Native American Rights Fund
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12 October 1984

Dr. Richard Stoffle
Division of Behavorial Science
University of Wisconsin at Parkside
Kenosha, WI 53141

Dear Richard:

Enclosed please find a copy of your deposition. Please review it as soon as you can and make any corrections on the correction page which is attached to th letter from the court reporter. Sign the correction sheets and the original signature page of the deposition which is also attached to the letter. Then please return everything to me. The signature page to the deposition does not need to be signed before a notary, but I think the signature to the corrections should. Please call me before you send things back.

Thanks again for everything.

Very truly yours,

Kim Jerome Gottschalk

Kim Jerome Gottschalk

KJG/mdw
Enclosure

BROWN & TOLEU, LTD. 100 West Washington
Court Reporters Phoenix, Arizona 85003 (602) 254-5479

CASE CAPTION: Sidney v Zah v James
DEPOSITON OF: RICHARD W. STOFFLE

WORK SHEET NUMBER: 1562-S(17)

PAGE NUMBER	LINE NUMBER	CHANGE AND/OR CORRECTION:	REASON:
62	14	or (to) are	clarification
63	19	somebody that published (to) so that somebody will publish	clarification
64	14	he (to) the	spelling
66	12	These (to) The	spelling
69	5	Homer (to) Omer	spelling
72	9	up City (to) obsidian	spelling
72	13	Homer (to) Omer	spelling
76	19	evidene (to) evidence	spelling
80	10	education (to) educated	spelling
80	17	extend (to) extent	spelling
83	20	then some (to) then you	clarification
83	21	show you (to) assume you	clarification
86	23	in return (to) and return	clarification
87	17	heaven who (to) heaven than those who	clarification
88	21	shamen (to) shaman	spelling
88	22	The time for shamen is involved in shamendites (to) The time that shaman spend in shamanistic activity	clarification
88	24	shamens (to) shamans	spelling
89	1	shamenistic (to) shamanistic	spelling
89	2	shamen (to) shaman	spelling
90	10	with (to) in	clarification
90	11	inculturally appropriate man (to) or in a culturally appropriate manner	clarification
92	24	fram (to) frame	spelling
93	22	full-timre (to) full time	spelling
97	1	Ute (to) youth	clarification
110	23	archeaological (to) archaeological	spelling

11/8/84
Date

Richard W. Stoffle
Deponent's Signature

Notarized: Rosemary Douglas
Rosemary Douglas, Notary Public

My commission expires 5/17/87.

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PAGE NUMBER	LINE NUMBER	CHANGE AND/OR CORRECTION:	REASON:
9	4	1,800 (to) 800	error
9	15	1500's (to) 1800's	error
9	17	we're ever really date--staking (to) there ever was a data really stating	error
11	4	Tvavip (to) Tuvip	spelling
11	9	sheet (t) she	error
11	22	Tvavip (to) Tuvip	spelling
12	7	build (to) build upon	error
12	10	some (to) some errors	error
14	18	Tuavip (to) Tuvip	spelling
19	5	100,000 (to) 10,000	error
19	6	similar (to) at the same time	clarification
24	2	say (to) way	spelling
25	28	most (to) most detailed	clarification
26	10	background of (to) background	error
26	11	archeaology (to) archaeology	spelling
27	10	demographic (to) dendrochronology	spelling
29	8	archeaology (to) archaeology	spelling
29	21	1880's (to) 1840's	error
33	10	Parianunts (to) Pahranagat	spelling
33	12	Parianunts (to) Pahranagat	spelling
33	13	Panonka (to) Panaca	spelling
34	3	semi-domesticans (to) semi-domestic	spelling
38	9	Parianunt (to) Pahranagat	spelling
38	11	Parianunt (to) Pahranagat	spelling
40	21	cast (to) caste	spelling
40	22	caste (to) caste	spelling
46	13	was (to) was not	clarification
48	6	ethnohistory (to) Ethnohistory	journal title
51	20	extinct (to) distinct	spelling
53	9	evidence (to) Evans	clarification
53	16	pieced (to) pieces	spelling
56	10	got (to) good	spelling
56	10	population (to) depopulation	clarification
56	21	affinitive (to) definitive	clarification
59	24	flue (to) flu	spelling

11-8-84
Date

Deponent's Signature

Notarized: Rosemary Douglas
Rosemary Douglas, Notary Public

My commission expires 5/17/87.

IN THE UNITED STATES DISTRICT COURT

IN AND FOR THE DISTRICT OF ARIZONA

IVAN L. SIDNEY, etc., Plaintiffs, vs. PETERSON ZAH, etc., Defendants, vs. EVELYN JAMES, etc., Applicants for Intervention.	)	No. CIV 74-842 PHX WPC

DEPOSITION OF RICHARD W. STOFFLE

Phoenix, Arizona
September 24, 1984
12:16 o'clock p.m.

PREPARED FOR:

MR. KIM JEROME GOTTSCHALK
Attorney at Law
(COPY)

BROWN & TOLEU, LTD.
COURT REPORTERS
First Interstate Bank Building
100 West Washington Street
Phoenix, AZ 85003
Phone (602) 254-5479

I N D E X

THE DEPOSITION OF RICHARD W. STOFFLE,
taken at 12:16 o'clock p.m., on September 24, 1984, in the law offices of Brown & Bain, 222 North Central Avenue, 11th Floor, Phoenix, Arizona, before WILLIAM E. COHAN, a Notary Public in and for the County of Maricopa, State of Arizona, pursuant to the Federal Rules of Civil Procedure.

The Plaintiffs were represented by their attorneys, Nielsen & Senior, by Mr. John Kennedy.

The Defendants were represented by their attorneys, Brown & Bain, by Mr. Terry E. Fenzl and Ms. Sharon Debowski.

The Applicants for Intervention were represented by their attorney, Mr. Kim Jerome Gottschalk.

BE IT REMEMBERED that the deposition was submitted to the witness to read and sign, that notice of filing and other formalities required by law for the taking and returning of the said deposition are waived.

* * *

Phoenix, Arizona
September 24, 1964
12:16 o'clock p.m.

RICHARD W. STOFFLE,

called as a witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. FENZL:

Q. Let's go on the record, please. What is your name?

A. Richard W. Stoffle.

Q. Where do you live?

A. I live in Racine, Wisconsin.

Q. Are you presently employed?

A. Yes.

Q. Who do you work for?

A. University of Wisconsin Parkside, where I'm an associate professor of anthropology.

Q. Where is that university located?

A. Kenosha, Wisconsin.

Q. Are you tenured?

A. Yes.

Q. How long have you been in that position?

A. I assumed the position, assistant professor of anthropology in 1972, and I got tenured five years later.

Q. And you've been an associate professor since 1977?

A. That's right.

Q. You have been designated by a group that calls itself the San Juan Southern Paiutes as a potential witness in the litigation in connection with which this deposition is being taken. Do you understand that?

A. Yes.

Q. What is your understanding of the subject matter as to which you'll be asked to testify?

A. Okay. Basically, I was a technical adviser to the San Juan Southern Paiute Tribe's request for Federal Recognition, and I served in various capacities on that project, which has yielded a report by Bunte and Franklin. And I presume I'm here to talk about the substance of that report and perhaps other things that I know about the San Juan Paiute, other Southern Paiutes.

Q. Have you discussed with Mr. Gottschalk or anybody else, the subject matter of your intended testimony? That is, what they'd like you to testify

about and what they are not going to ask you to testify?

A. Yes. We've talked, and my understanding is that -- I don't know that there is any limits to my testimony. I think there was discussion of where I might have the most expertise or add supplementary information, such as my work with other Southern Paiutes in comparing the San Juan.

I also have worked in other areas, which I draw upon different sets of documents for understanding the Southern Paiute Nation as a social/political unit existed at one time. So I would assume that was basically why I was brought onto this project originally.

Q. You've used the term "Southern Paiute Nation" as a social/political unit. What do you mean by that?

A. Well, I guess we're going to use the definition that -- in fact, I guess --

Q. I just meant, what do you mean when you use those terms?

A. Well, we see it as a unit that expanded, that went from the Chemhuevi in the south Colorado side, up through southern units. The Las Vegas, the Moapas. The groups that are now represented by the five Tribes

in Cedar City: The Kaibabs, including the San Juan Paiutes. We see them as at one time a single social/political linguistic group that we could use the term "Nation" to describe as opposed to "Tribe" and use the term "Tribe" to talk about units largely local units such as the San Juan group within that. And when we're talking about "Nation," we're talking about a group of people that are integrated and where there's some responsibility that is over the individual groups.

Q. Is it your opinion that a Southern Paiute Nation, as you've just described it, existed at one time?

A. Yes.

Q. And during what period of time did or does that exist?

A. We don't know when it started. We think it was probably over in the first half of the 1800's, and was probably dismantled by a combination of factors, including diseases and also territorial encroachment by other ethnic groups.

Q. Dismantled at what period of time?

A. I would say in the 1840's. There's not an exact date.

Q. So that Nation, as you've described it,

existed at most for 40 years?

A. No, no. That was when it ended.

Q. I know you said from the first half of the 1800's to 1840?

A. No, that's when it would have been dismantled in that period. I used the term when it was dismantled.

MR. GOTTSCHALK: I think maybe you should read the answer back. I think he testified that no one knew when it began. They can't trace that. But, when it ended in the 1800's, and when you pressed him again, he said, 1840. He did not say 1840 as to --

(The record was then read back by the Reporter as requested.)

Q. BY MR. PENZL: Okay. You said it was over in the first half of the 1800's.

Do you have any opinion as to when such a Nation first existed?

A. You mean, how far back?

Q. Yes.

A. It's a lot easier to document the presence of peoples of a certain cultural background than it is to document the kind of structures that they are linked into.

There is good evidence that people, like the Southern Paiutes, have existed in the, say, Arizona strip area and other parts of places where there's good archaeological material for at least 1,800 years. The definitive statement in that it's populous work.

There's also other suggestions that Southern Paiutes were in the region of the Southern Paiute Nation before that time.

There's also evidence that at the time they were being contacted, that this ethnic group was expansive, at least the information from the Chemhuevi area was that it was moving south. And there's some evidence that it was also moving westward, encroaching upon other ethnic groups in the Mohave Basin in late 1700's, early 1500's.

When did it come into existence? I don't think that we're ever really date-staking the Nation itself existed. We think that there is good evidence there was a Nation in existence in the late 1700 and early 1800's.

Q. Doctor, you repeatedly refer to "we", "we believe", "we think" and so-forth. The nature of this proceeding, and your participation as a witness, that's all I'm asking for is what you personally know or

believe.

A. Right. I do a lot of joint research. These are things that I've researched myself but in coordination with other people. And when we published, it's in terms of group publications. So I keep saying "we" and there's basically publications for everything that I've said so far, or reports that are accessible.

