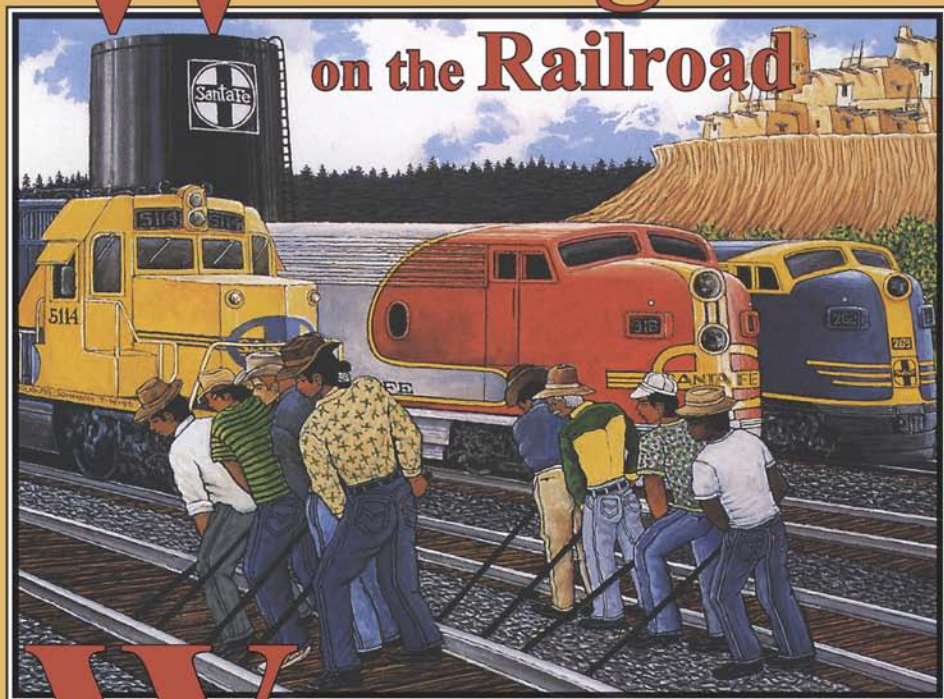


# Working

on the Railroad



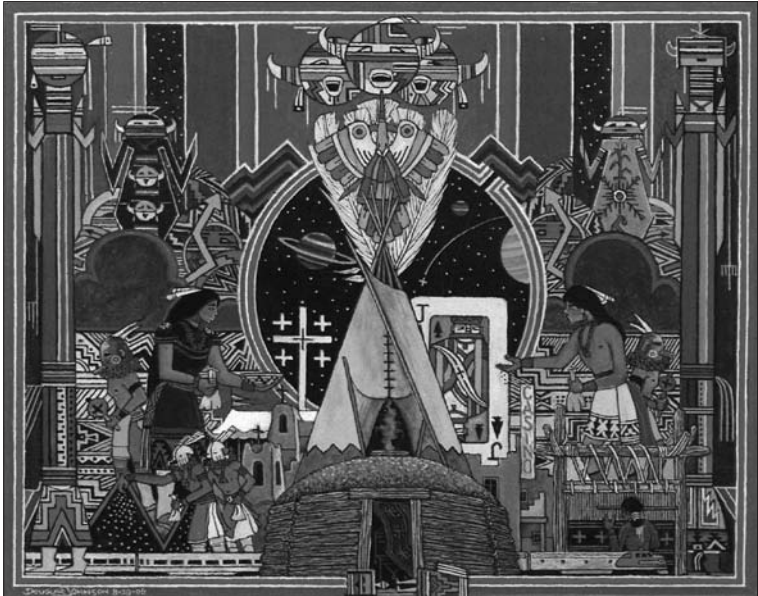
# Walking

in Beauty

*Navajos, Hózhó, and Track Work*

Jay Youngdahl

Working on the Railroad,  
Walking in Beauty



*Photo courtesy of artist*

*Navajo Religion*, by Douglas Johnson, 2006.

Working on the Railroad,  
Walking in Beauty

Navajos, Hózhó, and Track Work

Jay Youngdahl

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## Foreword

I met Jay Youngdahl at Harvard Divinity School in 2004. Jay had taken a sabbatical from his work as a labor lawyer to consider several pressing questions that had arisen in the course of his career. In our numerous conversations, the Navajo experience held a particular fascination for Jay. It was not only the heartrending history of dispossession and violence that Navajos had endured as a nation or the high rates of life-threatening injuries that Navajo workers suffered on the tracks of the southwest United States. It was the cultural invisibility of these people—written out of the consciousness of contemporary Americans, and often written off—that Jay refused to accept. Legal representation was well and good, but if these people were to be made more visible, Jay would have to avoid the pitfalls of construing them as victims and explore lifeways that demanded deep familiarity and firsthand knowledge. Above all, he would need to give voice to the views and visions of Navajos themselves. Jay chose to pursue this project in a divinity school because he was convinced that the ritual and religious life of Navajo railroad workers was basic to understanding how they responded to the hazards of their work; sustained themselves during long periods away from home; achieved a sense of emotional and intellectual equilibrium in the face of danger, degradation, and adversity; and remained resilient despite injury, impoverishment, and loss.

As Jay observes, there is no word in Navajo that directly translates our word *religion*. Even words like *cult* and *spirituality* suggest activities and orientations that transcend the everyday, referring to extrasocial domains or “higher” powers. For Navajos, however, life is a constant struggle to countermand largely external forces that threaten the integrity of both persons and communities.

One accomplishes this perpetual remaking or reordering of the world through actions that reintegrate, balance, bind, and replenish. Perhaps the term *existential* best covers the many situations in which this struggle for integrated and balanced being is enacted and experienced. But we have to be sensitive to the culturally specific ways in which Navajos understand existence—the emphasis they give to connectedness with ancestors, land, and language; the creative integration they seek of old and new lifeways; and the deep sense of responsibility they feel for keeping a world of centrifugal forces, plural values, multiple personalities, and different religious traditions in balance. Yet even in practices that might appear strange to us—railroad workers applying corn pollen before starting work, filling their bunk cars with the smoke from aromatic herbs, taking peyote, or carrying “medicine pouches”—we may discern echoes of our own precautionary actions in preparing for a perilous journey, a new undertaking, or a difficult encounter (though in embarrassment we might dismiss these as superstitions). Indeed, some of the most arresting moments in Jay’s conversations with Navajo friends are when the seemingly exotic proves to be familiar—the Navajos’ impish sense of humor, the sharing of a smoke, the trembling or laying on of hands, the recourse to prayer even when biomedical treatment has been sought, the recitation of an origin myth of creation in which order is imposed on chaos, the use of song and chant to lift one’s spirits, the invocation of nature as a way of drawing the beauty of the physical world into the social spaces of hogan or house. I think here of Buffy Sainte-Marie’s compelling lines:

You think I have visions  
because I am an Indian.

I have visions because  
there are visions to be seen.

Some might have difficulty accepting such an assertion or taking seriously the words of the Navajo healer who told Jay that “crystals serve the same purpose as the white man’s computers.” But such

views seem mistaken or irrational to us only when we focus on the essence rather than the outcome of the claim. For it is not the essential difference between a crystal and a computer that is at stake, but the capacity of both objects, when in the right hands, to produce positive effects in the consciousness of someone who is ailing or alienated—to restore a sense of confidence and hope, renew one’s faith that life is worth living, and feel that one is in good hands. Faith may have no place in science, but in the face of all that we do not know and can never know, faith in the guise of the absurd is an inevitable dimension of all human existence. As one man told Jay, “Your belief is your pride.” In the same vein, Navajos who attended Native American Church ceremonies felt that attending these meetings always “helped them out.” As with other Navajo religious practices, faith in the efficaciousness of the activities seems crucial to their success.

Without faith in their own capacity to endure, it is hard to imagine how Navajos could have survived a history of colonial violence, vilification, and dispossession, or the social violence that still marginalizes them. With cultural resourcefulness and an eclectic spirit, a determination to retain their autonomy in the face of forces that have stolen, eroded, and denied them any real determination of their own destiny, and a resilience that often defies belief, Navajos—along with other Native American peoples—have kept their integrity and assured their continuity. In documenting some of the hardest times that Navajos have been through, and interlacing archival research with the stories of individual Navajos themselves, Jay Youngdahl has restored one of the many missing pieces to the jigsaw map of America, making visible the discrimination, misunderstandings, programs, acts, regulations, and laws that, even now, circumscribe or compromise the rights of Native American citizens, while testifying to the struggle for well-being in the shadowlands of America.

Michael D. Jackson  
Harvard Divinity School

## Preface

I have been privileged in my life to interact in meaningful ways with diverse groups of American workers. Since I was a teenager I have worked with those who struggle with the consequences of their lack of economic power at their work sites and in their lives. These workers are often unrecognized and always underappreciated by contemporary society.

I began in my high school days working in the Cajun country of Louisiana with sugarcane workers who labored in fields and lived in houses inhabited by their ancestors who were held in the inhuman chains of slavery. I joined with pogy boat fishermen in the “Golden Triangle” of southeast Texas who made their living chasing schools of menhaden fish off the Gulf Coast as they struggled to pool their collective strength in order to confront common economic adversaries. Each group was seeking to fashion sustainable and meaningful lives for themselves and their families, given the hand that life had dealt to them. Then, after a stint as a private in the US Army, I worked for several years alongside oil tool workers in the Houston Ship Channel and with postal service workers in a poor southern section of the town.

A few years later, in the 1980s, I embarked on a legal career representing workers and unions in the major American industries in the South and Southwest, struggling to safeguard wages and benefits as the globalized “race to the bottom” intensified its assault on the living standards of the American industrial working class. In the 1990s, as the union movement’s long slow slide continued, representing railroad workers around the country in legal claims resulting from workplace injuries became a growing part of my legal practice.

In 2004, I took an “academic sabbatical” from my life as a lawyer to study at Harvard Divinity School. After over thirty-five years of advocating for and fighting alongside American workers, I felt a need to step back and ponder the meaning and future of the movement of workers and their struggle for economic and social justice. The meteoric rise of a culture of self-centered individualism and the state-sanctioned drive to find the lowest wages and cheapest working conditions on the planet were eviscerating the union movement in this country, and with it, ideas of the nobility of solidarity.<sup>1</sup> It has been my experience that shared work performed by the least advantaged can have a sacred quality; community develops and flows from the makeup of many of these occupations and the struggles of workers within them. Those in these occupations have no choice but to face the reality that they are but a small part of a whole, but a whole that is important to the good of all. Self-centered individualism plays a less corrosive role in this milieu than it does in many others, as the nature of the work and the relationship to power do not allow this poisonous weed to form deep roots. Participation in the common work of the laboring class, especially when one is conscious of the crucial need to unite with those with whom one works, can engender the kinds of powerful bonds that true community needs to survive.

But throughout my life it has become clear that contemporary collective responses are losing their economic efficaciousness in this country. Without the legitimate possibility of success, fewer and fewer people are willing to take the necessary serious risks involved in confronting power to attempt to better their lives and the lives of their coworkers. The result is that

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1 Growing up in Little Rock in the 1960s, I was inspired by Martin Luther King’s efforts in 1968 on behalf of the sanitation workers of Memphis, where he found sacredness in their struggles to build just and liveable lives. The night before he was killed, King implored Americans to develop “a kind of dangerous unselfishness.” Even today, it is difficult to think of a better inspiration for life.

the heritage of community building and deepened understanding that struggles of the working class can produce also seem to be receding into the past.

At the divinity school I worked to clarify how people use various practices, communal as well as individual, to navigate the difficult economic and emotional shoals that we all encounter in life and that are especially close to the surface for the industrial and service workers with whom I had worked. The point of any collective response to power is to produce a better life for those involved, their families, and their communities. When contemporary collective economic responses seem inaccessible or inadequate, how do the powerless cope? What personal strategies are employed, what traditional communal responses remain viable, and what new cultural or political forms are possible? These questions can be approached, of course, in a multitude of ways. As I explored these questions, I began to think back on my legal efforts on behalf of Navajo railroad workers and how they used religious ritual to help them secure the safety and balance that is so important in their lives. I wondered where such activities fit in the lives of these workers.

Before my academic sabbatical, my legal work on behalf of injured railroad workers had allowed me to represent many Navajo workers in their injury compensation claims with their employers, the major western American railroad companies.<sup>2</sup> Navajo workers have been working for railroad companies since the beginning of southwestern railroad construction in the 1800s. Railroad work is dangerous in general, and, with very few exceptions, Navajos are offered only the most grueling work on the major western railroads: maintenance on the tracks that traverse the American Southwest. As far back as the late nineteenth century, with the initial building of the western railroads, track work “was universally considered a most inferior and arduous

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2 The legal claims are brought pursuant to the Federal Employers’ Liability Act, 35 Stat. 65, as amended, 45 U.S.C. §§ 51–60 (1908), which covers railroad workers throughout the United States.

form of labor.”<sup>3</sup> Work practices for this craft are little changed over the past century, and the military-type management ethos that has always pervaded these work sites continues to this day. Thus, these Navajo railroad workers are often injured and their injuries are often neglected or belittled by railroad management.

Thinking back on my interaction with these men and their families, I remembered a number of instances of the interplay of work life practicalities with religious practices that seemed designed to bring comfort to these workers in this hazardous profession. In my legal practice I had once been asked to sponsor the expenses of a medicine man who accompanied a group of traveling Navajo railroad workers, spiritually supporting their safety and tending to their emotional and religious needs. How did this activity and the practice of Navajo religion square with my search for tools that could be used by the powerless to assist in the development and maintenance of livable lives in the face of a difficult economic and psychic environment? Working with Professors Dudley Rose and Michael Jackson at Harvard, I traveled back to the Navajo Nation and its outskirts to meet with some of these workers and to explore these questions with them.

I began to consider what role religion plays in the lives of these men during their time on the railroad, especially now, when collective responses to workplace dangers and dislocations are particularly problematic.<sup>4</sup> Religion, of course, is multifaceted and has many “uses” for those who practice it; my initial goal was to study its “existential” operation for these Navajo railroad

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3 James H. Ducker, *Men of the Steel Rails: Workers on the Atchison, Topeka & Santa Fe Railroad 1869–1900* (Lincoln: University of Nebraska Press, 1983), 5.

4 Collective responses to workplace injuries and indignities have always been difficult for Navajos. Historically, the relationship between trade unions—the classic form of solidarity for industrial workers—and Navajos has been problematic and ambiguous, owing to a number of factors, including the historical reality of oppression and colonialization, cultural differences, geographic isolation, the lack of bargaining power of the union for their craft, and the paternalism of some union leaders.

workers.<sup>5</sup> What tools and strategies, religious or otherwise, do these Navajos use to craft a sustainable and satisfying life? In my contact with Navajo railroad workers and their families, I saw rich patterns and practices in their reactions to the dislocations and dangers posed by their work on the railroads.<sup>6</sup>

In pondering and writing I was and remain especially influenced by the writings of the New Zealand anthropologist Michael Jackson, who writes of the common existential condition—of the necessity and ability we all have to craft a “human way of being-in-the-world through our ever-changing capacity to create conditions of viable existence and coexistence in relation to the environment which we face.”<sup>7</sup> This is true in Africa and Australia, where Jackson did much of his fieldwork; it is also true in the offices, factories, and fields of this country. And it is true for the Navajo men who ventured off their land to work on the railroad.

I began with interviews and with what I had learned in my interactions with these workers in my work life, with knowledge I had gained from books and newspapers, and with academic and governmental archives of papers and correspondence. This book is the result of my experiences and of my many conversations

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5 The uses and attributes of religious practices are many. Dennis Fransted, a writer and employee of the Navajo Nation, has documented social, political, ecological, educational, health-related, bureaucratic, and commercial uses of religion by the Navajo people. See “The Secular Uses of Traditional Religion and Knowledge in Modern Navajo Society,” in *Navajo Religion and Culture: Selected Views; Papers in Honor of Leland C. Wyman*, ed. David M. Brugge and Charlotte J. Frisbie (Santa Fe: Museum of New Mexico Press, 1982), 209–18.

6 In order to understand as much as possible about the history of those who ply this craft, and to be sensitive to potential concerns that as a lawyer I was “soliciting” clients, I focused my interviews and discussions for this work with retired workers and the religious men and women who served them.

7 Michael Jackson, *Existential Anthropology: Events, Exigencies and Effects* (New York: Berghan Books, 2005), xv.



with Navajo workers, some of whom have become friends.<sup>8</sup> It makes use of previous scholarship and archival records, including an important set of records from the US Railroad Retirement Board that details how large numbers of Navajos came to work for railroads in the twentieth century. The bibliography at the end of this book lists some of the important works that were most useful to me in the canon of literature on Navajos.<sup>9</sup>

Most importantly, I am privileged to have engaged in conversations with these Navajo men and women, many of whom I feature. Each of these people, and others with whom I spoke, have honored me by graciously and patiently agreeing to be interviewed and to teach me some of the ways of their lives. I have learned much from the Navajos who have been my friends, translators, and coworkers over the last twenty years. In addition, my preliminary knowledge came from contact with Navajo clients and their families whom I have been privileged to represent.

Also, like all who write, I have benefited from friends, colleagues, and mentors in the construction and editing of this work.<sup>10</sup> And, in the area of Navajo studies, while academic

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8 In speaking of those who write about the Navajo, the bibliographer Howard M. Bahr accurately perceived that “The observers move, and the Navajo people move, but we professional observers talk of change among the Navajo as if we were anchored, calibrated, stable and therefore able to mark Navajo ‘progress.’ . . . In summary, the literature on the Navajo is a product of changing tools in the hands of changing observers applied to changing communities in the context of ongoing change in the wider societies of both observer and observed.” Howard M. Bahr. *Diné Bibliography to the 1990s: A Companion to the Navajo Bibliography of 1969* (Lanham, MD: Scarecrow Press, 1999), xxiii. Bahr’s observation applies to my work and to the efforts of the many who came before me.

9 Given the breadth of Navajo scholarship, I apologize for any mistaken omissions.

10 I especially want to thank those who have steadfastly encouraged me in this work, including my wife, Mary Ellen Vogler; my mother, Pat Youngdahl; my daughter, Coleen Youngdahl; and my friends Bill Haymes, Peter Zarifes, Bill Deverell, and Christine Irizarry. My friend and scholar of the English language, David Schiller, has repeatedly buffed and polished my diction, a difficult task indeed. The remaining mistakes are all mine.

disputes are legendary, numerous careful ethnographers have come before me, leaving behind important information and analysis.<sup>11</sup>

As projects like this often do, my work went in directions unintended at the beginning. Based on my recorded talks with Navajo people, my efforts have driven me down the historical path of Navajo railroad work. I was able to document the history of the tremendous growth in the numbers of Navajo railroad workers after World War II through studying the archives

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Many have helped in the editing and construction of the work, including John Alley and all those at Utah State University Press and my son, Benjamin Youngdahl. Archivists and librarians have been uniformly helpful to me in a number of locations, and I thank them.

- 11 The legendary and ongoing disputes among those who work in Navajo studies wax and wane according to the academic fashions of the day. For example, the pioneering work of Clyde Kluckhohn and Dorothea Leighton, in many ways the founders of this anthropological field, has been criticized by respected Navajo scholar Gary Witherspoon, who wrote, “The accepted literature, mostly compiled during the Kluckhohn era of Harvard psychoanalytical research projects conducted mainly at Ramah, New Mexico, should, in my opinion, be transferred from the category ‘accepted’ to the category of ‘questionable.’ Many of the culture and personality studies of this era have come under so much unfavorable scrutiny that the whole effort has been largely discounted by many anthropologists.” Gary Witherspoon, *Language and Art in the Navajo Universe* (Ann Arbor: University of Michigan Press, 1977), 195. Yet, a little over a decade later, Witherspoon’s work was sharply criticized by Thomas Patin, a scholar influenced by the French philosopher Jacques Derrida. Patin argued that Witherspoon ignored issues of power in his work on the Navajo and was part of a Western colonialist mindset “unable to apprehend cultural differences without first circumscribing it with its own desires.” Thomas Patin, “White Mischief: Metaphor and Desire in a Misreading of Navajo Culture,” *American Indian Culture and Research Journal* 15, no. 4 (1991): 86. “Witherspoon’s work,” Patin wrote, “despite its good intentions, turns out to be another form of estrangement of Native Americans, of the ‘primitive,’ of anything ‘Other,’ produced by white culture.” Patin, 85. Having tried to read all available relevant literature, I am most persuaded by the actual fieldwork of authors and those who move from the fieldwork to the analysis and back. Thus, work such as that of Kluckhohn and Leighton remains extraordinarily important today. Clyde Kluckhohn and Dorothea Leighton, *The Navajo* (Cambridge, MA: Harvard University Press, 1974), 24.

of an obscure federal agency based in Chicago, the United States Railroad Retirement Board. I was the first writer to examine these documents, which show the actions and motivations of those who encouraged the growth in Navajo railroad employment. I gained some of the historical insights herein from a fascinating cache of correspondence regarding Navajo railroad workers in the archives of the Unitarian Universalist Association, located in the library of the Harvard Divinity School. Archives and papers of other institutions and individuals have played an important role as well, especially those from the Bureau of Indian Affairs (BIA). In these repositories, the papers and letters from David Brugge, in his work with the Unitarian Service Committee, and Robert W. Young, a former BIA official, have been extraordinarily useful.<sup>12</sup> The archives of the organization of Navajo trading post owners, the United Indian Traders Association, held at Northern Arizona University, were important as well. Finally, I was also able to review documents concerning and prepared by lawyers for the *Dinébe'iiná Náhiitna be Agha'diit'ahii* (DNA), the legal service agency that has provided free legal aid to Navajo people and others since 1967; these documents were especially important at one stage of this story.

Tensions both creative and difficult can be found in many areas of interaction between native peoples and the surrounding society, and they are sure to be present in this work as well. For a non-Native American to write about the Navajo people and

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12 Robert W. Young was employed by the Bureau of Indian Affairs from 1940 to 1971, first as a specialist in Indian languages, and after 1950, in Navajo tribal relations. In 1971, he joined the staff of the Modern Languages Department at the University of New Mexico, where he taught classes in Navajo linguistics for many years. In collaboration with William Morgan Sr., he wrote a bilingual Navajo-English/English-Navajo dictionary and grammar text, which was published in 1980 under the title *The Navajo Language: A Grammar and Colloquial Dictionary*. This work was published again in 1987 in revised form, and this was followed in 1992 by *An Analytical Lexicon of Navajo*, compiled with the assistance of Sally Midgette. Both works were published by the University of New Mexico Press.

their nation is contested terrain.<sup>13</sup> I have encountered some of this friction in my legal work for Navajo workers, which, while richly rewarding, presented challenges that I had not encountered in other parts of my legal practice: Navajo lifeways and the American legal system do not always mesh well. Similarly, it must be observed that in this work, while I have tried to be precisely faithful to the words of those I interviewed and what was meant by them, some linguistic ambiguity is sure to be present. Further overlaid are the numerous potential pitfalls that any attempt to consider notions of spirituality and religion faces in this time of the politicization, and often marginalization, of faith.

In response, the Navajos place respect at the top of their list of virtues. Being especially cognizant of these complications in writing about the Navajos, I have tried to make it mine as well.<sup>14</sup>

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13 For one thoughtful view on the tension in this contested area, see Linda Tuhiwai Smith, *Decolonizing Methodologies: Research and Indigenous Peoples* (London: Zed Books, 1999). Smith calls “research” one of the “dirtiest words” in the vocabulary of indigenous peoples and explores the continuing acidic effect of research through “imperial eyes.” As to research involving Navajos, another academic, Jennifer Nez Denetdale, writes that “non-Navajo scholars still dominate the arena of research and publication. As long as this is the case, Navajos will continue to be understood within Western categories of meaning that sustain colonialist discourses and serve to perpetuate ideas of dominance hierarchy, and asymmetry.” Jennifer Nez Denetdale, *Reclaiming Diné History* (Tucson: University of Arizona Press, 2007), 6. While Denetdale goes significantly too far in this statement, I agree with those who argue that in areas like anthropology and ethnography, knowledge is being extracted from the lives of native people just as Peabody Coal or the uranium companies extract mineral wealth from Navajo land. To control this extraction, native nations, including the Navajo, have established bureaucracies to oversee some of the kind of research that I have done in this book. This is especially important for the Navajo people; it has become a cliché in anthropology that they are the most studied people on Earth. The bulk of these studies have come in the last ninety years. See, e.g., John R. Farella, *The Main Stalk: A Synthesis of Navajo Philosophy* (Tucson: University of Arizona Press, 1984), 3.

14 In all my interviews, I have attempted to respect the structure that has been erected by the Navajo Nation in this area of scholarship. At the time of this writing, the responsible agency was the Navajo Nation Historic

Even given these complications, the study of another culture can be a transforming experience for those who think deeply about their place in the world. In his book *Existential Anthropology*, Michael Jackson quotes the pioneering anthropologist Bronislaw Malinowski, who wrote of this issue and its importance:<sup>15</sup>

We cannot possibly reach the final Socratic wisdom of knowing ourselves if we never leave the narrow confinement of the customs, beliefs and prejudices into which every man is born. Nothing can teach us a better lesson in this matter of ultimate importance than the habit of mind which allows us to treat the beliefs and values of another man from his point of view.<sup>16</sup>

Employing a number of different vantage points and a variety of personal discussions and interviews, as well as the writings of others, this book will, I hope, create a coherent picture of how and why these Navajo men have been able to navigate the world into which they are thrown.<sup>17</sup> So, as the superb ethnographer of

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Preservation, Cultural Resources Compliance Section. I applied for, and received, a permit from this agency for my on-reservation interviews. I thank the nation and this section for their assistance. In addition, the US government, through various gatekeepers, promulgates rules for research involving “human subjects.” I respected these rules and, while at the Harvard Divinity School, applied for and received approval from the Harvard University Committee on the Use of Human Subjects for the interviews that are contained in this book.

- 15 Jackson, *Existential Anthropology*, x.
- 16 Bronislaw Malinowski, *Argonauts of the Western Pacific* (Prospect Heights, IL: Waveland Press, 1984), 518.
- 17 Some of the work of this book has been presented at the Harvard Divinity School in connection with academic requirements, and at the following conferences: “Navajo Railroad Workers: Safety, Culture, and Capitalism” (Native American Labor History Conference, Wayne State University, Detroit, MI, October 22, 2009); “Coping on the Track Gang: Religious Practices of Navajo Railroad Workers” (How Class Works—Conference, Center for the Study of Working Class Life, State University of New York, Stony Brook, NY, June 5–7, 2008); “Anchoring and Adaptability:

western American Indians, Keith Basso, has written, the role of the author here means that

sorting through conflicting intuitions, and beset by a host of unanswered questions . . . the ethnographer must somehow fashion a written account that adequately conveys his or her understanding of other people's understandings.<sup>18</sup>

That is my task in this book.

Jemez Springs, New Mexico

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Religion in the Worklife of Navajo Railroad Workers” (Southwest/Texas Popular Culture/American Culture Association, Albuquerque, NM, February 13–16, 2008).

- 18 Keith H. Basso, “Wisdom Sits in Places,” in *Senses of Place*, ed. Steven Feld and Keith H. Basso (Santa Fe, NM: School of American Research Press, 1996), 57.



# Introduction

This book is the story of the Navajo workers who leave their land each year for work on the railroad, performing the difficult and dangerous work of maintaining the railroad tracks of the Desert Southwest and beyond. It describes how these Native American men work “to transform the world into which one is thrown into a world one has a hand in making—to strike a balance between being an actor and being acted upon.”<sup>1</sup> Because of historic as well as contemporary hiring practices, railroading has always been a predominantly male profession. Although a small number of Anglo and African American women work in train service, as conductors or engineers, I have yet to encounter a female Navajo who works in a track maintenance position.<sup>2</sup>

The existential responses of the men who face the dangers of track maintenance work can be found at the intersection of the worlds of history, labor, religion, and culture. And, as with the varied kaleidoscope of colors on the land of the Navajo Nation itself, in interviews, interactions, and research one can see endless rich and diverse combinations and recombinations of distinct spiritual and practical reactions to the difficulties encountered by these railroad men off their land. This is my account of their

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1 Jackson, *Existential Anthropology*, x.

2 There may be such workers today, but if so, the number is certainly minuscule. From time to time a Navajo woman well educated in American schools is hired by a railroad in the Southwest to perform certain pink- or white-collar jobs. For a fun and interesting story of the life of one Anglo woman who worked in train service in the West, see Linda G. Niemann, *Boomer* (Bloomington: Indiana University Press, 2011).



actions and the factors that shaped them.<sup>3</sup> The responses of these Navajo men express the fertility, variety, and efficacy of their encounters. The rich family stories of these Navajo trackmen are an important component of their lives, and in my interviews I noted descriptions of familial relations and the effect of railroad work on wives and children when possible.<sup>4</sup>

In my writing and research, it became clear to me that a number of topics must be introduced and explored in order to understand the religious activities and responses of Navajo railroad workers that are the soul of this study. Thus, a significant portion of the book is directed at constructing a picture of the surrounding environment and the history of these men and their lives.<sup>5</sup> But to make this later discussion more meaningful, a number of important preliminary topics must be addressed in this chapter.

### An introduction to the Navajo Nation

While they are a major economic and cultural force in the American West, the Navajo people seldom enter the consciousness of most Americans.<sup>6</sup> Yet their nation exists in a physical

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3 While this is my story, many now recognize that a book such as this is really a three-way conversation between the author, the story and those featured in it, and the reader. Insights on this hermeneutical relationship, an understanding of which had its genesis in religious studies, can be found in the work of Hans-Georg Gadamer and others. Hans-Georg Gadamer, *Truth and Method* (New York: Crossroad Publishers, 1989). I want to thank Professor Francis Fiorenza of the Harvard Divinity School for introducing me to this important concept.

4 A full exposition of the Navajo family in the context of railroad work, while a fruitful and important endeavor, is unfortunately beyond the scope of this work.

5 However, this work is not a thorough history of the Navajo people or of the evolution of Navajo governance or of all relations of wage work and the Navajo people, though each of these issues arises in the narrative. For readers interested in more on each of these topics, please consult works listed in the bibliography.

6 Over time, several names have been used for the people who now make up the Navajo Nation. At the time of first contact in the seventeenth and

space of approximately twenty-five thousand square miles, an area comparable to the size of the state of West Virginia. It covers the “four corners” area of the United States and extends into the present states of New Mexico, Arizona, and Utah. In 2000 the US census counted over 250,000 Navajo people.<sup>7</sup>

While many Navajo people have left their land of haunting mesas, alpine vistas, and desert landscapes in the four corners area to find work, serve in the US military, or join families living in nearby metropolises, this land remains the home of nearly 90 percent of the Navajo people. On the “rez,” the common name for land of the Navajo Nation<sup>8</sup> economic opportunities are few,

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eighteenth centuries, Spaniards called them “Apaches of Navajo.” The term *Navajo* is the most common name for non-Navajos to use, though the spelling *Navaho* has been used as a phonetic shortcut by many in the past.

7 “The American Indian and Alaska Native Population: 2000,” US Census Bureau, <http://www.census.gov/prod/2002pubs/c2kbr01-15.pdf>. According to this census, in 2000 there were 269,202 persons who considered themselves Navajo. Along with the Cherokees, they are the largest native grouping within the borders of the United States. When those who checked more than one “race” box are included, however, the Cherokees add nearly 500,000 members to their ranks, while only 20,000 people who checked Navajo in the census included another race as well. Complicated issues in this area, such as the level of “blood quantum” required for membership, are often contested in and out of native communities. This adds a difficult layer of complexity to this question. The scholar of native religions Vine Deloria Jr. argues that “Indian tribal membership today is a fiction created by the federal government, not a creation of the Indian people themselves.” Vine Deloria Jr., *God is Red: A Native View of Religion* (Golden, CO: North American Press, 1992), 244.

8 The words used to describe a people and their “place” often say much about the status of that people and the attitude of others toward them. Notions of value and meaning are contained within names. In describing their living area, many Navajo people today wish to be known as living on the Navajo Nation, not on the “reservation,” as this land has generally been known for over the past one hundred years. Yet, in daily life, most who live here describe their physical location as the “rez.” While maintaining historical accuracy, I attempt to respect this desire and usage. In addition, it should be noted that current academic parlance is often unwilling to attribute such a “fixed” characterization of the concept of a nation. For example, Eric Meeks argues that a nation is an “imagined community” constructed by officials of the state and its

and in spite of years of interaction with the “Indian programs” of the federal government<sup>9</sup> and religious, economically focused missionary activity,<sup>10</sup> many areas lack running water and electricity for families. Poverty and unemployment remain rampant.<sup>11</sup> Resources available for health care are deplorable. In December 2009, US Senator Brian Dorgan stated that “we’ve got the ‘first Americans’ living in third world conditions.”<sup>12</sup> However, even given these circumstances, the vast majority of the Navajo people choose to continue to live on this land, showing

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citizens. Eric V. Meeks, *Border Citizens* (Austin: University of Texas Press, 2007), 9.

- 9 One reason for this situation is likely that “almost all attempts to promote development on the Navajo reservation have used models which assume implicitly or explicitly an entrepreneurial form of economic organization, despite the fact that Navajo society is communal.” Lorraine Turner Ruffing, “Navajo Economic Development Subject to Cultural Constraints,” *Economic Development and Cultural Change* 24, no. 3 (1976): 611.
- 10 The success of US government programs in relation to native populations is contested to this day. As to the efforts of Christian missionaries, it has been my experience that those involved in missionary work find more efficacy in their efforts than do the Navajos themselves. A typical opinion can be found in the words of the chairman of the United States Board of Indian Commissioners, Samuel A. Eliot, who wrote the following in the introduction to his book: “Missionaries to the Indians have been the pioneers of civilization across the continent . . . the story of the missionary endeavor is a bright page in a dark history.” Samuel A. Eliot, *The American Indian and Christian Missions* (New York: Fleming H. Revell, 1933), 7. Eliot’s view runs counter to the opinions of most who have studied the relationship of the federal government and American churches to American Indians with whom they have interacted over the past two centuries.
- 11 Frank Mitchell, *Navajo Blessingway Singer: The Autobiography of Frank Mitchell, 1881–1967*. Edited by Charlotte J. Frisbie and David P. McAllester (Albuquerque: University of New Mexico Press, 2003), xii.
- 12 Pam Belluck, “New Hopes on Health Care for American Indians,” *New York Times*, December 2, 2009, <http://www.nytimes.com/2009/12/02/health/02indian.html>, accessed April 2, 2011. Conditions have worsened during the Great Recession. Algernon Austin, “Different Race, Different Recession,” Economic Policy Institute Issue Brief no. 289, November 18, 2010, <http://www.epi.org/publications/entry/ib289>, accessed April 2, 2011.

a physical rootedness in spite of the difficult economic conditions there.<sup>13</sup>

As will be examined later in more detail, recent writing in Navajo anthropology and history has emphasized the practicality and adaptability of the Navajo people. Some dispute this “blank slate” characterization; but most admit that, as with nearly all in our human species, the Navajo people have been profoundly influenced by those around them.<sup>14</sup> According to the prevalent scholarship today, this malleability is evident in the construction of the Navajo people themselves. The general consensus today is that the Navajos coalesced as a people in the first half of the last millennium in the American Southwest. Historians and archaeologists paint the Navajo people as having descended from the Athabascan people who arrived in North America via a land bridge over the Bering Strait from what is now modern-day Russia. This account has the Navajos finally arriving in the southwestern United States in the thirteenth or fourteenth century, with an intact language but otherwise without a strong cultural identity. Harry Walters, a professor of Navajo culture recently retired from Diné College, argues the Navajo people may have come to the Southwest much earlier.<sup>15</sup>

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13 Many “postcolonial” scholars today speak of life in a “deterritorialized” world. For example, when considering issues of movement and “home,” Arjun Appadurai writes of the importance of exploring “the complex nesting of imaginative appropriations that are involved in the construction of agency in a deterritorialized world.” “Global Ethnoscapes,” in *Recapturing Anthropology: Working in the Present*, ed. R. J. Fox (Santa Fe, NM: School of American Research Press, 1991). However, it is my experience that this view of the meaning of such “postmodern” life does not explain the Navajo response to their land or their reality. The world does not feel deterritorialized to the Navajos or to Native American thinkers like Vine Deloria Jr.

14 For one contemporary overview of this debate, see Peter Iverson, *Diné: A History of the Navajos* (Albuquerque: University of New Mexico Press, 2002).

15 In an interview Walters said, “Chaco Canyon was probably one of the earliest settlements of Navajo in the Southwest. And there is some rock art

Early in the twentieth century at the latest, many Navajos began to use the term *Diné*, translated as “The People,” to define themselves. “This term,” Clyde Kluckhohn and Dorothea Leighton wrote, “is a constant reminder that the Navajo still constitute a society in which each individual has a strong sense of belonging with the others who speak the same language and, by the same token, a strong sense of difference and isolation from the rest of humanity.”<sup>16</sup> While conditions between the Navajos and the surrounding society are much changed from the time of their writing, this fundamental communal connection remains.

### Navajo railroad work

This book focuses on the numerous Navajo men who left their land to work for the railroads. In describing the track maintenance work performed by these Navajo men, Professor William Haber wrote that “maintenance of way workers are often referred to as the ‘shock troops of the railroads,’ for it is their job to keep safe the tracks, trestles, and bridges over which freight and passenger trains move swiftly to all parts of the continent.”<sup>17</sup> This work

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that have been attributed to the Navajos and also some of the Navajo oral stories talk about Chaco Canyon, you know, when that area was settled by the Anasazi. So Chaco Canyon actually existed from, you know, 800 A.D. to 1130 A.D., so if there is any bearing on when the Navajos entered the Southwest, it might have been somewhere around there.” “The Long Walk: Tears of the Navajo,” KUED, <http://www.kued.org/productions/the-longwalk/film/interviews/harryWalters.php>, accessed January 26, 2010. These issues of archaeology and antiquity are fascinating, as the debates are constantly boiling, given changes in data and theories. For example, recent discoveries have pushed the generally accepted date of the first human incursions into the Americas back 2,500 years. See “Stone Tool Manufacturers,” *Science* 25 (March 2011): 1487–89.