Q. Let me see if I can get this out.

Correct me if this is inaccurate.

It's your opinion that a Southern Paiute Nation, as a distinct social/politican unit existed from sometime prior to the late 1700's until about 1840 is that correct?

A. That it was in existence at least by the late 1700's; could have been in existence before that, yes.

Q. Now then during that period of time, whatever it is, culminating in about the 1840's, what was the nature of the political structure of the Nation as a whole; that is, any political structure that existed over units larger than localized Bands?

A. All right. Well, we think there were two major units: A northern unit, which would have gone up into Utah and would probably have had some sort of

territorial control that's roughly approximating the northern boundary. And the Southern Paiute territory as has been defined by Kelly and Euler. And this has been revised slightly by Puaxant Tvavip which is our last Intermountain project for the Kelly map, which was then looked at again by Euler, which was revised by Stoffler, and Dobyns.

The map was rewritten largely with new data and, to some extent, with Kelly's own data sheet had published a map that did not reflect their actual boundaries. I don't think that's relevant for this particular case, but it may be relevant in terms of the northern part of the territory.

This area is largely bounded on the south by the southern, the Virgin Mountain, where it drops off into New Mexico -- I'm sorry, to Arizona, Nevada.

Q. Doctor, is this the report you're referring to?

A. Yes.

Q. Could we read for the record the title of it?

A. Puaxant Tvavip. I'm sorry. I made a mistake. I've got three reports. It's the next report, the green report. That's the one when we did map

revision. That's my mistake. This was Utah. Then there's a third report which is the green covered one.

Q. When was the third report published?

A. It was issued last year. It was the revised Intermountain Project Route that went through and incorporated materials in Utah and in Nevada. We managed to build these two other studies. And in that, we published a map that brought up to date the boundaries as we could understand them from the documents. Kelly's map, had some in the northern parts: From some standpoint major; from some standpoint minor errors. It didn't really actually reflect the article. We didn't realize this until we tried to overlay her map onto actual topographic maps, and we found there were a number of major errors. Kelly, herself, said, she had problems with graphics, because she did it in Mexico with fairly poor place maps. We didn't make any major changes in the San Juan territorial boundaries in part of that study.

Q. The third report you've referred to, what is the full title of it, as near as you can remember?

A. I just drew a blank on the title. It's the subtitle, and I can't think of the Paiute word. The subtitle is the Intermountain Adelanto Revised Route.

Q. It was published in 1983 to the best of your knowledge?

A. Yes, came out in October of 1983, I think.

Q. Since we don't have a copy of that here, we can't readily refer to it. But, is it your testimony that there is a map in that report?

A. Yes.

Q. And to the best of your knowledge, that map sets forth an illustration of the territory originally occupied by a group that you have referred to as the Southern Paiute Nation; is that correct?

A. As well as the boundary between the northern and southern sections, yes.

Q. And that map, and your opinion that it is accurate, is based upon all of the work you did up to the time the map was published; is that correct?

A. Everything that we could find at that point.

Q. Again, trying to seperate "you" from the "we." Is it your personal belief, in your opinion, that that map is accurate?

A. Yes, yes.

Q. Now, in connection with that map, did you investigate the area of territorial control exercised by

any group of Southern Paiutes at any particular period of time?

A. Yes. Our research concentrated on the study area which was from central Utah down through and across the Escalante Desert. And, in fact, that new revised route should be on this map here at the back of Puaxant Tvavip. Our route for that study was here down to the Las Vegas Wash. And so we concentrated -- we did original document work, concentrating on this area, but those documents helped us understand some broader features involved in this. And it was, basically, on that set of documents that we made a number of revisions, and then we got the funds for the first time to make a new map.

MR. PENZL: For the record, the map that you have been referring to is on the inside back cover of the publication with the light blue cover dated August 13, 1982 entitled Puaxant Tvavip.

Q. BY MR. PENZL: Is that correct?

A. Sure. Yes.

Q. And the area you were indicating for the revised route of the power line was essentially from Lund, Utah to someplace in the vicinity of Las Vegas, New Mexico?

A. Las Vegas Wash.

Q. Not New Mexico. This is Las Vegas, Nevada?

Let me show you a document that is entitled Ethnohistory and Ethnography of the San Juan Southern Paiute Tribe. Have you seen that document before?

A. Yes, I have.

Q. Is that the document referred to earlier as the Bunte and Franklin report?

A. Yes.

Q. You were involved in some sense in preparation of that report; is that correct?

A. That's correct.

Q. Could you please tell us the nature of your involvement in that?

A. My role in the project was to be involved in the methodology as well as the reviewer of content at various points in the project.

Q. Methodology. Does that basically mean that you and Bunte and Franklin discussed how things were to be done before they were done?

A. Correct.

Q. And to some extent, while it was ongoing, you consulted as to how things should be done?

A. I had at least one field visit and we

talked at a number of other points. And I've reviewed the document in its final form.

Q. Did you review any drafts of the document?

A. Yes, I did.

Q. When was the first time that you consulted with regard to the methodology?

A. When the people were being put together by, I think officially it was Pam Bunte and the DNA Legal Services, Irene Barrow at Tuba City.

Q. That proposal, you mean, the grant proposal?

A. Yes.

Q. Approximately in the summer of 1982?

A. I believe that's when it was submitted. So it would have been as it was being submitted, as it was being written, yes.

Q. Is this the grant proposal that you're talking about?

A. Yes.

Q. Signed here by Evelyn James 7-20-82?

A. Yes.

Q. Okay. Did you read this grant proposal before it was submitted?

A. Yes.

Q. Page 34, where it says, "Project adviser. It is estimated that Dr. Stoffle will need to spend approximately 60 hours reviewing research reports, and 40 hours in the field for an on-site visit to review in progress during the summer of 1983."

Do you see that?

A. Yes.

Q. Okay. Now, you did, in fact, review research reports; is that correct?

A. That's correct.

Q. And did you review reports other than the drafts of the Bunte and Franklin report?

A. Reports?

Q. Well, this says, "Research reports."

I'm asking whether research reports means something different than this ethnohistory and ethnography.

A. No.

Q. And you didn't review any research reports other than the drafts of ethnohistory and ethnography; is that correct?

A. On this project?

Q. Yes.

A. I don't know any other reports. The

only -- now let me -- unrelated to this, there was a manuscript prepared on the 19th. Eighteen -- Epidemic by Pamela Bunte, Robert Franklin and myself that preceded this process. But, I don't -- it was data that in fact went through a change, and a copy of that paper was read in three days before Christmas last year at a Native American Demography conference sponsored by Newberry Library. A draft of that, I did read that particular report, and but that's not -- well, it is related to this.

Q. Did you in fact spend about 60 hours reviewing reports in connection with just the ethnohistory and ethnography projects?

A. Oh, yes, at least that.

Q. Okay. Do you keep any record of how many hours you did spend on that?

A. The total number of hours?

Q. Yes.

A. No, much more than that.

Q. Did you in fact make an on-site field visit in the summer of 1963?

A. Yes, I did.

Q. And how long were you in the field, if you will?

A. I believe I was there three days.

Q. When was that?

A. It would have been the first week in July, 1983, because my son had his birthday at Mesa Verde when we left there. I put 100,000 miles on my car and was working on three projects at similar -- so if that date isn't exact, I can get it for you, but that's my memory.

Q. Okay. Where did you visit the three days during that week?

A. We visited at Willow Springs. We visited the Kaibito Plateau, and we visited at Navajo Mountain.

Q. Who accompanied you on those visits?

A. San Juan Paiutes; various people; Pamela Dunte and Robert Franklin. I met also for a time with Irene Barrow, but she wasn't in the field, I don't believe, with us. No, she wasn't.

Q. Was your meeting with Irene Barrow also a part of the three day visit?

A. It was during that three days. I think we spent part of one evening, while we were shopping, we stopped by to see her for a couple of hours. And we slept. We slept in the Paiute communities. So we were pretty much on-site, except for that time we went to Tuba City.

Q. Was that three day visit something which you, as an anthropologist, would call field work?

A. Yes.

Q. What did you do at Willow Springs that you considered to be field work during that three day visit?

A. Well, we discussed the project and they talked about the history. They talked about plants. I observed community activity and we planned a series of what are properly termed ethnoarcheaological site visits during the time that I was going to be with the southern group of San Juan. And then we went up on the Kaibito Plateau and made those visits the following day.

Q. I'm afraid you've confused me a little with references to "we" and "they" and "I." All right. Let's go back to Willow Springs, if we may.

A. Sure.

Q. How many days did you spend at Willow Springs during that three day visit?

A. Okay. I'm going to have to add a day, I'm afraid. I'm sorry. I'm not sorry, I'm remembering; that's good.

I arrived on one day; spent that afternoon at the community.

Q. Of Willow Springs?

A. Of Willow Springs. And then the next day, we went up on Kaibito Plateau. And then the following day we traveled to Navajo Mountain. And then we spent the following day at Navajo Mountain exploring. So that would have been something on the order of four days, by the time you added it all up. Well, there was two, pretty much two full days. We went in early in the morning on the first day, when I arrived. So I spent basically two full days with the Willow Springs people, and about a day and a half with the Navajo Mountain people.

Q. During that entire four day visit, were you accompanied by Dr. Bunte at all times?

A. Yes.

Q. During that four day visit, did you conduct any interviews which you would consider to be taking of oral histories or ethnohistories?

A. Yes.

Q. How many people did you so interview?

A. We worked in a group interview fashion. And some of the people did not speak English, and so we worked with a translator sometimes, and sometimes Pam -- Dr. Bunte worked to translate.

The number of people involved would range

from conversations in the Willow Springs community between myself and one or two other people, to myself and as many as, I believe at one time there was eight Southern Paiutes involved with us on Kaibito Plateau.

Q. At Willow Springs, on day one, you talked to how many Paiutes; that is, not just talked to them casually, but conducted ethnohistorical interviews, if you will?

A. Let me clarify my role here.

My role was primarily not to collect data, but to watch the data collection process and to evaluate what had gone on before. And so we did a lot of talking about what had happened. And people showed me things that were occuring in terms of data collection.

For example, Dr. Bunte was putting together a collection of ethnobotanical specimens. And so we would sit down and talk about the process by which those were collected, how they were being processed there and what they hoped to do in the future.

And so when my judgment as an ethnographer was being drawn upon in terms of the correct procedures, whether this is good, and occasionally I would make suggestions about, "Had they checked a certain kind of plant?" They would say, "Yes, we're going to go do

that." Or, in some cases, it was an idea that they hadn't thought about. And my role was not to collect primary data as much as it was to watch the primary data collection process.

Now, in the process I learned things that I didn't know. Before that time, I had been involved in one previous research experience with the Southern Paiutes. I said, "Southern Paiutes" San Juan Southern Paiutes.

Q. What was that experience?

A. The Kaiparowitz transportation study.

Q. Let me see if I can accurately synthesize that.

During the four day visit you were there to consult on methodology, not to gather primary data; is that correct?

A. We in fact participated in the gathering of primary data the second day.

Q. And did you contribute the primary data to the ethnohistory report you have in front of you, the Bunte and Franklin report, or were you simply redundant? I hate to use that term.

A. No, that's a good term. In terms of gathering the material, the material that was gathered

was largely gathered without me.

I did participate in the productive way, particularly in the Kaibito Plateau, while we were in the process of doing field work, and I made suggestions and we did things that were a little bit different that day.

I also took field notes, which I sent to Pamela Bunte regarding that as well, and made photographs, which I then contributed. So my contribution in terms of real field work occurred on the Kaibito Plateau.

Q. What did you do that day that was a little bit different?

A. Well, we were involved in an on-site visitation with Native American people. We spent the day going between homesteads that people had once lived in. And I participated in the interviewing, directing interviews about the materials that were being found.

This is a research methodology that, that we had quite a bit of experience with projects that I directed in the last few years. And, for example, we would find artifacts and we would talk about the interpretation of the artifacts. One of the more intriguing things we found was a round dance impression.

And I took some photographs. I helped on the interviewing of the round dance.

Q. During your visit to the Kaibito Plateau of day two of your four day visit, did you gather, that is, take away any artifacts for purposes of scientific dating?

A. No.

Q. To your knowledge, has any scientific dating of artifacts or building materials been done in connection with the investigation of the San Juan Southern Paiute?

A. Well, are you -- okay. Let me answer the question regarding the sites that we were visiting.

The sites were all home sites of people who were with us. And so they were the people who left sometimes as children and sometimes as young adults. They were the people who left the things that we were finding. So the sites were readily dateable. And, in fact, have contributed directly to perhaps one of the most analyses of house movement that's ever been done in Dr. Bunte and Franklin's work in here (indicating) that came directly out of the work that we were doing at that time. So those are dated to the year of occupation.

Q. You mean, dated by the informant's

accounts; is that correct?

A. Dated by the informant's accounts.

Q. Was there any effort to date any artifacts by comparison to reference manuals?

A. No.

Q. What types of artifacts were explored, during that visit to the Kaibito Plateau?

A. We were looking at the kinds of things that people leave: their garbage; things that break and go to trash pits. The veritable background of stuff of archeaology.

Q. In this particular instance, what type?

A. Well, in many cases small perfume bottles; skillets that break; parts of old cast-iron stoves or field stoves of some kind. There's housing -- remnants of houses; corrals; sometimes a shoe or saddle; bridle bits. Then, of course, other kinds of artifacts, like ground dances people literally created with their feet over the years of dancing in that area, round dance impressions.

Q. Are you aware of any effort that was undertaken to determine the date of origin of any of the artifacts or building materials you've described, other than asking the informants about them?

A. No, not on those.

Q. Are you aware of any efforts to determine the date of origin of artifacts or building materials for any such artifacts or building materials in connection with the San Juan Project other than by asking the informants about them?

A. Well, yes. Okay. There's two ways of dating artifacts. One has to do with taking the artifact and submitting it to some kind of test, like demographic chronology, or dating from carbon 14 analysis, or in terms of bottles, books, sometimes get decayed or half century dates of on certain styles. So there's a way of gathering information, dating things from these kinds of techniques. The kinds of techniques that are used in this report, other than direct oral history, are the techniques of the ethnohistorian. They involve documents in terms of where people should be, or recorded to be. And in this case the report does in fact draw upon all the available documents that we have in the case of censuses or census or something to that effect.

In addition to that, we have triangulation with other oral history accounts of different people. Some of these are published accounts. Other accounts

are for people from other areas. And so there's an effort to triangulate information, using the kinds of sources that ethnohistorians often have. These were seen sufficient, particularly given the recentness of these particular sites that were visited.

Q. What do you mean by "the recentness of those things"? What is your understanding as to the date when they were occupied?

A. Well, the dates are in the book. They each have leaving dates of the exact year of some of these sites. I believe the ones that we were in were -- well, I don't know. I'd have to look in your report to get the exact dates.

Q. Did you ever do any personal investigation as to the date of the occupancy of any site, other than what you participated in during the one day on Kaibito Plateau?

A. No.

Q. Are you aware of any investigation or testing done in connection with the dating of any occupancy site or area of the nature of the first type you described, that is, carbon 14 dating, or tree ring studies, or dating with reference to manuals of styles of bottles, cans and so-forth? Has any of that been

done to your knowledge in connection with the San Juan Project?

A. I don't believe there has been. There has been, however, a lot of archeaology in the western Navajo Reservation.

Q. None of it done by yourself or Dr. Bunte or Mr. Franklin?

A. No, not archeaologies.

Q. During the period of time that it is your opinion that the Southern Paiute Nation existed, as you've earlier described it, what was the political or authority structure of that Nation?

A. The documents that we had suggest that there was a council of some sort, perhaps on the same model as existing councils at the Tribal level that are well documented for the Tribe by Tribe political structures. And that this council would have had a leader, who had more of a voice than others, much the way there's a spokesman within the contemporary Tribal councils. And that there was at least one major leader in the early 1880's for the north, and one major leader in the south. We know somewhat more of the leader in the north and we even suggest the name of the person in the report.

Q. Did you undertake any sort of a study as to that subject in any other context other than the contacts of your involvement with the Bunte and Franklin report?

A. Oh, yes.

Q. That's something you've studied before; is that correct?

A. Yes. That came out of the IPP work, and it's been coming out of previous research in the area that I've been doing for some time.

Q. And is it your opinion that the council and leader for the entire Southern Paiute Nation existing prior to about 1840 was something that had authority over the entire southern area of the Southern Paiute?

A. Yes.

Q. And then there was a similar council and leader for the northern part of the Southern Paiute area, is that correct, or is that an area of the Northen Paiute? Maybe we have a difference in terminology here? I don't know. You're talking about the northern area and southern area?

A. I want to answer your question right, so I need to hear your question again, if I may.

Q. There is a group of Indians that have been

referred to by anthropologists as the Northern Paiute?

A. Northern Paiute?

Q. Yes.

A. That would be out of the Southern Paiute area totally.

Q. Okay. When you talk about --

A. The northern portion of the Southern Paiute Nation.

Q. And that there were two different councils and two different leaders, one for the northern portion of the Southern Paiute Nation; the other for the southern portion?

A. At least at that time there was some suggestion that was true.

Q. Okay. "At that time," we're referring to what period of time?

A. The early 1800's between, up until approximately the 1840's.

Q. And then that form of political organization ceased to exist at some time about the middle of the 1800's; is that correct?

A. Yes.

Q. What form of social organization, not social organization, political organization then existed

immediately after that?

A. The Nation as a functioning unit with political authority and control over the territory probably ceased, but the individual local units then continued their function.

The kind of local unit, that would have persisted, would have been the kind of unit that we're talking about here, the San Juan case, a pretty distinct local geographic Tribe that is still bound with the other groups, not by formal tie and authority as a political system would, but by cultural marriage and other interactions with these other people; therefore being an ethnic group rather than a Nation.

Q. After the Nation ceased to exist at about the mid-1800's, how many such more localized ethnic groups survived?

A. Well, survival is an interesting term because there's biological survival and then there's territorial control kinds of survival.

Q. Let's say existed instead of survived.

A. We find today Tribes or Bands that are remnants from that period of time: Kaibab, Las Vegas, those types of groups, the groups up in Cedar City. They are organized into political units that may be like the

Kaibab, for example, they have today a single Tribal administration. They are on their traditional territory or a portion of their traditional territory, but they have incorporated groups of people such as the Kaiparowitz people who are on the Kaiparowitz Plateau, that for various reasons have left that. Now, so there's some of these territorial units were lost for a variety of reasons, and some persisted. I would say if you took a look at the Kelly map, you can see certain kinds of groups, like Parianunts. These local groups, the Parianunts, we documented the exact date at which they were forced to abandon the Parianunt Valley. The Panonka group lost territory and left the Panonka area a piece at a time and were incorporated into the Moapas, or in Utah, or one or the other Southern Paiute Tribe groups.

Q. Let's approach it this way, Doctor.

Is it true, to the best of your knowledge and opinion, that prior to 1840, the component members of the Southern Paiute Nation, that you've described, that is, individuals basically subsisted by gathering wild plants and hunting animals?

A. Basically, they were agriculturalists and they also hunted and managed plants, which might be

termed wild, but after thousands of years of human interaction with them, we are seeing them as semi-domesticans.

Q. And that was a common economic life-style, if you will, or subsistence pattern for the entirety of the Southern Paiute Nation as of the 1840's or so; is that correct?

A. There were some groups that were more heavily dependent upon agriculture. Groups such as the Moapas, which provided a very -- their environment provided much more agriculture.

The Kaibabs had Kanab Creek and other places where they could do -- more people along the Virgin River had a more heavy dependence upon agriculture. And then there was trade within the Nation between ecological zones. And part of the strength of the Nation was in fact the movement of goods back and forth between the different ecological zones.

So there probably was no group that didn't do any farming, but there were some groups that primarily farmed. And there was probably no group that didn't do any hunting, but there were some groups that primarily hunted. And the interaction with the wild, the semi-domestic animals and plants, that were in

different zones, was very important in terms of storage and moving these back and forth.

Q. Prior to the 1840's did any members, of which you've described as to the Southern Paiute Nation, have domesticated horses?

A. Southern Paiutes largely resisted the movement of horses into their area.

In fact, there was early criticism of them as an ethnic group, because they ate the horse. But, the horses, and many other animals, such as cattle and sheep, would concentrate their grazing activity on the primary food plants, such as oryzopsis, which is wild Indian rice grass. And so they ate them partly in terms of just keeping them off the natural, or these fields, semi-domestic plants.

At some point then, the horse became a part of the Southern Paiute culture. This point varied with the group and, for example, the Kaibab, the horse was a central feature of their culture by the turn of the century.

Q. The turn of the 20th century?

A. Yes. But, many other groups resisted the horse. The amount of time it took for the horse to become integrated into the culture varied.

Q. Was it so integrated into any part of the culture as to the time that you have testified that the Southern Paiute Nation ceased to exist as such?

A. In the 1840's?

Q. Yes.

A. I'm going down through all of them, so just a second. I can't remember a case of where the horse is the central feature in the 1840's.

You have to understand that there's a very -- there's a period of early contact that's very poorly documented, because the activity was illegal and involved the movement of horses to California along what is called the Old Spanish Trail, which went right through the center of Southern Paiute country. And this would have begun long before the 1840's. It probably was begun, and we have documentation of it, as early as the 1800's at least. So the horse was moving through their area and, periodically, they would undoubtedly be able to attack a horse herd. But, the horse, as part of their culture was not an important feature at that time.