16 Kluckhohn and Leighton, *The Navajo*, 23.

17 William Haber et al., *Maintenance of Way Employment on U.S. Railroads* (Detroit: Brotherhood of Maintenance of Way Employees, 1957), xi. This book was commissioned by the union of track workers, the Brotherhood of Maintenance of Way Employees, at a time of concern about the loss of jobs in the craft. This concern remains today. This book was

has always been perilous and difficult, and those who perform it are often injured. A historian of the early days of the Santa Fe Railroad, James Ducker, found that in the nineteenth century, “over 40 percent of track crews felt themselves in danger on their jobs.”<sup>18</sup> Even today, the railroad industry has a fatal injury rate that is more than twice as high as the rate for all industries in the United States.<sup>19</sup> My legal experience with Navajo workers is consistent with this unpleasant reality. Nearly every Navajo railroad worker with whom I have interacted has suffered a work-related injury. Most received little or no attention from their bosses; unfortunately, the railroad companies generally see Navajos as expendable and easily replaceable.

At the end of World War II, railroad employment became an economic mainstay of survival for the Navajo people, forcing greater numbers to confront intercultural survival questions in a foreign environment away from their homes. In spite of the mistreatment and paternalism that has accompanied their work, they continue to work for railroads to this day because of the economic necessities that come from their situations and governmental power directed at them through a web of federal government “Indian programs.” While other sources of wage labor have grown, railroad employment remains one of the most consistent sources of income for many Navajo men.

Working away from their land, these workers enter a liminal space that contains not only physical dangers but great emotional

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written by a group of four professors, led by Professor William Haber of the University of Michigan. As previously observed, nearly all Navajo railroad workers work in the track department.

18 Ducker, *Men of the Steel Rails*, 6. The formal name for the Santa Fe Railroad was the Atchison, Topeka & Santa Fe Railroad for most of its existence; it was also known as the AT&SF. Today, through merger, the name of this railroad company is the Burlington Northern Santa Fe Railroad, or the BNSF. In 2010 this company was purchased by Warren Buffett’s Berkshire Hathaway, Inc.

19 Dino Drudi, “Railroad-Related Work Injury Fatalities,” *Monthly Labor Review*, July/August 2007, 17.

and psychological uncertainties as well. As with all human beings, some of the Navajo railroaders' existential challenges emanate from their individual situations; but their common environment is crucial.<sup>20</sup> In spite of their years of productive service to their employers, most Navajos on the railroad operate in a foreign system, one with rules that are often selectively applied to them and even a language that is difficult for them to understand. As Lorraine Turner Ruffing noted for the Navajo railroad men of Shónto, Arizona, a well-studied Navajo community, "the psychological cost of leaving Shónto was very high. . . . Railroad work was not only hard, but participants also lived in boxcars and outside the traditional community in a region known for its hostility to the Navajo."<sup>21</sup>

This upsurge in railroad employment for Navajos at the end of World War II came at a time of extreme strain and pressure in their history. This period still resonates in individual and collective memories today. Writing in 1946 in the aftermath of the sheep reduction program, a federally mandated program that decimated the sheep herds on the Navajo reservation and thus ushered in a time of special stress and uncertainty for the Navajo people, Clyde Kluckhohn and Dorothea Leighton wrote in their historic study *The Navajo*:

Today, Navahos are facing, for the first time in their completeness and full intensity, these difficult questions: How are The People to make a living? What alien ways must they learn if they are to survive? How much of the old pattern of life can they safely and even profitably preserve?<sup>22</sup>

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20 The problems arising from the use of alcohol among some Navajo men and women, for example, are well documented and serious. But most issues are common to members of their nation who labor on the tracks. As will be obvious later, problems with alcohol among track workers do not apply only to Navajos.

21 Ruffing, "Navajo Economic Development," 620.

22 Kluckhohn and Leighton, *The Navajo*, 24. The sheep reduction efforts will be featured later in this chapter.

These questions remain; they are confronted each day by Navajo railroad workers.

## The legal background of Navajo railroad work

My work for Navajo people involved representing them in their legal claims for injuries sustained while working for the railroad.<sup>23</sup> Such claims by railroad workers are governed, as are injury claims for all railroad workers, by a federal law known as the Federal Employers' Liability Act (FELA). The FELA, which was enacted in 1908 and remains in effect today, dictates the circumstances under which an injured employee of any railroad company engaged in interstate commerce may recover damages for injuries suffered at work, using a comparative fault analysis.<sup>24</sup> It has a long and interesting history. A short exposition of the history and particularities of the FELA is necessary to consider the matrix of constraining factors that face Navajo railroad workers and which constituted the defining structure in which my legal work occurred.

Employees injured on the nation's early railroads brought the first lawsuits to recover damages from their employers for injuries arising out of the course of their employment. Railroad

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23 The law of workplace injuries, as well as labor law in general, is significantly different for railroad workers than it is for non-railroad workers. For non-railroad workers there is more division still, depending where and with whom a worker is employed. During my career I have been involved in cases of native workers exercising their rights with respect to their tribal employers as well as native workers fighting for union rights against large multinational mining concerns. Each area is interesting and complex, but neither is of great importance for this story. For an overview of certain aspects of these other situations in the Navajo Nation, see David Kamper, *The Work of Sovereignty: Tribal Labor Relations and Self-Determination at the Navajo Nation* (Santa Fe, NM: School for Advanced Research Press, 2010).

24 In over one hundred years of litigation under the FELA, each of the operative terms in this definition has been subject to a bewildering array of interpretations and further definition.



work was incredibly dangerous. At the inception of the twentieth century, work-related accidents killed one in three hundred railroad employees each year, and one in fifty was injured in a serious accident. In 1907, 4,353 railroaders were killed, and 62,689 more railroad employees were injured.<sup>25</sup> Nineteenth-century state courts were, however, quite unsympathetic to injured railroad workers. A number of draconian procedural and evidentiary legal doctrines were applied to suits by workers that often made a legal recovery for the emotional and bodily injuries accompanying traumatic accidents impossible. A reading of some of these early cases reveals an astonishingly cruel terrain of responses by the judiciary to job-related death and dismemberment claims of the early American working class.

As exposés of the horrifying cataclysm of injuries and deaths on the railroads were publicized and began to reverberate through the American public, pressure mounted to enact a protective statute for railroad workers. Congress was forced to act. The first successful attempt to enact such legislation, in 1906, was, however, struck down by the US Supreme Court, which found that this initial effort was beyond Congress's power to act pursuant to the Commerce Clause of the US Constitution. At the urging of President Theodore Roosevelt, Congress enacted the Second Federal Employers' Liability Act, now known as the FELA which passed judicial scrutiny. The pertinent part of this act states that railroads

shall be liable in damages to any person suffering injury while he is employed by such carrier in such commerce, or, in case of the death of such employee, to his or her personal representative, . . . for such injury or death resulting *in whole or in part* from the negligence of any of the officers, agents, or employees of such carrier, or by reason

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25 Mike Futhey, "Happy 100th Birthday, FELA," *UTU News*, [http://www.utu.org/print\\_news.cfm?ArticleID=41357](http://www.utu.org/print_news.cfm?ArticleID=41357) (citing records of the Interstate Commerce Commission, published in 1908), accessed April 2, 2011.

of any defect or insufficiency, due to its negligence, in its cars, engines, appliances, machinery, track, roadbed, works, boats, wharves, or other equipment.<sup>26</sup>

In 1958, Justice William Brennan wrote of the law that “the Federal Employers Liability Act or FELA is a response to the special needs of railroad workers who are daily exposed to the risks inherent in railroad work and are helpless to provide adequately for their own safety.”<sup>27</sup>

Importantly for this story, the FELA is more like a tort remedy than a workers’ compensation statute. Within the adversarial nature of the American system of justice, FELA claims and trials become exercises in sophisticated legal finger pointing to establish whether the railroad was at fault in an injury, “in whole or in part.” In a FELA case, injured railroad employees sue their employers in a federal or state court and seek to prove to the finder of fact, usually a jury, that the negligence of the employer or other employees was a cause of the plaintiff’s injury.<sup>28</sup> To award damages to the injured railroad worker, the jury must weigh varying degrees of fault between the employee, the railroad, and occasionally a third party. When the jury finds that the employee has satisfied all necessary legal requirements, it may award damages based on lost

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26 Emphasis added. In 1914 the US Supreme Court held that because of the inherent dangerousness of certain railroad operations, violations of the Safety Appliance Act and Boiler Inspection Act, companion statutes to the FELA, made the railroads strictly liable for injuries resulting from specific types of faulty equipment. When the legal standard is strict liability, relative fault is not an issue; the railroad is 100 percent liable. This act is rarely applicable to track workers because the nature of their work seldom involves this equipment.

27 *Sinkler v. Missouri Pacific R. Co.*, 356 U.S. 326, 329 (1958).

28 Most railroad injury claims do not lead to court cases; rather, they are settled in negotiations between railroad claims agents and the worker or his legal representative. However, settlement amounts are nearly always based on the perceived monetary value of the case if it were to go to court and before a jury.

wages, costs of medical care, and occasionally, the employee's pain and suffering.<sup>29</sup>

This approach is markedly different from state workers' compensation laws that cover nearly all other workplace injuries in this country. Under the workers' compensation approach, injured employees file claims with state administrative boards. Direct access to courts is generally prohibited. Compensation amounts, however, are limited to a statutory schedule; that is, they are set by state law, usually directly by the state legislature. Compensation awards under state workers' compensation systems are almost always available, regardless of negligence, but are generally much lower than damages awarded under the FELA. In recent years there has been great pressure from employer groups who hold powerful sway over state legislatures to lower monetary awards, limit medical treatment and access to lawyers for injured workers, and to make some conditions, such as carpal tunnel syndrome, noncompensable. Unfortunately, these efforts have been painfully successful.

The importance of this legal distinction between a court-based system and a regulatory system is that injuries to railroad workers must usually be proven before a jury. This is the best system for those litigants who articulate the local vernacular, are liked by prospective jurors, and have competent and well-funded legal counsel. But for Navajo workers who have been hurt, attempting to shoehorn their explanation for the cause of an accident into an American system of justice unfamiliar to them, often before unsympathetic, rural, white juries, is a daunting and difficult task.<sup>30</sup>

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29 Thus, as an example, if after a trial a jury finds that a worker has suffered lost wages and other damages of \$100,000 arising from an injury on the railroad, the jury will be required to apportion fault. If, say, the jury finds that the injury was 40 percent the fault of the worker and 60 percent the fault of the railroad, that percentage of railroad fault is applied to the amount of damages. In this example, the worker would then be awarded \$60,000.

30 While a regulatory system would have some advantages for workers with these intercultural issues, the scandalously small payments for injuries

However, while access to courts and juries carries with it a set of issues not found under workers' compensation statutes, including the barriers of language and culture faced by the Navajos, the FELA has proven to be successful protection for railroad workers, at least as compared to the alternative faced by their sisters and brothers in other industries. As Justice William Douglas wrote in a US Supreme Court decision, "The Federal Employers Liability Act was designed to put on the railroad industry some of the costs of the legs, arms, eyes, and lives which it consumed in its operation."<sup>31</sup>

Thus, within this special legal universe, advocates for Navajo railroad workers must be cognizant of unique factors such as language and culture that can affect a legal claim. For, in spite of the difficulties inherent in the FELA for injured railroad workers, the act often succeeds in its purpose as described by Justice Douglas.

### Language, space, and time

Like many who write about the Navajos, I am not fluent in the Navajo language. Navajo and English are very different languages.<sup>32</sup> Most of those I interviewed understand a little English, while some speak perfect English. The noted anthropologist W. W. Hill wrote in the late 1940s, "[The] Navajo, like Americans, evince little interest in any language but their own."<sup>33</sup> Whether

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in many state workers' compensation systems would make for a net loss for injured Navajo workers. In addition, the hurdles of negotiating state-based systems for workers who are constantly traveling in a number of states make such a transition impracticable.

31 *Wilkerson v. McCarthy*, 336 U.S. 60, 68 (1948).

32 For an in-depth look at American Indian languages and the "linguistic richness which Western cultures have been slow to recognize and appreciate," see Shirley Silver and Wick R. Miller, *American Indian Languages: Cultural and Social Contexts* (Tucson: University of Arizona Press, 1997), 6.

33 Quoted by Margaret C. Field, "Changing Navajo Language Ideologies and Changing Language Use," in *Native American Language Ideologies*:

this is true today, I cannot be sure, but many of the men I interviewed understand more English than they can speak. In most of my interviews I relied on my translation team, Julie Benally and her daughter, Zina.<sup>34</sup> Most of my interviews were in Navajo, with some English also used. On some of my interviews on the western side of the nation, Ann Spencer helped with translation. I believe Julie, Zina, and Ann did a superb job, but they are not professional translators or linguists. What was said in Navajo cannot be known with complete certainty to be *exactly* what was heard in English.<sup>35</sup>

It is worth noting that the issue of language was especially difficult in my legal work for Navajo railroad workers. Railroads fiercely contest injury compensation claims filed by all their employees, and to be successful, the claimant must be able to articulate his or her claim in ways that fit into the predetermined conceptual and factual boxes of the American civil law system. In order for me as a lawyer to be successful for my injured clients, I had to translate Navajo descriptions and attitudes into the precedents, rules, and regulations that would control their legal fate, performing a linguistic balancing act while facing railroad resistance and cultural challenges. Navajos are arguably less verbal than most Anglos. In addition, written and spoken verbal

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*Beliefs, Practices, and Struggles in Indian Country*, ed. Paul V. Kroskrity and Margaret C. Field (Tucson: University of Arizona Press, 2009).

- 34 Though I had struggled to begin to understand the Navajo language by buying language tapes and listening to them while driving, I had utterly failed, and translation was necessary. The mother of a former paralegal of mine, Julie Benally, graciously agreed to serve as my translator for this project for most of my interviews. Julie, who spent time in a Mormon boarding school, can move effortlessly between the Anglo and Navajo worlds and did what seemed to me a superb job of translation, though this was her first involvement with a project such as mine.
- 35 Frankly, this is common with all linguistic and personal relations among people. Speaking from experience, this basic language difficulty is often found in marital disputes in which one spouse makes a point that is understood by the other spouse in a manner completely different from the way it was intended.

communication do not map precisely upon the modes of communication found in formal legal settings.<sup>36</sup> Further, many words that are used in specialized English do not exist in Navajo. Some of these words are understood by the Navajo people due to their exposure to the dominant culture.

This situation was always an issue when I would prepare a Navajo legal client for a statement which we would give to a railroad claims officer or lawyer.<sup>37</sup> For example, in an injury claim one issue is often what notice the worker had of the dangers that caused the accidents. These might include potentially dangerous conditions known only to railroad management, such as railroad traffic on nearby tracks, other workers using equipment in the area, or the instability of surfaces upon which the track workers will be working. Often, management claims that the injured worker was fully informed of the risk that contributed to the injury and thus ignored it at his own peril. This notice is often given through “safety briefings” that railroad management holds before the workday begins in order to inform workers of

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36 Of course the tension between American legal concepts and ordinary vernacular is not an issue just for Navajos. For an analysis of this issue in the context of education, and of the importance of seeing “language and literacy as sets of concepts and practices that operate within a cultural context,” see Daniel McLaughlin, “Critical Literacy for Navajo and Other American Indian Learners,” *Journal of American Indian Education* 33, no. 3 (May 1994).

37 The issue of language is complex for all. The Right Reverend John Big Bluff Tosamah, a character in N. Scott Momaday’s *House Made of Dawn*, tells a crowd, “In the white man’s world, language, too—and the way in which the white man thinks of it—has undergone a process of change. The white man takes such things as words and literatures for granted, as indeed he must, for nothing in his world is so commonplace. On every side of him there are words by the millions, an unending succession of pamphlets and papers, letters and books, bills and bulletins, commentaries and conversations. He has diluted and multiplied the Word, and words have begun to close in upon him. He is sated and insensitive; his regard for language—for the Word itself—as an instrument of creation has diminished nearly to the point of no return. It may be that he will perish by the Word.” N. Scott Momaday, *House Made of Dawn* (New York: Harper and Row, 1968), 95.

potential hazards in the work they will be assigned that day. Yet, because of issues of communication or the pressure of production demands, the briefings are often nonexistent, hurried, or poorly translated. After an injury occurs it is not uncommon for management, in order to escape liability, to claim that the worker was informed of the hazard in one of these safety briefings and did not pay proper attention to it. The injured Navajo worker will have no memory of such notice. So, management will claim one thing was said; my Navajo clients will hear or understand either something very different or nothing at all of the risk. The resolution of this issue can have a major effect on the financial settlement available to the injured worker.

One important complexity involves attitudes toward space and time. In order to prevail in an injury case for a railroad worker, the time and place of the accident must be pinned down precisely. When I would interview them for their legal claim, Navajo workers were usually quite specific about the location of an accident. But a common conundrum in these cases was that my clients and I would often perceive dates and even time differently. Since many accidents, while traumatic, are not necessarily a spectacle, the time of the incident must be proven by the advocate for the worker. Further, railroad injuries frequently involve serious damage to the spine, which often comes from twisting it while it is under pressure from work. This injury may not be visible to coworkers at the time of the incident.<sup>38</sup> So, proving the exact time an injury occurred was especially difficult in cases involving Navajo workers and complicated efforts to secure a just financial recovery.

This difference in worldview has been spotlighted by Native American intellectual and activist Vine Deloria Jr., who found a fundamental difference between the “Western European” immigrant and the American Indian in their different views of time and

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38 Further, injuries often occur from the cumulative effect of the repeated types of effort required in track work. This kind of injury presents a unique challenge in representing any railroad worker.

space. “American Indians hold their lands—places—as having the highest possible meaning, and all their statements are made with this reference point in mind. Immigrants review the movement of their ancestors across the continent as a steady progression of basically good events and experiences, thereby placing history—time—in the best possible light. When one group is concerned with the philosophical problem of space and the other with the philosophical problem of time, the statements of either group may not make much sense when transferred from one context to the other without the proper considerations of what is taking place.”<sup>39</sup>

This different view of space and time was also noted when those of the Navajo Community College (now Diné College) gathered stories of the travails in the Long Walk, the sad episode of the forced expulsion of Navajos from their land at the hands of Kit Carson and the US Army in the middle of the nineteenth century. In the foreword to the collection, Ruth Roessel, director of the Navajo and Indian Studies Program, noted a common theme in the collected stories, that “traditions such as those involved in these Navajo stories are not deeply concerned with exact times.”<sup>40</sup> Memories of the exact locations in the stories of the Long Walk are much more precise, however.

An additional important factor reveals itself here. Considerations of the interplay of language, cognition, and mental attitude are raised when there is difficulty in accurate communication.

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39 Deloria, *God is Red*, 61–62. In a related note, the authors of a study of the Amondawa tribe of the Amazon, recently reported by the BBC, claim that those in this tribe have no “notion of time as being independent of the events which are occurring: they don’t have a notion of time which is something the events occur in.” Given the current “time-wars” in present society, this notion deserves further study and contemplation. “Amondawa tribe lacks abstract idea of time, study says,” BBC.com, May 20, 2011. <http://www.bbc.co.uk/news/science-environment-13452711>, accessed May 30, 2011.

40 Broderick H. Johnson, ed., *Navajo Stories of the Long Walk Period* (Tsaile, AZ: Navajo Community College Press, 1973), ix–x. For more on this formative historical episode, see “The Long Walk” in chapter 3.



The language we use influences our “rationality” and world outlook; our relation to language both reflects and influences the ways we reason and act. Early work by US government Indian agency personnel noted this fact, too. The linguist and onetime BIA official Robert Young wrote, “The pattern of Navajo thought and linguistic expression is totally unlike that of the European languages with which we are most commonly familiar . . . the pattern of thought varies so greatly from our English pattern that we have no small difficulty in learning to think like, and subsequently to express ourselves like the Navaho.”<sup>41</sup>

Such Navajo practice, formed by particular issues of communication and place, brings to mind the groundbreaking work of the Canadian philosopher Alasdair MacIntyre on the importance of tradition in the construction of rationality.<sup>42</sup> MacIntyre argues that differing types of rational inquiry come from the traditions that are socially embedded in disparate cultures. When rationalities are significantly different, issues such as the conceptions of justice and morality are different as well. MacIntyre’s insights illuminate the crucial importance of understanding where and with what community we stand. This is a powerful force affecting not only what we think, but more importantly, *how* we think.

Thus, my legal representation of Navajo workers occurred at this intercultural transition area of language and rationality; I had to find common ground between the different ways of thinking that characterize Navajo life and American jurisprudence.

### “Pastoral life” and “modern civilization”

Over the last century, well-meaning Christian missionaries often pondered how Navajo people could cope with their participation

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41 Robert W. Young and William Morgan, *The Navajo Language* (Washington, DC: United States Indian Service, Education Division, 1943), 40, quoted in Kluckhohn and Leighton, *The Navajo*, 254.

42 See, e.g., Alasdair MacIntyre, *Whose Justice, Which Rationality?* (South Bend, IN: University of Notre Dame Press, 1988).

in “modernity,” especially when their work took them off their land. The meaning of this Navajo difference from surrounding Anglo society and the Navajos’ strategies for life success have been a source of disputation for many years. This issue has reverberated, among other areas, in American social policy, missionary efforts by religious institutions, and anthropological theory. A poignant example of this conflict occurred around the time of a US government-mandated sheep reduction program in the 1930s.

For most of the period after the Long Walk—the sorrowful uprooting of the Navajo people by the US military in the late nineteenth century—the raising of sheep dominated the Navajo economy. Some argue that this activity has been an “integral part of the Navajo culture since the sixteenth century.”<sup>43</sup> In N. Scott Momaday’s *House Made of Dawn*, a shepherd describes his life: “You took the sheep out in the bright morning and had to look for grass under the snow. It was hard to find and you had to brush the snow off of it and your hands were wet and ached with cold. But you were happy anyway, because you were out with the sheep and could talk and sing to yourself and the snow was new and deep and beautiful.”<sup>44</sup>

In 1935, however, the Bureau of Indian Affairs, then called the Indian Service, decreed that the “Navajo Reservation was 100 per cent over-grazed.”<sup>45</sup> Mandatory sheep reduction was ordered and began in 1937. The reservation was divided into eighteen land management districts, and the capacity of each district to support livestock was determined and translated into “sheep units.” Owners who failed to reduce their herd to the mandated limit voluntarily were jailed and their livestock was reduced by force. The population of sheep on the reservation was reduced by over 75 percent.

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43 Ruffing, “Navajo Economic Development,” 615.

44 Momaday, *House Made of Dawn*, 155–56.

45 Ruth Roessel, *Navajo Livestock Reduction: A National Disgrace* (Chinle, AZ: Navajo Community College Press, 1974), 219.

The effect on the population was profound. Ruth Roessel and her colleagues documented many sad stories from Navajos themselves about the effect of the reduction. She found that it was “one of the most devastating attacks on individual and group rights” in the country during the middle of the century.<sup>46</sup> She continues:

One must bear in mind constantly that livestock enjoys both a sacred and privileged role in Navajo culture. The animals were gifts from the Holy People themselves and form one of the important cornerstones of Navajo life. The reduction or elimination of something that is measured in spiritual as well as material value is filled with danger, particularly when those responsible are exclusively concerned with resource management (material) rather than emotional (spiritual) values.<sup>47</sup>

The economic and psychological harm resulting from the destruction of sacred gifts from religious forebears was, she opined, a disgrace. Oral histories of this period are especially graphic, as “women weep, and their animals run around ‘crying for their mothers.’ Men feel powerless against the violence. And families are left destitute.”

Marsha Weisiger’s thorough academic analysis of this period is especially sensitive to its effect on Navajo women. Those who implemented the sheep reduction program, she writes, “dismissed Diné identity, overlooked the centrality of goat and sheep ownership to the autonomy of Diné women, and generally failed to include women in the decision-making. In slashing flock, the New Dealers destroyed the local economy and pried at women’s hold on their communal grazing lands.”<sup>48</sup>

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46 Roessel, *Navajo Livestock Reduction*, ix.

47 Roessel, *Navajo Livestock Reduction*, 224.

48 Marsha Weisiger, *Dreaming of Sheep in Navajo Country* (Seattle: University of Washington Press, 2009), 9. Weisiger further commented that “it comes as no surprise that Diné rejected the conservation program.

Just before this catastrophe, the influential Christian missionary George Warren Hinman worried about how Navajo people could meaningfully participate in the changes going on in the land around them. With benign paternalism, he wrote, “If only we knew how to bridge the gap between the simple pastoral shepherd life which they lead and the complex, elaborate and far more rewarding life of the advanced modern civilization.”<sup>49</sup> This sentiment was typical of the mindset that dominated Anglo efforts on the Navajo Nation for many years. Two things must be especially challenged in this attitude. First, as my experience in this area shows me, the life of the Navajo people, whether on or off their nation, is complex, elaborate, and rewarding. Second, to call our present American civilization “advanced” in these times of the inability of the “best and the brightest” to corral the difficult problems facing the United States and the world seems shockingly shortsighted. Today, there are few of us who are not anxious about the “progress” of the current trajectory of human endeavor on this planet. Navajo people have been faced with similar challenges since their initial encounter with the Spanish explorers several centuries ago in northeastern New Mexico. With the obvious growth and advancement of the Navajo Nation,

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Worse yet, the trauma of stock reduction etched deeply into the collective memory of Diné, so that even today, many view range-conservation programs with hostility or suspicion.” Weisiger, 8. Weisiger’s reference to the “New Dealers” emphasizes that many, though certainly not all, in government who dealt with the Navajo often consciously attempted to act with the best intentions. For a sympathetic treatment of the New Dealers who worked with the Navajos during this period, see Donald Parman, *The Navajos and the New Deal* (New Haven, CT: Yale University Press, 1976), 296. While generally praising their efforts, Parman concludes that even though they tried, the New Dealers did not “end the demoralization of the Indians, root out the sense that their race was vanishing,” or “reawaken their energies and purposes. Because of their loss of livestock, Navajos were more dispirited in the 1930’s than at any time since Bosque Redondo.”

49 George Warren Hinman, *The American Indian and Christian Missions* (New York: Fleming H. Revell, 1933), 147.

it is clear that the Navajo people are constantly working on how to navigate this situation for themselves.

### The fixed and the fluid

The soul of this book and the focus of the interviews in it, examines the religious practices that play a major role in helping these men to find the required resources to navigate their terrain and to build and maintain a productive and meaningful life. In the course of my conversations with Navajo railroad workers, I inquired about each person's spiritual practices and personal religious roots. The variety and wealth of Navajo religious practices have continually amazed me and it is clear that any student of Navajo life has much to learn and admire from their ancient as well as contemporary practices.<sup>50</sup> What is most impressive is the utility of these practices and their ability to anchor a healthy worldview for the Navajos that serves them well in the face of their difficult relationship to American attitudes and to the economic arrangements that surround them.

An interplay of the fixed and fluid in personal religious observance can be seen in the autobiography of Frank Mitchell, whose work became a centerpiece of the study of Navajo medicine men in the twentieth century. Mitchell was a traditional medicine man and Blessingway Singer. Writing about Frank Mitchell in 1978, anthropologists and ethnomusicologists Charlotte Frisbie and David McAllester describe Navajo religion as being "essentially practical" and "establishing the essential rules by which life should be lived." They note that "although much of the tradition is fixed, the possible combinations and recombinations are endless, each one being carefully planned to fill a particular

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50 Maureen Trudelle Schwarz calls such responses religious "pluralism." Schwarz, *I Choose Life: Contemporary Medical and Religious Practices in the Navajo World* (Norman: University of Oklahoma Press, 2008), 26.

personal need.”<sup>51</sup> Like Navajo railroad workers of today, Mitchell exemplified this attitude.

Early in his life, Mitchell attended government schools. He ran away from school in Fort Defiance, Arizona, and worked for the Santa Fe Railroad as a track laborer.<sup>52</sup> The tasks performed in such labor and in Mitchell’s working life are strikingly similar to those of Navajo railroad workers today.<sup>53</sup>

Mitchell, who later rose to be a tribal councilman and judge, took an approach to religious practice that illuminates the dialectic of foundation and fluidity. Mitchell emphasizes fidelity to Navajo rules of traditional religious concepts and rituals. He writes of the great harm that can come to a medicine man who breaks the rules that have been laid down by the “eternal Holy People.”<sup>54</sup> However, while he took immense pride in his work as a Blessingway Singer, he practiced his own personal mix of

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51 Charlotte Frisbie and David McAllester, introduction to Mitchell, *Navajo Blessingway Singer*, 1.

52 Mitchell’s work on the railroad is evidence of the findings of historian Alice Littlefield, who has written, “It cannot be overstressed that Native American wage labor participation during the nineteenth century was largely self-motivated. Native people did not wait for government agents to direct them to wage opportunities; rather, they perceived those openings and sought them out. They did this as a necessary part of their survival strategies, developed in adaptation to the Euro-American presence.” Alice Littlefield and Martha C. Knack, eds., *Native Americans and Wage Labor* (Norman: University of Oklahoma Press, 1996), 14. As we shall see, by the middle of the twentieth century, the agency of Navajo workers in this regard had profoundly changed.

53 Cf. Jerry Curley, “Navajo Railroad Worker, My Father’s Quest for the American Dream,” *Labor’s Heritage* 8, no. 4 (Spring 1997). Curley’s father was a Navajo railroad worker and also a medicine man. His short story of the life of his father on the tracks is well written and touching. A review of literature about Navajos shows many examples of short periods of work on the railroad for Navajo men. See Joyce J. Griffen, ed., *Lucky the Navajo Singer* (Albuquerque: University of New Mexico Press, 1992), 165–67.

54 Mitchell, *Navajo Blessingway Singer*, 155.

religion. Mitchell “took delight in the similarities between traditional Navajo beliefs and Christianity, between supernatural power and modern technology and between native and non-native medicine.”<sup>55</sup> While he remained strongly opposed to the Native American Church and its peyote-based rituals, he was sympathetic to Christianity. Mitchell was baptized twice, once in his youth and again in the last weeks of his life. He was buried in a Catholic ceremony, but one which was interpreted in accordance with Navajo tradition, highlighting a syncretism that is seen repeatedly in this story of Navajo railroad workers. Thus, he was buried with his saddle and bridle and he directed his son to shoot his horse, Weasel, at the burial so that the horse could accompany him in death.

The anchoring that Mitchell found in Navajo culture and religion and his creative ability to adapt and succeed is a story that has been mirrored in the lives of Navajo railroad workers over the last century and remains true today.

### The meaning and importance of Navajo strategies

Finally, I argue in this book that the color and creativity in the stories of these Navajo railroad workers and the valuable lessons they include are enlightening for all who live in turbulent times. In this sense I must disagree with the formulation of the acclaimed anthropologist Clifford Geertz, who wrote in the forward to *Language and Art in the Navajo Universe*, a book by Navajo scholar Gary Witherspoon, that in considering Navajo people, we must remember that “they don’t represent, stand for, or demonstrate anything but themselves.”<sup>56</sup> Geertz argued that

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55 Mitchell, *Navajo Blessingway Singer*, 2.

56 Clifford Geertz, foreword to Gary Witherspoon, *Language and Art in the Navajo Universe* (Ann Arbor: University of Michigan Press, 1977), viii. Witherspoon also cautions in this work that one must be careful when trying to turn to Native Americans for “insight and inspiration,”

the point of a work such as Witherspoon's was to "bring Navajo thought within the range of Western discourse, so that we might have some conception of the nature and some appreciation of its power."<sup>57</sup> Though the yeoman's work by Geertz to move anthropology to a place from which to explore the diversity, creativity, and individuality that is modern culture took the discipline in a positive direction, I believe Navajo responses to modernity do "demonstrate" something other than one stand-alone approach.<sup>58</sup>

I concur with the wonderful Navajo detective story author Tony Hillerman, who wrote that "it's always troubled me that the American people are so ignorant of these rich Indian cultures. I think it's important to show that aspects of ancient Indian ways are still very much alive and are highly germane even to our ways."<sup>59</sup> Hillerman's detective novels are an extraordinary example of the use of popular fiction to accurately, respectfully, and lovingly feature a culture unknown to most readers.<sup>60</sup>

While their conditions are in some senses unique, the existential challenges Navajos encounter are the same as those with

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ridiculing many stereotypes of the American Indians and finding that "efforts to applaud and adulate Native Americans tell us more about the fantasies and disabilities of the white man and his culture than they tell us about Native Americans." Witherspoon, 1.

- 57 Geertz, foreword to Witherspoon, *Language and Art in the Navajo Universe*, x.
- 58 While I am confident in my opinions, it must always be remembered that, as Michael Jackson wrote, "we can never grasp intellectually all the variables at play in any action or all the repercussions that follow from it, partly because they are so variously and intricately nuanced, and partly because they are embedded in singular biographies as well as social histories." *Existential Anthropology*, xxv. I agree. All that I can say is that I think that all who are concerned with the human condition can learn from this story, imperfect though my telling may be.
- 59 Quoted in Marilyn Stasio, "Tony Hillerman, Novelist, Dies at 83," *New York Times*, October 27, 2008, <http://www.nytimes.com/2008/10/28/books/28hillerman.html?ei=5070&emc=eta1>, accessed April 2, 2011.
- 60 Hillerman's detective novels are some of the best and most accessible representations of Navajo life and culture that exist. He has tremendous respect within the Navajo Nation. In 1987, the Navajo Tribal Council honored him with its Special Friend of the Diné award.



which all humans struggle. The creativity and pragmatism of railroad workers working to create and maintain a safe and harmonious space for themselves are examples of anthropologist Michael Jackson's description of the human capacity to "create the conditions of viable existence and coexistence" when confronted with the possibility of a unique life.<sup>61</sup> Facing the limiting and controlling forces of the world in which they must live, individual Navajo people must constantly attempt to consider, traverse, and shape the positive and negative applications of these forces. As Jackson has written, "Human wellbeing involves far more than simple adjustment to a given environment, natural or cultural; it involves endless experimentation in how the given world can be lived *decisively*, on one's own terms."<sup>62</sup>

While each reader must make her own choice, I believe an understanding of the practices of these Navajo railroad workers can provide a pragmatic guide for those of other cultures to understand one way that some of our fellow human beings have found to confront the constant upheavals and disruptions of modern life. This is especially important in these times of constant uproar in the ways we communicate, spiraling economic difficulties, and looming climate change—times in which, to quote the title of the fine book on modernity by Marshall Berman, it seems that "all that is solid melts into air."<sup>63</sup>

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61 See *Existential Anthropology*, xv.

62 Jackson, *Existential Anthropology*, xii.

63 Marshall Berman, *All That Is Solid Melts into Air: The Experience of Modernity* (Penguin Press: New York, 1988). This line comes from the writing of Karl Marx.

# One

## Life on the Tracks

### *Tóhajiilee, New Mexico*

#### Meeting Jerry Sandoval

On a cold, sunny day in late December, I struggled to guide our truck through the mud on the roads of the Navajo Nation. With my two Navajo friends and translators, Julie and Zina Benally, my wife and I were on our way to visit a retired railroad worker, Jerry Sandoval. Jerry lived with his son at the end of a road on a beautiful small mesa overlooking the main settlement of Tóhajiilee, New Mexico, a portion of the Navajo Nation located southeast of the main body of their land. Spanish records show contact with the descendants of this Cañoncito group of Navajo people as far back as 1583, as they were some of the Navajos living closest to the Spanish settlements. This would suggest that ancestors of the present-day residents have certainly lived on this land since long before the Spanish intrusion.

However, according to legend, the actual community of Tóhajiilee was founded when the Navajos returned from Fort Sumner on the Bosque Redondo Reservation, where they had been forcibly sent in 1868.<sup>1</sup> On the walk back, a group of Navajos encountered a large hole that contained a spring. But the hole, it

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<sup>1</sup> Bosque Redondo was a large internment camp for Navajos and Mescalero Apache Indians, southeast of present-day Santa Rosa, New Mexico. This shameful chapter in American history will be explored in more detail a bit later.



Photograph by Author, 2011

A view from Jerry Sandoval's home.

seems, was too deep for anyone to climb down to get the water. So, as the story was related by Charley Sandoval, a resident of the town:

The Diné used to carry with them some sort of *tóshjee'* (water jug). They tied a braided, narrow yucca leaf rope to a jug to bring up water with; but the jug would not sink in the water. It just floated on top. So the Diné tied a stone to the bottom of the jug to make it sink down. That is how they fished out their water. And that's the reason this place is called Tóhajiilee.<sup>2</sup>

The community is now a part of the “checkerboard” section of the Navajo Nation and is separated from the “big rez” by miles of government and private, non-Navajo-owned land. Today, however, there is no question that Tóhajiilee is a secure section of the Navajo Nation. Ronald Kurtz, who studied the ethnohistory of the area, found a complicated overlapping relationship over time between

2 Broderick H. Johnson, *Navajo Stories*, 143. Tóhajiilee is also known as Cañoncito or Canyoncito. For an interesting discussion of the attitude of Navajos toward dual English and Navajo place names, especially as such is considered in current linguistic practice, see Anthony K. Webster, *Explorations in Navajo Poetry and Poetics* (Albuquerque: University of New Mexico Press, 2009), 202.