Q. Was the horse, to the best of your knowledge or opinion, used at all for transportation as opposed to being used for food stuff or whatever else prior to the 1840's?

A. No.

Q. Prior to the 1840's, what are the general geographical boundaries of the area you've been describing as the southern part of the San Juan Nation -- excuse me, of the Southern Paiute Nation?

A. Well, it would start -- I'm trying to visualize this now. Pretty much on the Utah/Nevada border, where you drop out of the Virgin Mountains and you come down about 2,000 feet in elevation, it will continue due south along the Colorado River, all the way to the lower portion of Chemhuevi territory, which would have been approximately Parker. We could get a map, if you want a real boundary.

Q. Does the map in the Power Project help?

A. Yes, Kelly's; that's good. Yes, we print Kelly's map in this one. Kelly's maps were pretty good. Parker is here (indicating) and you've got Ehrenberg, you can't see it, a little farther south. The Colorado River is pretty much the eastern boundary. And this boundary out here between Serrano, and then the Shoshone, western boundary is pretty much as near as we can tell is, as Kelly says, with Death Valley being a cut point over here.

Q. When you have referred to the southern

portion of the Southern Paiute Nation --

A. You would cut pretty much here at -- well, this should be -- it would include Moapa and all of the Las Vegas and Chemhuevi groups like this (indicating). This would be the southern portion, and there is in fact -- well.

Q. Go ahead.

A. There is a debate right now. We think that the Moapa and the Parianunt are together and we would probably -- I would take this line and run it up into the Parianunt Valley.

Q. Well, regardless of that detail, is it true that you would put the Kaibab and San Juan areas shown on this map of Kelly's on page 109 in the northern, which you've described as the northern area of the Southern Paiute Nation?

A. Yes.

Q. Then the boundaries of the northern part of the Southern Paiute Nation, as you've described it, which existed prior to 1840, would be approximately what bounded on the north and south and east and west, by what areas?

A. I wish I had that map. We could give you an exact -- a couple of places where we moved the line

higher than this one up in here (indicating). In Utah, for example, we feel that the lower third of Lake Sevier was Southern Paiute Territory. And she has it as that's the boundary passing just below that. Pass up pretty much through central Utah incorporating probably the lower portion of -- this map is unreadable and I don't remember what these geographic features are. And then going over here into the San Juan country.

Now, our map, the revision work that we did on this map, really is focused on the western half of the northern boundary and some units within the boundary within some of what might be considered Tribal units within here. That's where our modifications are. We didn't generate any data that suggested anything different than Kelly and Euler and others have put forth as the boundary of the San Juan or the Kaiparowitz. And those boundaries have been put forth as part of their case largely unchanged, the San Juan case.

Q. Is it your opinion that prior to the 1840's, a single political organization existed for all of the northern area that you've just described?

A. We feel it had to be integrated into the southern -- that -- we can't characterize it much more than I've said. We feel like it was semi-autonomous.

But, in order to find the movement of things all the way down in Chemhuevi country up into the northern part -- well, I don't want to go through all the evidence, because it's in the front of each of these reports. But, we feel that there had to be minimumally what I described as a council that's composed of representatives from the different local Tribes, if you will, use that terminology and we're comfortable with that. And that this northern unit had a leader, and there was a named leader and a recognized leader who lived just in the St. George area.

Q. Do you have any opinion as to how or on what occasions the council, that you've described, met for the northern area?

A. That kind of information would be there in the literature, but we think we know how they communicated. We think the best kind of information on communication comes from the runners, the semi-religious runners from the Chemhuevi. We see that as a remnant of a system of communication.

The only purpose of having almost a cast in the technical use of the term, a cast system of runners, who did nothing but run to carry communications for the political leadership of the Southern Paiute Nation. We

feel that that system of trails and running was the way by which short term information was spread. And that there had to be interregional trade and movement of goods back and forth on a regular basis. There is, in fact, some direct documentation of each of these things.

Q. Prior to the 1840's, did the members, of what you've described as the Southern Paiute Nation, trade with outsiders?

A. Very definitely.

Q. Prior to the 1840's, was there an organized religious structure within what you described as the Southern Paiute Nation?

A. Yes, it appears so.

Q. And what was the nature of the organized religious structure at that time?

A. What was the Southern Paiute religion like prior to the 1840's?

Well, has many of the current features, plus there is some evidence that the -- we have the additional -- again I use the term almost sacred runners as part of the system. There appears to be even some evidence of a separate royal, if you'll use that term, language for the leadership.

Q. For the religious leadership or the

political leadership?

A. Well, they are inseparable.

Also, the use of the term religion is a difficult one, because so many aspects of Southern Paiute life are in fact what they would define as sacred from the foods that they eat to their trails and places that they live. And so it's difficult to define out simply one thing as being religious.

Q. Were there organized religious leaders, if you will, or recognized religious leaders prior to the 1840's among the Southern Paiute Nation?

A. Sure.

Q. All right. What were those leaders called?

A. The terms that we would use to describe them would be shamen.

Q. Were those different people than the policital leaders that you've described as being the head of a council?

A. Sometimes.

Q. Were they ever the same person?

A. Sometimes.

Q. During what period of time were they the same person in the northern area of the Nation?

A. Well, that's a question that I don't think

we can answer in terms of the information.

Q. Well, how do you know that they were ever the same person?

A. Because we have some evidence that these people were -- that there's examples of individuals who were leaders that were also religious leaders. And this is a pattern that's been very consistently observed, whoever has studied Southern Paiute religion. So we don't have any data to suggest that this pattern didn't exist and isn't projectable.

Q. The examples, you're aware of, are in more current historical times, isn't that correct? And what you're doing is extrapolating back to something, say, prior to the 1840's?

A. Well, there were people in these territories in terms of non-Indian people making observations as early as Escalante. And we have Spanish observations of the Chemhuevi from early periods. Plus, the Mormons were very good recordkeepers; kept very good diaries; recorded names. The settlement of Las Vegas yielded a tremendous volume of local knowledge regarding the names of the people, their territorial responsibilities and the other kinds of functions that they had. I don't see any way of separating out the

political and religious functions for most of these leaders.

Q. Have you personally ever done any study seeking to identify political or religious leaders during any period of time for the northern area of the Nation that you've described?

A. Yes. We documented --

Q. Please, let's get away from the "we." I'm just asking what you did?

A. Yes.

Q. Okay. Now, in connection with what projects was that investigation done?

A. The Intermountain Power Project.

Q. And are all of your findings in that connection documented in the reports, the three reports that you've prepared?

A. Yes. There's, obviously, other things that we're still writing of, but the major findings.

Q. Now, have you personally ever undertaken any study seeking to identify individual leaders, either political or religious leaders in the area or among the people that I referred to in the Bunte and Franklin report as the San Juan?

A. I don't understand that question.

Q. Okay. Let me rephrase it. You have said that there was, prior to about 1840 or so, a national political structure or religious structure?

A. Yes.

Q. You have also said that there were more localized political and religious structures?

A. Right.

Q. Is it your belief that one or more such localized -- such political structures affected the people that are referred to in the Bunte and Franklin report?

A. It is my belief that they, as part of this unit, that they would be like the other units. And the other units are the ones that I've studied.

Q. Okay. That's all I'm trying to get to.

I want to know if you, personally, did any investigation seeking to identify the political structure or to identify individual political or religious leaders in the San Juan group?

A. No, that was done in the report by Franklin and Bunte.

Q. Your work has basically been among the Kaibab and other groups to the west and north of the area shown on this Kelly map as San Juan; is that

correct?

A. That's right. In fact, I've worked now with all the other groups. Can I answer that question.

Q. Okay.

A. See, we did early work on this project. It was narrow as defined part of the impact assessment projects. And we addressed issues of religion and we talked about sacred sites and things like that. So we have some -- I have some previous knowledge of the San Juan that is somewhat direct. It is direct. It's out of field work and direct interviews and things like that. But, in that process, we didn't go back and do a detailed -- partly because the study was designed to a detailed reconstruction such as this particular Bunte/Franklin report did. But, we did in fact do a study that addressed religious concerns of the San Juan at that time. In a sense, that's not exactly what you asked me. You asked me about religious leadership, and that's why I guess I was confused, because I have done some work on religion by the San Juan, but not on the people who lead and instruct.

Q. As you pointed out, Doctor, you've done a lot of cooperative research and writing?

A. Yes.

Q. What I'm trying to do is to separate out, and so that we understand what you are personally going to be testifying about, and what Mr. Franklin and Dr. Bunte or others will testify about. So let me ask you.

As to the group, that is referred to in the Bunte and Franklin report as the San Juan, have you personally investigated the nature of aboriginal or precontact religion or ritual among that group?

A. You asked the question a little differently that time. This was meant to be a new question?

Q. Yes.

A. I thought you were summarizing what we discussed.

Q. No. Would you like to have the question read back?

A. No, it's fine.

Yes, in my readings for the article by myself and Mike Evans on the early history of the Kaibab-Paiute, I did, in fact read a fairly large corpus of materials, things that I could find on the San Juan and neighboring groups at the time. So in terms of aboriginal religion and that information I read, most of that material and much of that material is cited now in the Bunte and Franklin report. So I would have to read

it in 1971, '73, '74 when the research occurred.

Q. Are you referring, when you mentioned Mike Evans' collaboration, the work that was published in 1978, "Kaibab-Paiute History, The Early Years".

A. The Early Years was a reprint of an article in ethnohistory. I believe it was published in '75 or '76, the original.

Q. Was that entitled, "Resource Competition Population Change, a Kaibab-Paiute Ethnohistorical Case"?

A. Yes.

Q. As to the group described by Bunte and Franklin as the San Juan, have you done any personal investigation as to aboriginal religion or ritual, other than the reading you've described that you did back in the early '70's?

A. Other than that two year period preparation of that, yes. I did additional readings in association with the Kaiparowitz research.

Q. Was that reading of historical and secondary sources that are cited in that project report?

A. Primary sources that are cited in that project.

Q. Have you personally ever investigated the

sources of methods or patterns of subsistence during aboriginal times of the group that Bunte and Franklin described as San Juan? I'm going to give you lots of subjects here. Again, I'm trying to identify what you personally did and haven't been involved in, trying to find out what the nature of your involvement is. That is something you have personally studied?

A. Yes.

Q. And in what connection was that done?

A. With the Kaiparowitz project, with pulling together the primary documents to go with the oral testimony that was taken at that time.

Q. Have you, personally, ever studied the aboriginal political structure of the San Juan group as described in the Bunte and Franklin report?

A. No.

Q. Have you, personally, ever studied the social organization of the group that the Bunte and Franklin report refers to as the San Juan during aboriginal times?