Photograph by Author, 2011

A typical magnificent vista in Tóhajiilee.

this group of Navajos, the Spanish, other Native American groups, and Navajos living in other areas.<sup>3</sup> This complexity is partially reflected in the Spanish surnames of many of the men I met.

In meeting, legally representing, and interviewing Navajo railroad workers, I had found that among them, as with all people who constitute a community, there were many similarities as well as differences. Clyde Kluckhohn and Dorothea Leighton were correct when they wrote in *The Navajo* that “the Navaho way of life may be learned only by knowing individual Navajos; conversely, Navaho personality may be fully understood only insofar as it is seen in relation to this life-way and to other factors in the environment in the widest sense.”<sup>4</sup> Jerry Sandoval’s is a representative story.

On the frigid day of our visit to Jerry, the community of Tóhajiilee had just seen the biggest snowstorm in years. While

3 Ronald J. Kurtz, “Headmen and War Chanters: Role Theory and the Early Canyoncito Navajo,” *Ethnohistory* 16, no. 1 (Winter 1969): 83–111.

4 Kluckhohn and Leighton, *The Navajo*, 22.

the sun shone brightly, the melting of the snow made the byways in this area nearly impassable. To our chagrin, we fishtailed to and fro on the sloppy roads as we drove out to Tóhajiilee. We met Jerry and his son at the small windswept compound where their home adjoins those of several close relatives. Jerry's house was surrounded by extraordinary vistas in all directions, featuring multihued mesas, snowy mountains, and dark volcanic plugs piercing the desert landscape. We drove onto Jerry's property and sat in the car. Jerry's three menacing, though thankfully chained, dogs barked frantically. Finally, the dogs calmed down a bit and Julie knocked at Jerry's door. He motioned us in.

Entering Jerry's house, we encountered a wall festooned with drawings from his son, evidently made at school, which expressed the son's affection for Jerry. Sitting in his cozy living room, we made small talk as I took out my tape recorder and pad. When I began to ask questions, Jerry, a pleasant, stocky man in his forties, told us that he had gone to work for the Missouri Pacific Railroad in 1978. The MoPac Railroad, as it was known, is now part of the Union Pacific through merger.

## Wage labor and the Navajo

Jerry's story provides an opportune place for a short review of the history of Navajo wage labor, which, as with that of other native peoples, has generally been overlooked by American society. As Alice Littlefield and Martha C. Knack write in their book *Native Americans and Wage Labor*, "Studies of North American Indian economic life have largely ignored the participation of indigenous people in wage labor, even though for over a century such participation has often been essential for the survival of Native individuals and communities."<sup>5</sup>

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5 They continue, "Anthropological fascinations with the traditional, or compulsions to salvage the aboriginal before it became hopelessly contaminated by the modern, may account for part of this silence." Littlefield and Knack, *Native Americans and Wage Labor*, 41.

This lack of interest has been especially harmful, because although Navajos are separate in many important ways from the dominant culture that surrounds them, in considering their economic life it is their commonality with other workers that should be stressed, not their difference. As railroad workers, they operated in basically the same environment as railroad workers in other parts of the country. Littlefield and Knack argue that “these professional biases toward the past, coupled with the habit of studying the Indian community as separate from the non-Indian, have all too often led to constructions that treat Native life as an isolate. Such theories are too narrow to account for the phenomenon of Indian wage labor, which of historical necessity has existed along the contact zone between Indian and non-Indian communities and culture.”<sup>6</sup> Further complicating the area, many sympathetic scholars often romanticize the conditions faced by the Navajo and the ways in which they have reacted.<sup>7</sup>

Any visitor to this beautiful and meaningful area of the Navajo Nation can see the large degree to which Navajo people are part of the economic as well as the natural landscape. Thus, Navajo railroad work was important for both the Navajo Nation and for the economies of the mountain and desert West. A contemporary historian of Native American labor in the West, Colleen O’Neill, argues that Navajo wage earners were

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6 Ibid., 41.

7 An example can be seen in a quotation from Mabel Dodge Lujan, an iconic New Mexican figure. In a review in the *Chicago Sun* of Kluckhohn and Leighton’s *The Navajo*, she wrote, “The book is so sympathetic and unbiased that anyone can approximately realize the problems that have harassed these people for years, and that have stood between them and those who surround them, the predatory whites as well as those who honestly attempt to reorganize their economic system without understanding its workability.” “The Navaho: Revised Edition,” Amazon.com, <http://www.amazon.com/Navaho-Revised-Harvard-Paperbacks/dp/0674606035>, accessed April 2, 2011. While Lujan’s sympathies are justified, her description is simplistic.

“significant actors who shaped the regional dynamics of U.S. economic development.”<sup>8</sup> Today, Navajo people are involved in all aspects of the regional economy. They have made up the bulk of workers in some industries such as mining and power production and were important to the development of farming in the Southwest and West.<sup>9</sup> O’Neill argues that when and how “Native Americans participate in the market economy [of the American West], as producers and as wage workers, largely defined the terms of local economic conditions.”<sup>10</sup> But, as O’Neill has recognized, this subject area is complex, because to understand “indigenous people’s experience with wage work, we need to think about questions not often addressed by labor historians.”<sup>11</sup>

While the major upsurge in Navajo railroad work occurred after World War II, their work on the railroad is over 125 years old, dating from the beginning of the intrusion of railroad tracks into the Southwest. After the tragic events of Bosque Redondo and the Long Walk, for many Navajo the railroad was their next point of large-scale contact with American society: thus railroad work presented new opportunities as well as obstacles through which they had to navigate.

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8 Colleen O’Neill, *Working the Navajo Way: Labor and Culture in the Twentieth Century* (Lawrence: University Press of Kansas, 2005), 4–5. For O’Neill this includes a subjective view of class and the general replacement of questions of class with questions of kinship.

9 For a discussion of attempts of the Bureau of Indian Affairs and state employment agencies in the West to encourage Navajo wage labor, see Colleen O’Neill, “The Making of the Navajo Worker: Navajo Households, the Bureau of Indian Affairs, and Off-Reservation Wage Work, 1948–1960,” *New Mexico Historical Review* 74, no. 4 (October 1999).

10 O’Neill, *Working the Navajo Way*, 5.

11 Colleen O’Neill, “Rethinking Modernity and the Discourse of Development in American Indian History, an Introduction,” in *Navajo Pathways: American Indian Culture and Economic Development in the Twentieth Century*, ed. Brian Hosmer and Colleen O’Neill (Boulder: University of Colorado Press, 2004), 19.

## The work of railroad trackmen

Railroad surveyors came through the southern portion of the Navajo Reservation as early as 1876. Employing several hundred Navajo trackmen for the manual labor of laying the tracks, the Santa Fe Railroad ran continuously from New Mexico to the Pacific by the dawn of the twentieth century.<sup>12</sup> Historian James Ducker reports that for a period around 1900, the Santa Fe Railroad brought in Japanese workers, who were paid less than a dollar a day, to displace the “higher paid” Indian workers. This substitution, however, did not last.

As the tracks have continued their advance through the unmarred deserts and mountains of the Southwest, Navajo men have ventured far from their land in greater and greater numbers to work for the railroads. And today, as they have for the past century, Navajo workers make up a large percentage of those who man many western railroad track gangs.<sup>13</sup> Numerous gangs are completely staffed by Navajo workers except for the foremen and higher management. In his meticulous ethnographic study of the Navajo community of Shónto, Arizona, William Adams reported that in 1955 the combination of wages and unemployment compensation from the railroads and the Railroad Retirement Board made up over half of the total income

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12 Garrick Bailey and Roberta Glenn Bailey, *A History of the Navajos: The Reservation Years* (Santa Fe, NM: School of American Research Press, 1986). Only two major freight railroads exist in the western United States today, the Union Pacific (UP) and the Burlington Northern Santa Fe (BNSF). While not an exhaustive list, the Union Pacific includes the former Southern Pacific and Missouri Pacific lines. The Burlington Northern Santa Fe includes the former Burlington Northern and the Atchison, Topeka & Santa Fe. Each is a combination of numerous smaller former railroad companies. Without a scorecard, it is impossible to know the history of mergers and consolidations in this industry.

13 “Gangs” are the name railroad management gives to groups of workers assembled by the companies, numbering from just a few to several hundred, who work on specific projects in the building and maintaining of railroad tracks.



of this Navajo community.<sup>14</sup> For the Navajo Nation as a whole at the time, railroad work was the “single most important source of income for Navajos, accounting for almost one-third of their total income.”<sup>15</sup>

When Lorraine Turner Ruffing, of the American Indian Policy Review Commission, returned to Shónto in 1971 carrying Adams’s original data with her, she found that to survive, “Shónto Navajos were forced either to combine subsistence activities with local temporary wage work or to leave the reservation.”<sup>16</sup> She observed that many individuals worked for the railroad year after year, constituting a “long-established and well-known work gang who were accustomed to working together.”<sup>17</sup>

So today, as they have for many years, these Navajo men leave their homeland after the snow begins to melt in the spring and travel between the Pacific Ocean and the Mississippi River in gangs of up to one hundred men, maintaining and replacing aging railroad tracks. On the northern rail route come the trains from the strip-mined hills of Wyoming, with coal to feed midwestern power plants. On the southern double-tracked route near the boundary of the Navajo Nation, trains made up of railroad cars specially produced to carry Japanese and Korean automobiles rumble night and day. They are interspersed with two-mile-long trains speeding along at sixty miles an hour and carrying containers from China and the East, often covered with the tagging of California graffiti artists, heading to Chicago or Kansas City. There the containers

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14 William Y. Adams, *Shonto: A Study of the Role of the Trader in a Modern Navajo Community*, Smithsonian Institution, Bureau of American Ethnology Bulletin 188 (Washington, DC: Government Printing Office, 1963), Adams’s study is replete with references to the economic importance of railroad labor for the inhabitants of the Shonto, especially for the young men in the community.

15 Ibid.

16 Ruffing, “Navajo Economic Development,” 618.

17 Ruffing, “Navajo Economic Development,” 619.

will be placed on trucks and sent off to the Costco, Target, or Wal-Mart Super Centers around the country. Empty, the containers will return west on trains headed to the coast, where they will be placed on giant ocean freighters to be shipped off for refilling in Asia.

Often these men work on steel gangs, laying long, dark gray strips of heavy rail which are often well over a hundred feet long. After the rail has been laid, huge quantities of granite are poured on the track to create a solid base. As part of the ballast gang, the men doing this job must walk ghostlike along the sides of slowly moving trains, intermittently pulling levers on the ballast cars to emit loads of rock on the track and enveloping themselves in clouds of silica dust as the rocks fall. Others ride and walk behind, tamping down the ballast and securing the rail and the bed. As part of the process, rail anchors are installed, tools which are “designed to eliminate creepage of track by providing a large bearing surface against the rail base and tie.”<sup>18</sup> The anchors hold the tracks in place and keep the trains on the track as they constantly rumble over the steel rails. When they are complete, the tracks can absorb the hourly pounding of heavy locomotives and the vast array of railroad cars that they pull.

The trackmen’s work, while routinized, has not benefited from the kinds of safety methods and equipment that have come into use in American factories in the last thirty years.<sup>19</sup> Track work is still performed much as it was well over one hundred

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18 The website of A&K Railroad Materials, Inc., provides a description of these rail anchors and other parts which are installed by railroad trackmen. <http://www.akrailroad.com>, accessed January 20, 2010.

19 Of course, this is not to say that sufficient attention is paid to contemporary factory safety, just that it must be observed that American factories are safer places today than they were fifty years ago. Certainly they are safer than they were in the early 1970s, when I worked in a Cincinnati sheet metal plant in which many of my coworkers were missing at least a part of one digit on their hand due to a workplace accident.

years ago and remains the most difficult work on the railroad. What a historian for the union of track workers, William Haber, wrote nearly fifty years ago, remains true today:

The work of the maintenance of way man is hazardous. In addition to the ordinary dangers that beset the worker who uses tools and machines, he must often work in high places, on bridges, trestles, and structures. And usually his work is done under the hazards of train traffic, on the main lines where he must keep a sharp lookout for trains or in busy railroad yards where the switching of cars is constantly going on.<sup>20</sup>

Today, the increased use of machinery allows greater productivity but is no guarantee of safety. In just one recent gruesome example, newspapers reported on a disaster involving a maintenance train in northern California on November 9, 2006, in which two men were killed and six badly injured.<sup>21</sup>

For years the relationship between the railroads and their Navajo workers has been a contentious one in which the profit motive of the railroads has received preference over the human needs of the Navajo. Even industry-friendly government officials have long recognized this fact. In 1947 F. H. Stapleton, the regional director of the Railroad Retirement Board (RRB), the government agency responsible for pension, sickness, and unemployment insurance benefits for railroad workers, wrote another RRB official: "There are several hundred Indians on the reservation who are eligible for sickness insurance benefits but no claims have yet been filed. Many of these Indians have been injured on the job and the railroads passed them back to the reservation on the request of the Indian and, as far as I know, in very few instances made any settlement with the Indian for the

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20 Haber, *Maintenance of Way Employment*, xi.

21 See "2 Dead in Union Pacific Derailment," *Houston Chronicle*, November 10, 2006, <http://www.chron.com/disp/story.mpl/ap/fn/4326220.html>, accessed January 10, 2010.

injury incurred.”<sup>22</sup> The story of the relationship of these workers to the Railroad Retirement Board is detailed in succeeding chapters.

According to a 2006 article in the *Navajo Times*, the newspaper of record for the Navajo Nation, others have noted that conditions have not changed much for these men.<sup>23</sup> The article says that complaints of maltreatment of Navajo workers by the railroads have now been addressed to the Navajo Nation’s labor relations office but that those in the office have been forced to beg off because “the tribe lacks jurisdiction over labor disputes that occur outside its borders.” The present complaints mirror problems of the past—railroads giving Navajo workers the hardest jobs and being insensitive to their ceremonial needs. One advocate is quoted in the article as saying that “the reason why the companies like to hire Navajos is because they don’t complain and never speak up for themselves because they are afraid of losing their jobs.” Because they do not complain, they are assigned to the hardest jobs. He also claims that the railroads “deny requests from Navajos who want to take time off for ceremonies. As a result, a lot of young Navajos are being forced to make a choice—maintain their culture or lose it to keep their job.”

Navajo men have not been the only Native Americans to perform significant railroad work. In the Northwest today, Native Americans continue to perform track maintenance, especially for the Union Pacific Railroad. Scholars and others have noted significant historic railroad work by other Native Americans.<sup>24</sup>

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22 Interoffice memo, December 8, 1947, regional director F. H. Stapleton to RRB director of employment. (This document is in the possession of the author; see chapter 5.)

23 Bill Donovan, “Help Requested for Railroad Workers,” *Navajo Times*, August 24, 2006. All quotations in this paragraph come from this newspaper story.

24 See, e.g., Kurt Peters, “Santa Fe Indian Camp, House 21, Richmond, California: Persistence of Identity among Laguna Pueblo Railroad

Beginning in the late nineteenth century, members of the Laguna Pueblo began to work in large numbers for the AT&SF Railroad, in exchange for granting the AT&SF the right to build a line through their land. The Lagunas established colonies along the track that runs from Albuquerque to San Francisco, with large camps in Gallup, New Mexico; Winslow, Arizona; and Barstow and Richmond, California. The establishment of the colonies allowed families to accompany the men. Old railroad boxcars were used as housing. The men performed railroad track work and the women tended their homes, with some working in railroad hotels. The Lagunas were able to organize their colony in ways similar to the pueblo itself, arranging the boxcars to set up a central plaza in which feasts and other ceremonies could take place. It is likely that the ability of the Lagunas to incorporate their family life so closely into their work life allowed them to avoid some of the existential pain suffered by the Navajos. Laguna colonies faded out in the first half of the twentieth century, however, and the members of these colonies dispersed, some moving back to the pueblo in New Mexico, but many moving to large towns, such as Albuquerque.<sup>25</sup> In the Southwest, only the Navajos have maintained their constant large-scale connection to the railroad.

Historically, only the most neglected and oppressed ethnic groups have performed this track work. In the South and East of the country today it is often African Americans who carry out this work. Prior to the Civil War, railroads often used slaves as trackmen. Conditions for these men were horrific. Consider the following startling passages from the “Book of Rules” issued to employees of the Tallahassee, Pensacola and Georgia Railroad in

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Laborers, 1945–1982,” *American Indian Culture and Research Journal* 19, no. 3 (1995).

25 Leslie Linthicum, “Laguna Colony Members Meet to Keep Language, Traditions Alive,” *Albuquerque Journal*, March 13, 2006, [http://www.abqjournal.com/cgi-bin/print\\_it.pl?page=/news/metro/436922metro02-26-06.htm](http://www.abqjournal.com/cgi-bin/print_it.pl?page=/news/metro/436922metro02-26-06.htm), accessed April 2, 2011.

1858, which describe procedures for supervision of employees.<sup>26</sup> The nauseating rules say much about treatment of slaves and treatment of trackmen.

No. 11—Overseers must not strike a negro with any other weapon than a switch except in defense of their person. Where a negro requires correction, his hands must be tied by the overseer and he will whip him with an ordinary switch or strap not to exceed 39 lashes at one time nor more than 60 for one offense in one day, unless ordered to do so by the supervisor in his presence.

No. 15—The use of intoxicants by employes [*sic*] on repairs of the road is positively prohibited. Any overseer or other employe [*sic*] who keeps it at his shanty or uses it in any other way than when prescribed by a physician as medicine or who allows the negroes to keep or use it at the shanty or on the work will be fined or discharged.

No. 19—No negroes must be allowed to bring or to have at the shanty any fresh meat or poultry, unless the overseer is satisfied he or she came by it honestly.<sup>27</sup>

Certainly Navajo railroad workers are not treated as slaves, but a master-servant mentality has not been completely expunged from the culture of railroad employment.

### Jerry Sandoval's experience

Most of Jerry Sandoval's railroad work was as a trackman on a steel gang laying rails. These gangs snake along the tracks in a choreographed movement as they build and clean up tracks from end to end. Like other Navajo trackmen, Jerry had been unable to find consistent work on the Navajo Nation and lived many tough

26 This railroad is now part of the CSX Railroad, a major eastern American railroad.

27 Denver Willard Hertel, *History of the Brotherhood of Maintenance of Way Employees* (Washington, DC: Ransdell Publishers, 1955), 274.

miles from the jobs in Albuquerque, Denver, and Phoenix, the urban centers of the Southwest. So, Jerry went to work on the railroad. Traveling throughout the Southwest and southern Midwest for parts of the next eight years, Jerry rose at one point to the position of assistant foreman. Jerry thought it was “pretty nice to see a lot of places” during his railroad work and to meet a lot of different people. Other Navajo workers, I knew, were not as pleased with leaving their homeland for wage work. To that end, wage work in the uranium mines on and very near the reservation was attractive to many men and their families, until the mines shut down and the health tragedy of work in those mines manifested itself.<sup>28</sup>

Jerry worked on some gangs that had Navajo, white, black, and Hispanic workers. But usually he worked on steel gangs that were all Navajo, consisting of over one hundred men, mostly from the Arizona side of the Navajo Nation. The men lived in railroad cars that were pulled along as the gangs traversed the tracks. They often worked twenty days straight without a day off, he told me. He was proud of the work of the Navajos, saying, “We Indians were the best.” He attributed this prowess mainly to the willingness of the Navajos to work in any weather. “We would leave them (blacks and Mexicans) behind.”

Jerry’s boast was almost identical to a comment I found in a *Washington Post* newspaper story about a Burlington Northern railroad track maintenance contractor, Neosho Construction. Railroads often use contractors so that they can pay wage and benefit rates below union scale and diminish pension costs. In addition, because of a legal loophole excluding the workers from the protection of the FELA, the monetary cost of personal injuries is reduced for the

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28 See Doug Brugge, Timothy Benally, and Esther Yazzie-Lewis, *The Navajo People and Uranium Mining* (Albuquerque: University of New Mexico Press, 2006), xvii, 15. Injury and contamination remains on the reservation from uranium mining. See also Dan Frosch, “Uranium Contamination Haunts Navajo Country,” *New York Times*, July 27, 2009, <http://www.nytimes.com/2009/07/27/us/27navajo.html>, accessed April 2, 2011.

employers. These efforts are a constant source of irritation to railroad unions. Donald Williamson, a white foreman with Neosho, is quoted as saying, "If I had my choice, I'd take an all-Mexican or an all-Indian crew over an all-white crew. My best workers have been Mexicans and Indians."<sup>29</sup>

Unlike many Navajo railroad workers, Jerry stayed employed over several winters working on curb gangs and replacing switches, the devices on the tracks that guide moving trains in the proper direction when there are multiple tracks. He was on his way to permanent employment with the railroad.

The permanency of employment is crucial for railroad workers. Railroad unemployment and pension benefits are above average, but without sufficient "months of service," entitlement is spotty. Navajo trackmen often have a very difficult time accumulating sufficient "months of service" to qualify for pensions and other benefits under the rules of the Railroad Retirement Board. Railroads often blame the Navajos for their inability to garner sufficient service to meet the requirements. But most of the reason for this predicament is the cavalier way that the railroads treat these men, with sporadic offers of work. However, it is true that this is a place in which Navajo culture does not mesh smoothly with governmental ways. Navajo workers do feel the pull to return to their homes, often in order to participate in certain ceremonies, a fact that justifies leaving the work site on their terms but that also reduces their ability to gain the necessary months of service for pension eligibility.

Jerry was on his way to qualifying for a pension, when, like many who fall out of the life of wage labor, he suffered an accident. He broke his leg in a car wreck on his way back from work. Jerry never recovered sufficiently from the accident to go back to the railroad, and his career on the tracks came to an end. He receives no railroad pension today.

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29 Jonathan Kaufman, "Making Tracks in Wyoming," *Washington Post*, January 12, 1980.



As we settled in the comfortable chairs in his living room, I asked Jerry about his religious history. I was seeking to find, to use the lyrics of singer-songwriter Kris Kristofferson, what practices Jerry and others used to help them “make it through the night,” or in this case, their work away from their land. Jerry participates in the three forms of religious practice that predominate in the Navajo Nation today: “traditional” Navajo religion, the Native American Church, and several versions of Christianity. Jerry told me that his mother, a Pentecostal “churchgoer,” raised him. As a child he sometimes attended services with her, and today he occasionally goes to her church. He sometimes attends ceremonies of the Native American Church as well. Jerry’s father and brother practiced the traditional religion. His mother, in addition to her Pentecostalism, would occasionally help his father in participating in traditional Navajo religious ceremonies.

I wondered about the interplay of religion and work when he was on the job. Jerry told me of a variety of religious practices among his coworkers on the track gangs that were focused both on ensuring personal protection from injury and on securing and maintaining psychic balance. Some workers ritually applied corn pollen to their bodies before work. Some “churchgoers” used anointing oil before work in a similar manner.<sup>30</sup> Native American Church practitioners had medicine pouches, and often after work they would put herbs on the diesel stoves in the bunk cars, filling the air with the aroma from their smoldering. The railroad

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30 I had seen anointing oil used by working-class families before. During my three years working for the US Postal Service in Houston in the 1970s, I often delivered letters from Reverend Ike, who preached that “the lack of money was the root of all evil.” Pieces of prayer cloth or small vials of anointing oil would often be in his letters, which he claimed the recipients could use to gain God’s grace to solve the problems facing them and their families. Of course, Reverend Ike instructed that the ritual was only effective if one sent money to him in return. It was not uncommon for me to pick up creased and stamped return envelopes from these homes in the days after I had delivered Reverend Ike’s missive, containing, I assume, a check for the reverend.

was concerned about the peyote ceremonies, however, and in spite of some of the men having permits for possession of peyote for use in Native American Church ceremonies, railroad officials brought trained dogs into the living quarters from time to time to check for this drug.

On Sundays when they were given a day off, Christian men would try to go to churches near where they were working. Coworkers who practiced traditional religion sometimes went into nearby mountains after work to “do their stuff,” Jerry told me. On some nights he could hear them singing in the mountains, and occasionally in the mornings he could hear “some of them praying.” Given the brutal schedule of life on a track gang, however, the men could only occasionally get away for these practices.

Sensing that the conversation was over, we got up to leave Jerry’s cozy house and its scene of obvious love between father and son. We said good-bye to Jerry, got back into our car, and navigated the difficult but breathtaking winter roads of the rez back to Albuquerque.

## Two

### Religion on the Rez

While conditions are unique for each person, as a group the Navajo people practice a common, though eclectic, set of religious traditions. Three forms of religious practice predominate in the Navajo Nation today: “traditional” Navajo religion, the Native American Church, and myriad versions of Christianity.

#### *Cuba, New Mexico*

#### A Pentecostal family

The rich variety of religious practices that characterize life on the rez can be seen in the story of Tom Martinez, who was one of the first men I interviewed. It was a beautiful June day in Cuba, New Mexico, when I spoke to Tom. The sky was a radiant blue and the air was crisp and clean. Tom began working with the Union Pacific Railroad when he was twenty-two years old. His local trading post owner recruited him and drove him to Shiprock, New Mexico, to meet his railroad bosses. On the railroad gangs on which Tom worked, all the workers were Navajo and all the bosses were Anglo.

Although his mother and brothers are involved with the Native American Church and traditional religion, Tom became a Christian in 1984. He attended a Navajo Pentecostal tent service after suffering a back injury. During the ceremony the minister chose Tom out of the crowd to give him special help. The

minister, who led the service along with a man who later became Tom's son-in-law, put her hands on Tom and prayed along with the entire congregation. Tom felt better; this "laying on of hands" healed his back injury, Tom believes.

Today, Tom's son-in-law continues to lead Pentecostal activities. The pastor often provides personal prayer services for people, as when those with certain needs write prayer requests on pieces of paper and give them to him. He takes these messages up to a mountain near Durango, Colorado, outside Navajo land, and prays over them.

Christianity remains a major force in Tom's family. In addition to his Pentecostal son-in-law, Tom has a second son-in-law who is a Baptist minister at a large church near Shiprock.

### Religious practices on the Navajo Nation

On Navajo land, participation in traditional Navajo practices exists side by side with activity in the Native American Church, Catholic parishes, and all kinds of mainstream, Pentecostal, and Evangelical Protestant churches. The railroad men with whom I am acquainted often serially participated in such varied traditions, especially when facing the need for assistance.<sup>1</sup> These individual practices confirm the recent findings of anthropologist Maureen Trudelle Schwarz, who wrote that within Navajo thought and practice, "parallel theories and bodies of knowledge coexist that can appear contradictory when compared by an outside observer . . . [yet] these various bodies of knowledge present no conflict to Navajo people."<sup>2</sup>

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1 In this regard, the Navajo anthropologist Charlotte Frisbie wrote of "the eclecticism of the People, and, in the area of religion, their pragmatic interest in multiple affiliations and syncretic combinations, anything that may yield a wider range of options and offer solutions, explanation, or at least relief from personal, tribal, and cultural problems." Charlotte Frisbie, *Navajo Medicine Bundles or Jish* (Albuquerque: University of New Mexico Press, 1987), 197.

2 Maureen Trudelle Schwarz, *Molded in the Image of Changing Woman: Navajo Views on the Human Body and Personhood* (Albuquerque: University of New Mexico Press, 1997), 13.

The concurrent use of traditional and modern ceremonies is quite common, as men and women make serial attempts to deal with the difficulties confronting them. One of my well-educated Navajo friends in Albuquerque contracted Bell's palsy. She went to local doctors, but the treatments they prescribed as part of their modern medicine seemed ineffective. Her mother, a Navajo woman who lives on Navajo land, suggested to my friend that she visit a well-known medicine man in whom the mother had confidence. After my friend participated in the recommended traditional religious ceremony, the Bell's palsy abated. The women are not too sure, or too concerned, as to why this improvement happened; they are just glad that it did.

Varied forms of religious practice were and are used before Navajos leave their homeland to work on the railroad, while they are at work, and upon their return. Most, if not all, participated in such ceremonies. Though their terminology is dated, Kluckhohn and Leighton noticed that for the Navajo, "a sense of crisis in their economy and their consequent irritability with both whites and their fellow tribesmen also lead them to spend more time in ceremonials."<sup>3</sup> Certainly, Navajo men who participated in railroad work felt these feelings.

### Traditional Navajo religion

Traditional Navajo religion, the type one reads about in the popular Tony Hillerman crime novels that feature Navajo detectives Jim Chee and Joe Leaphorn, contains ritual practices such as sings, healing ceremonies, crystal gazing, and divination, all

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3 Kluckhohn and Leighton, *The Navajo*, 224. Such reactions are common. For example, numerous reports of similar reactions to disruptions were seen in Haiti after the devastating earthquake of 2010. Brian MacQuarrie, "Haiti Calls on Voodoo Priests to Help Battered Nation Heal," *Boston Globe*, February 10, 2010, [http://www.boston.com/news/world/latinamerica/articles/2010/02/10/haiti\\_calls\\_upon\\_voodoo\\_priests\\_for\\_help/](http://www.boston.com/news/world/latinamerica/articles/2010/02/10/haiti_calls_upon_voodoo_priests_for_help/), accessed April 2, 2011.

of which are usually led by medicine men. Vine Deloria Jr. notes that “tribal religions are actually complexes of attitudes, beliefs, and practices fine-tuned to harmonize with the lands on which the people live.”<sup>4</sup> These attributes and activities of traditional Navajo religion are a marvel for the uninitiated.

Much has been written about the genesis of traditional Navajo religious practices. Sam Gill, a scholar of Navajo religions, found that the coalescence of Navajo religion as practiced today can be traced to the middle of the eighteenth century, coming partially in reaction to events at the time.<sup>5</sup> After the Spanish conquest of the American Southwest, the Navajos hosted many indigenous people who fled Spanish rule. The Spanish occupation had been harsh on the Pueblo people of the area, as highlighted by the famous episode in which Spanish troops invaded the Acoma Pueblo and, in retaliation for the death of a Spanish officer, cut off the right foot of every Acoma male over the age of twenty-five.<sup>6</sup>

In 1680, after years of frustration, Pueblo communities up and down the Rio Grande River rose up against atrocities committed by Spanish troops and religious figures.<sup>7</sup> Nearly 300 Spanish were killed. In their horrific military response, the *reconquista*, the Spanish worked to teach those who revolted an unforgettable, bloody lesson. Many Pueblos fled to safety in Navajo areas. Each migration, before and after the *reconquista*,

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4 Deloria, *God is Red*, 69.

5 A similar view is held by David Brugge. See Brugge, *Navajo Pottery and Ethnohistory* (Window Rock, AZ: Navajo Tribal Museum, 1963), 22–23.

6 For a recent review of the story of this period, see Seymour H. Koenig and Harriet Koenig, *Acculturation in the Navajo Eden* (New York: YBK Publishers, 2005). This incident remains a contentious one between Hispanic and Pueblo people in New Mexico to this day.

7 This Pueblo revolt against Spanish domination has been called the most successful indigenous rebellion in the Americas. For more on this historic event and the Spanish *reconquista*, see Michael V. Wilcox, *The Pueblo Revolt and the Mythology of Conquest* (Berkeley: University of California Press, 2009).

resulted in much intermarriage and many cultural additions to the life of the Navajos, who seemingly welcomed them, or at least did not oppose them.

In the mid-eighteenth century, however, the Navajos were faced with drought and increasing friction with and attacks from neighboring groups of Comanches and Utes. Gill opines that these stresses encouraged “the acceptance of a widespread movement to give identity and coherence to the Navajo people and to their religious beliefs.”<sup>8</sup> Gill theorizes that this movement brought a rejection of the traditions of their Pueblo neighbors, which were replaced by a core Navajo tradition, the Blessingway ceremony, as well as a unique Navajo creation story.<sup>9</sup>

The Blessingway ritual ceremony, which will be discussed in more detail shortly, is the heart of traditional Navajo religious practice and is based on the creation story of the Navajo universe as well as the notion of healing here and now.<sup>10</sup> Through the Blessingway, “the Navajo gained a sense of themselves as a unified people with a distinct religion and way of life tied

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8 Sam D. Gill, *Songs of Life: An Introduction to Navajo Religious Culture* (Leiden, Netherlands: E. J. Brill, 1979), 1. David Aberle concludes that the variety and number of contemporary religious practices spring from these dislocations. “The Future of Navajo Religion,” in Brugge and Frisbie, *Navajo Religion and Culture*, 220.

9 That is not to say that no “outside” influences can be seen in Navajo ceremonies. Peter Iverson argues the Enemyway ceremony, an important cleansing ritual, “may be linked to contact with people who have ties to the southern Plains, especially the Plains Apaches, and the Comanches.” Iverson, *Diné*, 12.

10 Gill, *Songs of Life*, 3. Some of Gill’s work has been contested by fellow academics. See Christopher Jocks, “Response: American Indian Religious Traditions and the Academic Study of Religion: A Response to Sam Gill,” *Journal of the American Academy of Religion* 65, no. 1 (1997), 169–76. In fact, some harbor a ferocious antipathy to him. See Andrea Smith, “Dismantling the Master’s Tools with the Master’s House: Native Feminist Liberation Theologies,” *Journal of Feminist Studies in Religion* 22, no. 2 (2006). Gill’s observations referenced in this book, however, have been consistent with my experience and understanding or are seconded by scholars whose work seems substantial and well grounded to me.

directly to the area bounded by the sacred mountains that border Navajoland.”<sup>11</sup>

### The Navajo creation story

Like trying to read the Bible literally and prove the relation of Christian ritual and liturgy to biblical text, attempting to precisely map traditional Navajo ceremonies and their creation story is difficult. The Navajos are a storytelling people, and, in studying the creation stories, Sam Gill argues, “it is very difficult to obtain an overall picture of how these many stories are related to one another and how the whole body somehow coheres.”<sup>12</sup> According to Paul G. Zolbrod, who has written the full creation story in his book *Diné bahane’: The Navajo Creation Story*, “the Navajo creation story was not, strictly speaking, a single story any more than the Bible is.” It is “a kind of boundless, sprawling narrative with a life of its own, so to speak, fixed in its actual limits only by what might be recited during a particular performance.”<sup>13</sup> Zolbrod continues:

The story tells of the emergence of the insect-like Nilch’i Diné’e or “air-spirit people” from a primal domain deep within the earth. It describes how they gradually make their way to the surface of the world, where they evolve into Nihookáá’ Diné’e or “earth surface people” and then into an aggregate of human clans ready to form an intricate society. . . . The story resembles the Old Testament in that its origins reach deep into the inscrutable loam of a primeval past. Also, it articulates a distinct sense of the sacred for those who share a familiarity with it.<sup>14</sup>

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11 Gill, *Songs of Life*, 2. David Brugge goes so far as to argue that, consistent with the importance of adaptability, the Blessingway ceremony itself was a mechanism “to allow for the symbolic Navajo-ization of foreign traits.” Brugge, *Navajo Pottery and Ethnohistory*, 22–23.

12 Gill, *Songs of Life*, 3.

13 Paul G. Zolbrod, *Diné bahane’: The Navajo Creation Story* (Albuquerque: University of New Mexico Press, 1985), 5. For more on this story, see Aileen O’Bryan, *Navajo Indian Myths* (New York: Dover, 1993).

14 Zolbrod, *Diné bahane’*, 5.



Looking at the breadth of Native American religion, however, Deloria sees things differently. He finds fundamental differences in Native American creation stories when compared with those of the Abrahamic faiths. “At no point, however, does any tribal religion insist that its particular version of the creation is an absolute historical recording of the creation event or that the story necessarily leads to conclusions about humankind’s good or evil nature. At best the tribal stories recount how the people experience the creative process which continues today.”<sup>15</sup>

What is clear is that the basic creation story tells of the emergence of life through a number of eras or levels, moving from lower spaces to higher. The final level is the present location of the Navajo Nation. This upward journey of creation is caused when heroes “inadvertently introduce disorder and ugliness” that have the potential to destroy the world. Each new world “offers the promise of happiness and a good life to its inhabitants, but they are unable to maintain the proper relationships with each other.”<sup>16</sup> Zolbrod is correct that parallels to early biblical stories are many, as floods are often featured as a way to cleanse the misdeeds of the people, those in gardenlike conditions unintentionally introduce disruptions even while marveling at the beauty around them, and sexual misdeeds are common. Given the constant spoiling of each level through relational misdeeds, “a theme which emerges with increasing urgency as the emergence journey proceeds is the need for the establishment of dependable relationships so as to bring about an orderly world.”<sup>17</sup>

The Blessingway—the most important traditional ritual

A window into the world of traditional Navajo ritual can be gained with a deeper understanding of the Blessingway

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15 Deloria, *God is Red*, 87.

16 Gill, *Songs of Life*, 3. “They quarrel constantly and, though they try, they are unable to avoid committing acts of adultery and incest.”

17 Gill, *Songs of Life*, 4.

ceremony.<sup>18</sup> While as with familiar Christian rituals, much variation exists in the actual practices, Blessingway ceremonies usually begin at sunset with the consecration of the ceremonial hogan, the traditional Navajo abode and sacred space.<sup>19</sup> Each ceremony begins with songs that dedicate the hogan for the religious purpose which is to come. Father Berard Haile, its most authoritative early cataloger, observed that the Blessingway is “vastly concerned” with the hogan, for it is the “center of every blessing in life: happy births, the home of one’s children, the center of weddings, the center where good health, property, increase and crops and livestock originate, where old age, the goal in life, will visit regularly.”<sup>20</sup>

One’s family is often an integral part of the ceremony. The person for whom the ceremony is being performed is often called the “one-sung-over.” This person, along with the medicine man and his assistants who conduct the ceremony, spends time from sundown to sunup, often over two days, singing, praying, and chanting. This ceremonial contains within it a guide to the Navajo way of life.<sup>21</sup> These sings reenact the creation of the world by placing the one-sung-over in a world recreated by ritual and by closely tying her to the goodness and power of those deities who have come before.