A. These are interesting questions. If I may add something, because they are not really "yes" and "no" kinds of questions. It's very hard to work through the primary documentation.

Let's say Escalante, for example, is one of the primary sources, and in fact, for all intents and purposes, are our only document sources in 1776, in that early period. And he came right through the middle of Southern Paiute Territory and went over and went through also the San Juan. So in the process of reading anything at all about the Kaibabs or the Kaiparowitz, all you have to do is read the next pages and you begin to get into the primary sources on the San Juan. The same is true of all the traveler's accounts.

You read diaries of famous Mormons in Southern Utah, and they were constantly leaving the Kaibab area and going over into the San Juan and back and forth.

So I'm familiar with all the primary documents which they've utilized here. But, in almost each and every case, my central purpose was to piece together the ethnohistory of another group. Except in the case of the Kaiparowitz study where my responsibility was there to put together sufficient information to understand contemporary concerns that would be made by the San Juan.

So I want to be fair to you when I answer, and I tend to answer in terms of my -- the primary thing

I'm about. It was primarily not about studying the San Juan, but I did read all the basic documents, except for a few that they found that I hadn't seen. So much of that, I was familiar with before the project. And I guess that's why they put me on as an advisor. But, I don't see myself in that capacity. I guess it's not my role as, you know, to know why you're asking these questions. But, if I had better sense of that, I could give you perhaps a clearer answer. I don't want to misrepresent myself as having done a major study on social/political organization. However, in the process of doing the study of social/political organization in other areas, I have written material on it. I see these as somewhat separate tasks.

Q. Okay. And you never did undertake a separate task, an identifiable task in relating to studying the social/political structure of the San Juan; is that correct?

A. Only to the extent we had to define them as an extinct ethnic group before we decided to include them as a separate ethnic group in the Kaiparowitz study. To that extent, yes, we did. But, we didn't have to do an intensive study of the leadership role or the role of religious leaders at that point, and didn't

in fact do that.

Q. Have you personally ever done a study of the language of the San Juan group?

A. Absolutely not. I know very little about language.

Q. Have you ever personally undertaken a study of the architecture practices, or whatever, by the group that Bunte and Franklin ever referred to as the San Juan?

A. Yes, that emerged during the Kaiparowitz study.

Q. Have you ever personally undertaken a study of the aboriginal arts and crafts of the group that Bunte and Franklin ever referred to as the San Juan?

A. Arts and crafts, as opposed to utility?

Q. No, no.

A. Just artifacts, material culture?

Q. Yes, yes.

A. Yes, in the Kaiparowitz study.

Q. Have you ever undertaken a study attempting to determine the population, either individually or collectively, that is identifying people or the total number of the group that Bunte and Franklin have referred to as the San Juan?

A. No.

Q. Do you presently have any opinion as to the total number comprising the group that Bunte and Franklin referred to as the San Juan as existed in say 1776?

A. Yes.

Q. What is your opinion?

A. Well, we've done the -- the Stoffle evidence article puts together the only total reconstruction on Southern Paiutes in print.

There's another article by Mike Evans on the southern most Southern Paiutes that was read as a paper. It has not been published on the Las Vegas and Chemhuevi. And we have another paper that's in the process on the northeastern groups up in, primarily, in Utah. So there's three pieced of population demography at various stages of analysis. And I have some opinions about the population of the San Juan based on those three pieces. And, in particular, do you have an opinion as to what the population was as of 1776?

A. The exact number?

Q. Well, or an approximate number?

A. Larger, much larger.

Q. Than?

A. Than later. I don't have a number.

Q. Larger or smaller than 173?

A. It might take as much as six months to give you a figure of work. And some of these pieces have been in the process for a year or more of work, so I don't have a population figure, but that's the direction of our research. And at some point, we would like to piece together all the population at various time periods for the Southern Paiute Nation. It's a very elaborate process, but I don't have a number for you.

Q. Okay. I understood that you had an opinion as to the population?

A. Its character, what it would be?

Q. Yes, as to the size of the population back in the 1770's?

A. Yes, but when you say that, I think in relative terms and you wanted more like --

Q. Well, what is your opinion then, if you can't give a number, give us the most specific opinion you can as to the size of the population?

A. Well, I won't do that now. Okay. I've got -- we're on record for at least two of the areas, and we're coming up with the third one. But, I find that off the top of your head opinions, before you reach

the end of this process, aren't very good.

Q. Well, I'm not asking you to stretch for opinions you don't have, but earlier you testified you did have an opinion?

A. I have the opinion that it was bigger, and I have the opinion it's much more in line with the number of Kaibab-Paiutes over in their territory. And if we finish, and we do all of the carrying capacity material, and we take all the disease episodes, and we put all these together with the various population figures that we do have at various times, then we can reach a figure. But, I can't give you an exact figure, except to say that it would be much larger than it is currently.

Q. And do you believe that in order to give a responsible opinion, you'd have to go through this sort of investigation that you just described?

A. Yes, I'd be uncomfortable giving something beyond without the additional work.

Q. Do you have an opinion as to the size of the population of the group that Bunte and Franklin referred to as the San Juans before or at the time of approximately the 1840's when the Nation ceased to exist?

A. That would still be part of that.

Q. Do you have any opinion as to the size of the population of the group referred to as the San Juans at about 1868?

A. No. I would be reluctant to -- in fact, for this particular area, even the 1872 census material of Powell's is unique. It's not even very good up until that time. It was before Powell's survey, because he didn't get over there. His figures for other areas were pretty got at that time. But, the major population had already occurred by that time. And we're working with what we call post-holocaust societies by that time with greatly diminished population.

Q. Do you have any opinion as to the size or the population of the group that Bunte and Franklin refer to as the San Juan, either before or after the 1918 flu epidemic?

A. We have some more direct evidence on that. That was -- a paper was merged directly out of the Kalparowitz research. I think that probably I would think Pam's paper, that she read, is the last affinitive statement, the one she read in at the Newberry Library on Decmeber 23rd. So I guess the answer is "yes" but I don't have a figure, that I want to quote you, because I

don't remember.

Q. Let me show you a copy of a paper entitled, "The 1918 Flu Epidemic and Southern Paiute Territorial Rearrangement". Have you see this before?

A. Yes.

Q. Is that the paper you were just referring to?

A. No. This is a much more detailed paper that was read.

Q. As to the paper that's in front of you, it says, "Presented at the Annual Meetings of the American Society for Ethnohistory at Coloredo Springs, 1981"?

A. Right.

Q. Did you participate in writing this paper?

A. Yes.

Q. Was this paper presented at the Annual Meeting that's described there?

A. Yes.

Q. Who was it presented by?

A. Well, the presentation is by Pamela Bunte and myself. And she physically read the paper.

Q. Is there an identifiable part of this paper that was written by you and one by Dr. Bunte, or was it all the joint work of both of you?

A. It's joint.

Q. Was there a later paper dealing with the same subject?

A. Yes.

Q. When was that written?

A. Over last year, presented somewhere between the 23rd and 24th of December at the Newberry Library in Chicago.

Q. Twenty-third or 24th of December, 1983?

A. Did I say '84?

Q. You didn't state a year. Is that what you meant?

A. Yes.

Q. Is it true that the flu epidemic of 1918 had an effect on the group that Bunte and Franklin have described as the San Juan?

A. Yes, I think very clearly it is.

Q. The paper, that I have just shown you, says, on page 6, "Among the Southern Paiutes, the San Juan and the Kaiparowitz people were particularly devastated by the epidemic." Is that an accurate statement?

A. I think it's less accurate than it was at that time. At that time we were receiving information

about epidemics. This particular epidemic in death and the relationship between that and movement of people, people were attributing moving from house sites, because of death.

Since that time, further research has shown that some of those statements are ways of explaining a move, but in fact a death didn't occur.

Pamela Bunte and Robert Franklin go to some length in here to explain that phenomonen and how there is in fact interpretation of death to a move that was largely -- that largely occurred as a result of intense conflict. So that the number of people, who died as a result of that flu epidemic today we feel is less than we felt at that time. And we have some better understanding of that that number is.

We still don't have, I don't think, a full understanding of the 1918 flu epidemic. And that's why I want to be cautious, because I don't want to give you the wrong piece of information on that.

Q. What is your current belief as to the population before and after?

A. I would be very surprised if a quarter of the Southern Paiute -- of the San Juan and Kaiparowitz people didn't die in the flue epidemic. This would be

very much in line with the worldwide figure as cited in Crosby's book on the subject. And I would feel very comfortable saying -- I do feel comfortable saying that. I think that they had all of the conditions in terms of extrapolating from the worldwide case. And part of our difficulties in terms of, if you will, proving it, is the very isolated condition of so many Southern San Juan, and also the Kaiparowitz were even more isolated at that time. We know that part of the Kaiparowitz came across to live with the San Juan, and we know also that part of the Kaiparowitz then went to live with Kaibab at that time. So it was in fact a period of time of movement of people. We feel that again I would go back and say something like a quarter of the population probably died at that time.

Q. The 1981 paper states that, "Oral history, as told by the Willow Springs and Navajo Mountain communities of San Juan Paiutes, is the primary source of data of this study."

Did you participate in taking oral history or conducting interviews leading up to that paper?

A. Yes. That's the Kaiparowitz field work. That was one of the professional papers that came off the Kaiparowitz work.

Q. This paper further states, "Everyone who experienced the epidemic emphacized the large number of people before, quote, the big sickness, end quote, and the large number of graves with the land empty of people after."

Is that something that your informants told you in connection with the interviewing you did?

A. Yes.

Q. And do you believe that to be an accurate statement as to the San Juan?

A. The large number?

Q. Yes, "The large number of people before, quote, the big sickness, end quote, and the large number of graves with the land empty of people after"?

A. I believe, to the extent that terms like "large" are accurate. I believe that to be an accurate statement still. And we know that some of the moves, however, now I'm sorry now we know that some of the moves were as it were caused by a conflict rather than actualy death of people. So there was movement of territory as documented in this Bunte-Franklin report that were not directly traceable to death, but were in fact movements as a result of ethnicity and attributed at the time to us through oral testimony as deaths. And

that's what she's trying to explain in here as how we've come since 1980-'81. We've come a long ways to understand this. They are not trying to misrepresent the truth. They are using as a way of avoiding discussing something that's very difficult for them to discuss.

Q. The flu epidemic is something you've studied rather extensively and written two papers on?

A. Right.

Q. Okay. In that connection, I assume that you didn't just deal with numbers like "large" but you tried to quantify populations; is that correct?

A. Well, we would have liked to quantify the population figure for the San Juan or not as good as for other groups. So, as a consequence, working with the information we had at that time, we ended up extrapolating from other cases and working with whatever figures we had.

Q. Okay. Now, based upon all that work, do you have any opinion as to the number of San Juan people before and after the flu epidemic?