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18 Many versions of the Blessingway exist. The most respected are those of Father Berard Haile, transcribed by Professor Leland Wyman. Leland C. Wyman, *Blessingway* (Tucson: University of Arizona Press, 1970).

19 The initial instructions for how to build a hogan are contained in the Navajo creation story. The exact construction varies according to the available material. Initial hogans were made completely from mud, straw, and sticks. Used wooden railroad ties were often employed for construction after the entry of the railroad to New Mexico and Arizona. Today, more-modern materials are usually used. Hogans are used as dwellings and for other normal day-to-day purposes as well.

20 Wyman, *Blessingway*, 10.

21 See Katherine Spencer, *Reflection of Social Life in the Navajo Origin Myth*, University of New Mexico Publications in Anthropology 3 (Albuquerque: University of New Mexico, 1947); and *Mythology and Values: An Analysis of Navajo Chantway Myths*, American Folklore Society Memoirs 48 (Boston: American Folklore Society, 1957).

Ritual purification includes the use of the sacred medicine bundle and copious amounts of corn pollen, both of which are associated with the First Man and First Woman from the creation story. Wyman writes that “the pure, immaculate product of the corn tassel is food eaten by gods and man. Pollen, the beautiful, is a fit gift for the gods. Their paths should be strewn with it.”<sup>22</sup> The ceremony ends at dawn when the one-sung-over exits the hogan, faces east, and deeply breathes in, to “become one” with the dawn.<sup>23</sup>

In addition to the Blessingway, anthropologists have grouped traditional Navajo ceremonies into a number of divisions, though no formal classification system exists. Each is used for particular reasons in particular situations.<sup>24</sup> Gill notes two special commonalities among these ceremonies. First, “no two ceremonials are ever performed exactly the same,” and second, “the ritual process permits extensive combinations of these constituent elements allowing great freedom in responding creatively and meaningfully to almost any conceivable circumstance.”<sup>25</sup> The number of Navajo people who participate in healing ceremonies is quite high but often variable. Kluckhohn and Leighton write of a woman who “spent nearly 500 days in curing rites,” yet they also found when they wrote in the 1940s that “fully half of those under thirty had never been ‘sung over.’”<sup>26</sup>

Today, for those who participate in it, the Blessingway ceremony and other similar rituals “serve to reveal the power and knowledge of a way of life to the Navajo people.”<sup>27</sup> Gill defines the object of such practices:

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22 Wyman, *Blessingway*, 30.

23 Gill, *Songs of Life*, 13–14. Of course, like most traditions without hard and fast liturgical rules, significant variation exists in practice.

24 In addition to the Blessingway, some find the major classifications of rituals to be Holyways, Lifeways, Evilways, War Ceremonials, and Gameways.

25 Gill, *Songs of Life*, 11.

26 Kluckhohn and Leighton, *The Navajo*, 224–25.

27 Gill, *Songs of Life*, 9.

The pragmatic goal, toward which the ceremonials are aimed, as stated by Navajos, is the acquisition of *hózhó*. The very meaning of the word *hózhó*, an environment of beauty and pleasantness, suggests that the ceremonials are primarily interested in establishing the proper relationships of the individual to his environment, and this will consequently be reflected in a health condition regained by his physical body.<sup>28</sup>

Given the importance of these ceremonies in gaining and keeping bodily health, it is no surprise that these were seen by Navajo railroad workers as being especially important in their dangerous industry.

Importantly, in addition to the curative rituals, traditional Navajo religion includes a predictive component. Apprentice diviners are trained by master diviners and are part of a lineage that stretches back to the inception of these practices. Diviners use crystals and hand trembling to discern the nature of an illness or problem and direct the individual to the best ceremony or medicine man to perform the ceremony. As one traditional medicine man told me, for diviners, crystals serve the same purpose as the white man's computers.<sup>29</sup>

## The Native American Church

The second form of practice comes from the Native American Church, a major force on the Navajo Nation today.<sup>30</sup> This church, known as the "Peyote Church," focuses on special ceremonies to heal and to quiet or influence the unseen forces operating in the life world of Native Americans from several tribes. The Native

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28 Gill, *Songs of Life*, 10. See also Gladys A. Reichard, *Navajo Religion: A Study of Symbolism* (Princeton, NJ: Princeton University Press, 1950).

29 Interview with Kee Spencer; see chapter 7.

30 The definitive works on the church are David F. Aberle, *The Peyote Religion among the Navajo* (Norman: University of Oklahoma Press, 1982); and Omer C. Stewart, *Peyote Religion: A History* (Norman: University of Oklahoma Press, 1987).

American Church probably began in an Oklahoma Indian tribe in the early twentieth century and is important for a number of Native American peoples. Over one hundred small chapters exist on the Navajo Nation today. To perform the ceremonies, a medicine man for the Native American Church may get a certificate to be able to buy and possess peyote. He works with a group of other medicine men who have very specific roles. Only recently has the possession of peyote for ceremonial use become legal under American law.<sup>31</sup>

The liturgy and ceremony of this church, featuring the use of peyote and eagle feathers, combines aspects of traditional Navajo religion as well as Christian traditions. Meetings are held for the most sacred events of Christianity—Christmas and Easter. Omer Stewart, who wrote of the “peyote religions,” quotes a practitioner from the Winnebago people, Albert Hensley, as believing that peyote is both a holy medicine and a Christian sacrament. “To us it is a portion of the body of Christ,” Hensley said, “even as the communion bread is believed to be a portion of Christ’s body by other Christian denominations. Christ spoke of a Comforter who was to come. It never came to Indians until it was sent by God in the form of this Holy Medicine.”<sup>32</sup>

The most common Native American Church ceremonies generally involve a number of related people who are praying for one of their group. The purposes of these prayers include healing, as in the case of injury, or legal or family problems.

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31 The Code of Federal Regulations specifically allows use of peyote in the ceremonies of the Native American Church. 21 CFR 1307.31 reads, “The listing of peyote as a controlled substance in Schedule I does not apply to the nondrug use of peyote in bona fide religious ceremonies of the Native American Church, and members of the Native American Church so using peyote are exempt from registration. Any person who manufactures peyote for or distributes peyote to the Native American Church, however, is required to obtain registration annually and to comply with all other requirements of law.” See, e.g., *U.S. v. Boyll*, 774 F. Supp. 1353 (D.N.M. 1991).

32 Stewart, *Peyote Religion*, 157.

Prayers and ceremonies are also performed to procure good luck, as in finding work, winning a lawsuit, or having a good school year. Several of those whom I interviewed felt that attending these meetings always “helped them out.” As with other Navajo religious practices, faith in the efficaciousness of the activities seems crucial to their success.

Judge Juan Burciaga, a federal judge in New Mexico, in ruling for the right of a member of the Native American Church to use peyote, described the ceremony in a lawsuit concerning the use of peyote in the religion. His description is worth quoting in detail.

The peyote ceremony is unique and the very cornerstone of the Peyote Religion. It is always conducted by individuals who hold honored posts which have specially assigned duties. The leader of the ceremony is called a “roadman.” The roadman is responsible for initiating the participants, although worshipers who are not personally invited are usually welcomed as well. Other officials present at a peyote meeting include the chief drummer, who sits on the right of the roadman; the cedarman, who sits on the left of the roadman and sprinkles sagebrush “incense” on the fire; and the fireman or doorman, who tends the fire and sits near the opening of the teepee. Each meeting also has a sponsor who is responsible for securing a site, the roadman, the teepee and other materials necessary for the service. Although not all ceremonies of the Native American Church are identical, the general concepts have been so well defined, so established in traditional practice, that they have not changed significantly for nearly a hundred years. . . . At these peyote meetings, the worshipers usually gather in a teepee at dusk and the ceremony passes through a series of ritualistic stages. During these rituals, a staff and a rattle are passed around and the person who receives them leads in singing peyote hymns and prayer. Around midnight, peyote is ingested by the worshipers and the singing, praying and drumming continues throughout the night until dawn. When the “buttons” of the plant are eaten, or brewed into tea and imbibed, the user experiences hallucinations. The peyote plant produces “a warm and pleasant euphoria, an agreeable point of view,

relaxation, colorful visual distortions, and a sense of timelessness that are conducive to the all-night ceremony of the Native American Church.” Finally, at noon of the following day, all worshipers share in a ceremonial feast.<sup>33</sup>

The Navajo scholar David Aberle argues that “the peyote cult is the most popular, and one of the most durable of all the religious movements created by American Indian groups suffering from the effects of domination by American society.”<sup>34</sup> For the initial observer of this syncretistic church, some of its practices seem quite startling—taking mind-alerting peyote as part of the celebration of the resurrection of Jesus, for example. But as part of the efforts of native peoples to place themselves in the world and to deal with the issues that surround them, creative uses of the culture of the colonizing peoples is an understandable and perhaps effective strategy. Aberle argues with some justification that “the experience of hierarchical power, the inability to control events on the Navajo reservation, and, perhaps, fears for the future of traditional Navajo ceremonial practice may have shaken faith in the old, immanentist supernatural power of Navajo religion and given some appeal to belief in transcendent power. Peyotism was available to offer access to such a power.”<sup>35</sup> Taking advantage of what is available in order to make one’s way through the world is a deeply human characteristic.

### Christianity on the rez

The third form of common religious practice is Christianity.<sup>36</sup> Catholicism has a long history of attempts to convert the

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33 U.S. v. Boyll, 774 F. Supp. at 1335, citing *Peyote Religion: A History* by Omer Stewart.

34 Aberle, *The Peyote Religion*, 3.

35 Aberle, *The Peyote Religion*, xxv.

36 Much of the material in this section is based on the excellent overview of the historical relationship of Christianity and the Navajos by Steve Pavlik. See “Navajo Christianity: Historical Origins and Modern Trends,” *Wicazo Sa Review* 12, no. 2 (Fall 1997): 43–58.



Photograph by Author, 2008

A Christian church in the checkerboard area of the Navajo Nation.

Navajos, beginning with encounters between the Spanish and the “Apaches of Navajo” as early as 1627, and continuing to this day with established Catholic parishes. In the 1980s David Aberle estimated that there were fifteen Franciscan missions on or near the Navajo Nation that were serving Navajo parishioners.<sup>37</sup>

The most famous Catholic missionary, the Franciscan priest Father Berard Haile, moved to Navajo country in 1900 in order to “convert the Indians of the Southwest.”<sup>38</sup> Interestingly, the activities of Catholics in Navajo country consisted of more than conversions. Much of the painstaking work of recording and cataloging traditional Navajo ceremonies was performed by Father Haile. Haile and his fellow Franciscans produced the *Ethnologic Dictionary* in 1910 and *A Manual of Navajo Grammar* in 1926. Haile’s relation to the Navajo people, like the general relation between Navajo ways and Christian religions, can be seen in two competing quotations from the middle of the twentieth century.

37 Aberle, *The Peyote Religion*, xliii.

38 Father Murray Bodo, ed., *Tales of an Endishodi: Father Berard Haile and the Navajos, 1900–1961* (Albuquerque: University of New Mexico Press, 1998).



Father Haile was much respected by the Navajo Nation, and in 1953, the Navajo Tribal Council honored him by saying, “You came to make Christians of the Navaho, but the Navahos have made a Navaho out of you.”<sup>39</sup> Yet, in his remarks at the fiftieth anniversary celebration of St. Michael’s Mission, quoted in *Time* magazine, a stark reminder of the difference between the pluralistic and syncretic approach of the Navajos and the rigidity and claimed omnipotence of those who came to minister to them is evident. In the article, Father Haile referenced Navajo ideas of the upward march through the levels of creation and their fear of disorder in the world when he said to the Navajo congregation, “There is much for you to learn. . . . You say you have a religion just for the Navajo, but the priests have a religion for all men, white or red or black. . . . The Ten Commandments are a ladder which you climb in this life to live with God in heaven. If you don’t, you won’t find anything except a mess in the hereafter.”<sup>40</sup> In spite of their mutual respect, neither the Navajos nor Father Haile would back away from their fundamental viewpoints.

Protestant missionaries have been a consistent presence on the reservation. They were spurred in 1868, when, in order to address the graft and corruption that characterized governmental Indian policy and practice, President Ulysses S. Grant initiated a “Peace Policy.” Thereafter, Christian churches were put in charge of various governmental functions relating to American Indians. The Navajo Reservation was “allotted” to the Presbyterian Church, at least in part because of the attitude of its missionaries that “tradition is the enemy of progress.” While Presbyterian efforts were not successful and the Peace Policy was terminated, before the turn of the century their missionaries were followed by Methodists and Episcopalians. Such missionary efforts were supported by government officials, and around

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39 Pavlik, “Navajo Christianity,” 46.

40 “Religion: St. Michael’s 50th,” *Time*, October 24, 1949, <http://www.time.com/time/magazine/article/0,9171,805166,00.html>, accessed April 2, 2011.

this same time the Board of Heathen Missions of the Holland Christian Reformed Church of America was given a reservation land grant. In Rehoboth, New Mexico, in 1896, the first Christian Reformed Mission Board school for Indian children was founded. After the turn of the century other denominations began missionary work, including the Mennonites, the Baptists, the Gospel Missionary Union, and the Faith Mission. In 1950, Aberle recounts, there were thirty-five mainstream Protestant missions.<sup>41</sup>

Probably the most successful missionary efforts were those of the Mormon Church, also called the Church of Jesus Christ of Latter-day Saints (LDS).<sup>42</sup> The Mormon program included language training for their missionaries, successful attempts to establish trading posts to serve the commercial needs of the Navajo and Mormon traders, and the placement of Navajo children in Mormon boarding schools. Mormon belief includes a special relationship between members of the church and Native Americans: Mormons consider the Navajos and others to be “Lamanites,” descendants of Israelites who fell from grace and sought the “wilderness for beasts of prey.” Mormon efforts to bring salvation to the Navajos and other native peoples continue today so that the Navajos will again be a “pure and delightful people.”<sup>43</sup> Aberle estimated that LDS members on the rez slightly outnumbered Catholics.<sup>44</sup> By 1978, Steve Pavlik reported that there were nearly fifty LDS congregations on Navajo land and over one hundred missionaries.

While they claimed a vision of the proper respect for the Navajo, most Christian missionaries would have agreed with the words of George Warren Hinman, of the American Missionary

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41 Aberle, *The Peyote Religion*, xliii.

42 Pavlik estimates that 20 percent of Navajos alive today have been baptized as Mormons. Pavlik, “Navajo Christianity,” 49.

43 See, e.g., Steve Pavlik, “Of Saints and Lamanites: An Analysis of Navajo Mormonism,” *Wicazo Sa Review* 8, no. 1 (Spring 1992): 21–30.

44 Aberle, *The Peyote Religion*, xliii.

Association, that “Christianity, with all its social implications, has more in store for the Navajos than even the most beautiful of their traditions and their arts and their patient industry.”<sup>45</sup> At the time of Hinman’s statement, the mid-1930s, Christianity was competing with the peyote religion, especially for those Navajos who felt the old ways did not have the power necessary to cope with the forces to which they were being subjected. David Aberle compared the two at this time.

Christianity, too, offered access to transcendent power, but primarily through alien ministers and priests and not always in the Navajo language. Faith healing was not characteristic of the missions of the 1930’s. Peyote road men, on the other hand, were always Indians, Navajo road men were soon trained, and Peyotism was a curing religion.<sup>46</sup>

To their credit, and like the Franciscans, a number of Protestants worked on a written Navajo language in order to translate their sacred Christian works.<sup>47</sup> A Christian Reformed Church missionary, L. P. Brink, translated hymns as well as the books of Genesis and Mark into the Navajo language in 1910.<sup>48</sup> Later, Presbyterians, Mennonites, and other Protestant missionaries translated religious tracts into the Navajo language. The effect was to speed the production of a written Navajo language.

The 1950s brought an explosion of evangelical and charismatic Protestant missions, many of which were independent and

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45 George Warren Hinman, *The American Indian and Christian Missions* (New York: Fleming H. Revell, 1933), 147.

46 Aberle, *The Peyote Religion*, xxv.

47 There is no question that efforts like this have been an aid to the continuation of the Navajo language. However, there is much to say about the ramifications for an oral culture when their books and even their language are transcribed by outsiders. But I must leave the description of this fascinating, yet thoroughly contested, terrain to others more skilled on this ground than I.

48 William H. Lyon, “Gladys Reichard at the Frontiers of Navajo Culture,” *American Indian Quarterly* 13, no. 2 (Spring 1989): 150.

pastored by Navajo preachers. The growth of this movement continued at least through the 1980s. Today, with the coming of the hot summer months, multihued evangelical revival tents pop up like colorful desert flowers throughout Navajo land. For many, attendance at these revivals has displaced Squaw Dances as a social location for young Navajos to meet.<sup>49</sup> Of course, there are many reasons people attend ceremonies. In *Laughing Boy*, the novel that won the Pulitzer Prize in 1930, Oliver La Farge writes the story of a young Navajo man, Laughing Boy, who meets two braves headed to a dance at Chilbito. They race their horses on a bet and then stop to talk. The dance is being performed for a man name Twice Brave, who is ill. In describing Twice Brave, the men speak of one attitude toward the missionaries. “When the missionary at Tse Tlchi used to serve beans, a lot of us went to hear him. He held a sing every seven days, and afterwards there were beans, but there was no dancing. We followed the Jesus Road until he stopped giving us beans.”<sup>50</sup>

Grand claims for the state of evangelical efforts are made by some evangelical preachers. Freddy Hall, founder of the Dineh Christian Church, claims that the Navajo Nation is “perhaps the most evangelized native American tribe of North America” and that “40–50 percent of the Navajo people are born again Christians.” Hall and his congregation are working “to equip and send Navajo ministers to the 900 North American tribes by establishing a strong local church on the reservation, with a radio and TV outreach, and by building a Bible training center to equip

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49 The Squaw Dance is an often large ceremony attended by Navajo people who live in a particular area. It is both a ceremonial and social occasion in which the Enemyway ceremony is performed. It is an opportunity for young people from the scattered and separate small communities to meet and sometimes find a mate. When I was searching as an early teenager, similar events in a number of religious traditions, including Methodist, Unitarian, and Quaker, served a comparable purpose for me.

50 Oliver La Farge, *Laughing Boy: A Navajo Love Story* (Boston: Houghton Mifflin, 2004), 87–88.



Photograph by Author, 2008

In the summer revival tents are erected throughout the reservation. They stimulate spiritual and social pursuits for those who attend the evangelical Christian ceremonies held in them.

Native American ministers.”<sup>51</sup> It is unlikely that Hall’s claims are well grounded or that his intentions will be realized in the near future.

My translator, Julie, observes generational issues in the relationship of the Navajos with Christianity. In certain Christian ceremonies in which Navajo people participate, she says, older parishioners are reluctant to “confess their sins.” Younger people, however, Julie has observed, do not seem to mind this entreaty.

### A short discussion with Harry Walters

Any discussion of religious practices among Navajo workers must include the observation that for most Navajo, spirituality is not a concept separate from daily life or cordoned off into a special sacred place.<sup>52</sup> To learn more about the meaning of the holistic

51 “Freddy Hall Navajo Outreach,” [www.freddyhall.org](http://www.freddyhall.org), accessed January 21, 2010.

52 The Navajo Healing Project, a collaboration led from Case Western Reserve University by a group of Navajo and non-Navajo researchers, worked to understand the nature of the therapeutic process in contemporary

Navajo view of spirituality and religion, I went to the Navajo Nation to visit Diné College and to speak to Harry Walters. Now recently retired, Walters served for many years as the director of the Hatathli Museum at the Diné College and taught Navajo history, Navajo oral history, and culture there. Walters is a man who has performed expertly in both the Anglo and Navajo worlds and is highly respected in each.

The night before meeting Walters, I stayed in Chinle, Arizona, the gateway to Canyon de Chelly, the extraordinary canyon that was the location of some of Kit Carson's most dastardly deeds against the Navajo. I left for the college in the early morning. My only human companions were those waiting for the yellow school buses that ply the quiet roadways every school day. As the sky began to lighten, a sole hogan could be seen in the distance, standing starkly on a small hill, its door facing east. This beautiful Highway 12 features somber and imposing volcanic dikes and plugs set against the brown dyes of the sandstone bluffs. The ecology of this section of the vast nation is more alpine in nature than the southern side, with which I am more familiar. As I approached the college, hawks and bluebirds swooped and twittered among the ponderosa pines.

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Navajo religious healing. Like my observations in this book of existential survival strategies in Navajo railroad life, this health care study revealed that religion and spirituality are "intimately entwined" with medical healing. Thomas J. Csordas, ed., "Ritual Healing in Navajo Society," Theme issue, *Medical Anthropology Quarterly* 14, no. 4 (December 2000), 463. Similar observations and conclusions can be found in Maureen Trudelle Schwarz, "*I Choose Life*." Further, a similar view of the concept of nature and the human being can be found in an interview with N. Scott Momaday. Speaking of the Navajo, he said, "In his mind, nature is not something apart from him. He conceives of it, rather, as an element in which he exists. He has existence within that element, much in the same way we think of having existence within the element of air. It would be unimaginable for him to think of it in the way of nineteenth century 'nature poets' thought of looking at nature and writing about it. They employed a kind of 'esthetic distance,' as it is sometimes called. This idea would be alien to the Indian." Walter Holden Capps, ed., *Seeing with a Native Eye* (New York: Harper and Row, 1976), 84.

“Your belief is your pride,” Walters told me.<sup>53</sup> Religion cannot be separated from the fabric of life, he believes; it does not stand alone. The strands of religious ritual and practice are woven through all there is.<sup>54</sup> Kluckhohn and Leighton had come to the same conclusion. “Precisely because the Navaho world is still a whole,” they wrote, “we would not expect to find some separate entity denoted by a word equivalent to ‘religion.’”<sup>55</sup> Certainly that is the case for Navajo people. Scholar Deborah House points out that while there is no Navajo word for religion, those Navajo who speak some English do have a word for religion; it is the English word *religion*.<sup>56</sup>

Walters stresses the importance of harmony and order for the Navajo people. There is a certain order in the universe, of which human beings are a part in a unique way, as are birds and insects. Personal harmony, so important to the Navajo people, comes from acting in accord with the structure of the natural world. Mental order comes from alignment with the order of the universe. Religious ceremonies, Walters believes, are a way to approach and participate in that order. To gain access to such order gives one the good life, with healing and protection. It allows the Navajos to “walk in beauty.”

Such philosophical stress on beauty is consistent with the Navajo approach to personal physical beauty, as seen in the extraordinary silverwork and turquoise that adorn many Navajo

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53 For more on Harry Walters and his views, see “Navajo Oral History: Harry Walters,” Winona360, <http://edutech.tlt.winona.edu/winona360/article/navajo-oral-history-harry-walters>, accessed January 27, 2010.

54 Reinforcing the holistic life and understanding of the Navajo, Paul Zolbrod makes the same point about art and the Navajo in *Diné bahane*.

55 Kluckhohn and Leighton, *The Navajo*, 179.

56 Deborah House, *Language Shift among the Navajos: Identity Politics and Cultural Continuity* (Tucson: University of Arizona Press, 2002), xxvi. In this book, as I try to explain the “Navajo way” of religion as a part of all life, I use the word and concept of *religion* in its conventional application. The definitional issues of the true meaning of the word *religion* will be left for another day, though I hope that the living religious practices that this book highlights can be a useful factual and sociological addition to this area of study and debate.

women and men. In this vein, N. Scott Momaday, in the Pulitzer Prize-winning book *House Made of Dawn*, described what his protagonist saw when encountering Navajo families at a celebration:

The Diné, of all people, knew how to be beautiful. Here and there in the late golden light which bled upon the walls, he saw the bright blankets and the gleaming silverwork of their wealth: the shining weight of their buckles and belts, bracelets and bow guards, squash blossoms and pale blue stones.<sup>57</sup>

Thus, the importance of beauty and its relation to the balance sought by Navajos permeates all facets of Navajo life.

### The centrality of *hózhó*

Within these multiple approaches, varied religious practices, and holistic religious attitudes, a common core exists that emanates from traditional Navajo religion: the concept of *hózhó*. The Navajo word *hózhó* refers to a harmonious and ideal environment.<sup>58</sup> “It is beauty, harmony, goodness, happiness, and everything that is positive, and it refers to an environment which is all-inclusive.”<sup>59</sup> The centrality of *hózhó*, even given its genesis in traditional Navajo religion, is today a part of nearly all religious and spiritual practices among Navajo people.<sup>60</sup>

57 Momaday, *House Made of Dawn*, 76.

58 All anthropologists and ethnographers writing on Navajo life have struggled with the exact meaning of this word and concept. See, e.g., Farella, *The Main Stalk*. Present efforts continue. As to the multiple attempts at translation of this word, Clyde Kluckhohn wrote, “The difficulty with translation primarily reflects the poverty of English in terms that simultaneously have moral and esthetic meanings.” Clyde Kluckhohn, “The Philosophy of the Navajo Indians,” in *Ideological Differences and World Order*, F. S. C. Northrop, ed. (New Haven, CT: Yale University Press, 1949), 368–69.

59 Witherspoon, *Language and Art*, 24.

60 I heard of recurring attempts by certain Christian preachers to take any reference to Navajo traditional ideas and practices out of their liturgy and ritual, including ideas of harmony and balance contained within *hózhó*.



*Hózhó* anchors a worldview, and it is this foundational belief that grounds what is often called the “Navajo Way.”<sup>61</sup> *Hózhó* functions as an anchoring force in Navajo life, infusing all practices. In addition to defining the condition in which one aspires to live, *hózhó* incorporates “the goal of Navajo life in this world [which] is to live to maturity in [this] condition . . . and to die of old age, the end result of which incorporates one into . . . universal beauty, harmony and happiness.”<sup>62</sup> *Hózhó* often appears in the phrase *sa’ah naaghaii bik’eh hózhó*, which Gary Witherspoon defines as a description of the “electricity,” or life-giving force, that moves all life to beauty. For a human, *sa’ah naaghaii bik’eh hózhó*, a constituent of all blessing rituals in traditional Navajo religion, powers the “movement toward inner and outer human harmony that leads to beauty.”<sup>63</sup> Rituals in traditional Navajo religion are often dedicated to the reimposition of *hózhó*, as “the desirable conditions of *sa’ah naaghaii bik’eh hózhó* are disturbed and disrupted by improper, inadvertent, or inastute contact with things that are defined as dangerous (*báhádzid*), and by the malevolent deeds (witchcraft) of others.”<sup>64</sup> This essential core is combined with an openness and willingness to engage in flexibility in facing “the given potentialities” of their environment, expressed here in religious practices around work.<sup>65</sup>

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61 I will talk about the complex issue of the “Navajo Way” at the conclusion of the book.

62 Witherspoon, *Language and Art*, 25.

63 Ibid.

64 Ibid.

65 Witherspoon argues that “all cultures are constructed from and based on a single metaphysical premise which is axiomatic, unexplainable, and unprovable,” though such premises are often different from culture to culture. Witherspoon, *Language and Art*, 5.

*Holbrook, Arizona*

## David Sangster—A conversation about the interplay of religious traditions

I met David Sangster, the uncle-in-law of a former client of mine, at the Holiday Inn in Holbrook, Arizona, one windy, dusty day. Small dust devils swirled in the distance. David, a Navajo man who lives on the Arizona side of the Navajo Nation, near the New Mexico state line, has done a great job of navigating the two worlds. He has been able to understand and internalize a sufficient amount of the outside culture to be successful in it. At the same time, he is involved with Navajo religion in a way common to those featured in this story. Our discussion helped me understand how the three traditions interact.

David completed high school at the Indian School in Phoenix, served in the Navy, and retired from a maintenance job at a Bureau of Indian Affairs school. He worked as a track laborer for the Santa Fe Railroad in the summer before he entered the ninth grade, traveling with a track gang that was sent to Illinois to work.<sup>66</sup> Management saw that he had skills in both English and Navajo and had him do the “paperwork” for the gang.

Along with his ability to be successful in both worlds, David has given much thought to the role of faith and the practical use of religion among the Navajos, and Navajo railroad workers more particularly. I told him of my interest and was honored when he agreed to share his thoughts in great detail. David is a man of faith and sees the three Navajo religious paths as various ways to get to the same place. There is “only one God,” he told me.

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66 On a track gang certain discrete skills are often required. Some workers become skilled at operating certain kinds of machines, or in a certain craft like welding. This often allows them to be assigned to do this work, as opposed to simple manual labor.

“I don’t care if there are over a hundred different religions, including the Indian religions. It all goes to the man up there. If I want to I can go to a church, there is no restriction or law or whatever. I am a Presbyterian. I can go to any church.”

Today David is active in the Native American Church (NAC), serving as a roberman, an important position in NAC meetings.<sup>67</sup> He participated in his first ceremony when he was a young man and became a roberman in 1979. A perceptive observer, he is very aware of the history of the church and the many controversies that surround it. Every year NAC members hold a conference between the Arizona communities of Many Farms and Chinle, attended by people from their many chapters; fifteen to twenty teepees are set up for ceremonies.

David’s NAC ceremonies are performed for marriage problems, family problems, and sickness. David recognizes that some sickness is incurable, like arthritis and cancer. But he believes that NAC ceremonies are very useful for those in need. “If you are a perfect person, no sickness or nothing, you are a good person or a perfect one, you don’t belong in there,” he told me. “What is the use going there? This is the place where a sick person gets well. That is the place where you eat peyote and sing and pray and all that. You have no business in there. So, it is for sickness.”

Given the Christian influence on the NAC, there is a holiday meeting for Christmas and New Year’s Day. “There is an Easter meeting where they pray for resurrection of Christ, and on Christmas it is for when Jesus was born.” The NAC also holds educational meetings for students so that they will learn well. They encourage the young to pray throughout their educational career, even when they are in college. Young people today are really out of hand, David believes. Some can get straightened up, but some don’t. The NAC meetings can cure some wayward kids

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67 As in many Christian ceremonies, a number of well-specified positions can be found in each ritual, each with its own important duties.

through the singing and the ceremony. The same basic ceremony is done for each issue or concern and the same fire pit can be used. However, the prayer changes based on the purpose of the meeting, he tells me.

I ask David about the Christian revivals. "It is all up to the individual," he tells me. "If you believe in our old ways, you go to the traditional singing medicine man. If you believe in that, you have faith in that [and] you get well with that, why go to another one? . . . Some people for some reason, I don't know why, maybe they get tired, they can't seem to get help from that, they go to revival or they go back to Catholic or some other church. Then they come to find out that revival did not agree with, I don't know, whatever. They come back. Some people jump around to different relations. . . . Some people say they get cured at the revival and they stay with them. . . . It is all up to the individual. You have to have faith in something. It is the only way."

We talk about traditional religion. David tells me that the Long Walk experience is the genesis of Navajo religious practices. I ask him how he understands the way one becomes a medicine man. "It is all God's, the creation that creates this, the spiritual way," David says. "It involves the Holy People, somehow. I guess you sort of get picked. Then they let you have it. If you just want to become a hand trembler or a crystal gazer, I don't care who authorizes you; it is never going to come to you. It is never going to happen." But just having the desire and being picked is not enough, David says. An aspiring healer or medicine man must work as a kind of apprentice for three years or so, to be sure that the proper introduction into the world of such leaders is fully realized.

## Three

### A Visit with a Medicine Man

In his famous essay “What Makes a Life Significant,” the American philosopher and polymath William James wrote that life is “soaked and shot-through” with “values and meanings which we fail to realize because of our external and insensible point of view.” He cautions against a failure to realize that the “meanings are there for others, but they are not there for us.” Understanding this is the “basis of all our tolerance, social, religious, and political.” He continues:

No one has insight into all the ideals. No one should presume to judge them off-hand. The pretension to dogmatize about them in each other is the root of most human injustices and cruelties, and the trait in human character most likely to make the angels weep.<sup>1</sup>

With this in mind I set off to talk with a traditional Navajo medicine man.

*Tóhajiilee, New Mexico*

Meeting John Sandoval

On a hot, dusty August day, I drove with my translators out through the mesas and arroyos of the eastern side of the Navajo

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1 William James, *On Some of Life's Ideals: On a Certain Blindness in Human Beings; What Makes a Life Significant* (New York: Henry Holt, 1912), 49–50.



*Photograph by Author, 2008*

Driving up to John Sandoval's home. Like many Navajos, John lives in a small dwelling in a compound that has homes of his extended family nearby.

Nation to the home of John Sandoval, a medicine man who has a history of performing ceremonies for railroad workers. John lives not far from the home of Jerry Sandoval. John, a tall, handsome, and very spry 84-year-old, lives alone in a spartan, two-room cinder block home nestled discreetly among the towering pastel-colored mesas of Tóhajiilee; the name is confirmed by the huge green exit sign on Interstate 40 west of Albuquerque near the neon of the Route 66 Casino.

Unpainted and unadorned on the outside, his home has two neat rooms inside. The first contains his bed and a small area with a television and several sitting chairs. A large window ushers in the sharp New Mexico light. The other room is a well-stocked kitchen with a collection of older appliances that reminded me of the kitchen of my grandmother, whom I often visited in the rural boot heel of Missouri when I was young. John had agreed to see me after Julie had contacted him and explained my interests in Navajo work and religion. John had never worked for the railroad, though some in his family had. John had, however, performed many ceremonies for railroad workers.

## John's work as a medicine man

Most of the Navajo men I met in this research were elderly, like John. Their ability to speak and understand English varied greatly. Aware of our imperfect communication and the philosophical and existential issues at stake in our conversation at the intersection of English and Navajo, I wanted to talk with John about his work as a medicine man.

Navajo people have a remarkably vivid sense of humor, and John was no exception. After I sat down in his comfortable chair next to his bed in his living room/bedroom, he began by showing me a large "arrowhead" that he claims he uses as a macelike weapon to kill rabbits. Enjoying his humor yet suspecting that I was being played, I was reminded of a newspaper story that had described the Navajo sense of humor as "impish." That seemed to be case with John.<sup>2</sup>

With Julie and her daughter Zina at my side, I took out my tape recorder, turned it on, and began to ask John about his work as a medicine man. In traditional Navajo religion, the clergy are divided into two categories, diviners and healers. John works mainly as a diviner, offering suggestions to those who seek his services so that healing medicine men can perform specific prayers, sings, and ceremonies directed toward the client's problem. John was taught the craft of being a medicine man by his grandfather, who learned it when the Navajo people came back from Bosque Redondo in the 1860s, believing that by learning the craft of the medicine man he could help his family and other Navajos to survive.

People with emotional, psychological, or legal needs come to John to ask him to analyze their problems and suggest solutions. John's specialty is to help people deal with the strain that they face in their interactions with the world outside the Navajo

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2 For an interesting study of Native American humor, see Kenneth Lincoln, *Indi'n Humor: Bicultural Play in Native America* (New York: Oxford University Press, 1993).

Nation. Railroad workers approach him when they are worried about their safety at work, a problem which was my specific interest. But many others come to him too, including young people who ask him to perform ceremonies to help them get better jobs or to deal with difficulties in their personal lives. Men and women who have been charged with DWI or other criminal matters also come to him.

John tells me that after he performs a ceremony for those with criminal legal problems, the police often fail to show up for the court hearing and the case is dismissed. He believes his prayers and ceremonies “stress the mind” of the prosecutor, causing the prosecutor to lose the paperwork and often resulting in the dismissal of the case.<sup>3</sup> The white man cannot function without paperwork, John tells us.

When someone visits John looking for help, John first asks for an explanation of the problem. His treatment method involves “first things first,” he tells us. He investigates by engaging in “hand trembling,” a type of Navajo triage. According to the story of a Navajo medicine man, John Holiday, “hand trembling came about from the beginning of Creation. It has its own form of sacredness and set of rules. . . . The gift itself has to be bestowed from above on certain individuals, but one can become a hand trembler through ceremonies, if the Gila Monster accepts the person.”<sup>4</sup>

John finds that his diagnosis and treatment are more efficacious and mean more to the family when he goes to their house. There, he is able to experience the situation of his patient with greater depth and understanding. He can see a clearer picture of what is bothering them, he believes. The client, John tells us, “must really be seeking help for this to work.” Julie chuckles as

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3 That this ceremony seems so successful may be aided by the level of competency in the actual practice of local criminal courts.

4 John Holiday and Robert S. McPherson, *A Navajo Legacy: The Life and Teachings of John Holiday* (Norman: University of Oklahoma Press, 2005), 3.



she remarks that John sounds like an Anglo psychological counselor. Through the diagnostic hand trembling, John tells us, the Great Spirit guides him as to what to do. The treatments that he prescribes are a way to share his knowledge from the Great Spirit with his patient. On occasion, John performs these healing activities himself. He is proud of the fact that while many medicine men know just one “way,” he knows several and puts all of them together in his work. He says that many people are scared to learn what he has learned; it takes a lot of patience.

John Farella, a student of Navajo philosophy, classifies work such as John’s as “ritual knowledge.” “From this perspective,” Farella writes, “the world is not seen as given, but as subject to alteration or manipulation. More specifically, ritual can ‘correct’ mistakes, or anticipate and immunize against them. The ritual expert is a ‘fixer,’ both in the literal and colloquial sense of the term. Ritual offers fairly active control of one’s environment as contrasted with the fairly passive control that taboos offer.”<sup>5</sup>

John enjoys showing me the materials he uses in the ceremonies. Each ceremony requires a slightly different combination. Certain blends of white and yellow corn pollen are the basic ingredients of most ceremonies. Corn, in the concluding story of Navajo creation, was created by a figure known as Changing Woman. To fashion the Navajo people, Changing Woman uses a “ball of epidermal wastes which she rubs from her body, mingled with cornmeal.”<sup>6</sup> John brings out his packets of white and yellow corn that he uses when he performs his Blessingway ceremony. He shows me his “horny toad rock,” and says, looking at me, “my grandfather.” As I look at the rock and wonder aloud which of my grandfathers he means, the bald one or the one with a full head of hair, we all break out in a belly laugh. John tells me that if one holds this rock while sleeping, evil spirits will leach out of the body and into the rock.