A. Immediately before?

Q. Yes.

A. Approximately 25 percent more than

afterwards. But there is, as you know from this report, the population figures are just the census figures and others are not good, have never been good for that area.

Q. So you have no opinion as to the numbers, but just ratios before and after; is that correct?

A. Right now?

Q. Yes.

A. Yes.

Q. In your opinion, is it possible, based upon the information that you've reviewed, to determine the number of the San Juan people before and after that flu epidemic?

A. Within the limits of scientific knowledge, acceptable scientific information, yes. Because, we've done it for other groups. There is a number of ways of approaching it, ranging from assessments of carrying capacity of the land to extrapolation back from existing population trends. I think it's doable in ways that are acceptable as science, somebody that published the paper at the end of that research effort.

Q. To your knowledge, has that type of an investigation been undertaken?

A. No.

Q. And in your opinion prior to making an

investigation of the type you described, is it possible to state the population of the San Juan before and after the flu epidemic with any sort of a reasonable certainty?

A. I think the population figures, that we have from the documents that are in the report, I think these population figures are about as strong as anybody should go at this time.

Q. Do you have any opinion as to the population of the group, which Bunte and Franklin have described as the San Juan, as existed in 1934 or thereabouts?

A. I've not engaged in any research on that.

Q. So you have no opinion at he present time?

A. Well, I have an opinion derived from reading this report and following the research and reading the documents. I think there are reasonable conclusions. So based on this report, that's what my opinion, in terms of you keep asking me about research beyond this report that I've done. I don't have any research that I've done myself that's separate from this.

Q. Well, you have an opinion, sitting here today, from whatever source, as to the population of the

San Juan group in 1934 or thereabouts?

A. Yes, derived from this report. And those population figures, such as they are, I have. I didn't mean to be evasive. Was I?

Q. Well, are you just saying whatever the report says, you agree with?

A. Yes. And that's all I know about the 1934 San Juan population, yes.

Q. You've never studied that independently?

A. No.

Q. What's the basis of your agreeing that the report is accurate on whatever it says then?

A. Well, I watched them do the research. Part of my job was to watch how they handled documents. They cited the documents that they used to assess that figure. And it seemed like a reasonable procedure for me.

(Short recess.)

Q. BY MR. PENZL: Okay. Just so you can put this in context and doesn't seem like we're unnecessarily finishing here, but we went through a number of areas where I asked you whether you investigated or whether you formed opinions, but I really didn't talk to you about what those opinions

were. So now I'd like to go back over some of those areas where you said you did do investigation.

Now, as to pre-European contact with the San Juan, do you have an opinion as to approximately what date is accurate to use for talking about pre-contact?

A. There are different dates for different purposes. I'm not being evasive. I'll give you that. There is very good evidence that pandemics spread from Mexico City, as early as 1523, and that these pandemics spread as far as North American and as far as South America. These results of these pandemics are becoming better and better documented and that these episodes no the average was every three years.

In fact, the native American demography conference, that we participated in Chicago in December of last year, was designed to bring more accurate dating on these. And there's a group of people that's moving in that direction.

Q. What do you mean by pandemic?

A. These are episodes bigger than epidemics, because they move through such great distance and through so many ethnic groups. The philosophical, not just philosophical, but the research position, that I'm

coming from, has disease as its core in terms of understanding the effects of the native American population. And, as far as we're concerned, people who do this research, myself included, that that is the only true pre-European contact period was before the first pandemics hit the new world. And after that time, everything was affected to a greater/lesser degree.

Now, there was a series of additional kinds of, or localized, if you will, epidemics and things that occurred, that would have affected the Southern Paiutes as they did other native American population. The spread of malaria, or example, was one of these that was well documented in the 1700's throughout the coastal waters of the rivers coming inland, California and other places, and had rather disastrous effects in terms of population.

So there was, in fact, what Crosby has called virgin soil epidemics, affecting population and population structure before actual contact with the Europeans.

It's also necessary to know that certain kinds of European goods and services were spread beyond the frontier. The Paiutes, for example, the first time they were contacted, were growing wheat. No one has ever

said that wheat was a native American crop. They tend to spread up the Colorado River and had influence and was part of their agriculture at least for some of them.

So we have contact then in different ways.

We also have the formal kinds of expeditions, such as Escalante in 1776, but that in terms of changing Paiutes, was probably meaningless. It was just simply a traveler going through. We learned a tremendous amount about them at that time.

We also had a series of largely unrecorded any kind of formal, since partly because their illegal activities of traders moving between various outposts in northern Spain. Many of these traders were Spanish, some were Europeans, rather famous Colorado, southern Colorado, northern New Mexico-types were notorious for stealing a large number of horses, running the Spanish Trail to California and back. These people had perhaps more long term effects, because large herds of horses would water at important places like tanks. Even Escalante's expedition found the Paiutes much less receptive to them as they drained water tanks.

I can't give you a treatise. I think you asked me questions about aboriginal, and traditionally you have to understand there were tremendous forces

buffeting Southern Paiutes from the early 1500's on. And some of these forces had more impact than others. Some of these caused things that they recovered from, some things they probably never recovered from.

Homer Steward, uses 1850 as a contact point. What he's talking about is really direct encroachment of settlers. And, as that kind of a point, he's correct.

We feel that the major forces of population change had occurred before that time.

By 1850, the Southern Paiute Nation was dismantled.

So I'd like to answer your questions about change in that context. And I can give you as direct an answer as I can based on that.

Q. As to the group in particular that Bunte and Franklin referred to as the San Juan people, or their predecessors, are you aware of any pandemic affects upon them prior to the 1850's?

A. Sure.

Q. When was that?

A. They were in direct contact with the Hopis and other Pueblo peoples who they had traded. There was good documentation that Pueblos received traders out of

Mexico City every -- what is 66 or 99. I think it's 66 days they came out of Mexico City, the Aztec traders, and they brought with them disease and spread it right up through the central part of Mexico and right up into the southwest. And they would have, in fact, been affected by each of those episodes.

Q. And is that an inference from the fact or from the documentation that shows contact between the Pueblos and the Paiutes, and not the result of any direct documentation of the effect on the Paiutes; is that correct?

A. Yes.

Q. Let me ask it this way.

You've cited documentation of contacts between Mexicans or Spanish and the Pueblos?

A. Aztecs.

Q. Aztecs.

A. Well, no, no. These were neither Mexicans or Spanish. I'm sorry. This is pre-European contact. And the Aztec traders were involved and continued to function during the early Spanish period where the goods and services up into the Pueblo area. And this is argued by demographers, historic demographers, as the vehicle for movement of most of the diseases through

trade routes. That's why trade is such a critical factor, lines of trade.

Where groups were in trade, these traders brought the diseases with them. This is a well documented point. So if you find groups that are in trading relationships, then the evidence is very strong that these trading ties, fairs at which traders would appear were the times and the mechanisms for diseases.

Q. Okay. But, we were talking about here, or at least I intended to be talking about contact with European, not contact with pre-European, other native American or native central South American groups.

The question is:

Are you aware or do you have an opinion as to whether the San Juan group in particular was affected by any pandemics that related to Europeans?

A. Well, that's what I was talking about, too.

Q. Okay. You were talking about Aztec cultures, though?

A. But, that's the system of trade. There wasn't a lot of Spainards came over. So, what they did is they became a part of the upper echelon of the Aztec Nation, which Aztecs are just the most famous of the three groups that control that. And they continued to

manage that Nation and to continue their trading ties and as many of the relationships as they could. And during this process, wave after wave of diseases continued to spread. So that what we're talking about is contact with Europeans through native American to native American trading relationships, which pre-existed the arrival of the Europeans. And those kinds of relationships, we can document archeaologically through trading pots and goods up City and points and things like that where we can trace it back to their origin. So the answer is, they would have been affected by that.

Q. Let's retreat to a nice easy number, and that is, the date used by Homer Steward of 1850.

You testified earlier, you have investigated, at least in connection with the Kaiparowitz project, the nature of the subsistence, the economy, if you will, of the San Juan?

A. Yes.

Q. Did you investigate the nature of the subsistence of the San Juan prior to 1850?

A. Okay. I'm sorry. I guess it's my age, my mind is beginning to go.

The traditional subsistence pattern of the San Juan is partially documentable, as all of the

Southern Paiutes is partially documentable, things like Escalante going through the available archeaology in an area, and these kinds of things, are all that we have before 1850, before, really, the Mormons came into the San Juan. Or, before the Mormons came into Southern Paiute Territory with any frequency and began to document.

We have early accounts of probably the best eye witness accounts of the early Mormon explorers is the best source of documentation for all the Southern Paiutes in terms of their subsistence strategies in the way that they were making a living. To the extent that those things can be extrapolated, and there's a certain amount of extrapolation that's necessary here, once you decide that they are part of a unit, and you decide there's certain kinds of continuity in that unit, that the pieces have to be the same. And once you decide that there's certain kinds of things occurring, then you make certain kinds of assumptions. Sometimes you've got a piece from here and a piece from there.

Yes, I have studied it. We feel that they were consistent with the other group based on the combination of direct observation and also extrapolation in terms of their neighbors did it.

Q. What is your opinion as to the nature of the subsistence economy of the San Juan before 1850?

A. They farmed wherever there were points of agriculture, permanent springs, river banks, outwash plains. They managed plants. And the range of plants are fairly well documented at this time. The kinds of plants that they managed. And they hunted. They stored materials as they would get surpluses. And they would trade for things with other Southern Paiutes and Hopis, particularly Hopis, where they needed or they had a gap, they're ecological in terms of the kinds of foods, supplies that they had.

Q. Do you have any opinion as to where the San Juan were farming before 1850, other than wherever there were points of agriculture, as you've described the springs and so-forth? In other words, have you ever done any investigation or have you otherwise come to any opinion as to particular spots that were being formed before 1850?

A. I said wherever they could farm, and that means the rest of that would be wherever they couldn't farm. And I am confused now of the question.

In other words, I said, basically, the pattern -- there's good evidence that wherever there was

water, and a permanent basis, a spring or a river, Southern Paiutes farmed. They put in little patches of corn or big patches of corn wherever they could and wherever irrigation was possible. So what you just asked me is, "Where else did they farm?"

Q. No, no.

Is it your testimony that you're of the opinion that the San Juan were farming before 1850 every place?

A. They could.

Q. That they could?

A. Yes.

Q. And my question is: Have you any idea, have you any opinion as to where those places were, where they could?

A. Sure. Along the Colorado River, wherever major springs are located. You don't want me to go down and list, of course?

Q. No. Is it basically all of the places that presently are capable of being farmed?

A. Presently are capable? Well, some of the springs have blown over and there's a pattern of -- it's hard to know what the pattern exactly is.