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5 Farella, *The Main Stalk*, 11.

6 Gill, *Songs of Life*, 6.



Photograph by Julie Benally, 2008

Medicine man John Sandoval and the author in John's house.

If John is performing treatment along with his diagnosis, he works to complete the ceremonial mixture. In his concoctions John uses wild herbs that he gathers or that others gather for him.<sup>7</sup> The fruit of these herbs looks like “toenails,” he tells us, and we all laugh again. John finds these sacred plants on Mount Taylor, he tells us, one of the four sacred mountains that frame the Navajo Nation. John's understanding of the importance of the four sacred mountains emanates from the Navajo creation

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7 The transformation of common substances into meaning-laden ritual objects is a feature of many religious practices. In Oliver La Farge's *Laughing Boy*, Slim Girl wonders why her husband seemed to become so devout when in a traditional ceremony he “put on the painted raw-hide bag trimmed with spruce and feathers, pretending to be Talking God.” Then she recalls the sacraments she saw at her time in the Indian school run by the Catholic Church where she had been sent. She had been shocked to see the priest cavalierly handle the bread and wine for the sacrament but realized there was something more there. La Farge wrote that when the priest “raised the chalice his face would be inspired. He knew it was just the Italian's wine and himself, but he had not been pretending.” *Laughing Boy*, 105.

story. This story, along with the concept of *hózhó* and certain traditional ceremonies led by the Blessingway, are front and center for John. In Navajo cosmology, Mount Taylor is the sacred mountain of the south, Blanca Peak in Colorado the sacred mountain of the east, San Francisco Mountain in Arizona the sacred mountain of the west, and Hesperus Mountain in Colorado the sacred mountain of the north. The original Navajo world was a four-cornered area framed by these large mountains at each corner, which roughly define the Navajo Nation today.

John then administers the salve, and he prays, sings, and chants for the person. He counsels the client based on the specific type of problem she or he has. He always reminds the person of the proper way to live. This way is to walk in harmony with the earth, expressed in the Navajo concept of *hózhó*.<sup>8</sup> Importantly, as seen in John's work, "The Navajo does not look for beauty; he generates it within himself and projects it onto the universe."<sup>9</sup> Like a good advisor, before he leaves, he instructs his client as to which herbal medicine to use.

## The Long Walk

John traces the lineage of the understanding of medicine men to the time of the Long Walk. This knowledge is important for medicine men and it is important to Navajo railroad workers. Playing a role similar to slavery and the Middle Passage for African Americans, the Long Walk was the formative event in Navajo history. To begin to understand the dialectic between the group and the personal for Navajo railroad workers, we cannot forgo knowledge of history; it is a history that is very much alive today.

In 1860, having grown tired of constant incursions into their land by the military, white prospectors, and land speculators, Navajo warriors attacked Fort Defiance, Arizona. In retaliation,

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8 See Reichard, *Navajo Religion*.

9 Witherspoon, *Language and Art*, 151.

the US Army, led by Kit Carson, pursued a “scorched earth” policy, killing all Navajo livestock, burning all crops, and flattening all dwellings. Navajos fought and fled, and except for a few who found refuge in the most isolated parts of the four corners area, all succumbed to Carson’s campaign. Thousands of starving Navajos were forced by Carson and his troops to take the infamous Long Walk to Fort Sumner, New Mexico, through spring blizzards, which killed many. “Perhaps most lethal,” writes Maureen Trudelle Schwarz, “was the fact that the U.S. military armed Ute, Hopi, and Zuni warriors as well as other residents of New Mexico, then granted them full license to raid the Navajo and capture women and children, whom they were allowed to sell to anyone they wished.”<sup>10</sup> A recent historian of this period described his view of their condition, as they were marched east from their land to the spot the US Army had chosen for their camp:

East was the direction of hope, after all—the direction that every Navajo hogan faced to greet the morning sun. But east was also the direction from which the *bilagáana* had come. There was a paradox to this, and also an admonition: Ever since they could remember, the Diné had been told never to leave the confines of their four sacred mountains. If they did, the ceremonials would cease to work. Ancient chants would become meaningless, and even the best medicine men would lose their touch. And so, as the refugees filed out of Navajo country, past Acoma and Laguna pueblos, and down into the Rio Grande rift, they began to fear the consequences of drawing so close to the land of the sunrise.<sup>11</sup>

One can only imagine the Navajos’ sheer existential terror at being forced from their land, physically assaulted, and, in addition, seeing their traditional ways of coping rendered useless and meaningless.

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10 Schwarz, “*I Choose Life*,” 18.

11 Hampton Sides, *Blood and Thunder: An Epic of the American West* (New York: Doubleday Press, 2006), 359.

In 1868 a treaty was negotiated between General W. T. Sherman and Navajo leader Barboncito, and the Navajo Reservation was established in the four corners area of present-day New Mexico and Arizona. After the signing of the treaty, the Navajos walked back to the reservation, beginning the modern process of the formation of their nation. At that time, the Navajo people numbered between eight and sixteen thousand.

The Bosque Redondo experience is one of the historical periods of stress alluded to by Kluckhohn and Leighton. This tragedy is truly the Babylonian expulsion experience for the Navajo people. It lives in the minds of many Navajos today. With some hyperbole, Kluckhohn and Leighton described the experience this way:

Probably no folk has ever had a greater shock. Proud, they saw their properties destroyed and knew what it was to be dependent upon the largess of strangers. No[t] understanding group captivity and accustomed to mov[ing] freely over great spaces, they knew the misery of confinement within a limited area. Taken far from the rugged and vivid landscape which they prized so highly, they lived in a flat and colorless region, eating alien foods and drinking bitter water which made them ill.<sup>12</sup>

Having grown up in Arkansas, I know how the experience of slavery and the Middle Passage still casts a daily shadow over the American South, even though it ended nearly 150 years ago. Many in Little Rock, Arkansas, where I grew up, continue to view the world through a lens tinted by the effects of slavery. In a similar way, the Bosque Redondo experience is seldom forgotten by the Navajos, and its effects often silently color many views and relationships.<sup>13</sup> This history is part of the competing narratives of the colonizers and the colonized.

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12 Kluckhohn and Leighton, *The Navajo*, 41.

13 Anthony Webster finds this crucial motif in the work of Navajo poet Laura Tohe and others. Webster, *Explorations in Navajo Poetry*, 170. Tohe's poem *In Dinétah* can be found in Heid E. Erdrich and Laura Tohe, eds., *Sister Nations: Native American Women Writers on Community* (St. Paul: Minnesota Historical Society Press, 2002), 100.

## John Wayne on the wall

On the wall facing his bed, John has a makeshift entertainment center including two television sets, a video home system, and a satellite television. On the wall at the side of the bed hangs a large picture of John Wayne. After a while I summon the courage to ask him why he has John Wayne on the wall. For many Anglos, I think, John Wayne is a symbol of all wrongdoing to Native Americans. Seeing Wayne's iron-jawed mug on the wall was jarring and disconcerting to me. John says matter-of-factly, however, that John Wayne appears in many of the movies that he likes. These Westerns show a familiar landscape and at least feature Indian characters. John tells me they remind him of the land where he lives.

Later, I learn in talking with Maurice Tanner, a Navajo trading post owner, that he and other traders contracted with the movie industry in the mid-twentieth century to supply Navajo men and women to act in movies. Many of the actors in these Westerns, he told me, were Navajos who were bused from the reservation to the movie location in the desert outside of Hollywood. In an ironic twist, the trader told me that many of the Navajo actors did not have the braided hair that the movie directors wanted, so they were given wigs to wear in the movie.

John and I talk about religion in general and I ask John what he thinks about the other religions that people practice. He says that he does not go to "cowboy tent revivals," alluding to the evangelical services that are a major event in many parts of the territory in summertime. Someone needs to save the old ways, he believes. John believes that his ways more quickly alleviate people's problems than do the evangelical prayers and ceremonies. The tent revival way is slow, he says, and often does not do what is needed. His way is the fast way and people feel better immediately. So, people come to him.

As we start to leave, John tells Julie that he wants me to smoke some "mountain tobacco" with him. In a deliberate manner, he takes out his ceremonial materials and rolls a

cornhusk cigarette with the materials that he has picked from the mountains. He slyly tells me that this tobacco is not “habit forming.” We smoke it together and he says this should “clear my mind.” He believes this tobacco is good when you are depressed or when you think that people are talking about you. How does he know me so well, I wonder? When I turn off the tape recorder and we get up to leave, John welcomes me to come back any time.

As we drive off, I marvel at the subtle pastels and earth tones of the magnificent land around us. Julie begins to tell me about the role of Navajo religion in her own life. When she was young, many children near her went to Christian boarding schools, and she attended a Mormon school.<sup>14</sup> The Mormons had lots of activities for children at the school, Julie remembers, and she liked that. In spite of her early Mormon religious training, she felt that the Navajo religion had a beneficial effect, as it “brought balance back.” Her grandfather was a medicine man who performed the Evilway ceremony, one of the most popular Navajo traditional rituals. Her grandfather would have his grandchildren go out to forage for the herbs he needed, and he would use oil from animals to make his sacred mixtures. Bobcat oil was especially popular. In his ceremony he would rub a concoction made of these herbs and bobcat oil all over the patient so that she or he looked “black,” Julie tells me. The ceremonies used a feather fan, as well, to chase bad spirits away from the person. Often her grandfather’s ceremony was part of a traditional Navajo sing, which he would perform at his patients’ homes.

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14 The issue of boarding schools is much contested in Navajo literature. A glimpse of why many Native Americans still harbor bad feelings toward these schools can be seen in George Hinman’s observation that missionaries would “hunt out the children and bring them to school under escort.” George Warren Hinman, *The American Indian and Christian Missions* (New York: Fleming H. Revell, 1933), 147.

I think about how there is much in John's narrative and Julie's story of her grandfather that seems out of sync with the modern Anglo "rational" mind. But in my legal practice I had seen that frequently the Navajo way of looking at events and understanding their significance was more sensible to me than the analysis of the same events under the structures of the American legal system, which favored the railroad companies on most occasions. There is a lesson here.



## FOUR

### Adversaries and Advocates

#### The Bureau of Indian Affairs: Friend or foe to the Navajo worker?

The story of Navajo railroad workers cannot be complete without a look at the specific relationship between these Navajo men and the main US government agency responsible for relations with American Indians, the Bureau of Indian Affairs (BIA).<sup>1</sup> This agency has been and continues to be a major force affecting the life of Navajos. While the next chapters describe the role of the primary governmental actor in this story, the Railroad Retirement Board, the BIA did poke its head into issues regarding Navajo railroad work. With the help of kind federal archivists, I was able to find a number of documents related to this story that outline some of the issues faced by these men.<sup>2</sup>

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1 The predecessor to this agency was formed on March 11, 1824, by Secretary of War John C. Calhoun. Alice Littlefield has noted an overemphasis on governmental actions by those writing about Native Americans. “Even when scholars have addressed Indians’ relationships to the larger political economy of the United States, they have all too often concentrated on federal Indian policy and its political consequences rather than on empirical discussions of the reality of Native economic lives as they were and are being lived.” Littlefield and Knack, *Native Americans and Wage Labor*, 3. This book attempts to partially speak to this concern.

2 The records examined for this section concerning the role of the BIA can be found in the National Archives and Records Administration Pacific

These archives help set a background for the events in this book and reinforce the context in which these Navajo men employed the strategies that I detail here.

Since at least the beginning of the twentieth century, the BIA has been concerned about economic conditions on the reservation. After World War II, the BIA made a special effort to promote off-reservation wage labor. It is fair to say that their paternalistic attitudes and hell-bent crusade to integrate Navajos into contemporary American society set a framework that is partially responsible for many of the existential problems faced by Navajo railroad workers and their families.

The Bureau of Indian Affairs was guided by a mantra of assimilation. In *The Navajo Yearbook: Fiscal Year 1957*, then BIA official Robert W. Young expressed the attitude of this agency when he wrote:

President Thomas Jefferson, in one of his messages to Congress probably came close to forecasting the future of our Indian minorities when he said, “in truth, the ultimate point of rest and happiness for them (the Indians) is to let our settlements and theirs meet and blend together, to intermix and become one people. Incorporating themselves with us as citizens of the United States is what the natural process of things will bring on; it is better to promote than retard it. It is better for them to be identified with us and preserved in the occupation of their lands than to be exposed to the dangers of being a separate people.”<sup>3</sup>

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Region (Laguna Niguel), Records of the Bureau of Indian Affairs [RG 75]. They originated in the Chinle Subagency and Navajo Area Office. The Chinle Subagency records are entitled Subject Files of the Assistant Placement Officer, 1948–1954, Reports—Narrative from start to June 30, 050 (Box Number 1). The Navajo Area Office records are entitled Subject Files, 1925–1953, Navajo Off-Reservation Employment, 1948–1951, Box Number 22. Copies of all reports cited and quoted are in the possession of the author, as well.

3 Robert W. Young, *The Navajo Yearbook: Fiscal Year 1957* (Window Rock, AZ: Navajo Agency, 1957), 271.

Many American governments have tried to make this intermixing succeed. None has been successful. The surprising feature is that it is only in the last short period of American history that it has been acknowledged that perhaps another path respecting the differences as well as the similarities between cultures is the proper attitude.<sup>4</sup>

However, consistent with official attitudes of the period, on October 13, 1948, Lucy W. Adams, the welfare and placement director of the Navajo Employment Service of the BIA, gave a presentation to the Tribal Council Advisory Committee. Off-reservation employment, Adams told the group, is “essential to the maintenance of the Navajo economy,” as it “provides the only source of income for many thousands of Navajo families who have no resources on the reservation and for whom there are no reservation jobs.” She noted, however, that off-reservation work entailed many hardships for these Navajo men and their families, because of the nature of the unskilled work and the lack of proper housing and sanitary conditions for the workers. It is especially cruel to a worker’s family relationships, she argued, as “his family may suffer and he himself gets into bad company.”

While Adams recognized that much needed to be done by government and employers, including improvement in facilities and job training, in what was a depressingly constant theme, she placed much of the onus on the Navajos themselves. “Navajos must recognize an obligation to the employer to perform a fair day’s work, report regularly for work, and remain on the job for a

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4 This area remains one of heated contention throughout the world even today. The idea of the importance of assimilation received a recent boost with the publication of a book by Samuel Huntington, a political scientist at Harvard University and foreign policy aide to President Clinton. Huntington made the argument, *inter alia*, that nations with greater homogeneity were more successful than those that allowed great cultural divisions among people. And, as is often the case with books like this, “our” culture, Huntington argued, is the best one. See Samuel P. Huntington, *The Clash of Civilizations and the Remaking of World Order* (New York: Simon and Schuster, 1993).

reasonable period. The treatment they receive will depend partly on the reputation they establish as productive workers.” Little assistance was forthcoming, however, on how workers should establish such a reputation, other than to bend their culture to that demanded by railroad employers.

Several issues stand out in Adams’s statement, which reflects the complaints that railroad and farming companies often made about Navajo workers. First, there is no recognition of the familial and ceremonial reasons that many Navajos left off-reservation work. Even today this important issue remains inadequately addressed by employers of Navajo workers in lands surrounding the Navajo Nation. Colleen O’Neill has written about this issue and is correct in her observation of one type of response:

Working for wages in the Navajo way was a form of contestation over the labor process itself. The Navajo workers defined the terms of employment when they refused to work longer than four months at a time and left their jobs for ceremonials and to tend to familial obligations. Holding on to the land and maintaining the reservation household, however symbolic, gave them a means to negotiate the terms of work.<sup>5</sup>

However, government officials and railroad employers, in the past and today, see this activity as nothing more than the refusal of the Navajos to hew to the “rational” conditions of the employment relationship.

Further, as facts have made clear, in spite of universal recognition that Navajo workers are extraordinarily productive, this fine reputation has not improved the treatment they receive from railroad employers. One wonders what effect these official attitudes had on the railroad workplace conditions that were permitted by the government officials who supposedly oversaw the safety of Navajo workers.

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5 O’Neill, “The Making of the Navajo Worker,” 398.

From my interviews and legal work I know that Adams's statements ignore the reality of the treatment of the Navajos. Research proves this conclusion as well. Two examples should suffice. As we shall see in greater detail later in the book, Navajo trading post owners often supplied workers to the railroads. As part of their financial relationship with the railroads and the Railroad Retirement Board, it was the responsibility of the traders to transport the men to a location off the reservation where they could be placed on buses or trains and taken to a railroad work site; or sometimes the traders carried the men to the work site itself. The way that they were often transported was nothing short of inhuman.

When I interviewed Ben Lewis, an older Navajo worker who lived in Rincon, New Mexico, I asked him how he had gotten to his jobs. Ben told me that he worked for the Union Pacific Railroad. The owner of the Star Lake Trading Post put Ben and over twenty other men in the uncovered bed of a large truck and drove them from the rez to Nebraska, a distance of hundreds of miles.

In another example, one Indian trader, Elijah Blair, whose oral history is contained in the archive of the United Indian Traders Association (UITA) at Northern Arizona University, told about how he transported Navajo men to the staging area. Blair owned several trading posts and was a president of the UITA. He told his interviewer:

So then when the railroads opened up in the spring and the jobs opened up, then they would call—the headquarters was like in Gallup—then they would start to saying, “Well, Mexican Water has fifty claimants, so then they need forty workers in Idaho,” or something like that. And then they would call and say, “Okay, from Dinnebito we want five workers or ten workers,” and stuff like this. And then we delivered them on such and such a date to Farmington, New Mexico, where they would be put on a bus and shipped to wherever in trucks. We have pictures. And we



*Northern Arizona University, Cline Library (NAU.PH.98.20.2.38)*

Trading post owner Elijah Blair “delivering” Navajos to the railroad. Traders would often “haul” as many as twenty Navajo men over rough dirt roads in the back of open pickup trucks to railroad staging points tens or hundreds of miles away from their homes.

haul them in a pickup. Sometimes you’d have as many as twenty people. So we would have a truck that you all stand up in the back. And I have pictures where these guys are standing in the back, and we hauled them from Mexican Water to Farmington, New Mexico, which was 130 miles, 80 miles of dirt road, and we delivered them there.<sup>6</sup>

So the transportation system that carried Navajo men to their railroad work could be twenty men standing in the back of an open pickup truck for 130 miles, with 80 of these miles on dirt roads! Or, in Ben’s case, even farther.

6 “Oral History Interview with Elijah Blair, February 9, 1998.” United Indian Traders Association Oral History Project, Cline Library, Northern Arizona University, NAU.OH.75.11.

## Efforts at “de-culturating” the Navajo worker

Periodically, the BIA would send out staff to survey Navajo railroad gangs. In June 1949, John D. Wallace, a placement assistant with the BIA, visited Navajo gangs working for the Union Pacific Railroad in Wyoming, with short visits to gangs in Colorado and Utah. In his report, the difference between his observations and those from the Navajo perspective is jarring:

It is very definite that the Union Pacific Railroad Company is trying to make the life of the Navajo as pleasant as they can as long as he (Navajo) is on the job. The company still prefers Navajo labor and all signs indicate that they will continue to do so. Of all the gangs that I visited the workers were satisfied with everything in most cases. There were only three cases where adjustment had to be made so that the workers might be more satisfied. On the other hand there were also several instances where the Navajo workers were making things a bit hard for other workers and their employer and of course for themselves.<sup>7</sup>

Sounding like a public relations man for the railroad, in his concluding paragraphs Wallace wrote, “The Union Pacific Rail Road is really doing all it can for the Navajos and there was nothing that I ran across that really needed to be brought to their attention.” Echoing the official governmental line of Director Adams, he found fault with the Navajo attitude and wrote, “Since the railroad company is so interested in Navajo labor we in the placement Division, the traders and the recruiters cannot over stress the idea of inducing the Navajo to stay on the job once he gets up there.”

However, when the scholars were writing the history of the union of track workers, they noted that the rigors of maintenance of way work take a toll on the workers, a factor ignored by

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7 All quotations are from his report, received from the archives in Laguna Niguel, with a copy in the possession of the author.

Adams and Wallace.<sup>8</sup> At the time of the report, the maintenance of way craft had the smallest proportion of workers with over ten years seniority of all of the crafts on the railroads. “The turnover is costly to the employer, not only because of the need to train new men but also because by a process of self-selection there is some tendency for the better quality workers to leave the industry. Moreover, good workers often avoid railroad employment—especially in lower-rated maintenance of way jobs—in the first place.”<sup>9</sup>

The National Archives also contain a long report from Robert W. Young, a man who will appear several times in this story. Young, who was working at the time with BIA official Lucy W. Adams, wrote “A Report on Off-Reservation Employment in Utah and Colorado Especially with Reference to the Railroad and Mine Work,” which was compiled in 1948 and 1949, and written in August 1949.<sup>10</sup> Young, who later became a well-recognized linguist, taught at the University of New Mexico for many years. Young began his report with the premise that “stated in its simplest terms, the absorption of a large portion of the Navajo populations into off-reservation industries is an economic necessity. The reservation proper is not today nor has it ever been, capable of supporting the population forced by circumstances to depend upon it.” For Young, the mission of the BIA was to help the Navajo make the “social and economic

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8 The story of the relationship of their union, the Brotherhood of Maintenance of Way Employees, to the Navajo trackmen has yet to be told. As Littlefield and Knack have observed, “the relationship of American Indians to labor organizations is one of the most poorly documented aspects of Native American labor history.” Littlefield and Knack, *Native Americans and Wage Labor*, 30. As will be seen later in this narrative, based on personal observation and a few snippets of material in the literature, their treatment of these workers was not the union movement’s finest hour.

9 Haber et al., *Maintenance of Way Employment*, 9.

10 Hereinafter, “Young BIA Report.” All quotes from Young in this section are from that report.



adjustments” necessary to prosper, which meant serious changes in Navajo culture and identity. “The habits of a lifetime, and the traditional values and institutions of a culture,” Young wrote, “can and do undergo the changes required by a changing environment. We can accelerate these adaptations, but we cannot produce them abruptly.”

Visiting work sites, Young gave an in-depth description of the conditions in which the track workers were forced to live. In contrast to his contemporary, John Wallace, who was writing at the same time, Young worked hard to accurately describe the difficult life on the railroad for workers.

The railroad camps in which trackmen lived while working on the railroad consisted of a small number of railroad cars which had been retrofitted into bunk cars, kitchen cars, and a diner. Young found the conditions horrific. “Bunk cars are jammed to capacity with double deck beds . . . the air is often fetid,” and the “bunk car floors may be covered with a layer of filth, half organic in composition.” He continues, “The occurrence of bedbugs or lice is not uncommon.” There were no toilet facilities of any type nor lime for sewage disposal, so “about the bunk cars is a heavy odor of urea” and “as often as not the area is alive with flies.”

Young also noted that “during the war years when labor was difficult to secure, some of the railroads provided ‘deluxe’ equipment for the extra gangs. There were nicely painted quarters, shower and recreation facilities, a dynamo to supply power, adequate lighting fixtures, and the like.” Now that many Navajos were available, however, it seems that such “deluxe” facilities were not needed. The quality of working conditions for Navajos seemed to vary based on the necessity for their labor.

While the vast majority of those working as trackmen were Navajo, Young encountered some white workers on the gangs. These Anglos, he wrote, were often “winos” who “sometimes became crazed with delirium tremens and tear their bedding to shreds.” The “winos” were often “abusive,” and Young noted that compared with these men, “the Navajo is more often a

psychologically normal individual adjusted to the culture of his origin.”

As the observations of David Brugge, of the Unitarian Service Committee, make clear later in this chapter, these Navajos tended to divide themselves into men “with homes and families on the reservation” who saved their pay and sent it home regularly, and younger men who often “go in search of recreation over the week-end.” Of the men who sought recreation, Young paints a vivid picture. Ogden, Utah, was the “most popular Mecca for recreation and section workers regularly visit it whenever they are working sufficiently close by.” Bars lined Twenty-Fifth Street: The Beehive and El Borracho were the most popular among Navajos. Until a few months before Young’s visit, prostitution had been licensed in Ogden. The municipal regulations required prostitutes to “operate only if they submitted to a physical examination every 10 days.” However, the citizens of Ogden “demanded that the police ‘clean up 25<sup>th</sup> street.’” According to Young, the licensing policy was discontinued, with the result that prostitutes were routinely arrested, served thirty days in jail, and then returned to the streets to ply their trade. “Spokesmen for the city police department state that the venereal disease rate has increased since the beginning of the ‘new order.’” The issue of sexually transmitted diseases was one that troubled Young. He wrote:

One of the greatest disadvantages of section labor is that the men are unable to take their families with them. A certain percentage of these men can be expected to seek feminine companionship among the prostitutes, and of those it would appear probable that a large number would sooner or later become infected with venereal diseases.

The railroads knew of this situation, yet they showed a shocking lack of attention to the circumstances in which the men found themselves. To provide medical care for railroad workers of all crafts, some railroads, such as the Union Pacific (UP), set up

their own hospitals for workers and their families. Young writes, “As set forth in Section 3, UP Employee’s Hospital Association Regulations, the railroad disclaims any responsibility for venereal infections.” Thus, “when a man becomes incapacity [*sic*] for work, due to gonorrhea or syphilis, he is often summarily discharged and sent home to the reservation. Here, of course, he may infect his wife or other members of the communities in which he lives.”

For his report, Young also visited several mining companies that employed Navajos. To Young, the most striking difference from the railroads was that at the mines, Navajos were often able to bring their families and children. This, Young found, was a tremendous positive for these men as compared to their brothers on the railroad. Having family nearby provided a wholesome atmosphere that was of much comfort to these men, especially given their remoteness from the reservation.

The importance of having family nearby appears at a number of places in our narrative. As has been previously noted, it seems that the ability of the Pueblo Indians to survive their railroad experience well can be attributed to their ability to make traveling villages when they traveled the rails. Later we shall meet the Dickie Sandoval family. Dickie’s wife, Marilyn, and their children followed Dickie as he worked for the railroad, staying in hotels near the work sites.

As a result of his observations, Young made a number of recommendations to his superiors. They included adding shower cars and laundry facilities to the camps, improving the lighting, and providing recreational equipment. He also proposed that the foremen on the jobs take greater responsibility for the problem of sexually transmitted diseases by taking men to local doctors for treatment when they became infected.

Young concluded the report with the following:

Documentary history evidences the fact that the Navajo People have not been wholly self-supporting since the

establishment of the reservation. Since their return from Bosque Redondo there has been what is called a “Navajo Problem.” This problem has varied in minor details over the course of the past 80 years, and a variety of approaches have been made to its solution, but none have so far been effective, and the problem itself has not changed basically. To meet the demand for additional land the reservation has been periodically extended. Such extension is no longer possible. In order to relieve ethnic and economic pressures within the reservation, efforts have been made to “de-culturate” the Navajo, on the assumption that if he could be deprived of his own language and culture he would identify himself with “white civilization.”

With Young’s report we see the beginning of a change in attitude among some government officials with responsibility for Indian affairs.

### The Unitarian Service Committee’s project with Navajo railroad workers

Sporadically over the years, other Americans recognized the plight of Native Americans, including Navajos, and even Navajo railroad workers. In my research, I came across a fascinating cache of correspondence regarding Navajo railroad workers in the archives of the Unitarian Universalist Association, located in the library of the Harvard Divinity School.<sup>11</sup>

The Unitarian Service Committee (USC) has a long and proud tradition of humanitarian service. Founded in 1940, it maintained projects in the United States and throughout the world where it felt it could provide assistance. In 1954, the USC decided to sponsor a project teaching English to adult Navajos

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11 All documents upon which this section is based are to be found in the library of the Harvard Divinity School (bms 16048 UUSC – Box 1/bms16032 UUSE – Box 1). The Curator of Manuscripts and Archives, Frances O’Donnell, was extremely kind to me in my research there.

called the “English Language-Recreation Program.” The USC had established the Gallup Indian Community Center the year before as part of their efforts to improve conditions on the Navajo Reservation. The center and the project were led by a man named L. B. Moore and sponsored a number of educational, civil, and health-related activities for Navajo people. In addition, it hosted recreational activities for local Navajo families, such as dances and movies. The Santa Fe Railroad agreed to work with the USC on the language project, as it was concerned about its image with regard to its Navajo workforce. It also felt that the USC project could improve the morale of these men, making them more productive. The railroad agreed to provide a railroad bunk car for the project to be used in language classes, and a recreation program. This railroad car would store the necessary equipment and would be carried along with the cars used for sleeping and other equipment as gangs made their way east, repairing tracks.

David M. Brugge, who today is well known as a scholar and advocate for the Navajo, applied for the job leading the program on the ground. Brugge was studying for a master’s degree at the University of New Mexico (UNM) at the time. Prior to applying for the position, he had received his BA in anthropology at UNM and then worked a series of jobs that brought him into close contact with the Navajos. He was a partner in a “curio” company in Albuquerque, the Ayani Trading Company. He worked as a truck driver delivering commodities to Navajo families and as a seasonal ranger at the El Morro National Monument in western New Mexico, near the Navajo Reservation. Brugge got the USC job, which paid \$3,000 for the year, and by the middle of June 1954 was on his way to a Santa Fe Railroad extra gang that was working near Martinez, California. The Harvard archive contains the reports he furnished on a semiweekly basis to Moore or the USC leadership back east.<sup>12</sup>

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12 Copies of materials quoted in this section are in the archives of the Harvard Divinity School library and in the possession of the author.

The first group of workers Brugge joined, known as the Gaddis Extra Gang, named after foreman W. D. Gaddis, was primarily Navajo. Brugge's initial letters to his USC superiors describe his work in setting up the education project in Instruction Car #5007. Brugge quickly learned that many of the men spoke some English, so he considered making his English courses more advanced. He also wanted to make the men comfortable with the bunk car and so gave much thought to their recreational needs. He had a ping-pong table, though none of the Navajos knew how to play this game; checkers was popular, but "by far the most popular item was the phonograph." Some of the men carried their own phonograph records, usually preferring "western and hillbilly" songs. One man even had a few "specially recorded Navaho records." Brugge asked the USC committee for a number of items, including boxing gloves. Boxing gloves, he felt, "would give the men a chance to settle some of their arguments that would otherwise probably lead to fights when drinking." He pondered whether he should allow gambling in the Instruction Car, so as to encourage the men to use it. He wrote that the Negroes on the gang liked to throw dice, and the Navajos played a "card game that I couldn't figure out" and "they didn't want to take time out from it to explain." "Gambling," Brugge observed, "is an old Navaho custom and they go for this with as little moderation as their drinking, but fortunately, seldom, if ever, get into fights over this."

The gang moved west as they worked on the tracks. By July 6, 1954, they were in Needles, California, a dusty, sun-scorched town along the Colorado River. The heat was so "intense that nobody wanted to think about anything." Turnover was constant on the gang and Brugge felt he needed all the help he could get to convince the men to come for lessons after work. But the use of the car became a pattern. The men divided themselves into two groups—those who saved their paychecks and sent them home, and those who took their paychecks to town and were broke when they returned to the camp. Young had observed a



*Unitarian Universalist Service Committee, bMS  
16076 navajo 04, Andover-Harvard Theological Library,  
Harvard Divinity School, Cambridge, Massachusetts*

A Santa Fe Railway photo of Instruction Car #5007 taken at Kramer, California. This railway coach car was converted into a classroom and recreation car for the Navajos in the track gangs. The men are playing horseshoes.

similar divide. This dynamic changed when they got closer to the reservation. Then, when men had a few days off, such as over a short holiday period, they would take the passenger train back to the reservation.

Brugge's dispatches reflect that later in July the railroad moved Brugge's car to another gang that proceeded into Arizona, where Navajo workers were in the minority, and blacks in the majority. Most of the Navajos were from the Shónto area of the reservation and included a few "longhairs." The issue of alcohol continued to be a contentious one. According to Brugge, Arizona prohibited Navajo people from possessing alcohol, though they seemed to be able to get it when they wanted it. The other workers on the gangs were unhappy that they were not permitted alcohol by the railroad, either.

The correspondence from the USC reflects a number of tensions between the USC and the railroad, mainly revolving around



*Unitarian Universalist Service Committee, bMS 16076\_  
navajo\_05, Andover-Harvard Theological Library, Harvard  
Divinity School, Cambridge, Massachusetts*

A Santa Fe Railway photo of instructor David M. Brugge standing in front of the door to his quarters in Instruction Car #5007. In the foreground is a ping-pong table for the men. In the center of the car is the instruction area for Brugge's classes.

who would get credit for the project. A controversial issue arose when Baptist missionaries wished to use the education car for proselytizing and services. (After discussion, they were turned down.) In addition, the "officials" were constantly trying to replace men on the crews with others who were currently receiving unemployment compensation from the RRB. Many of those who would be replaced would not have sufficient time to receive such benefits when they were replaced, thereby saving money for the unemployment fund and the railroad. Quietly, the USC questioned the personnel policies of the railroad that resulted in this situation.

Brugge struggled to provide educational services to the Navajos. In his description, he also discussed the "racial prejudice of the Navahos toward the Negroes." Conflicts showed up in things like music and food, but also in "the belief by the



groups that they are the only ones doing all the real work in the gang.” Brugge was a keen observer of the relations of the men among themselves. He also noted a tendency of the Navajo men to stay closest to those from their area of the reservation and to even ignore other Navajos on the gang who were from distant parts of the reservation. This factor predominated over age or other attributes.

Instruction Car #5007 was then moved to Melrose, New Mexico. Brugge went to Albuquerque for a weekend in early August and while he was gone the car was broken into. All that was taken, however, was the sporting equipment, which was returned in good condition. On only one occasion in Brugge’s time with the gangs was a Navajo worker ever thought to have stolen anything.

The gang continued its easterly march. In the middle of September they moved from the small community of Hereford, New Mexico, to Raton, New Mexico, a good-sized town. Over one weekend, a number of the Navajo men wanted to go to the Laguna Pueblo fiesta, several hundred miles from their camp near Raton. At the time, Brugge owned a 1940 Studebaker truck and agreed to take them. On the first leg of the trip, which ended in Albuquerque, one Navajo, Tom Jim, helped Brugge drive. The rest of the men sat in the back of the truck “singing *Yeibichai* songs all night” and drinking.<sup>13</sup> At a stop, Brugge lost sight of these men. The next day he stopped off in Cañoncito to pick up a friend of Jim’s. He saw the men at the fiesta and when it was over drove some of them back. The other men, however, apparently tried to drink and drive their way back to the work camp. Tragedy was the result. Lee Chavez “collided with a bar in San Fidel” and Dan Jim got run

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13 *Yeibichai* are an important kind of song usually sung in relation to Nightway ceremonies, which are popular events on the Navajo Nation. Often teams of singers sing old favorites and produce new renditions. The sound of “yei” is often repeated in the lyrics.

over when he tried to get in a moving car, resulting in the loss of an arm and both legs.

Throughout Brugge's time on the gangs, alcohol was a major issue. During their stay in Raton, however, problems with alcohol intensified. Alcohol provided unbeatable competition for Brugge's English lessons and recreational offerings. The bars on Raton's Front Street, a strip similar to Gallup's notorious Railroad Avenue or Ogden's Twenty-Fifth Street, catered to Navajos and provided a magnetic draw. The bars stayed open until two in the morning, except on Sunday, and featured a guitar and violin player using loudspeakers that produced more volume than "when a really good bunch of singers get together at a squaw dance." Brugge performed yeoman's work trying to be sure that serious harm did not occur. On one especially bad weekend in October, in spite of Brugge's efforts, "five new men were put in jail, at least one of the regulars fined, and one of the Indians beaten up and robbed of \$45.00." Brugge was quick to point out, however, that in spite of "[such] superstitions as the idea that Indians 'revert to savagery' when they drink," many of these workers were able to drink without excess. Brugge observed that the variation in levels of alcohol consumption among these workers was similar to that which he saw among students at UNM and among GIs during his time of military service.

Brugge continued to struggle with his English classes. He had discovered that many of the Navajos were bilingual, and "some speak 3 or more languages." He observed that the real problem in the classes was that most Navajos found no value in learning better English. Given the precariousness of the work, he wrote, "it is hard to find any who want to study the language, since most of them think of these track jobs about like a school boy thinks of a summer job, but with a less definite idea of how long they will stay with it."

On October 9, "the day of the Oklahoma-Texas football game," L. B. Moore drove to Raton to meet with Brugge. They



*Unitarian Universalist Service Committee, BMS 16076\_navajo\_06, Andover-Harvard Theological Library, Harvard Divinity School, Cambridge, Massachusetts*

A Santa Fe Railway photo of David M. Brugge and two of his students talking after a class session.

discussed Brugge's lack of success with his English lessons. In his report after this trip, Moore observed:

It is apparent that we still need to seek for ways to stimulate the Navajos who want to learn English and want to learn something about the dominant society, but at the same time

we must realize that this cannot be done unless there is some tangible reward within the situation which makes it seem worthwhile to the Navajos. It may be very well for us of the dominant culture to regard this as an opportunity for them to learn, and an opportunity which they should not pass by. But the Navajos themselves do not feel this way, and so long as they do not take an interest in the program, there is nothing we can do to make them learn.

Discouraged by Brugge's lack of sufficient success in improving the command of English language among the workers, the USC asked him to provide more sociological and anthropological information. In order to learn what he needed to do this, he wrote, "It is necessary to show the right kind of interest in it, more or less in between the overly curious prying attitude of an ethnologist and the half-humorous, half-contemptuous attitude of the average Anglo."