There are springs, for example, on the

Kaibab Reservation, an area I know much better, where springs periodically blow dry. They'll fill with sand in a big storm and can't be recovered. So there are probably places that they farmed at that time, particularly artesian springs that are no longer wet. And also with wells, a number of the artesian springs have gone dry in the region. Also, I'm sure I'm answering the question. I hope I am. I am basically saying, yes, there could be other places that used to be farmed that are not currently farmable to day.

Q. Is is possible that there were, prior to 1850, farmable places that were not cultivated by the San Juan?

A. Within their territory?

Q. Yes.

A. Possible?

Q. Yes.

A. I don't have any evidence of that. We've got quite the contrary of evidene that the Southern Paiutes farmed every wet patch they could get a seed into.

Q. Okay. And in what area was that done? Within what geographical bounds before 1850?

A. Before 1850? I would have to go back to

this map and say, the best testimony that we currently have is that derived by Kelly and supported by Euler and others as to the boundaries at that time.

Q. And then within the boundaries, however, you define term, what's the basis for your opinion that the San Juan farmed every areable spot.

A. Because if they were Southern Paiute, which they seem to have been, and every piece of information that we have on Southern Paiutes, that we can gather from 1849 accounts to the exploration of Brigham Young, we can find no wet spot in their area that they didn't put a seed down. And what we're talking about here is a pattern of farming, where farming was important to them. It's part of their life. They were dependent for their population on these -- on farming as an important input in terms of their food. And even beyond that, they then also managed very intensively, perhaps as intensively as any Indian group, a lot of dry land plants. And they experimented with dry land plants. They moved them between zones. It's a pattern that's now very well documented, not only for the Southern Paiutes but for many of the other Great Basin groups, the Southern and Mohave groups.

Q. Isn't it true, prior to 1850, the Havasupi

and perhaps other Indian groups lived among the Southern Paiutes?

A. Among or at the boundary of?

Q. Yes.

A. There's evidence that they were up in the Tuba City area and perhaps elsewhere, but yes.

Q. But, it's your opinion that every areable spot within the territory of the San Juan was farmed by them and not by the other Indian groups, is that correct?

A. You said within the territory?

Q. Yes.

A. Within land that they control almost every territory, it ends, and where it ends there's usually joint use areas.

Q. Is it your opinion that the San Juan excluded other Indian groups from within what you defined as their territory?

A. Yes.

Q. What's the basis for that opinion?

A. Evidence for boundary maintenance for all the Southern Paiutes that we can get boundary maintenance evidence on. And the Chemhuevi's, for example, boundary was expanding at the very earliest

times. Chemhuevis were very aggressive in expanding, not only protecting existing boundaries, but moving that boundary out in different directions against the Serranos or other groups, and had a very strong reputation at that time as being an expansive group.

We find this kind of reputation fairly typical of the early documentation of Southern Paiutes throughout. This is, I think, a very important aspect of the concept that the Nation took certain kinds of integration for those people to do that, and that they were effective at it.

Q. Do you have any opinion as to the nature of -- switching subjects here now.

A. That's okay.

Q. -- as to the nature of the religion or ritual life of the San Juan group in particular before 1850?

A. The aboriginal religion?

Q. Yes.

A. Yes. I think that we're looking at, in the sense that perhaps when we look at contemporary San Juan religion, in some respects we're looking back at traditional pre-contact, at least immediately pre-contact Southern Paiute religion. And what we're

seeing here, as we in many respects are in terms of the language, too, we are seeing old fashioned ways of Paiute life and a religion that's very much rooted into the feeling that this is sacred land, that this is the place where we were created, the sacred responsibility for the things in the land. These are the things that you see in perhaps its purest form today among the San Juan Paiute. But, you also see in Las Vegas, the example, I think talking with Kim, going down the highway with a group of college education Las Vegas Paiutes, and I find myself suddenly against the windshield of a car squealing off the side of the road, somebody, who was driving, jumping back out to take the desert tortoise off the road. The sense of responsibility for the animals within the desert is something that's a very amazing thing, I think for people, who are non-Indians, and to some extend for people who are non-Paiute. Too, the fear, if you tell people how strongly they feel is that you're going to discredit yourself because of the stories. I mean, Pamela didn't put in there about talking to rocks. She discusses talking to plants. You must talk to a plant before you pick it. And the discussion of the relationship between these people and this land. But,

it's also in terms of rocks. If we wanted to take a rock out of the field, and we had to literally explain the removal of the rock. When we took botanical specimens, I had to hire botanists who were willing to agree, before they took the specimens, to explain to the plants they were taking them, or that Paiutes were uncomfortable about pointing out plants for specimens.

These are things that -- I'm a westerner, non-Indian, and, of course, first you see it, then you watch it. Then you see it with somebody else; same thing. And then you see somebody else, and you work. I've worked now with every group of Southern Paiutes over a period of 12 years. And this pattern is so clear. It's just so clear, this relationship between them and individual rocks and kinds of plants and animals. And it's so strong and continuous that you have to believe that this is the basic religion of the people, the Southern Paiute people.

And I've also worked with Utes, and they are not like this exactly, but they are close.

I've worked with Goshutes. They are not like this, but they are close.

I've worked with Navajo people, Hopi -- sorry. I've worked with Pueblos, Zunis. I've worked

with 25 American Indian Tribes, and this is a very unique experience for me. This is, I guess, where you have to draw upon me as an ethnographer and say, "Yes, this is something that matches up."

MR. KENNEDY: I wasn't clear on your answer. Did you say you have worked with Hopis?

THE WITNESS: I'm sorry. I feel like I have. I've worked with the Zunis. I haven't worked with the Hopis.

MR. KENNEDY: Did you say you worked with the Navajos?

THE WITNESS: I have worked with Navajos in two or three different settings.

MR. KENNEDY: Okay.

Q. BY MR. PENZL: Prior to 1850, was there, among the San Juan, any ritual or religion related to healing?

A. Oh, yes. And many of these are pretty well documented. Well, I'm extrapolating here because of the poor documentation of the San Juan area and the much better documentation for the people, like the Las Vegas group. But, there's things that you get in the 1855 diaries of Mormons, who've settles the Las Vegas colony, which sounds like exactly the same thing you're learning

from the San Juan today. And, as an ethnographer, you get that kind of information. You begin to interpret that as being part of the traditional pattern.

Q. As I understand your earlier testimony, you said, in connection with the Kaiparowitz Project, you did investigate the religion and ritual life of the San Juan as a group?

A. That's right.

Q. Now, my question is:

As to the pre-1850 time, did you investigate that of the San Juan as opposed to whatever you did in Las Vegas or anything else?

A. Well, that's what I'm trying to explain to you, is that the way you investigate the pre-1850 San Juan, is by extrapolation from places where you have documentation for other Southern Paiutes. These patterns are still there today in the ethnographic pattern. And you don't have any reason to believe, or any -- not reason to believe, but if you don't have any evidence that they are a recent adaptation, then some show you have continuity.

The San Juan are the most poorly documented group. So in order to answer questions like, "What was pre-1850?" Well, in almost all cases, you have to

extrapolate.

Q. In order to extrapolate, you have to assume continuity; is that correct?

A. You have to assume continuity, and you have to assume almost continuity horizontally in the sense, if you have a piece of information from 1850 for Kaibab, you have to assume continuity horizontally and then vertically.

Q. Okay. What then, in your opinion, was the nature of any religious or other healing ritual of the San Juan before the 1850's?

A. Well, let me ask for a point of clarification.

When you asked about healing rituals, did you have anything in mind? Because we have literally hundreds of different plants used for healing different kinds of things. And many other kinds of plants and ritual combinations, which solve everything from polution, dealing with enemies -- well, that's an inappropriate term. I'm thinking affluent, but other kinds of healing ceremonies. There's literally hundreds of them. What kind of one did you have in mind?

Q. You've been talking basically about the therapeutic use of herbal medicine or folk medicine,

plant related medicine; is that correct?

A. Yes. There were also other things like sucking ceremonies, things like that.

Q. Is it accurate to say, before the 1850's and on the San Juan, there were rituals performed by shamen and there were herbal medicines administered for therapeutic purposes?

A. Yes.

Q. Were there any other aspects to what you might call healing in traditional San Juan rituals prior to the 1850's, or are those basically the two components?

A. You mean, the herbal medicines?

Q. And the shamen's?

A. And the shamen's?

Q. Yes.

A. I'll say, no.

Q. What are the other components of the traditional medicine?

Q. Well, the shamen did many kinds of things. They had sucking rituals, where they sucked things out of the body.

I'm not sure you want the whole treatise for me to go down, and all of the things the Paiutes

could do. But, they were involved in healing activities, as near as we can tell, that dealt with plants and dealt with songs and things like that.

Q. Okay. Before the 1850's, were the healing duties or rituals, or whatever, assigned to an identifiable group among the San Juan?

A. A group?

Q. Yes.

A. Or a kind of person?

Q. Yes.

A. I think that political leaders were probably almost always religious leaders in the sense of healing, but not all religious leaders were political leaders. And there is also a possibility in terms of the way Paiutes divided these functions up between being a person that is in charge of things like a funeral, and a person who's in charge of something like a healing ceremony. These are separable kinds of things. Politics, in respect to the manipulation of power, not manipulation, but the management of power, if you will, religion, in the sense of communicating with the supernatural, the capacity to go to heaven for example in return, is something that a number of religious leaders, that I know of, have said that the kind of

story, that Pamela Bunte documented here for Lehi, is very much what a Paiute religious leader would in fact tell you today. I'm doing a life history of one in Kaibab. He's gone to heaven a couple of times. But, not everybody will talk with the supernatural, and not everybody, who talks with the supernatural, will also know the medicines to cure people.

So I'd like to give you an easy answer. Generally, there's a tendency for the political leaders to be also people who are religious leaders in the sense of talking to the supernatural and kind of intermediaries between the supernatural and also curing, but they are separable. Particularly the healing. There might be many more people who understand Indian medicine and can use it than there are people who go to heaven. And perhaps there are more people who go to heaven who are overall religious leaders. So we see increasingly smaller numbers.

Q. In the pre-1850's, San Juan culture, was talking to the supernatural something that every member of the group was allowed to do, or was that a concentrated function?

A. You said, "Allowed to do." I think it's something that happens to people. It's perceived of the

supernatural. And you can talk to the supernatural. Rather than people say, "Well, you're the person to do it," or, "You're the person to do it and other people shouldn't do it." It wasn't something, as near as we can tell, that everyone did.

Q. Was it, for example, considered heresy for a person who didn't have some official religious capacity to engage in prayer or other communication with a deity?

A. I don't think that kind of --

Q. That's not a concept that applies there?

A. I don't think so.

Q. Was there anything akin to priests in the religious life before 1850 among the San Juan?

A. Full-time religious practitioners?

Q. Yes.

A. I would think that's something I'm a little more comfortable with.

Q. Okay. There were full-time religious practitioners?

13

A. We've been using the word shamen, for example. The time for shamen is involved in shamendites is partly a function of the population size, And the bigger the population, the more shamens devoted to the

shamenistic activity. As population declines in size, the more the shamen has to devote time to his or her subsistence, and the less work there is to be done in terms of shamenistic work.