In his remarks about this he spoke of the religious activities of the Navajo men in his gangs. Brugge writes that Tom Jim, a veteran from Continental Divide, New Mexico, who "spends more time dancing at the bars in Raton than most of the men," was a Christian who made attempts to go to church while off working with the railroad gang. Jim retained a belief in Navajo religion and "dislikes behavior that he considers sacrilegious from that point of view, such as singing medicine songs while drinking." Brugge bought a drum for the use of the men. A few of the young men used it when they sang songs that sounded to him like "Sioux peyote songs." But, since the issue of the peyote church was quite contentious at the time, Brugge did not inquire further. Brugge also found connections between religious attitudes and desires to function in Navajo and white society. Speaking of younger Navajos who had the potential to become leaders, Brugge wrote, "Most of them seem to feel that to be anything but Christian makes their acceptance by whites more difficult, which may be true to some extent."

At most of the camps, as the gangs moved along the tracks, the Navajos constructed a ceremonial sweat lodge, in the style of a hogan, in which ceremonies could be performed. Most sweat lodges were subterranean, Brugge observed, a fact which he found unusual compared to the “tipi shaped structure usually encountered on the reservation.” In Raton, the sweat lodge was dug into the side of a small hill with an ax.

It is oval, about 4 ft long and 3 ft wide, with the entrance in the long side toward the west, the orientation being due to the position of the bank. On the south side is a depression, perhaps 6 inches deep, semicircular and extending across most of the southern arc of the excavation. This is the place where the hot stones are heaped up, almost to the roof. The floor is covered with cardboard. The entrance widens from perhaps a foot wide at the bottom to about 2 feet wide at the top.

The roof was constructed with wood, using railroad ties and was covered with loose earth, creating a small place for ritual. Invited to join one of the sweats and the ceremony, Brugge declined, saying he was busy, but later regretted that decision.

Brugge’s time with the USC ended, but he continued to be a great friend to the Navajo people, especially in the contentious Navajo land dispute with their Hopi neighbors.<sup>14</sup>

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14 See, e.g., David M. Brugge, *The Navajo-Hopi Land Dispute: An American Tragedy* (Albuquerque; University of New Mexico Press, 1994).

## Five

### How Did Navajo Men Come to Work for the Railroads?

*“The Indian still is a child of nature who lives by the wind, sun and his gods. With the help of others, the Indian is becoming conscious of modern needs—the benefits of education, medicine and communication with the outside world.”*<sup>1</sup>

L. Hubbell Parker, employment supervisor,  
Atchison, Topeka & Santa Fe Railroad (1955)

#### *Cuba, New Mexico*

#### Tom Caydaitto—Using the Blessingway and the Enemyway

I met Tom Caydaitto in Cuba, New Mexico, on a bright August morning. The story Tom told me combined many of the elements that I had seen repeated in the lives of Navajo railroad workers I had met. Tom, a friend of Julie’s, began work for the Union

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1 Quoted on page 20, *Chicago Sun-Times*, May 1, 1955. Except for the books specifically cited herein, all documents referenced in this chapter and the next are contained in the library of the Railroad Retirement Board in Chicago, Illinois. They come from files sent to Chicago from their southwestern offices when they were closed. These documents have not been formally cataloged. Copies of all cited documents are in the possession of the author.

Pacific Railroad in the early 1950s, getting his job through the local trading post on the rez. As with most Navajo trackmen, his employment was sporadic. However, by the early 1980s work steadied and he worked all over the Union Pacific system. The gangs he worked on often had Native Americans from other tribes as well as his own, such as Indians from South Dakota and Idaho. Some of them had intermarried with Navajos. Around the year 2000 he was able to retire with a pension.

In 1986, Tom told me, he was working on Union Pacific tracks in Utah when, in a mishap, he hurt his back. He was sent by his boss at the railroad to physical rehabilitation in Salt Lake City. Returning to the rez, one month later he went to the medicine man for ceremonies directed at the injury. Tom believes that both the modern orthopedic doctor and the medicine man helped him.

Tom told me that he made extensive use of traditional ceremonies to protect himself while working at the railroad. Each year when he prepared to leave the reservation to go to work, he would have a Blessingway ceremony performed to ensure his safety while he was away from the reservation. Then, when he returned, he would have an Enemyway ceremony performed in order to restore his *hózhó*. Leland Wyman, chronicler of the Blessingway and other traditional ceremonies, observed that “the Blessingway rite is concerned with peace, harmony, and good things, and should exclude all evil, while the Enemyway rite, designed to exorcise the ghosts of aliens, makes much of war, violence, and ugly conditions.”<sup>2</sup>

Like several others with whom I spoke, Tom recalled that a tincture of burned herbs mixed with bobcat oil was used in these ceremonies. I asked Tom if his coworkers used religious ceremonies for similar purposes. He told me that other native men with whom he worked, not only other Navajos, engaged in similar ceremonies, but many were secretive about their ceremonies and religion. In addition, many of his coworkers carried objects to

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2 Wyman, *Blessingway*, 4.

protect them from injury and to ensure that they could return to the reservation.

Today Tom uses several forms of religious assistance. Occasionally he goes to a Christian church. He sometimes sees medicine men, often trying different ones. And he attends meetings of the Native American Church. They all work, he believes. But the traditional way is the most important, he maintains, and the Blessingway ceremony is the most efficacious. His five children live off the reservation. When they have problems they come back to the reservation and he takes them to a medicine man.

### A visit to Chicago

Tom, like most of the men I met and interviewed, got his job on the railroad through his local trading post. Despite my years of involvement with railroad workers, and a number of allusions to this relationship with trading posts from my clients, I did not know how or why this was. How could a trading post owner get these men these jobs? Why would these merchants tell Navajo men to “go round up some Navajos,” as one trading post owner told me? What was in it for the traders? Why would the railroad subcontract this function to them? What were the financial arrangements? My questions led me on a historical detective chase to answer them once and for all.

Most histories of wage work and the Navajo highlight the engagement of the Bureau of Indian Affairs (BIA). I researched the scholarly literature, made contact with the BIA archivists, and presented some of these findings earlier. But I was unable to come up with much that detailed any relationship that could have assisted thousands of Navajo men to leave the reservation every year and travel hundreds of hard miles to work on railroad tracks. Many have argued that Navajo men came to work on the railroad “in much the same way the Chinese did a century before them: through a visit by a labor contractor unable to



hire enough help locally.”<sup>3</sup> Others ascribe more agency to the Navajo, claiming that regarding railroad work, “they perceived those openings and sought them out.”<sup>4</sup> But there seemed to be more to this story.

From my legal work, I knew that many railroad workers, native and nonnative, have a relationship with the Railroad Retirement Board (RRB), an obscure federal agency that serves as both the social security and unemployment benefits administration for railroad workers. For historical reasons, railroad workers are excluded from most federal social security and state unemployment compensation programs. When assisting injured Navajo workers, our law office ensured that the men got the pension and benefits from the RRB to which they were entitled. Often this was as important in the successful legal representation for an injured worker as were the settlement negotiations with the railroad.

Searching for answers to my questions, I contacted the RRB’s public information staff. At first they had little for me, but after a diligent search by one of their research staff, I received a note from them that in their library they had found a cache of uncollected official records from their offices in the Southwest. The number and geographic reach of the offices outside of Chicago had been slowly contracting. When the southwestern offices closed, it seems, their office staff boxed up their records and sent them to the home office in Chicago. Once there, someone, though no present employees know who, placed these records, not fully organized, in a set of filing cabinets in the RRB library. The librarian told me I was welcome to go through these cabinets and copy what I wanted. I headed to Chicago and spent several days looking through the filing cabinets, copying what I thought was important. Fortunately for me and for our understanding

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3 Jonathan Kaufman, “Making Tracks in Wyoming,” *Washington Post*, January 12, 1980.

4 Littlefield and Knack, *Native Americans and Wage Labor*, 14.

of history, some office staff in these southwestern offices were meticulous record keepers.<sup>5</sup>

The following is the story that unfolded from these records.<sup>6</sup> It is the untold story of the point of contact between the US government, American business, and Navajo workers. It is a story of these Navajo railroad workers facing a paternalistic triangle of the US government, mainly represented by the RRB; the western railroads; and the trading post owners on the reservation.<sup>7</sup> This

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5 In an odd incident in early 2008, after I had returned home from the RRB office in Chicago with the documents that they had allowed me to view and copy for ten cents a page, I received a call from men identifying themselves as enforcement representatives of the RRB. They said they had traveled from Philadelphia and that they were outside my home. In the background I heard one of them say, “shouldn’t we get off his property.” They demanded that I come outside and return all the records immediately. No reason was given for this demand. I did not do so but called the Reporters Committee for Freedom of the Press who spoke with these agents on my behalf. I soon retained Jeffrey J. Pyle, a Boston lawyer, who negotiated with the lawyers at the RRB. After discussion, the RRB claimed they wanted the records back because some of them contained social security numbers of Navajo workers. Given the revelations in these documents and the fact that nearly all, if not all, of the Navajo men referenced in the papers were deceased, I doubt this was the real reason for sending men without warning to my home. However, a procedure was developed to redact those numbers and the matter was concluded. I thank Jeff Pyle and the Reporters Committee for their assistance.

6 All RRB documents referenced in this chapter are contained in the files of the RRB in its Chicago headquarters; a copy of each is in the possession of the author as well. In addition, I wish to thank Sam Tolth, a former RRB employee in Gallup, New Mexico, who met with me to help me confirm the actual functioning of the office and the affairs of the RRB that are reflected in these documents.

7 Addressing a complicated issue in the scholarship concerning Navajos, David Brugge wrote, “The history of a nonliterate people cannot be written by ‘letting the documents speak for themselves,’ for the documents were penned by outsiders and aliens.” Brugge, *Navajos in the Catholic Church Records of New Mexico 1694–1875* (Tsaile, AZ: Navajo Community College Press, 1985), xii. Brugge’s point is a valid one, as simply reciting the views of the colonizing people seldom gives justice to the nonliterate peoples. However, what is presented in this

paternalistic triangle formed an enclosure around the Navajo men and their families that defined their ability to work off the reservation for railroads. While bringing wages into a reservation starved for disposable income, the effect of this arrangement on the Navajo railroad workers and their families was often painful and confusing. The three parties allowed the Navajo men little or no say about their lives on the railroad. It is easy to see how many of the Navajos' religious coping strategies that are described in this book arose in direct reaction to the setup of this confining relationship.

Thus, while Navajo men have labored on the railroads for over one hundred years, this chapter and the next tell the story of how railroad track work became an important component of Navajo interaction with life off the reservation in the mid-twentieth century. The arrangement between the US government's Railroad Retirement Board, the western railroad companies, and the Anglo-owned trading posts on the Navajo Reservation provided important benefits for each party. The exclusion of the Navajo people from the structure and administration of the arrangement, however, was based on wholly questionable assumptions claiming the inability of the Navajos to consider and resolve questions affecting their own lives and livelihoods. In the process the Navajos were treated with little more respect than strangers normally accord children. This fact contributed to the sense of dislocation and powerlessness that plagues Navajo railroad workers even today when they leave the reservation to perform track work.

## The impetus from World War II

During World War II the US government became extremely active in manpower issues in vital industries in the United

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chapter is an unvarnished internal look at the US government speaking for and to itself. It is quite revealing, I believe.

States. At the beginning of US involvement in the war, President Roosevelt created the Office of Defense Transportation (ODT). Among its duties, the ODT coordinated transportation facilities and expedited the movement of railway traffic. Labor shortages were a major concern, especially in transportation, given the staffing needed for the war effort. As the war continued, the employment situation worsened. To the annoyance of railroad workers and their unions, the ODT and the War Manpower Commission attempted to “freeze” railroad employees to their jobs. To fill the jobs of track workers, the railroads lobbied for the use of Mexican nationals and the 125,000 relocated Japanese being held in internment camps.<sup>8</sup>

Unions opposed the railroads’ efforts to use Japanese and Mexican workers, arguing that the issue was not “a shortage of labor but a shortage of wages” and that the lack of suitable workers “resulted from low wages, unfair overtime rules, and highly unsatisfactory commissary conditions.”<sup>9</sup> The plan to use relocated Japanese was scrapped, but on April 29, 1943, the United States entered into an agreement with the government of Mexico to import track workers. Earlier, in 1942, the governments of Mexico and the United States had entered into an official “Bracero Agreement,” in which Mexican workers were brought into the United States to harvest sugar beets in the area of Stockton, California. The program soon spread to agricultural areas throughout the United States. Using a similar model, a railroad Bracero program was established, and over 100,000 individual contracts were signed between 1943 and 1945 to recruit and transport Mexican workers to the United States for employment on the railroads. This program continued until the end of the war.<sup>10</sup>

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8 Hertel, *History of the Brotherhood*, 174.

9 Ibid.

10 While the railroads would have liked to continue the effort and retain these Mexican workers on individual contracts after the war ended, such was not to be the case, and the workers were returned to Mexico. See

On the Navajo reservation, times had never been harder. The economy was in crisis after the government forced a reduction in the number of sheep on the reservation. This requirement was opposed by many Navajo families and resistance was widespread. The result was that, with their traditional means of livelihood taken from them and their access to jobs off the reservation problematic, hunger and deprivation were serious problems for many Navajo families. In addition, the sheep reduction program had an unsettling psychological effect on the Navajo psyche that had not been seen since the difficulties with the relocation to Bosque Redondo nearly a century before.

With the convergence of these factors, the RRB began to consider a program to provide for the needs of railroads by supplying Navajo workers for their track work. In late 1942, F. H. Stapleton, the regional director of the RRB, whose region included the area of the Navajo Reservation, toured northern Arizona and northern New Mexico along with his regional employment officer in order to survey the ability of the RRB to get involved in this effort. Initially, the RRB was stymied in its recruitment efforts because the War Manpower Commission had mandated that only the US Employment Service would be allowed to recruit Navajos for work. In the report of his trip to the director of employment and claims for the RRB, Stapleton found that Navajos were being recruited by the US Employment Service to work in copper and coal mines.<sup>11</sup> Stapleton was frustrated at this arrangement;

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Barbara Driscoll, *The Tracks North: The Railroad Bracero Program of World War II* (Austin: University of Texas Press, 1996). The issue of Mexican track workers remained a sore one for the railroad unions. After an initial surge of employment, the number of railroad workers entered a long, slow decline that continues to this day. Concerned about this trend, at the 1951 national convention of the Brotherhood of Maintenance of Way Employees, one unanimously approved resolution read, "Congress should take action to bar the illegal entry of 'wetbacks' into the United States from Mexico." Hertel, *History of the Brotherhood*, 229.

11 Interoffice memo, December 19, 1942, regional director F. H. Stapleton to RRB director of employment and claims.

especially as—when he went to Flagstaff, Arizona—he found that there were a “large number of Indians on the street.” He wondered why they had not been placed into jobs by the US Employment Service, but concluded, “My own personal reaction is that the Indian in northern Arizona is thought of by the white man about the same as a Negro in the South. As a consequence of this, little effort is made to seek out the reason why these Indians will not work.”

### The Railroad Retirement Board develops a system for Navajo railroad work

A few additional words about the Railroad Retirement Board are necessary. The RRB, established in the mid-1930s, has two major functions.<sup>12</sup> First, it administers a pension system covering railroad employees that is similar, but basically unconnected to the Social Security system that covers other groups of workers in the United States. While prior to the passage of the Railroad Retirement Act, which established the RRB, many railroads had a pension system for their workers, in practice few workers could ever reach the amount of continuous service necessary to receive a pension. The result was that in the social and political climate after the Great Depression, this private system was viewed as inadequate by nearly all who examined it. In response, the Railroad Retirement Act of 1935 put a railroad pension system into place that was financed by contributions from management and labor and had benefits administered by the RRB and its staff.

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12 An comprehensive legislative history of the RRB can be found in David B. Schreiber, *The Legislative History of the Railroad Retirement and Railroad Unemployment Insurance Systems* (Washington, DC: Government Printing Office, 1978). The RRB has a number of other functions, though none as important as those detailed herein. See <http://www.rrb.gov/>.

The second major function of the RRB was and is to administer an unemployment insurance system, again covering only railroad workers. Unemployment insurance was an especially difficult problem for railroad workers before the passage of the federal laws establishing the program, because the legislative scheme for such insurance was based on varied laws regulated by several states. The result of this arrangement was that many railroad workers were unable to receive any unemployment benefits when they were laid off, given that they often lived in one state, worked for a company that was headquartered in another, and worked in many other states. One story cited by the proponents of a federal system for railroad workers concerned a group who worked for the Western Maryland Railroad prior to the establishment of the RRB. Upon being laid off, they applied for benefits in Maryland but were told by officials there that they were ineligible for benefits in Maryland because their employer had paid unemployment taxes to the state of Pennsylvania. The men crossed into Pennsylvania and applied for benefits. There, however, they were told by Pennsylvania officials that since their work and unemployment occurred in Maryland, the Pennsylvania law did not cover them.<sup>13</sup>

In response, and in concert with many aspects of law affecting railroads, the railroad unemployment system became a federal system, unconnected to the various state schemes.<sup>14</sup> Funding for the system is wholly employer financed by an industry-wide method of experience or merit rating, in which the employer contribution rate varies with the balance contained in the Railroad Unemployment Insurance Fund. Over the years various provisions

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13 In the hearings in the US House of Representatives on the original bill, several examples were given. David B. Schreiber, *Legislative History*, 31.

14 The railroad unemployment system came into effect in 1939, following the passage of the Railroad Unemployment Insurance Act, which was signed by President Roosevelt on June 25, 1938. The safety and operational regulation of railroads is generally federal as well, and much is administered by the Federal Railroad Administration. See <http://www.fra.dot.gov/>.

of the pension and unemployment systems have been amended but the original, basic system remains intact today.

In spite of the obstacles regional director F. H. Stapleton observed, a system for supplying Navajo labor to the railroads was developed and implemented by the RRB. However, as will be described below, there were many logistical and financial hurdles to be surmounted, among which was the isolated nature of life on the reservation itself. How could the Navajo workers be integrated into the industrial transportation system of the time? As a solution, the RRB developed a triangular system around the Navajo composed of the RRB, the western railroads, and the trading posts. This triangular relationship benefited each of the three parties and was responsible for a steady flow of Navajo workers into railroad track gangs. The benefits to the Navajo, however, were more difficult to discern.

In the system developed by the RRB, when a railroad needed track workers, the company would contact the RRB. However, given that the RRB had neither offices on the reservation nor any other way to gain access to the Navajo men, the RRB turned to trading posts to fulfill the function of communication, recruitment, and claims administration. In this way, these Navajo workers would be identified and provided to railroads as track workers.

### The RRB implements its manpower system for the railroads

When Congress passed the Railroad Unemployment Insurance Act in 1938, establishing the provision and administration of unemployment insurance benefits by the RRB for railroad workers, employees entitled to such benefits were to register at an “employment office.” Concerned about the financial ramifications of this mandate for in-person registration, the RRB privatized the administrative work relating to claims taking. Forty-five thousand railroad officials were designated railroad unemployment claims agents. Thus, the railroads provided the manpower and facilities for these



sign-ups and, in exchange, were paid by the RRB fifty cents per claim taken. This fifty cents per claim figure was never raised.

On the Navajo Reservation, there were no offices maintained by railroads, labor unions, or the RRB that could be used for such a purpose. Because the railroad had no personnel on the reservation or desire to locate any there, the RRB designated the owners of trading posts as Special Unemployment Claims Agents (SCAs) and their trading posts as “employment offices,” as mandated by the statute. The manual that the RRB required the traders to sign upon becoming SCAs defined their duties as “claims taking and related functions, including recruitment for railroad employment.” Thus, on the reservation, when the railroads contacted the RRB wanting employees, the RRB would notify some or all of the trading posts that acted as labor brokers and communicate the employment needs of the railroads. In order to reduce costs, the railroads—through their member on the governing body of the RRB—made a particular effort to stimulate the hiring of men who were currently on layoff, and in this way a preferential system was set up by the RRB through the trading posts.<sup>15</sup> Calling men on layoff first had a double benefit for the railroads. It assured the companies that they were getting experienced workers and, by getting these men off of the unemployment rolls, it reduced the need for company contributions to the RRB unemployment trust fund.

When the trader and the RRB agreed on the number of workers that would be sent to the railroad from a certain trading post, the owners of that post were responsible for getting the men to an embarkation point designated by the RRB. While each trading post had a different arrangement for how the workers would pay for their transportation from the trading post to the embarkation point, it appears that at certain times—especially in the 1960s—some traders charged Navajo men more than \$100 to transport

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15 To do otherwise was considered to be a wasteful use of the RRB’s unemployment insurance system. Efforts in the mid-1950s in this regard are detailed in Haber, *Maintenance of Way Employment*.

them to an RRB embarkation location. Upon the men's arrival, the RRB would check them in and be sure they had the proper paperwork. The men would then be placed in buses operated either by an independent bus company or railroad, or—in some cases—they traveled on a passenger train. They would then be transported to a work site designated by the railroad.<sup>16</sup>

Within a few years after its inception, the triangular system was functioning well, the RRB believed. In March 1949, RRB regional director Stapleton wrote the director of employment and claims, H. L. Carter, to report on a meeting in Window Rock, Arizona, called by the Navajo Indian Employment Service of the US Department of the Interior. Stapleton was blunt in his report. "It seems that since the Board started Indians in employment with the railroad industry, everybody and his brother wants them." He further reported that from December 15, 1948, until March 14, 1949, the RRB had paid out \$400,000 in unemployment benefits to 6,000 laid-off Navajo railroad workers.

Internal RRB records reflect continuing efforts to streamline the placement system. On April 30, 1953, the RRB entered into a formal agreement with the Atchison, Topeka & Santa Fe, covering the recruitment and processing of Navajo workers for their track work at four locations: Gallup, New Mexico; and Holbrook, Winslow, and Flagstaff, Arizona. In Gallup, for example, the RRB agreed to be responsible to "recruit, sign, arrange for meals, lodging when appropriate, check and load on trains, arrange for passes" for these workers. The agreement varied only slightly at the other locations, depending on their proximity to a local office of the RRB.

The use of Navajos for railroad work created a number of difficult administrative issues for the RRB. For example, one of the ancillary functions of the RRB was to provide for certain

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16 For example, a 1978 article in *The All A-Board*, an internal RRB newsletter, featured RRB officials in Gallup, New Mexico, who, as part of their "placement program," organized groups of "Indian trackmen-laborers" for railroads such as the Rock Island, the Santa Fe, and the Union Pacific.

sickness benefits. RRB sickness benefit regulations required that those receiving the assistance had to have a statement from a doctor every sixty days as to their current medical situation. Yet in 1947, when over 4,500 Navajo workers were working the extra gang cycle of summer work and winter layoff, there were no doctors on the reservation except in the few Indian Health Service hospitals. Few ill men could make the long trek to those hospitals. In addition, RRB regional director Stapleton wrote, “there are several hundred Indians on the reservation who are eligible for sickness insurance benefits but no claims have yet been filed. Many of these Indians have been injured on the job and the railroads passed them back to the reservation on the request of the Indian and, as far as I know, in very few instances made any settlement with the Indian for the injury incurred.”<sup>17</sup> Stapleton asked the director of employment and claims for a special dispensation to waive the rule. It is unclear if Stapleton’s request was granted, but there is no doubt that proper resolution of railroad injury claims remains a problem today.

Another problem for the RRB, spotlighting the difficult interplay of Navajo culture and American industrial practice, was the difficulty it had in differentiating one specific group of Navajo workers from others. Special regional manager of Region 8 of the RRB, M. A. Robson, wrote to RRB director of employment and claims, H. L. Carter, about these issues in 1947: “During the eight benefit years the Navajos have been registering we have probably encountered every conceivable type of mix-up of name and number on the Board’s records.” Further, he wrote, “The story current on the reservation (and probably apocryphal) has it that in each hogan there is a bowl of social security cards. When one member of the family is shipping out, he dips into the bowl and takes out a social security card. Whatever the facts may be, the use of two or more claimants of the same number is a very real problem.”

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17 Interoffice memo, December 8, 1947, regional director F. H. Stapleton to RRB director of employment and claims.

Language issues were large, too. White interpreters frequently made mistakes in “rendering Navajo into phonetic English” in writing Navajo names and addresses, and further, Robson wrote, “many Indians [adopt] Anglicized names in the place of long and awkward Navajo names.” To show the depth of the difficulty, he wrote his boss the following: “Many Navajo names vary considerably in spelling from trading post to trading post or even from year to year. Listed below are variations in spelling in a single common name taken from our index files:

Tsinajinnie	Tsiningine
Tsineginnie	Tsinnijine
Tsingine	Tsinniginni
Tsiniger	Tsinniginnie
Tsinijinni	Tsinnijini
Tsinijinnie	Tsinnijinnie <sup>18</sup>

The triangular relationship among the railroads, the RRB, and the traders was on full display in 1953, as the RRB held a series of meetings for Special Unemployment Claims Agents in the cities on the edge of the reservation, such as Farmington and Gallup, New Mexico, and Winslow, Arizona. At the meeting in Farmington, representatives of thirty-three trading posts were in attendance, along with two officials from the Union Pacific Railroad (UP), and three officials from the RRB. The UP was the only railroad represented at this meeting, as the RRB had divided the reservation into districts and tended to place men from particular districts with particular railroads. The United Indian Traders Association was specifically invited. It appears that no Navajo workers were present. The RRB distributed its “Manual for Special Unemployment Claims Agents.” In discussion, the UP explained that it would not pay travel costs for Navajos to get from the reservation to the work sites, often hundreds of miles

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18 Interoffice memo, September 30, 1953, special regional manager M. A. Robson to RRB director of employment and claims.

away. It was agreed that either the Navajos would have to pay the cost out of their own pockets or borrow the money from the trading posts. The RRB then provided a list of all Navajos who had drawn RRB unemployment claims over the last year. The RRB asked the trading posts to indicate which men “they did not consider to be good credit risks.” Such men would not be allowed to work on the railroads.

### The system matures

Things were much the same fifteen years later when the three parties came together to refine the system and the work life of the Navajo workers. A particularly well-documented meeting of the railroads, the RRB, and the traders was held in Gallup on February 4, 1968. On the first day, a meeting was held in which representatives from several railroads attended along with RRB officials. George Kanega, director of the RRB Bureau of Unemployment and Sickness Insurance, wrote the minutes. Shockingly, no worker who would directly suffer or benefit from the decisions made was present. For example, the issue of job-related insurance was discussed. Some railroads had mandatory accidental death/dismemberment policies, the premium for which was deducted from the pay of the men in their first paychecks. Others allowed the Travelers Insurance Company to sell insurance.

The insurance issue was especially problematic for two reasons. First, it appeared that the insurance often did not provide coverage in addition to that contained in the union agreement. Second, private insurance forms were often thrust at the Navajo men as they were getting on buses to go to work sites. Because most did not read English and believed they had to sign all the forms they were given in order to work, it is fair to assume that most bought insurance that they were unable to use. One RRB official, Paul Johnson, related that he had to shoo away

a Travelers representative who showed up when Johnson was massing men for transport to their workplace.<sup>19</sup>

A number of other concerns received attention at the meeting. The issue of union representation was discussed. Even though it appears that men were to join the Brotherhood of Maintenance of Way Employees (BMWE) after sixty days on the job, the railroads refused to allow payroll deduction for the union dues. Thus, the only way that the union could collect dues was to physically get the money from the men. Kanega observed that “there was not much activity by the union in terms of servicing the men. The union does have a problem with communicating with the men.” The union, however, does not appear to have been invited to the meeting to discuss the issue or give its views.

David Brugge had noted the issue of union representation in his work as well. In his last report in the archives, he spoke of the relationship between the Navajo men and their unions.<sup>20</sup> At this time, in 1954, there were two union federations: the American Federation of Labor (AFL) and the Congress of Industrial Organizations (CIO). The small number of clerks who traveled with the gang, such as the timekeepers, belonged to the AFL union; the laborers belonged to the CIO. Like most observers, Brugge found relations between the unions and the workers problematic, although he was unable to talk with any union officials in his time with the gangs. Geographic isolation and the dif-

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19 Interestingly, several months later, the RRB and the governing body of the Navajo Nation, the Navajo Tribal Council, looked at the insurance issue and decided that the Travelers’ policy was in fact a positive thing for the Navajo, as there was no deduction made from their paycheck for it. The policies of the Rock Island and the UP, however, for which the men paid eighteen and twenty dollars, respectively, were “a waste of the Indians’ money.” Memo, April 11, 1963, Edmund D. Kahn, tribal attorney.

20 For an interesting review of other relationships between Navajo workers and the American labor movement, see O’Neill, *Working the Navajo Way*.

ficulty of maintaining contact between the union and the workers were clearly factors in this phenomenon.

The workers clearly had a need for unions, but it was impossible for the union to maintain a presence on the gangs. The reasons for this are numerous, but the geographic reach of the gangs, combined with cultural issues similar to those faced by the RRB, were most prominent. The cost of union dues may also have made Navajos somewhat distrustful of unions. Brugge observed:

Navajos, quite naturally, I suppose, have something of a persecution complex in their attitude toward Anglo-Americans and while they keep their grievances, real and imagined, to themselves most of the time, can be unusually bitter about them. The situation doesn't seem to be too good for either the RR, the Unions, or the Navajos.

In addition, the relationship of the union of trackmen, the BMWE, to minority trackmen has been contested throughout the history of the union. The BMWE was formed as a fraternal organization in 1887 called the Order of Railroad Trackmen. In 1917 the BMWE held its first triennial convention in Detroit, Michigan. "The question of allowing colored maintenance of way workers to join the Brotherhood had become pressing. After much discussion, the convention voted to permit colored workers to affiliate with the brotherhood in allied lodges."<sup>21</sup> At the convention in 1919, the delegates voted to give "colored members more direct representation at Grand Lodge conventions by allowing them to be represented by white delegates."<sup>22</sup> This problem was especially vexing, as a high percentage of track work had historically been performed by minority members.

Housing for the men on the road was also on the agenda. The meeting notes reflected the comment that "Navajos are clean and keep their camps in good condition." The discussion of housing was

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21 Hertel, *History of the Brotherhood*, 83.

22 Hertel, *History of the Brotherhood*, 90.

followed by “Arrangements for Sending Money Home,” in which “alternate schemes for getting money back to the reservation” were discussed. The concern was that if the money was given to the men at the conclusion of a payroll period, it would be spent before they got back to the reservation. Some railroads took the men into town to the bank and tried to have them purchase money orders to mail to their families on the reservation. There was talk of a special payroll deduction so that the money would go to someone back on the reservations. The notes reflect that there were certain risks with this procedure: “1) the company might have problems under the union agreements; 2) it was dangerous for the money to go to the traders; and 3) the company might have problems with the family if the man designated the wrong woman to whom the check was to be sent.”

On the second day of the meeting, Sunday, the trading post owners were invited and Judge Yazzie of the Navajo Tribal Court, a former RRB official, was also in attendance, along with an official from the BIA. Judge Yazzie’s comments to the traders were interesting. Kanega’s notes reflect the following: “He reminded the traders that they are interested in the Indians’ money and that this is not all bad. He told them to help the Navajo learn how to earn more money and how to get back to the reservation with more of it.” In the question and answer session, many of the traders were critical of the practices of the railroads toward the Navajos but also wanted to be sure that the checks of the Navajos came to their trading posts.<sup>23</sup>

The conditions of Indians in the United States received congressional attention from time to time, and the work of the RRB on the reservation was no exception. In 1956, the RRB was subject to congressional criticism for instructing its employees not to take unemployment insurance claims from Navajos during certain times of the year. A closed-door hearing was held before the House Appropriations Committee over the policy of

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23 To his credit, after this meeting Kanega visited Chairman Raymond Nakai of the Navajo Tribal Council to discuss RRB activities in relation to the railroads and the Navajos.



the board to refuse to take claims of unemployment insurance from Navajos during the preceding summers. The chairman of the RRB, Col. Raymond J. Kelly, defending the actions of his agency in refusing to notify Navajos of the policy of the RRB as to when such claims could be filed, told the committee that “most Navajo Indians are not capable of reading. I do not believe that one out of five speak English. Their whole contact has to be made through Indian traders.” In response to criticism from the congressional committee, however, the RRB agreed to change its practices regarding the timing of claims taking.<sup>24</sup>

While there can be little doubt that many RRB officials who worked in the system thought that they were helping the Navajos, their own financial and administrative concerns were paramount for them. For example, in his March 1949 letter, Stapleton wrote that there had been very little paid out in sickness insurance benefits on the reservation. Stapleton expressed his concern about the amount of money that would be paid out pursuant to the sickness program if the Navajo workers realized that this government program actually covered them. Stapleton wrote, “Lord help us if they ever find out about the full benefits of our programs and we can accept a statement from the medicine man.”<sup>25</sup>

For those who formed the paternalistic triangle that enclosed the Navajo workers, the benefits of the system were obvious and profound. The railroads were getting a trained, hard-working labor force to perform their least desirable jobs, a force that seldom complained in a way that was recognized. The RRB was building a bureaucracy that allowed it to claim it was providing a major benefit to its main constituent group, the railroad companies. Finally, the program spoke to the greatest problem that the trading post owners had—how to get income to the Navajos so that they could pay their tabs at the trading posts and buy more goods from the traders.

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24 *Arizona Republic*, February 29, 1956. A copy of the article is in the archives.

25 Interoffice memo, March 14, 1949, regional director F. H. Stapleton to RRB director of employment and claims H. L. Carter.

## Six

### Railroads, Trading Posts, and a Fatal Challenge to the RRB's System

*Holbrook, Arizona*

Leroy Yazzie—"Go round up some Navajos"

Like many of the men I interviewed, Leroy Yazzie Sr., a pleasant sixty-year-old man with a sparkling Navajo sense of humor, got work on the railroads through his trading post. He worked for several different railroads in his career. He got his job on the Rock Island Railroad after talking to a trader at the local trading post. The trader told him to "round up some Navajos." Leroy found some men willing to go work at the railroad. All of the Navajo men got in the back of the pickup, on which the trader had put a camper. The trader then drove them to the embarkation site. This employment did not last, but later Leroy met J. B. Collyer, a Santa Fe Railroad official in Winslow, Arizona, who hired him to work for the Santa Fe.

Leroy Yazzie was hurt three times while working for the Santa Fe. He was hurt while changing tie plates, had a jack drop on him and cut off the tip of his finger, and, around 1980, his track vehicle turned over and he broke two ribs. After he got laid off he went to a traditional medicine man for healing. Leroy told me that part of the reason for going to a medicine man, instead of seeking a hospital, was that he had no transportation

and the medicine man lived close to him. In the treatment, the healer put his hands on Leroy's ribs and then gave him herbs to use. The medicine man got the herbs from the mountains "where nobody lives and nobody goes, except the wild animals." Leroy used the herbs for a month, rubbing them on himself. This treatment healed his injuries, he believes.

To this day, Leroy goes to peyote meetings when he gets sick because they "help me out." He told me about another incident in 1984 when he was so sick he could hardly move. Then, Leroy paid a medicine man named Billy to come to his house and perform an all-night peyote ceremony. Through this ceremony, Leroy felt that he was cured of his medical problem.

### The railroads take full advantage

The railroad that used the RRB's system to its fullest was the Santa Fe Railroad. This railroad had been employing Navajo workers for many years, as its tracks were closest to the reservation.

During and prior to World War II, according to a letter from F. H. Stapleton to E. E. McCarty, a general manager for the railroad, the Santa Fe had been able to secure Navajos as track workers without the assistance of the RRB.<sup>1</sup> In 1944, however, the Santa Fe sought the assistance of the RRB. While expressing a desire to help the Santa Fe meet its employment needs, Stapleton pointed out that the Santa Fe had refused to accept Navajo placements from the RRB in the past and was paying the workers that it secured on its own a lower salary than other railroads and not the guaranteed "board" rate. He wrote, "We have referred *several thousand Indians* to other railroads as we did not have an order for the Santa Fe. You no doubt are aware that the rates of pay on other railroads are from one and three-quarter cents to five cents higher and in all cases the board rate

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1 Letter, July 18, 1944, F. H. Stapleton to E. E. McCarty, general manager, Coastlines Division, AT&SF Railroad.

is fifty cents per day.”<sup>2</sup> Stapleton counseled the Santa Fe that unless it matched the rates that were paid by the other railroads and shed its image of giving worse treatment to its Navajo workers than other railroads did, “it will be difficult for the Santa Fe to obtain Indians for future needs.” Sensing the changing conditions soon to come, Stapleton wrote, “I believe you will agree that the loss of a potential current labor supply is not only a serious matter at the present time but may be more so when you are not able to use Mexican Nationals.” Stapleton concluded his letter telling McCarty that he could supply “a large number of the orders” from the Santa Fe, assuming the Santa Fe matched the rates paid by the “lines East.” Apparently an agreement was reached, and in April 1945, L. D. Comer, director of employment for the railroad in Chicago, requested 120 Navajo Indians for work at the Santa Fe ice docks at Argentine, Kansas, from May 15 to July 15. Additional workers were needed from September 1 until October 15. The workers were to work seven days a week, at sixty-four cents an hour. Prefabricated housing was to be provided to the workers, with approximately eight men per house.

By 1951, the AT&SF was the largest employer of Navajo workers in the country, employing nearly 7,500 Indian workers that year, of whom 85 percent were Navajos.<sup>3</sup> This reliance on Navajo workers eased the manpower problems for track labor that the railroad had been experiencing.<sup>4</sup>

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2 Emphasis in the original correspondence.

3 Governmental efforts in the early 1950s to recruit Indians in the more northern tribes, such as the Sioux and Crow in the Dakotas and Montana, had some success, but never matched that on the Navajo Nation. Some efforts were also made among Indians in the Carolinas and in Minnesota. To ensure that the agencies worked together in 1951, an agreement was entered into between the RRB and the Bureau of Indian Affairs “For the Placement of Indians in Railroad Employment.”

4 57th Annual Report, December 31, 1951, The Atchison, Topeka & Santa Fe Railway Company.

In 1954, H. L. Carter, the director of the Bureau of Employment and Claims of the RRB, wrote to the railroads that used Navajo trackmen to inform them of the recent activities of the RRB in "Navajo Country." Outlining the program and some recent terminations of trading post owners as SCAs for unspecified issues, he wrote, "We consider it a primary responsibility to assist in making available to you Navajo labor at the time and in the numbers required and to make sure that those who are claimants for unemployment insurance benefits are the first to be offered employment and thus removed from the benefits rolls."<sup>5</sup> In response, the chief engineer for the UP wrote, "We are shipping a substantial number of young Navajos, and are getting some good, alert young men." He promised to cooperate with the RRB and wrote Carter that the UP was "pleased with the way the labor problem is being handled on the reservation."<sup>6</sup>

### The RRB works to please the railroads

In 1959, Paul Johnson wrote a memo to the RRB chief of field activities in Dallas to detail the "culling" actions the RRB was taking to eliminate "shipment" of "undesirable" railroad workers to the railroads.<sup>7</sup> In 1953, Johnson reported, the RRB had established a file of three-by-five cards of "drunks and trouble makers." Several hundred men were placed in this category and barred from placement by the RRB with the railroads. Johnson wrote that "this action by the Board in 1953 received commendation from railroad officials." In 1957, in an effort to "stabilize" railroad employment and reduce the amount paid to Navajos for unemployment benefits, the board began giving serious priority to men who had spent more time in railroad work. Additionally,

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5 Letter, April 19, 1954, H. L. Carter to various railroad officials.

6 Letter, April 21, 1954, W. C. Perkins to H. L. Carter.

7 Letter, August 27, 1959, "INDIAN PROGRAM—Programs and Procedure," Paul Johnson to chief of field activities—Dallas Office, RRB.

it began sharing its records of undesirable employees with all offices so that men on the list would not be referred from different RRB offices. The result of these actions was that "literally hundreds of low service employees have been eliminated from the railroad industry," thus stabilizing railroad employment. A third culling action began in 1958, when the board developed what it called "The Multiple of Three Procedures." Thus, "those claimants who showed an unwillingness to work such as several refusals, voluntary quits or a combination of both (multiple of three) were disqualified from unemployment benefits and made undesirable for future railroad referral." Johnson also reported that the owners of the trading posts had been engaged to assist in this effort to reduce the amount paid in benefits by being asked to counsel the Navajos in their area. With a blind eye to the effect of the loss of unemployment benefits for the affected Navajos, Johnson concluded, "It is generally accepted that railroad work has a direct bearing upon the economy of the reservation and . . . should be respected and protected." The result was that over 600 potential Navajo claimants, each of whom would have been entitled to around \$500, were removed from the rolls.

In 1959 the Union Pacific was interested in increasing its use of Navajo trackmen. However, in a cost-saving move, it worked to shift the burden of the expense of travel from the reservation to the faraway job site from the railroad to the Navajo workers themselves. On February 18, 1959, L. R. Ward, employment supervisor for the UP out of Denver, sent a letter to all trading post owners in the Farmington area in which he stated, "The Union Pacific Railroad prefers the Indians to other nationalities on track work."<sup>8</sup> In order to promote the use of Indian labor, Ward asked the traders if they would be agreeable to loaning the Indians the money for transportation, with the implicit understanding that they would get repaid through the wages earned

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8 Letter, February 18, 1959, L. R. Ward, employment supervisor, UP Railroad.

by the Navajos in railroad work. At the same time, in order to reduce the cost of RRB benefits for the men when they were laid off, the UP was requiring the traders to ship only men who were currently receiving benefits from the RRB. When they began their new work, their benefits would cease. The RRB was very receptive to this initiative on the part of the UP.<sup>9</sup>

The RRB reported that in 1959 it made 1,927 “shipments” of Navajo workers from the Farmington and Gallup areas. A “shipment,” in RRB terminology, was the successful placement of a Navajo worker with a railroad track gang. The Santa Fe received a shipment of 1,284 Navajo workers, 477 went to the UP, and 166 to the Denver and Rio Grande Western Railroad (D&RGW).<sup>10</sup> In addition, 341 Indian shipments were made from the Winslow office. These Farmington and Gallup shipments were up from 1,175 total placements the year before. The total number of individuals in these shipments was 1,325. One man had shipped out six times, only to return to the reservation each time.

The RRB’s protective attitude toward the railroads was often evident. In 1977 a number of Navajo workers became ill from an apparent chemical exposure while working on tracks in Iola, Texas. A lawyer working for the men attempted to hold a meeting in the RRB office in Gallup to discuss claims against the railroad or any culpable third parties. The RRB official there, however, refused to let them use the space, forcing the men and their lawyer to hold their meeting in the hall of the Federal Building. The RRB official reported this to his superior along with the news from a trading post that a union man had been reporting that there was going to be a meeting in Gallup later that summer of “survivors and other workers who were affected.”

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9 Letter, November 12, 1959, Paul L. Johnson to RRB chief of field activities, Dallas.

10 The D&RGW is now part of the Union Pacific Railroad.

## Sparks fly between the RRB and the railroads

The relationship between the railroads and the RRB was not without its own issues, however. On February 23, 1954, Hubbell Parker of the AT&SF and an associate visited a RRB office in El Paso, Texas, to complain about the handling of the provision of Navajo labor for a project for Santa Fe track gangs in Roswell, New Mexico. Though Parker worked for the AT&SF, his family had been associated with trading posts for many years.<sup>11</sup> Parker complained that the traders acting as special claims agents (SCAs) were upset because RRB officials were telling Navajo workers that “they do not have to spend their U.B. [RRB unemployment benefits] at a Trading post.” He also claimed that an RRB official in Gallup had accused the trading posts of doing “shady” things and using “underhanded methods to get the benefits from claimants.” Further, the SCAs did not appreciate the RRB asking the Navajo workers what they did with the money from their unemployment checks. The AT&SF officials said that “they did not think it was any of the Board’s business what a claimant does with the money [RRB unemployment benefits]—that the Santa Fe doesn’t concern itself with how they spend their wages.” The RRB official relayed this information to his superior and to the RRB official in Gallup.<sup>12</sup> It appears through the solid working relationship that continued between the two parties that this particular spat was quickly resolved, though the exact resolution is not reported.

The RRB acted as a go-between when there were problems between the workers and the railroads. By inserting itself so deeply into the railroad employment scheme, the RRB found

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11 Hubbell was not the only major AT&SF employment official in the area who had been involved with trading posts. James B. Collyer, a special claims agent who owned the Wide Ruins Mercantile and Mariano Lake Trading Post, was hired by the AT&SF in 1967 as assistant employment supervisor for the region.

12 Memo, March 5, 1954, C. H. L. to R. W. Lusk.



itself having to advocate for the Navajos in a number of matters. For example, in 1967, the Chicago, Rock Island & Pacific Railroad (RI) approached the RRB inquiring about the possibility of getting Navajo workers. The RI had been having hard times recruiting for these jobs around Chicago and Kansas City: only “winos” would apply, RI management claimed. In response the RRB sent Navajo men to Arkansas, Oklahoma, Illinois, Iowa, Missouri, and Kansas to work on the RI. The RRB even did recruiting for jobs with special requirements. For jobs as riveter helpers on the “B&B” gang, the RI required that the men have a high school education, \$100 in their pocket, and be unmarried. Yet, in 1968, many of the Navajos were having problems with this railroad. For example, when men were let go by the RI at the conclusion of a project, they were forced to sign a statement saying that they had voluntarily quit and that they had not suffered an injury at work. This practice, called “advance resignations” by the RI, was used to deny unemployment benefits or financial compensation for on-the-job injuries, even when the law mandated compensation.<sup>13</sup> The concerns of the Navajo workers on an RI gang working in Newark, Texas, had been reported to Paul Johnson of the RRB. Johnson interviewed some men that he “knew to be good railroad workers” about their complaints. He brought these problems to the attention of the railroad in a letter to P. J. Calza, the RI official in charge.<sup>14</sup> Among the problems reported was that the gang had not been paid for over one month of work. Each member of the gang was being required to sign an

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13 The issue of railroads attempting to shift the cost of injuries to their Navajo workers, in violation of the federal statute that regulates compensation for on-duty injuries, the Federal Employers’ Liability Act, was and is a constant problem. In 1968, Paul Johnson wrote the UP inquiring about the situation of a Navajo man who had been injured in Wyoming. A keg of bolts had fallen on his leg. The foreman on the job had the timekeeper take the man to a hospital in Rock Springs, Wyoming. The hospital billed the Navajo for the services, however, not the railroad.

14 Letter, March 25, 1968, Paul L. Johnson, district manager, RRB to P. J. Calza, assistant engineer of maintenance, RI.

“advance resignation” slip before he was finally paid. The men were required to pay for their own medical treatment, even when they were hurt on the job. They were concerned about safety, as they were being transported forty miles daily in the back of a one-ton truck that was filled with oil, gasoline, and diesel fuel.

In 1969 the Burlington Northern Railroad (BN) contacted the RRB about using Navajo workers at its Kansas City facility.<sup>15</sup> Correspondence from the RRB indicated their concern about supplying workers to the BN, wondering if doing so would have an effect on the other major railroads that were getting Navajo workers—the Santa Fe, the Union Pacific, and the Rock Island Railroads. District manager Paul Johnson, regional director Oscar Gaskill Jr., and George Kanega worried about these ramifications. Johnson sent Gaskill a list of requirements for the BN that included the following: The BN would have to contract with a bus company to get the men from Gallup to Kansas City and to feed them sack lunches en route. The RRB would require each man to fill out a payroll deduction form to deduct fifteen dollars from his paycheck toward the cost of this transportation. The BN would designate one person as assistant foreman or leader-interpreter in order to facilitate communication with the Navajo-speaking workers. At the job site, the BN would set up bunk cars in which the men would sleep; the cars would contain bedding and blankets. The BN also would allow the men a ten-day leave every sixty to ninety days in which to return to the reservation. The BN would carry the men on a train to a point closest to the reservation and at that point they would have to find their own transportation to get home. It is unclear how they would return to work.

Over the next two years, the BN used a number of Navajo men on the tracks from Kansas City to Omaha to Chicago. A problem arose, however: the BN had a company-wide rule that

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15 The Burlington Northern Railroad and the AT&SF have merged and the combined entity is known as the Burlington Northern Santa Fe (BNSF).

each man had to undergo a physical examination before coming to work. If the physical exam was not passed within forty-five days of the start of work, the man would be terminated. There was no doctor on the reservation to do an examination, and the men were not too happy about going to the work site, having the physical, and then waiting without pay for the return of test results, especially with the possibility that they might “fail” the physical. The BN officials who ran the track department tried to get the rule changed inside the company but could not. They liked having the Navajo men work their tracks, especially because compared to the injuries reported by other track workers, the number of claims for injuries filed by Navajos was few. It was not that the number of injuries was fewer, but that the Navajos tended not to file claims for compensation. In response to the concern about physical examinations, George Kanega of the RRB and Bill Gearhart of the BN engineered a system in which the men would work for five or six weeks, get paid for the work, and then get sent home to the reservation. It was agreed that the physical issue would be finessed in this way. Thus, with the assistance of the RRB, the railroad got the labor force it desired and was able to shift the medical and physical cost of injury claims to the Navajo workers themselves.

### Issues at the trading posts

Like the relationship between the RRB and the railroads, the arrangement between the RRB and the trading posts benefited both parties. And again, participation by the Navajo workers themselves in any decision making was strikingly absent. The primary economic problem for the traders was ensuring that Navajo families had sufficient income to pay for purchases at their stores. The traders could import nearly any kind of product into the reservation; the problem was how to get money to the Navajos so they could pay the traders for these products. After the demise of the sheep industry, the previous rhythm of



*Unitarian Universalist Service Committee, bMS 16076 navajo\_03, Andover-Harvard Theological Library, Harvard Divinity School, Cambridge, Massachusetts*

The inside of a typical trading post from the 1950s. Track workers cashed their railroad checks here and bought goods from the trader.

twice-yearly infusions of cash into the community that could be used to buy products at the trading posts and pay off debts had been disrupted. Thus, railroad work by the traders' customers was a godsend for the financial status of their operation. For the RRB, the work of the traders was a successful economic arrangement; the RRB had only to pay fifty cents per unemployment claim, but nothing for the traders' recruitment efforts.

The RRB was terrified of having to complete fully the mandates of its operative statute without the traders. Thus, the RRB

always watched out for the well-being of the trading posts. As early as 1953, when a dispute broke out between the Navajo Tribal Council and the trading posts over a new set of regulations that the tribe had proposed, RRB officials in the Southwest made sure officials in Chicago were aware of the issues brewing in "Indian country."<sup>16</sup>

The exact legal status of trading post operators as Special Claims Agents for the RRB was often contested. Generally, the RRB maintained that the traders were independent contractors. In the manual it distributed to the traders, they were told that they were contract employees. But the RRB was not consistent on this point. In pursuing an incident of potential fraud involving an unemployment benefit check allegedly stolen by the trader at Two Story Trading Post, D. W. Stoddard, chief of the Division of Claims Operations for the RRB, wrote to the FBI asking for their help in an investigation. In his request, he claimed that SCAs were Civil Service employees and thus any legal provisions against fraud by those who function in a Civil Service capacity should be investigated.

One issue that arose in this relationship concerned the liability for injuries suffered by the men when they were being transported, usually in the back of pickup trucks, from the trading posts to the staging point set by the RRB. A grisly incident occurred on July 8, 1969, in which two Navajos were killed and at least five seriously injured when a truck driven by the son of trading post owner Sylvan Jack flipped over on a reservation road as men were being transported to the RRB staging point. Jack had picked up fourteen Indian men at the Round Valley and Piñon trading posts and packed them in the back of the truck. Jack carried no insurance and the railroads disclaimed responsibility. The RRB was worried that it might be responsible for any such claims. When concerns arose about compensation for the men and their families, the Office of the Solicitor of the Department of Interior

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16 Memo, October 14, 1953, M. A. Robson to H. L. Carter.

was asked for a legal opinion on the employment or contract status of the traders. The legal opinion that was received held that the liability would fall only on the trader; however, the possibility that an individual might have a claim under the Federal Tort Claims Act was raised as a possibility, implying potential RRB legal culpability.<sup>17</sup> It is unclear if any compensation was ever paid to the Navajos and their families; however, it seems that nothing was paid by the RRB for its role in the incident.

### An important journalist takes note

In 1970 the muckraking journalist Jack Anderson published two columns on ways that the “white Indian traders, white tribal lawyers and federal agencies dealing with Indians” were abusing the “downtrodden Navajos” and other “dirt-poor” Indians. He highlighted Senator Barry Goldwater’s campaign to get the DNA (*Dinébe’iiná Náhiitna be Agha’diit’ahii*), a federally supported legal aid society, off the reservation.<sup>18</sup> The DNA had been active and aggressive in its representation of Navajos. In July 1969, Goldwater had written to Donald Rumsfeld, the head of the Office of Economic Opportunity, the agency in which the legal services attorneys were then employed.<sup>19</sup> Referring to

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17 Memo, March 19, 1968, Lotario D. Ortega, field solicitor, US Department of the Interior. The Federal Tort Claims Act is the legal vehicle for persons to make claims when they believe a tort has been committed against them by an agent of the federal government.

18 The DNA was a federal legal services program dedicated to work on the Navajo Reservation.

19 The first federal funding for legal services came in 1965 through the Office of Economic Opportunity, beginning as part of local antipoverty efforts. After a couple of false starts, Congress passed the Legal Service Corporation Act (LSC), which President Nixon signed as one of his last acts before he resigned. The LSC is the conduit for federal funding to legal services programs today. Interestingly, in 1978, President Jimmy Carter appointed Hillary Rodham as the chair of the board of the LSC. (Rodham took the last name of her husband, Bill Clinton, prior to his run for the presidency.) During her Senate confirmation hearings, Rodham

Ted Mitchell, the head of the Navajo legal services program, Goldwater wrote, “To be as clear and plain with you as I can, we want him out and we want him out right now . . . we lived very well without him and we can live better now when he is gone.”<sup>20</sup> This letter, a copy of which was received by the “Office of the Chairman, The Navajo Tribe,” was copied to all RRB members, apparently by local RRB officials.

Anderson’s column spotlighted the story of an Indian trader, M. J. Tanner, who had allegedly “waved a knife” at an older Navajo woman and had forced her to endorse her welfare check to him in payment of a debt. Anderson reported that “Peace Corps” lawyers stepped in and Tanner paid the woman \$100 not to prosecute an assault and battery case. The “white Indian traders” and the federal agencies dealing with Indians mobilized. Tanner sent an assistant to the hogan of the Indian woman and brought her to his trading post, where he wrote out a statement for her that refuted Anderson’s charges. He had her put her thumbprint on the statement to authenticate it. Concerned about the loss of his status as a special claims agent, Tanner put her in his airplane and flew her to the RRB office to give a statement to RRB officials. The RRB interviewed the woman without her having an attorney or representative present.

RRB records reflect that Tanner also gave a statement to them. In this statement, his concern, it seemed, was that the woman in question owed him a debt. He found out that she had changed her address to a different trading post. Without the government check coming to his trading post, Tanner felt he would be unable to collect his debt. The change of address was not caught until a check had come to his trading post, so he took the check and drove to her hogan to get her to sign it over to him. He pulled out his pocket knife—which he stated was his common practice—to

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told the panel that the LSC should work to reform laws and regulations that were “unresponsive” to the needs of the poor.

20 Letter, July 17, 1969, Senator Barry Goldwater to Donald Rumsfeld.

assist her in opening the letter. He then instructed her to rub her thumb in ink that he had brought and place it on the check, which he said was also common practice on the reservation.

District manager Paul Johnson was very protective of Tanner, who had been an SCA since 1950. In fact, the RRB overall was protective. A representative of the board had contacted Jack Anderson in an attempt to convince him not to write a second column about the matter. After Anderson's editor refused the request, George Kanega was quick to note on the file that "our only interest in the episode was to make sure whether or not we should keep Tanner as a special UCA."<sup>21</sup> Johnson concluded in a letter to his superior, "It appears to me that Tanner's problems are related to personality factors involving the representative of DNA in the area, plus the Torreon chapter officer and possibly the counselman."<sup>22</sup> Thus, the RRB cleared Tanner, attributing the issue to the work of the DNA and certain disgruntled Navajo leaders.

District manager Johnson also got very concerned and protective of the trading post owners when the *Gallup Independent* published the results of a study of trading posts on the reservation conducted by eight college students during the summer of 1969.<sup>23</sup> While the students reported that some of the traders were friendly and sympathetic toward their Navajo customers, the majority were not. The report found that many trading posts employed "credit saturation," a practice in which "a Navajo is encouraged to buy goods on credit up to the amount of future known income and then credit is refused once the limit is reached, regardless of need." The survey also found that it was a common practice when Navajos received checks in the mail for traders to take the Navajos to back rooms when the checks arrived. The trader would open the check for the Navajo (against

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21 Memo to file, January 26, 1970, George W. Kanega. A "special UCA" is the same as a "Special Claims Agent."

22 Memo, January 14, 1970, Paul L. Johnson, RRB district manager, to RRB regional director.

23 "Traders Accused of Abuses," *Gallup Independent*, February 11, 1970.



US postal regulations) and have the person place their thumbprint on the check. The trader would then take the check, deduct an amount he claimed was owed to the trading post, and then give the Navajo the remaining financial balance only in scrip, which was an IOU from that trading post. The report said, "One Navajo woman told us the trader had torn off her blouse when she tried to get her welfare check cashed instead of having it returned in a credit slip." At one trading post, a sign was posted outside stating, "The following people are . . . damn liars and cheats . . . they ran off with their checks." At the bottom of the sign were three columns of names.

While there were ways for Navajos to complain about the traders, few Navajos were able to access these procedures, especially given language issues. The students reported that there was a "great fear of the Navajo with the trader" but that few Navajos complained because of fear of retribution. Upon seeing the article, Johnson made calls to the editor of the paper, to the head of the DNA, and to Peterson Zah, who would later become head of the Navajo Nation Tribal Council. Zah, according to Johnson's memo, was "currently editing the report to be sure they cannot be sued."<sup>24</sup>

### The legal service lawyers enter

An inherent problem in the triangle was conflict of interest. There is scant evidence that this was thoroughly considered by those involved. To take just one example: in 1968 the UP was considering a different way to procure Navajo workers for its track gangs. It seems that the UP felt that the RRB had not been supplying a sufficient number of workers at this time. Railroad management had talked with RRB officials about the possibility of hiring a recruiter to work for the UP in the Navajo Reservation. In a letter to the UP on the issue, Kanega pointed out a conflict of

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24 Letter, February 18, 1970, Paul Johnson, RRB district manager, to George W. Kanega.

interest problem that might result if a trading post owner became such a recruiter. He wrote, "As you know, an arrangement under which a trading post operator serves the capacity you have in mind almost automatically involves some conflict of interest. On the one hand, the trader is naturally concerned with looking after the welfare of the trading post in which he has a financial interest. On the other hand, he should be concerned with the interest of the railroad which, in some instance, would be just the opposite of that of his Trading post."<sup>25</sup> Yet, to the RRB, having a trading post owner working as an RRB recruiter and as a special unemployment claims agent (SCA) did not seem to be an issue that engendered concern about such a conflict of interest.

The issue of the physical examinations that the BN required of the Navajo workers surfaced again. The BN and the RRB had decided that the requirement would not be changed but that working Navajos would simply be laid off before the final date required by company management for the completion of the physical. On one gang in 1971, 40 percent of the men were sent back to the reservation for not having a valid physical.<sup>26</sup> However, the RRB fretted that advocates for the workers, such as the active legal service agency on the reservation, the DNA, might have an issue with this solution. The RRB was afraid the DNA would raise the issue of travel costs for those who had to return because they had no physical. Many workers would be laid off hundreds of miles away from the reservation.

The BN situation raised another concern about which the RRB hoped to avoid alerting the DNA. The BN refused to pay the usual "subsistence allowance" given to men who worked

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25 Letter, February 8, 1968, George Kanega to Leonard Ring, personnel assistant, UP Railroad, Omaha, Nebraska.

26 Letter, May 24, 1971, Paul Johnson to Oscar Gaskill. The RRB was also frustrated because no other railroad was this sticky on the issue of the physical. In a letter to Gaskill, Johnson wondered why the BN made such a point of the physicals. For, if the point was to be sure they did not hire men who had preexisting physical issues, "the other railroads are not having problems on claims."

away from home. The RRB worried that men it shipped to the BN would realize that men shipped to the Santa Fe were receiving the allowance and leave the job. Even more worrisome for the RRB was that the DNA might hear of this and advocate on behalf of the Navajos.

In 1969 the DNA had begun a full-fledged attack on the RRB's triangle. At a meeting at the Torreon Chapter House, Richard Reichbart, a DNA attorney, presented a brief to the RRB entitled "QUESTION: May a Trader be a Special Claims Agent for The United States Railroad Retirement Board." In the brief, Reichbart argued that the RRB had set up a system in which, "if a Navajo wants railroad employment at all, he must accept a patently unfair and discriminatory system." The major reason for this unfairness, according to the DNA lawyer, was that the "trading post, today, has become a multipurpose institution upon which the Navajo is entirely dependent." Reichbart argued in his brief that, for the Navajo,

[the trading post] is the equivalent of the Navajo bank where the Navajo pawns his valuables in exchange for money or credit; it is a grocery store and gas station; it is the only telephone booth for miles around; the trader purchases Navajo livestock, wool and rugs; the trader receives the mail and government checks; the trader acts for the Navajo as interpreter of communications by mail or phone from the Anglo world; governmental organizations such as the welfare department use the trader to confirm facts about Navajo families and send messages through the Trading post.

Thus, to require Navajos to secure railroad employment through the trading post subjected them to too much control by the trading post owners. It encouraged a form of involuntary servitude as well as arbitrary and discriminatory conduct, as the trading post had the ability to decide who could work for the railroad and who could not. Reichbart alleged that the trader was able to choose which Indians work on the railroad. In doing so, the trader selected those who will be of greatest assistance to the

trader. Reichbart wrote that the trader “chooses those people who have unpaid accounts with him so that he may thereby recover on these accounts. If someone has offended him in his business dealing, he will cut that person off from railroad employment.”

Further, in a legal point made by Reichbart, the SCAs were, at the very least, agents of the RRB. As such, they were barred by federal statute from trading with Indians.<sup>27</sup> The solution, Reichbart argued, was for the RRB to hire Navajos who have worked for the railroads to take over this function. It could be handled, Reichbart believed, at the chapter houses, which were becoming a vibrant and important part of the political community on the reservation.

As might be expected, the traders became quite agitated when they heard of the Reichbart report. Ike Murray, the secretary of the United Indian Traders Association, sent it out to the members of the governing body of the group. Murray's cover letter said that the report was “patently a special and slanted pleading based on undocumented charges about the status of the trader in relation to his Navajo customers.”<sup>28</sup>

In spite of these efforts by DNA lawyers, no major change to the triangle occurred at this time.

## The end of the system

In the early 1970s, the DNA—mindful of the financial importance of railroad work—also began to advocate for Navajos who were not receiving the RRB benefits to which they were entitled. In 1972, DNA attorney Robert Hilgendorf wrote to the RRB on behalf of a Navajo client complaining about the amount of time that it was taking to process an RRB unemployment benefit claim. RRB internal documents revealed that the issue was

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27 See 18 U.S.C. 437 – Indian Contract for Goods and Services.

28 William Roberts Powers, *Navajo Trading: The End of an Era* (Albuquerque: University of New Mexico Press, 2001), 171.

discussed by them and that they contacted the UP—the railroad involved—as the RRB would not begin the processing of benefits until the UP had provided them with documentation that the man was no longer working. RRB officials were concerned that “the DNA attorney would dip deep enough into the records and through inquiry with the Indians to discover that the UP employees are the ones whose claims are being delayed.”<sup>29</sup> In its protective capacity, the RRB even focused on individual attorneys within the DNA, comparing the tactics of each in pursuing their legal objectives.<sup>30</sup>

Concerned about the actions that the DNA might take toward them and their system of using trading posts as SCAs, the RRB became even more proactive. When a problem developed involving a dispute with the previously mentioned trader Sylvan Jack, district manager Paul Johnson met with Clifford J. Hofmann, the director of the DNA at the time. In Johnson’s memo to his boss, he wrote, “Mr. Hofmann expressed the paternalistic attitude some of the traders acquire due to their involvement in the lives of the people doing business with them (i.e. credit, banking, etc.).”<sup>31</sup>

Finally, by the late 1970s the SCA system was being seriously questioned on administrative grounds by the RRB itself. While not mentioning trading posts specifically, an internal RRB report questioned whether claimants would give the program the proper sense of importance if they were required to register at “non-governmental locations [such] as private insurance agencies, grocery stores, and barber shops.” Railroads were becoming much less interested in providing the administrative support the program required, and the dwindling number of RRB offices

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29 Note to file, George Kanega, February 1, 1972.

30 Note to file, George Kanega, February 5, 1970 (comparing attorney Stephen Conn at the Crown Point office of the DNA to Ted Mitchell).

31 February 11, 1970, Memo, Paul L. Johnson to Regional Manager, RRB, Dallas, Texas.

made the alternative of bringing the function back in-house appear increasingly impractical. On the reservation, however, the trading posts were still happy to provide the function. Finally though, the RRB developed a mail registration system for the processing of unemployment claims. Given the advances in mail service on the reservation, this had become more practical. This system was implemented and is still in effect today. With this change, the railroads began direct hiring of Navajos and the problematic triangle dissolved.

The hiring system was forced to change and now, as Leroy Yazzie told me, you do not get a job from personal contact with the traders. Today you “use the e-mail” to get a job on the railroad.

## Seven

### In the Workers' Words

In order to attempt to understand and fully appreciate our fellow human beings, Michael Jackson writes, we need to remember the importance of listening to the actual words of those who are speaking:

To apprehend the intersubjective life in which we are immersed, we not only need theoretical models that are constructed outside the empirical field, then brought to bear upon it; we need to examine the metaphors, images, stories and things that human beings everywhere deploy as 'objective correlatives' of the give and take of their quotidian relationships with others. The ways in which we arrange and organize words and things thus provide us with rough analogues of the patterns of intersubjective experience which we are seldom in a position to directly apprehend.<sup>1</sup>

This chapter attempts to see and hear these images and stories.

#### *Cuba, New Mexico*

#### Tom Martinez—Following in the footsteps of the Holy People

Tom Martinez, a tall, seventy-four-year-old man whom I met in the warm, dry summer of 2006 in Cuba, New Mexico, worked as

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1 Jackson, *Existential Anthropology*, 37.

a trackman for the Union Pacific Railroad. For Tom, the edge of the Navajo Nation divides two vastly different spaces, an inside and an outside. Each spring before leaving the Navajo Nation to go to work on the railroad, Tom attended a Blessingway ceremony. Tom used the traditional ceremonies to prepare for the journey beyond and to ensure good luck, health, and hope. The stories, rituals, and harmonious effects of the Blessingway provided a sense of security to steel him for the journey beyond. It helped him to make what he could of the world out there, strengthening his ability to face unseen and dangerous forces.

Like other men with whom I spoke, when Tom returned to the rez from his railroad work, he sought out an Enemyway ceremony. This traditional ceremony is performed as a healing after one has had contact with destructive forces. The Enemyway ceremony is a way of reestablishing agency as well as balance, goals that can be accomplished only when the unfathomable forces that are encountered away from one's land are cleansed. The Enemyway ceremony helped Tom to rework and reassemble his person and his meaning after his time away from the boundaries of his land. It was an attempt to return to a state of *hózhó* by neutralizing contaminating forces and reestablishing the equilibrium of good and harmony.

Tom's use of these ceremonies bears a striking resemblance to the description by Sam Gill of the actors in these rituals in the creation story. Speaking of those in the creation story traversing the lower levels as they move inexorably higher, he says:

The heroes, invariably in the process of a journey, enter forbidden territories or violate regulations. Consequently they suffer in any number of ways. When the heroes are unable to get out of their predicaments, holy people come to aid and relieve their suffering by performing ceremonials which restore them. The enactment of the ceremonials not only brings restoration, it initiates the heroes into the knowledge of the ceremonial ways.<sup>2</sup>

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2 Gill, *Songs of Life*, 7.



Working throughout the Mountain West for a number of years, Tom Martinez was a member of several track gangs that included Native Americans from northern tribes in South Dakota and Idaho. Like the men with whom Jerry Sandoval worked, members of each tribe, Tom told me, tended to congregate to perform certain ceremonies after the workday ended, often surreptitiously. But Tom suffered a back injury at work in 1986. For this, he visited practitioners of both modern and traditional medicine. He felt that each approach was helpful to him. Now retired, Tom partakes of each major religious tradition common to the Navajos. Tom occasionally goes to Christian churches, sees a medicine man, and attends peyote meetings. His children live off the traditional land in Albuquerque, but when they are having problems they return to the rez for ceremonies with a medicine man directed at their problematic issues. It is back on the nation that they feel they can reconnect with their anchor and access and practice *hózhó*.

### *Torreón, New Mexico*

#### The Pintos—Husband and wife healers

Interestingly, while medicine men are almost always men, in my interviews I did find one woman, Bessie Pinto, who acted as a religious leader with her husband.<sup>3</sup> On a fine, clear day, Julie took me to see a medicine man in whom she has great faith, Hoskie Pinto, a well-known and accomplished medicine man who uses both traditional and Native American Church practices.<sup>4</sup>

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3 “Navajo women who choose to pursue careers as ceremonial practitioners face complex challenges. The involvement of women with this side of life takes place within limitations surrounding their reproductive capacities as well as those of their spouses.” Maureen Trudelle Schwarz, *Blood and Voice* (Tucson: University of Arizona Press, 2003), 13.

4 The common overlap of traditional practices and peyotist religion by individual medicine men was noted by David Aberle in his work. Aberle, *Peyote Religion*, 199.

As we drove out, I felt the desert and watched heat waves ripple up to the sky. Surrounded by red rocks and amber mesas, we drove the dusty, rocky, back roads dreaming of the freshness and rainbows of purples and blues that come with the late summer monsoons. It is often a long wait on the rez for the summer rain. We passed trailer homes and hogans with their strategically placed doors and saw bullet-shaped bread kilns that popped out of the ground beside rusty pickup trucks covered with fine, pink, sandstone dust. This is a place where you try to be awake for the sunrise and must be aware of the sunset.

The first thing we saw when we drove up into Hoskie's yard was his old hogan, within which he performed his ceremonies. He was building a newer, though yet unfinished, hogan next to his house. I was reminded that in the Navajo creation story, it was within such a dwelling that First Man drew a sand painting sketching those things he would create on the surface of the earth and used material from his sacred medicine bundle to produce them.<sup>5</sup>

When we drove into their yard, we turned off our car engine and waited. It is considered impolite to charge in and knock on the door without giving the occupants time to prepare. As with every Navajo with whom I spoke, the concept of hospitality is important to Hoskie. Part of the reason for this, I imagine, is due to culture and part due to the rural lifestyle. My maternal grandparents lived in a small town in a farming area of southeast Missouri, and though they were not social people, hospitality to strangers was a part of their cultural code. A similar attitude exists among the Navajo.

After a minute or so, Hoskie saw us and came out, and Bessie followed, inviting us in. After our greetings, I looked around the Pinto house. The front room of their home served as combination kitchen, dining room, and meeting area. On one wall were three pictures. In the center was a colorful framed picture of Jesus at the Last Supper. On one side of it was a picture of some

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5 Gill, *Songs of Life*, 5.



*Photograph by Author, 2008*

Hoskie and Bessie Pinto, husband and wife healers, standing outside their home.

of Hoskie's family members; on the other side hung a scene of a traditional Navajo ceremonial dance, a Yeibichai ceremony. I asked Hoskie about the picture of the Last Supper. He told me that he was raised a Catholic by his grandparents; his mother died in childbirth. He laughs when he tells us that he was raised on goat's milk. Hoskie, it seems, is part Zuni, and as a young man he spent much time at the Zuni Pueblo. Pueblo Indians are likely to be Catholic if they are Christians, because of the sustained and complex historical contact between Pueblos and the early Spanish conquerors. Today Hoskie goes only to a Catholic church if he and Bessie are in attendance at a Pueblo feast day at Zuni or at another pueblo where ceremonies are being held next to a Catholic church.

I ask Hoskie about his time on the railroad. He tells me that he began working for the Union Pacific in 1957. He worked on a gang as a laborer with shovel and pick. Some of the gangs were mixed, with Navajo workers laboring alongside other Indians, Anglos, and Mexican Americans. While he worked on and off all over the UP system for over twenty-five years, he never was able to accumulate sufficient months of working service to earn a pension from the RRB. Again, like many others, he got hurt and his railroad service ended. His story, similar to those of many Navajo workers who leave railroad service because of injury, flies in the face of the historical claims of railroad officials that Navajo workers seldom got hurt. This was certainly not my experience as a lawyer and it does not fit with the stories I heard in my interviews.

Hoskie's railroad career ended sometime in the 1980s, when he hurt his leg in Cheyenne, Wyoming, laying ribbon rail. In the early American rail industry, lengths of rail often came in thirty-nine-foot sections. Having joints so close together produced the constant "click-clack" noises formerly associated with rail travel. In addition, these joints would cause both wheel and track wear. With improved manufacturing techniques, significantly longer sections of rail could be produced, ameliorating these problems.

Now, such sections of ribbon rail are nearly a quarter of a mile long—over twelve hundred feet of steel. For the trackman, however, the ribbon rail is quite difficult and dangerous to manage.

In Cheyenne, a piece of rail fell on Hoskie's foot, severely injuring it. He was taken to a local hospital. An Anglo company claims agent came to his room, handed Hoskie a piece of paper, and told him to sign it. The paper was a good deal for Hoskie, the man said. Hoskie speaks little English and reads less. He signed the document where he was told. While Hoskie was not given a copy of the paper, most likely this was a binding settlement agreement, in which Hoskie gave up all rights to sue or collect compensation due to his injury. He still has no idea exactly what he signed.

When he was physically able, Hoskie was released from care and put on a plane to Denver. Amazingly, the railroad made no plans for where he should go when he arrived in Denver, so when he deplaned in the Denver airport he did not know what to do. Fortunately, he met a Hispanic man from Santa Fe who realized his plight. The kind man let Hoskie follow him and they took a flight to Albuquerque. Hoskie was then able to get a train that took him near the reservation and he was able to get home. However, because of the inadequate treatment he received, his leg still hurts. I have found this kind of callous treatment by the railroads to be a common story among older Navajo men. It appears that railroad management felt that their offer of employment was such a gift that Navajo men should not expect the common, empathetic treatment that all people deserve.

After Hoskie got hurt, his grandfather taught him and his brother the craft of the medicine man. Hoskie learned traditional divining methods such as crystal gazing and hand trembling. He also learned the liturgy of the Native American Church.

Hoskie's spiritual abilities are now in great demand. In keeping with the belief among many Navajos that personal difficulties, such as an inability to sleep or even a generalized bad feeling, can come from another who has it in for you, Hoskie

works in his ceremonies to stop another person from causing harm. He believes he can restore the harmony, the *hózhó*. Military people who are going to fight in Iraq, he tells me, come to him and ask him to do ceremonies for them. He asks the Great Spirit to watch over them so that they will return safely. Family members come to him carrying pictures of their loved ones and ask Hoskie to pray for their safety. He often provides ceremonies for those with criminal legal problems. Like John Sandoval, he feels that he can make the prosecutor lose the required legal paperwork.

Julie tells me later that one of the reasons that Hoskie is so well-liked is that "his prices are very reasonable." As is the case with pastors of many churches throughout the United States, leading others in religious practices is a way for Hoskie and Bessie to support themselves. In addition, the notion of reciprocity is strong within Navajo culture. No one would consider asking for a ceremony without paying the medicine man. Kluckhohn and Leighton found that the number of ceremonies performed on the reservation was correlated with increases in income, as people were able to pay the medicine men with greater regularity.<sup>6</sup>

Sometimes family members ask Hoskie to go to hospitals to help their loved ones who are ill. Usually, the hospitals will not let him perform his full ceremonies in patients' rooms, but he still feels that he does good things while he is there. He tells me of a Navajo Council delegate who was in the hospital in Albuquerque and whose family came to Hoskie to ask him to treat the woman. Someone must have put a bad spirit on her, he believes, resulting in her ailments. In the hospital, Hoskie tells me, he performed a "miracle."<sup>7</sup> He prayed for her and put some corn pollen on her

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6 See discussion in chapter 7 of Kluckhohn and Leighton, *The Navajo*.

7 While my discussions found a number of religious rituals that took place away from the reservation, there is no question that ceremonies performed on the "rez" seemed to have greater efficacy. The issue of whether traditional Navajo religion can claim power over events off the reservation is contested in the literature.

feet. As he did so, her feet “jerked,” surprising the doctor, who had been unable to relieve her paralysis and produce such movement. The woman’s family was so appreciative that they wanted to have Hoskie’s “cure” publicized in the Albuquerque newspaper, but Hoskie felt uncomfortable with this level of notoriety and did not want to do it.

Bessie Pinto works with her husband as part of a team. Bessie was an alcoholic and the peyote she used as part of the NAC ceremonies saved her, she tells us.<sup>8</sup> Hoskie helped her to quit drinking, as he convinced her that the peyote ceremonies would stop her from partying. This method appears to have had the desired effect. Bessie is often in charge of the water at the NAC ceremony. When a woman is involved, she becomes the fifth member of the NAC team, she tells me. When it is only men, there are four. Bessie is accepted “pretty good,” Hoskie tells us; people like having a woman in the ceremony. Bessie said that she knows of three other women who are as active in NAC ceremonies as she is. When a woman is involved she must wear a skirt and put her hair in a bun. “This is the only way that God recognizes you,” Bessie says.

As we are winding up, Hoskie asks me about my religion. I told him that, like the Navajos, my spirituality draws from many sources. Hoskie remarks that there are many kinds of religion practiced by Navajo people, including Catholic and revival. He thinks the old ways are the best. He wonders if that is why I am visiting him, to help bring the old ways back. He and Bessie offer to perform a short ceremony for me. The only way that I can understand what they are talking about, they believe, is to actually participate in a ceremony. But as they are preparing, they realize they are out of the butane fuel they need for the ceremony.

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8 It is a common Native American Church belief that the peyote used in the ceremonies acts as a kind of antidote to alcoholism and drug addiction.

*Rincon Marquez, New Mexico*

## Dickie and Marilyn Sandoval—A family that followed the tracks

Railroad life puts great stress on Navajo families. The academics who studied maintenance-of-way workers in the 1950s wrote of the difficulty that such work brings to the family. “An undesirable characteristic of employment in the mechanized and specialized gangs is that the territory which the men in these gangs must service requires the workers to spend much time on the road living in trailers or camp-cars away from their families. The transition can be particularly upsetting to men with family responsibilities and to men with housing arrangements predicated on nearby section work.”<sup>9</sup> When they visited the gangs in their work, both Robert Young and David Brugge noted the differences in life satisfaction for Navajo men who had families nearby as compared to those who did not. In my interviews, I found one example of a family whose members, in reaction to the difficulty railroad work placed on them, traveled with a railroad track gang.

Julie, Zina, and I went to visit Dickie Sandoval and his family. Their well-tended home was cozy and well apportioned. A number of family members came in and out as we talked. Dickie worked for the Union Pacific from 1988 to 1994. In 1988, he hitched a ride with his uncle Kee Sandoval, who was working on a Union Pacific gang in Wyoming. He was hired on this mixed gang, which included Anglos, Mexican Americans, and Navajos. With much difficulty, his wife, Marilyn, and their two children followed the gang in the summer when the children were out of school, staying in a motel near the work. Later, Dickie worked on steel and tie gangs, and his railroad career took him and his family to Nebraska and Kansas.

However, like many of those who labor on the lower rungs of the employment ladder, Dickie lost his job, because

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9     Haber, *Maintenance of Way Employment*, 9.



transportation difficulties prevented him from consistently getting to work at the appointed hour. At the time, he did not own a car and had a hard time getting to the gangs when he was recalled after seasonal layoffs. Dickie says he notified the railroad when he could not make it, but he was fired for not showing up at work. He was told that there was no record of his notification efforts. Dickie now works for a fencing contractor and tours the United States with the company, putting up fences.

As we were talking, Dickie and Marilyn told me of an incident on the railroad that still haunts Dickie. When he was working for the railroad in Nebraska, he and some of his coworkers saw an Anglo man who had been killed on the tracks while riding his bicycle. The Navajos have a relationship with death that is quite different from that of Anglos and other groups in the United States. According to Kluckhohn and Leighton, "Death and everything connected to it are horrible to The People. . . . The intense and morbid avoidance of everything connected with them rests upon the fear of ghosts. . . . Most of the dead may return as ghosts to plague the living."<sup>10</sup>

While in Nebraska, the Navajo members of the gang performed an Enemyway ceremony to try to remove the taint they felt was on them because of viewing the dead man. Dickie did not participate in this ceremony. Now, when he is around a number of Anglo people, he gets dizzy, he tells us. For example, when he goes into a restaurant where Anglo men are present, Marilyn tells me, "the smell gets to him," and he gets sick. To deal with the problem, Marilyn's and Dickie's mothers have taken him to a diviner, who was able to visualize the dead man. He prescribed ceremonies for the condition, but Dickie has yet to have them performed. The Christian members of their family pray for him. But Marilyn tells us that she is reluctant to push Dickie any harder to respond to his condition.

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10 Kluckhohn and Leighton, *The Navajo*, 184.

Marilyn, Dickie, and their family have the kind of religious diversity or pluralism that I see over and over. Dickie was raised in traditional Navajo religion, but Marilyn was raised as a Christian. There are a number of church buildings on the Navajo Nation, including one within shouting distance of their house. However, at the time I met with them there were not enough ministers to staff all the churches. At present there is no active ministry at the church near their home, so occasionally they attend a Nazarene Holiness church nearby. They also attend services at a local Baptist church when a pastor is present there.

Marilyn and Dickie's oldest daughter is very traditional in her religious practices. Their youngest daughter is a Christian, but her boyfriend's father is a roadman in the NAC. Finally, their second-youngest daughter is married to a man whose mother is a diviner. As we discuss this polyglot religious matrix, Marilyn laughs when she tells me that the children of this medicine woman go to Christian churches. The boundaries between religions are porous on the rez.

Marilyn's sister, Patty, lives in Thoreau, New Mexico. Her son Jared was serving in Iraq with the US Army when we talked. Marilyn favors traditional religious practices. She had a hogan built near her house especially for ceremonies. Patty made sure that a Blessingway ceremony was performed for Jared when he left for Iraq and when he returned from military duty. While Jared was in Iraq she acted as a "stand-in" to be sung over while traditional ceremonies were performed for his safe return. After each of these ceremonies, she had to stay "holy" for two to three days. This meant, Marilyn tells me, that she could not cut meat, chop weeds, or shake hands with people. Finally, for Jared's protection, she had a medicine man perform a ceremony on an arrowhead that she had found. When Jared returned on leave, Marilyn gave the arrowhead to him and he wore it for the remainder of his military assignment. When he finally returned from the war for good, he was alive but had two pieces of shrapnel in his body.

*Albuquerque, New Mexico*

## Joe Mace—Finding a personal military connection

Continuing my interviews, on a cold, January day I met Joe Mace. Jerry was staying with his daughter in Albuquerque, but he was ready to return to the rez. “The city is too fast-lane,” he told me. “It is too congested to live in the city. People wait until the last minute to go places, like to work, so they have to rush.” My meeting with Joe came after one of the biggest snowstorms in New Mexico in recent memory. Joe told me that he knew this storm was coming by looking at the state of the local vegetation. He believes that Navajo people have a unique ability to forecast the weather.

As we talked I was startled to see the number of similarities between Joe and me. We are about the same age, but, most surprisingly, we were both in the US Army at nearly the same time. And, we served at the same training bases—Fort Polk, Louisiana, and Fort Huachuca, Arizona—at the same time, in 1972. Though we cannot recall having met, we were both trained at Fort Huachuca for the same military skill, ground surveillance radar, which taught us to operate primitive radars directed at locating enemy movement. These radars have long since gone out of use.

Like many older Navajo people, Joe had what would be considered a spotty schooling record. He attended several BIA schools, including one at Crownpoint and another at Fort Wingate, both in New Mexico. He finished the eleventh grade and then returned home to tend the family sheep and goats. Joe got married in 1971 in what he described as a “shotgun” marriage. When he and his girlfriend applied for government assistance, an official told them that they needed to be married to get the assistance. So, with Joe’s brother acting as a witness, the couple quickly got married, returned to the office, and were granted the needed aid.

Joe recounted his “mixed” heritage. He has ancestors from Jemez Pueblo, and he has participated in healing dances in the pueblos. His father’s great-grandfather was Hispanic. We get a big laugh when he tells me that “half my brothers look like Mexicans with beards.” As in Tóhajiilee, many Navajos on the eastern part of Navajo lands, closest to the original Spanish settlements, have Hispanic names. He believes that more people on the “big rez,” as the main area of the Navajo Nation is often called, have Navajo names and wonders if it is because they are more often “pure” Navajo.

Joe’s railroad work began with a short stint at the Union Pacific on a steel gang, repairing and replacing the long lengths of steel rail on which the trains ride. After 1979, he worked on and off for the next six or seven years. His brother worked for the railroad, too. For most of his railroad career Joe worked on a tie gang with about fifty other Navajos, repairing and replacing defective railroad ties, the wooden posts that are used to secure the rails to the underlying road bed.<sup>11</sup> Their work schedule was fourteen days on and seven days off. Most of them were from the big rez. The crew needed a timekeeper to stay on top of the required paperwork, and Joe was chosen since he knew how to keep records and he could speak the best English of anyone on the crew. So, he told me, he served in between the bosses—the “hot shots”—and the Navajo work crew.

Joe remains unhappy about his treatment at the railroad. There were many safety issues that disturbed him. He suggested to his bosses that they should hold safety classes in Navajo before work each day, but his suggestions were ignored. One concern was that he felt that the bunk cars in which they slept were unsafe. The stairs leading into the cars were often rickety and dangerous. Robert Young and David Brugge had observed similar problems many years earlier.

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11 In some areas, railroad ties are now made of concrete.

Navajo workers suffered greatly from discrimination, Joe felt. “A lot of people were making more money than us,” he told me, but “they did not do as good a job as us. You could always count on the natives. Navajos are willing to work in any weather. They were there. They are so used to being mistreated along the way. They are ‘low class’—this was the kind of attitude they have, but in reality, I think, a lot of them were misrepresented in many ways. They did not get the benefits they were entitled to, even in things like safety shoes.”

Ensuring a ritual connection to the First Man and First Woman, Joe carries a medicine bundle with him at all times, containing various spiritually important items, such as corn pollen and sometimes eagle feathers. Older men he worked with had bundles and did ceremonies, too. The younger men were less likely to do so, however. Joe used his traditional bundles when he worked on the railroad and he had problems on the job. He attended and performed ceremonies at the work site when he felt bad, had a bad dream, or knew his family was worried about him. His family worried because they did not know how he was faring in this dangerous occupation when he was away from home.

Unfortunately, Joe developed a drinking problem and eventually could no longer perform railroad work. He wishes that a counseling program had been offered by the railroad, but there was none. Since leaving the railroad, Joe has learned silversmithing and is an active silversmith today.

I ask Joe about his religious activity. Joe practices traditional religion and knows several healing ceremonies. He learned his craft from his brother, who is a medicine man. His mother’s father was a medicine man, as well. Joe tries to help his children with healing prayers.

Joe can perform the Blessingway ceremony; it teaches him to be aware of his surroundings, to treat people well, and to respect people and their property. It is used for many different reasons, he tells me, such as going away to work or to the military, or having a baby. He does not charge for his services, an unusual

practice, and does not like it that some medicine men charge an “arm and a half.”

Practicing traditional religion is like buying personal insurance, he told me. For example, he tells me that some people find an arrowhead and take it to a Blessingway ceremony, as I had been told Marilyn Sandoval's sister Patty had done for her son Jared, who was off at war. The arrowhead is placed in the middle of a traditional ceremony, and when the ceremony is over it has “protection.”

When talking about his traditional religion, he says, “This is how we Navajos came about. We need to keep in balance with mother earth and father sky.” He has nothing against the NAC or Catholics or Protestants. Two of his daughters went to Mormon school and he is proud that they hold good jobs now. Joe's children believe in traditional medicine and ceremonies, he tells me. Worried about the loss of the old ways, Joe tries to get parents to talk with their children in Navajo so they won't lose their ability to speak the language. He wants them to know about the medicine that can be found on the Navajo Nation. He worries that Anglo medicine can be addicting.

### *Holbrook, Arizona*

#### The Spencers—“My crystal is like the white man's computer”

The most important stories of the efficacy of religious ceremonies for safety and protection on the job came from my former client Kee Spencer and his wife, Ann. Ann, who lived in California for many years and often translates for me, was born on the Navajo Nation in Greasewood, Arizona. She attended Greasewood Boarding School. She has spent much time away from the rez and is quite skilled in maneuvering in non-Navajo society. Kee was also born on the rez and was raised in Indian Wells, Arizona. He left school after the fourth grade and went to

work for the AT&SF railroad in 1967. Beginning as a laborer, Kee worked his way up to a machine operator, a higher classification for maintenance-of-way workers. Ann and Kee were married in 1997.

Kee is a traditional medicine man as well as a medicine man in the Native American Church. His grandfather was a medicine man who performed the traditional rituals. Kee learned from him and together they have performed the Blessingway ceremony. Kee tells me that he performs this ceremony in order to bring good things in life, such as “your own well being,” or to secure needed objects, such as a car or a house. From a fellow medicine man he learned divining rituals such as crystal gazing and hand trembling. Kee is a talented medicine man and he and Ann are strong believers in the life-changing effects of his work.

Kee is also active in the NAC and does “meetings,” the NAC term for their ceremonies. His brother-in-law is a roadman in the NAC. Unlike some NAC practitioners, Kee can perform several roles in the ceremonies, including fireman, drummer, and cedarman. He mainly serves as a roadman. We talk about peyote, a major constituent of these ceremonies. White people call peyote a hallucinogen or a drug, but, Ann tells me, “we call it medicine.” Kee shows me his governmental certificate that allows him to carry peyote. Ann and Kee get their peyote from Rio Grande City in Texas, a small town on the US border with Mexico. Peyote cannot be harvested legally in this country now, so they must go to the Mexican border for it. The going price is \$250 for one thousand peyote buttons.

Kee has had productive experiences performing NAC meetings for railroad workers. Several years ago he held a meeting for a Santa Fe Railroad worker who came to him complaining of harassment on the job and his fear that the railroad hurried people, making them work too fast. The railroad wanted the gang to install two thousand ties each day on a section of track, resulting in serious safety problems. Kee agreed to do a meeting in response to the worker’s concerns.

Kee performed a traditional Goodway ceremony and an NAC peyote meeting. The ceremony involved around twenty-five people at Burnt Corn, Arizona. As it was summer, the meeting took place in a tepee. In winter it would have been done in a hogan, he tells me. The ceremony lasted all night. It was important, Kee told me, that those in the ceremony "think good thoughts." In the ceremony, the participants are able to "look into the fire and see things."

Some days after the ceremony the workers came back to Kee and told him that the railroad had changed its production quota for the men. They had reduced it from the requirement to lay two thousand railroad ties a day down to a manageable five hundred ties a day. There is less harassment now and safety is better. Kee says the ceremony is responsible for the improvement. "My prayers were answered," he tells me.

Kee has great faith in the productiveness of his work and tells me another story. While on a track gang near Kingman, Arizona, he was working deep in a canyon with several machines. A foreman on another gang, a Mexican man, drove up fast to Kee and told him to come with him; he said he needed some help with an injured man. Kee was taken to the man, who was "already gone." But Kee held the man's hand and "tried his best." The man revived, he told me.

Like John Sandoval and Hoskie Pinto, Kee has performed ceremonies to attempt to influence Anglo legal processes. And similar to many Christian practitioners who pray about health matters, he conducts ceremonies for those with health problems, both physical and psychological. He helps those who have been in vehicle accidents or are depressed because they have lost a loved one. He works with those who have problems in their personal relationships, and with those who simply need to reverse a string of bad luck. When he was personally injured on the railroad, Kee performed a ceremony to attempt to secure a proper resolution for his injury case. Having a good Anglo lawyer was not enough, it seems.



Since much of Navajo healing involves a kind of “changing of one’s luck,” I ask Kee and Ann about Navajo use of casinos. Many Anglos I have met employ various strategies to turn things around, from using casino slot machines to wearing various articles of clothing, such as “rally caps” at sporting events, to achieve a desired result. I had heard that many Navajos used casinos in a similar way. While at the time I spoke with Ann and Kee there were no casinos on Navajo land, I had seen that many Navajo people frequented the casinos around them, most of which are run by various Pueblos, such as the Route 66 Casino west of Albuquerque, which is owned by the Acoma Pueblo.

Ann tells me that when people are sick or not feeling well, others will tell them to go to the casino. Maybe they will get better, as success in the casino can bring good luck in other areas. Part of the reason for this, it seems, is the Navajo belief that, as seen earlier in the writings of Kluckhohn and Leighton, internal problems generally come from external sources.<sup>12</sup> Ann remembers that when she was a child, she took a trip when her uncle was sick with a serious hand injury, for which he had had surgery. She was in a car with her family, traveling south from Salt Lake City to Las Vegas. They stopped at a casino and the adults went in. Her uncle started winning and he forgot about his hand. With his winnings, the pain left his hand, changing his luck, and his hand healed well. Kee’s aunt recently had a similar experience in a casino. She used a cane, but when she left the casino she walked out without her cane; she did not need it.

But Ann knows the economic problems that casinos pose for many gamblers. So, Ann says, the casino is both good and bad. We all have a big laugh.

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12 When I talked with Harry Walters, he spoke about the Navajo attitude toward “evil.” Walters sees a practical reality to evil, in contrast to Christian beliefs of a free-standing evil. Evil very rarely appears, Walter argues, but when it does, it appears with something—it is attached to something. Thus, the question is how to remove the evil from the underlying matter.

# Eight

## Anchoring and Adaptability, Fixed yet Fluid

In the contemporary world, the dialectic of anchoring and adaptability is a complex one. During my time at Harvard Divinity School, I wondered why, during the span of my life, finding bases for moral or ethical guidance seems to have become more and more difficult for those facing complicated existential or ethical questions. And, once one has committed to a position, sharing common bases seems even more problematic. Are there timeless truths that can anchor our considerations and choices, or is everything subject to contestation? Can any common attitudes or truths be shared by all? The dearth of clear responses to these questions is at the heart of much of the current anxiety in the world, I believe, personal as well as political.

In response to this angst, two competing existential paths are often offered by contemporary society. On the one hand is fundamentalism, in which an inerrant document or set of beliefs is available as a guide for all decisions and life questions. This approach has been dominant in world history and is comforting in many ways. Yet, increasing numbers of people find it ill equipped to provide a consistent touchstone with which to deal with the life challenges of the contemporary world. While this position is most often found in the religious sphere, it operates in the secular public square in the same way. So, even former

touchstones, like the meaning and importance of democracy, appear to be fading into thin air.<sup>1</sup> Given the current political and cultural confusion about what is meant by the competing versions of “American values,” the efforts by the honest Tea Party activists of this period to return to the words of the US Constitution are understandable. Yet, basing sensible and practical actions on sparse words or actually coming to agreement on the meaning of those words is devilishly difficult.

One the other hand is a similarly rigid belief that argues that claiming that anything is fixed or timeless is hopelessly out of date and romantic. Even what is “true” or “real” is up for grabs.<sup>2</sup> There are reasons to be sympathetic to this line of thought. Much of this view emanates from reactions against the horrors of religious fundamentalism, such as the statements of Pat Robertson that blame the suffering of the Haitian people after the earthquake of 2010 on a “pact they swore with the Devil.”<sup>3</sup> A second salutary reason for this stance is that there can be little doubt that most claims for the timelessness of ideas or systems are simply covers for the naked self-interest of those espousing such positions. For example, in this time of one economic ideology, capitalism, to claim that its permanence is a fundamental fact of the “end of history” is thin gruel for a world straining under climate change

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- 1 For example, see the debate around the US Supreme Court ruling in *Citizens United v. Federal Election Commission*, 130 S. Ct. 876 (2010), involving the rights of corporations and others to monetarily influence elections. Democracy is an uncertain and malleable concept when anonymous money can have extraordinary effects on a voting public.
  - 2 One of the most contentious areas in this debate involves issues of “truth.” The antiessentialist, postmodern view has been described as a “worldview characterized by the belief that truth doesn’t exist in any objective sense but is created rather than discovered.” It is not hard to see why this is so unsettling. Josh McDowell and Bob Hostetler, *The New Tolerance* (Carol Stream, IL: Tyndale House, 1998), 208.
  - 3 See comments of the televangelist Pat Robertson, reported January 13, 2010. “Pat Robertson Says Haiti Paying for ‘Pact to the Devil,’” CNN, <http://www.cnn.com/2010/US/01/13/haiti.pat.robertson/index.html>, accessed April 4, 2011.

and unchecked greed. However, without a place to stand, trying to find one's way in an increasingly complicated world can be painful. We often feel like a stranger in a strange land, with no home to return to or basis on which to unite with others.<sup>4</sup>

While those in the dominant American culture, as well as people throughout the world, may harbor these concerns today, Navajos have faced an uncertain future over their entire existence as a people. Yet, they have survived and grown. I believe that the openness and flexibility that is at the heart of the fundamental Navajo belief of *hózhó* deserve much of the credit. It is this combination of the fixed and the fluid that has allowed Navajos to cope with the extraordinary stresses and changes to which they have been subject. While *hózhó* is basically the concept of balance and walking in beauty in all aspects of life, for the Navajo people, within the fixed heart of *hózhó* is the core concept that continual change is a permanent factor in all environments. The Navajos see this in material objects, but also in ideas.<sup>5</sup> John Farella argues that, for Navajos, “a primary theme in their stories is the acquisition and loss of knowledge, the point being that all things that come into existence last for only so long and then cease to exist. The acquiring of wisdom as one ages has to do with the acceptance of this process.”<sup>6</sup>

This is not to argue that adherence to *hózhó* has produced a splendid life world for all Navajos, as it has not; but this prac-

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4 In a speech entitled “The Need for Transcendence in the Postmodern World,” given in Independence Hall, Philadelphia, July 4, 1994, then president of the Czech Republic and renowned playwright Václav Havel gave a hopeful description of our “postmodern world” as one based on science, and yet paradoxically “where everything is possible and almost nothing is certain.” Havel may have been proposing a concept not completely foreign to that of *hózhó*.

5 Interestingly, in this sense Navajo philosophy shares a kinship with two quite dissimilar worldviews. The concept of dialectical materialism in Marxism and the Buddhist philosophy of dependent origination bear a family resemblance to the core of *hózhó*.

6 Farella, *The Main Stalk*, 19.

tice and attitude is one reason that the Navajos have remained cohesive and have found a successful life strategy to cope with the forces to which they are subject. In this sense I disagree with the position of Clifford Geertz and Gary Witherspoon that a study of Navajo lifeways doesn't "represent, stand for, or demonstrate anything." The very act, which Geertz applauded, of bringing "Navajo thought within the range of Western discourse, so that we might have some conception of the nature and some appreciation of its power," cannot help but lead to a helpful demonstration of meaning. The story of Navajo railroad workers covers just one group of people, at one specific period in history. Yet there is much to learn from the efforts of these men and their families.

Adaptability has been a constant and fundamental trait of the Navajo people. As major players in the American Southwest, Navajo people have been in continual contact with those around them. Initially a nomadic people, the Navajos took up farming and pottery making from their encounter with the Pueblo Indians. Similar additions to their culture occurred from their contacts with other native tribes and later from their relations with the Spanish. Kinship practices reflect this dexterity. Navajo kinship involves a clan system, in which "almost every single group that the Diné came in contact with through trading, marriage, war or social events is represented by a clan group."<sup>7</sup> Governance occupies a similar status. Imposed by the United States government in the first half of the twentieth century, the present Navajo system of governance, based around geographically situated chapter houses, is now an important part of citizen participation in the governing of the Navajo Nation. And, as discussed earlier in this work, even in the most important traditional religious ceremonies, like the Blessingway, many claim that "outside" influences are seen.

Navajos, like all people, have had no choice but to adapt. The environment in which human beings live is in constant motion. A small personal story in a short article in the *Wichita Eagle*

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7 Iverson, *Diné*, 14.

tells of one effect of the complex changing cultural mixture on Navajo personal life. The 1990 story featured the life of Navajo trackman Clarence Martinez, who worked on a large steel gang in the Kansas countryside for the Santa Fe Railroad.<sup>8</sup> The article described the concerns of the men as they left the reservation for months, traveling hundreds of miles from their homes. Speaking of family life, the author wrote, “Martinez, who has a wife and two children, tells of the many families that are waiting at home for their men to return. Some of the men, those who have been divorced or remarried, support two families. Martinez has one family, but that’s enough for him. ‘She is getting expensive,’ Martinez said of his 13 year old daughter. ‘She is starting to notice what brands to wear.’ But until he can return to the reservation, his home is a railroad bunk car and his days stretch for miles along the tracks. He is living a history that has become a part of the Navajo people, too.”

A timeless incorporation of *hózhǫ́* has allowed Navajos to be especially successful in this adaptability. Maureen Trudelle Schwarz’s work on the Navajo concept of the body, which is important to the study of the protection of Navajo railroad workers from work site injuries, emphasizes the “tremendous flexibility and adaptability” of the Navajo “philosophical system.”<sup>9</sup> Schwarz argues that this malleability is facilitated by the centrality of Navajo oral history, which “serves as a philosophic charter with explanatory and predictive powers.”<sup>10</sup> This suppleness in history and philosophy with “multiple levels of abstraction” allows for “great flexibility and adaptability in interpretation.” Ancestral knowledge is considered a fundamental element of present reality. It is alive today, “not an objectified, distant, inert position of wisdom or truth. For Navajos, their history is ‘not an attribute or vehicle of an objectified representation of knowledge

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8 “Life at Work,” *Wichita Eagle*, June 20, 1990.

9 Schwarz, “*I Choose Life*,” xiii.

10 Schwarz, “*I Choose Life*,” xvii.

about reality.<sup>7</sup> Rather it is a process of what is constantly in the making.”<sup>11</sup>

Yet, even given this flexibility and fluidity, as Schwarz herself has written, “Despite these changes, Navajo language and culture have proven to be exceptionally resilient over time.”<sup>12</sup> Visions of anchoring can be seen in many regions of Navajo oral history, religion, and philosophy. Navajo creation accounts, like those of the Abrahamic traditions, contain a fixed story of the beginning of life on Earth, with a solid relation between the creation account and life today. Included in the Navajo creation account is an essential view of the Navajos’ proper physical location, centered in the current general area of their nation, anchored at its corners by the four sacred mountains.

In addition, it must be noted that the antiessentialist view of the uselessness of “dualities” is not mirrored in Navajo thought. As Harry Walters makes clear in interviews reproduced by Maureen Trudelle Schwarz, Navajo thought is based on dialectical dualities. Walters told Schwarz that “everything is in terms of male and female in Navajo. This is the duality.” In connection with this, Schwarz writes, “pairings such as life and death, night and day, and male and female exist on all levels of the web of interconnection, which is formed by the relationships of persons to each other and to the universe.”<sup>13</sup> Writing in 1979, Sam Gill made a useful observation in his story of Navajo traditional religion that helps us understand the relationship of the fixed and the fluid when considering dualities:

In these stories of emergence and creation it is clear that Navajos perceive their world as made up of interdependent and interacting dualities. At the conclusion of the creation era, the balance of the world rests upon the rim of the

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11 Schwarz, “*I Choose Life*,” 17, quoting Rik Pinxten and Claire Farrer, “On Learning a Comparative View,” *Cultural Dynamics* 3, no. 3 (1990): 249.

12 Schwarz, “*I Choose Life*,” xiii.

13 Schwarz, “*I Choose Life*,” 119–20.

emergence place. It is here that the interdependent parts of the duality meet and interact. At the center of the world all things meet and give definition and meaning to their counterparts: the era of emergence and the era of creation, the lower worlds and the earth surface, *hocho* and *hózhó*, disorder and order, chaos and creation, the outer physical form and inner life form, the earth surface people and the holy people, death and life.<sup>14</sup>

Not surprisingly, a robust debate continues between these two positions within the community of Navajo scholars as well. In considering the issue of the existence of “Navajoness,” some have challenged the notion that a general and essential definition of what it means to be Navajo exists at all. According to Navajo scholar Deborah House, “There is no longer, and perhaps there never truly was, a homogeneous entity known as ‘the Navajo.’”<sup>15</sup>

Whatever this means, there are distinctly Navajo ways. However, to be sure, like any generalization, the existence of a “Navajo way” does not mean that every member of the Navajo Nation practices these ways. Like the lifeways of the Navajo railroad workers themselves, the Navajo family can be seen as a complex mixture of fundamental “Navajoness” and the ways of the society that surrounds them. The dialectic is constantly in motion.

The issue of the role and solidity of Navajo ways has spilled into court battles in the Navajo Nation. A recent issue in the Navajo courts is illustrative of this tension. In some circumstances, Navajo legal authorities find the Navajo way of life a basis for jurisprudence. In 2010, the Navajo Nation Supreme Court rejected claims from a woman that her former husband purchase an insurance policy to satisfy seriously tardy alimony and child support payments, with the proceeds being paid to her

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14 Gill, *Songs of Life*, 7–8.

15 Deborah House, *Language Shift among the Navajos*, xxv. House criticizes the “generalizing scheme(s)” of the work of Farella and Witherspoon, among others.



upon the man's death. This result, Justices Herb Yazzie, Louise Grant, and Eleanor Shirley said in *Watson v. Watson*, would be "foreign to our *Diné* way of life."<sup>16</sup> The court wrote:

The use of life insurance as a remedy is foreign to our *Diné* way of life. As both parties are elderly, they were likely raised traditionally, were taught *Diné* values and concepts, and thus would understand and live by the *Diné* values and concepts. To the Appellee (the former husband), it would be uncouth and especially vulgar to demand that he secure a life insurance policy against his will so that the insured amount would be used to pay the arrearages upon his death. According to the Family Court, Appellant should not be given an incentive to wish for an early demise of Appellee. We agree. To demand such a remedy in the *Diné* perspective is *Diné biz nidizin*, the notion of wishing ill-will or early death on an individual. The negative implication is adverse to the *Diné* way of thinking of living a long healthy life into old age. It is quite different if a person voluntarily obtains life insurance which is then deemed to be a personal choice of the individual.<sup>17</sup>

16 "Foreign to Diné Way of Life," *Navajo Times*, January 7, 2010, <http://navajotimes.com/news/2010/0110/010709support.php>.

17 *Watson v. Watson*, SC-CV-40-07 (Navajo Nation Supreme Court), 17. The court continued, addressing the duality of the roles of male and female. "Our elders have always taught the concept of *T'áa hwó aji t'eego* (self-reliance). The emphasis of this value is that one must prepare himself/herself for the difficulties in life—one needs to rise early to meet the dawn and be blessed with the desire, commitment and capabilities necessary for a strong positive mental attitude, physical strength and endurance and capabilities in dealing with life's challenges. Elders often say, *Yáa da bí k'izhgóo nidez k'áán*, meaning that one must be aware that he/she will encounter unexpected challenges throughout life and in the face of adversities, he/she must be resilient. These values apply to all; particularly, to a woman who marries and becomes a parent. Should the marriage end, the mother remains responsible for maintaining the home and raising the children despite the difficulties she may encounter. 'Traditionally, the responsibility for a family whose male spouse either has deserted or is deceased falls upon the family of the female.' *Johnson v. Johnson*, *supra* at II. The mother must remain because she is the keeper of life and home."

However, the legal application of the concept that there is a fundamental Navajo way, including the notion of the centrality of *hózhó* that must be applied in all legal matters, remains in dispute in the government of the Navajo Nation. In the same year as the Watson case, the Navajo Nation legislative body passed a resolution to restrict the use of codified fundamental Navajo values and morals in contested litigation.<sup>18</sup> This stance continues to be debated in Navajo courts and government. Thus, the issue of the application and meaning of Navajo values to legal and other matters on the rez is certain to be a source of contestation for the *Diné*, as it is for those who write about them.

Finally, we must acknowledge the notion of relationality that has been discussed earlier and is an important part of Navajo views toward concepts such as the meaning of religion

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18 The press release from the Twenty-First Navajo Nation Council, dated January 29, 2010, reads as follows: “Legislation No. 0543-09, sponsored by Council Delegate Raymond Jerry (Tachee/Blue Gap/Whippoorwill), passed by a vote of 56–17. “With the amendment, *Diné* Fundamental Law will only be used in the Peacemaking Courts of the Navajo nation Judicial system. The fundamental laws will not apply to cases entertained by the Navajo nation District and Supreme Courts. ‘The purpose of this legislation is not to change the entire *Diné* Fundamental Laws, but to prevent the way these laws are currently interpreted, which is against one another,’ Jerry said. ‘We can use the fundamental laws in a proper way with this legislation. The way the law has been interpreted is abusive to our songs and prayers. It’s vital that we don’t abuse these laws.’ Most Council delegates favored Jerry’s legislation as it specified the peacemaking court as the system to utilize the fundamental laws. The specialization to the peacemaking court eliminates confusion with the statute-driven adversarial system. Essentially, the passage of Jerry’s legislation will prevent the manipulation of the fundamental laws in the adversarial system and is a step to help restore a harmonious state among the three branches of our tribal government. Council Delegate Alice W. Benally (Crownpoint/Nahodishgish) echoed words to confirm Jerry’s passage of the legislation. ‘These traditional values from the fundamental laws are morals that should guide us to harmony. I am thankful the fundamental laws will apply to the peacemaking division. In peacemaking, people are restored back to harmony,’ Benally explained. ‘In situations where there is no resolution in normal courts, dispute resolution is another option—it does work.’”

or nature. This holistic view of life, when combined with *hózhó* in Navajo thought and practice, leads to a creative use of foundation and fluidity, anchoring and adaptability. It is a lesson for modern life. The ability to find a core guiding anchor and to put it into practice in a flexible way gives one an ability to find one's way in the complex life in which we all reside. It is the dialectic of the inside and the outside, the freedom afforded in the understanding and observance of the necessity that surrounds us, that is the true governing principle of our actions and reactions. Interestingly, even the aforementioned critic of Navajo "essentialism," Deborah House, articulates a concern about the effect of modern society on the Navajo Nation and advocates a "return to the central Navajo philosophical paradigm—*Sa'ah Naaghaii Bik'eh Hozhoon*—which historically and in the present has the potential to provide the key to maintaining personal as well as group balance and harmony in a dynamic and evolving world. It is said that this process was designed by the Holy People to ensure 'long life happiness.'"<sup>19</sup> This position, while seemingly in contrast to that of those who argue for fixed anchoring among the Navajo people, is still consistent with the concept of *hózhó* that understands that "all that is permanent is change."

While not as deontological as the Christian use of the Ten Commandments, *hózhó* is a practice as well as a guide to practice. Like Aristotle's claim in the *Nicomachean Ethics* that one must live the good life in order to understand how to live a good life, one must walk in beauty before one can be in beauty. To do that, each of us must find a core such as *hózhó* that anchors yet is flexible, as can be found in the lives of these Navajo railroad workers.

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19 Deborah House, *Language Shift among the Navajos*, xxvii.

## Afterword

Finally, in concluding my research, I returned to say hello to John Sandoval. Swooping crows were silhouetted against the sky as we arrived, gliding silently as they hunted for food among the sagebrush. Consistent with the Navajo notion of reciprocity and the kind of hospitality that existed in my culture in the South when I grew up, I brought John some food—bacon, coffee, and sugar. But, as we had arrived just after John had received his government check, he had been to the store the day before, and his refrigerator and kitchen shelves were quite full. We talked briefly. John was watching a movie, a Western, when we arrived. Looking around, I noticed two new John Wayne pictures on his wall. I asked him about them and he said they were a present from his son.

John told us that he had performed some ceremonies over the last couple of days. They were addressed to some men who were facing court hearings, one of John's specialties. John told me that he had to quit doing the divining activity—hand trembling—because as he aged it was becoming too hard on his heart. Just then we heard a honk. A van from the Navajo Nation was coming up the dusty drive to pick John up to take him to the senior center for some activities with his friends. John got up quickly to meet the van. He was very happy to go. As we walked out and said our good-byes, John looked at me and said softly in English, "I love you."

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