Q. Okay. Regardless of how much time was spent, what was the nature of the shamenistic work among the San Juan before the 1850's?

A. Other than what we've just discussed like curing?

Q. It involves curing; is that correct?

A. Curing, yes.

Q. Did it involve administering of herbal medicines, was that part of the shamen's duties?

A. Curing, yes. They tended to be doctors, but not -- doctors. I'm sorry. Some shamen might not be doctors. Most shamen were also doctors.

Q. Okay. And were there doctors who were not shamen?

A. Yes. They are often called Indian doctors. And the word Indian doctors increasingly get into the literature, and sometimes it also refers to a shamen, but it may not. There were more Indian doctors than there were shamen, but most shamen also doctored using herbal medicines.

Q. In the traditional or pre-1850's San Juan culture, were there persons, other than shamens and what you've described as Indian doctors that had any role in the healing?

A. There is nothing wrong with any person who understands medicine and the things that are necessary to be said in the process of picking plants and preparing the medicine from engaging in healing activity. So if your mother knew how to go out and gather medicine, and to process it with the right inculturally appropriate man, there's nothing wrong with anyone who understands it, doing it. And there's a great variety of what might even be called -- well, I don't want to introduce new concepts.

Q. But, isn't that, what you have just referred to, as an Indian doctor?

A. Well, that's people who are recognized as Indian doctors, who are really considered specialists and will know the full ranges of the medicines and will know very esoteric medicines as well as the common cures for the more mundane. But, there are people, lots of people, average citizens, if you will, who have an understanding of procedures for developing common cures and do work with herbal groups.

Q. In the traditional pre-1850's, San Juan culture, you said there were shamen who had certain religious duties; is that correct?

A. Yes.

Q. They were Indian doctors who had certain duties in connection with administering medicine; is that correct?

A. Yes.

Q. They may have been the same people or they may not for any given individual; is that correct?

A. That's correct.

Q. Then individuals may know something, some subpart of the Indian doctor's understanding of the use of individual medicines?

A. Yes.

Q. Other than those three categories, were there other people involved in the healing in the traditional San Juan culture?

A. Well, we're now discovering things about Southern Paiute religion, that just simply didn't exist in the literature.

You have to understand that it was very fragmentary. The work of Omer and Isabelle Kelly and others was often based on a limited number of interviews

over a limited period of time. And there were some things that we're learning today that we believe are traditional in the sense of 1850. There's no reason why these kinds of things would have come into the culture.

One of the things that we learned was that there are places that have particular power. And we were taken to one of these places up in Utah, which had a special rock, and up on a hillside. And this rock is called in English Doctor Rock. And that particular Doctor Rock was a place where people, who otherwise could not be cured, were taken to be healed.

What I would answer then is the possibility that people from as far away as San Juan, and perhaps Chemhuevi travelled to these sacred medicinal places, and were cured in combination in, perhaps, their own religious leaders, who I would think escorted them, and also in terms of local religious specialists.

This is a very new area of research for us and we think we're right on the point of breaking through in it. You have to understand that the person, I got a lot of my information from, didn't talk to me for eight years.

Q. Who was that person?

A. Dan Bullets. And the time fram on

gathering information of this sensative a nature has just been such that it simply hasn't been gathered.

Q. Is Dan Bullets a member of the group described in Bunte and Franklin as the San Juan?

A. No. But, he's a Kaiparowitz and he's very closely related, next door neighbor.

Q. Have you ever observed a San Juan shamen practicing his calling?

A. No.

Q. Have you ever observed any Southern Paiute shamen performing any ritual?

A. Most of the old shamen died in the traditional sense of the word. When you're talking about the real, almost full-time, for intents and purposes, full-time religious specialists, the shamen, most of them have died. And what you have today are people who are religious specialists, would not be comfortable by describing themselves as full-time shamen, and who can still do some of the things, but don't know the -- for example, they are not full-time religious specialists. So the idea that there's now a full-timre religious specialist, in the traditional sense, there doesn't seem to be any of these people alive today.

Q. Are there any religious specialists, such as you described, among the people listed in the Bunte and Franklin report?

A. I'm sorry. You mean, the shamen?

Q. You said that they aren't shamen, but they might be a different kind of religious specialist?

A. People who talk to God, communicate with the supernatural, yes. People who use plants for medicine, yes.

Q. And there are those people among the 173 people who are listed in the Bunte and Franklin report?

A. Yes.

Q. Do you know who they are?

A. By name?

Q. Yes.

A. Not all of them.

Q. Okay. How do you know that they exist? Did you discuss such things with them?

A. We talked about curing ceremonies. The Paiutes come down -- the Kaibabs come down and have joint curing ceremonies and things like that with them, so their existence is there. I can't give you a name by name basis. I think that that is something that will be pretty easy to do.

Q. You mentioned earlier that you did four days of what you said you would characterize as field work among the San Juan in connection with the Bunte and Franklin report.

Did you do any field work among the San Juan in connection with Kaiparowits work that you did?

A. Yes.

Q. Something that you personally did the field work?

A. Yes.

Q. When was that?

A. It was in 1980.

Q. How many days did you spend doing that field work?

A. The field work was combined with -- you want an answer in terms of the number of days, but I was also working with the Navajo Tribe in terms of doing field work, and I was working back and forth. So I might spend part of the day with the Navajos and part of the day with the Paiutes. I think there was probably a week of work for Dr. Bunte and myself total.

Q. What was the nature of the field work you did then in 1980?

A. The project was a Class I analysis of the

potential religious concerns that would be impacted, were a series of coal production and coal transportation alternatives to occur on the western Navajo Reservation. This study was funded by the Bureau of Land Management, Utah office.

Q. And what was the name of the coal project, if it had one?

A. It's the Kaiparowitz proposal.

Q. Did that relate to the Peabody Mines or some other mines?

A. Peabody was a number of groups that were proposing the development of deep pit mining in the Kaiparowitz plateau, and the strip mining at the Alton coal fields.

Q. In connection with that undertaking, did you conduct interviews or take personally oral histories?

A. Yes.

Q. How many people did you interview in that connection?

A. We only interviewed at Willow Springs. And I won't give you an exact number because I don't remember. My guess is that we interviewed all of the Elders currently at Willow Springs at that time. And we

talked with Ute that were of adult age at Willow Springs.

Q. Approximately, how many people was that altogether that you talked to?

A. Well, approximately 20 people. I'd have to go back to my original field notes to give you an exact number.

Q. Now, when you mentioned that you spent about a week, I didn't understand that.

Did you mean that pieces of about seven days were used, or if you put all of the time together that you spent it would result in about a week?

A. Right. Well, both Pamela Bunte and I were in the field together. And part of the time we were together with San Juans. And part of the time I was working with the Navajo Tribal Council explaining the project and working over there. And I went back and forth somewhat. And I didn't review my field notes before I came here, I simply don't remember. My guess is that we're looking at total Pam's field time and my field time probably added up to a man week, a week in terms of hour, maybe more, if you divide it up.

Q. And all of that person week, or however much time it is, was spent interviewing the people at

Willow Springs as you just described; is that correct?

A. Pamela was there all the time, and I was there. I think we might have been there three, four, maybe five days actually in the field there. And during that time, she would have been there all the time day and night. I was there at least two maybe three days day and night. I don't know, something like that, and a couple of days over at the Navajo Tribal office.

Q. In connection with the Kaiparowitz Project, did you interview in 1980 any person other than the people you talked about at Willow Springs, any San Juans?

A. No. I'm sorry, I didn't understand your question.

Q. Is it correct that all of the field work you've done to date, amongst the San Juan group, as defined by Pamela Bunte and Franklin, was done either during July of 1983, in the four days you've described, or in 1980 in the approximate man week that you've described?

A. That's correct.

MR. PENZL: I think I'm about finished. Can we take a short break.

(Short recess.)

MR. FENZL: I have no further questions at this time.

EXAMINATION

BY MR. GOTTSCHALK:

Q. Could you explain a little bit about the workings of the Southern Paiute Nation and the constituent Tribes of that Nation and the political authority at each level?

MR. FENZL: Object to the form of the question. It's really not very specific as to what point in time you're talking about.

MR. GOTTSCHALK: Well, at the time that the Southern Paiute Nation existed. He's already testified when that was.

MR. FENZL: Prior to the 1840's approximately?

MR. GOTTSCHALK: Right.

THE WITNESS: Is it fair for me to ask you for more information, because I thought I did a lot of that, and do you want me to go over some of that?

MR. GOTTSCHALK: Let me rephrase.

Q. BY MR. GOTTSCHALK: Would you characterize

the Southern Paiute Nation as a federation of Tribes, or how would you characterize it?

A. Oh, certainly when we begin to get information on the Southern Paiute Nation, that's somewhat more direct. It appears to be in fact something like a federation, I would expect to find, but we don't have full information on the structure of it.

I would expect to find a structure that local groups contributed to one or more major councils, which then met periodically for certain kinds of reasons, having to do with national as opposed to regional affairs. And that these councils would be representative of the local Tribes or the local subunits of the Nation.

I think the word "Tribe" is probably legitimate there. And that we would see a form of social organization that would reflect a much larger population.

Q. And the Tribes, how were decisions made at the tribal level and what types of decision? Well, let me start with what types of decisions were made at the tribal level?

MR. FENZL: Objection to the form of the question. I'm not sure what you mean by tribal level

here. I think the witness, you've used it, and you've used it in a different context.

Q. BY MR. GOTTSCHALK: Do you understand the question?

A. Yes. I'm talking about the local group, like the San Juan Paiute.

Q. And I understood you to say that Tribe would be the legitimate term?

A. The appropriate term to talk about that group.

MR. KENNEDY: Could you pin down the time frame on this, please?

THE WITNESS: It would be pre-1840's, the pre-1840's that these units would make certain kinds of local decisions that have largely to do with the use of resources within that area, and things that are happening specifically to that area and to the extent that something, that would require a larger -- bring in a larger Tribe, that this would be the kind of message that would be communicated by the runners. And meetings would deal with things like trade; the movement of seeds; stored food to other parts of the Tribe. And the process, by which this would be exchanged, would have to be a pan-Tribal or nationwide kind of decision. But,

the kind of day to day functioning, the transhumant of movement was very important, as near as we can tell. And the preparation for these transhumant moves, for example, we're finding that there were certain places.

Am I talking on again or am I addressing your question?

Q. Well, you just answer the question. And when you feel satisfied with it --

A. Well, I think these are the kinds of things that would be local. For example, there were certain areas that were dry gathering areas where a plant would only be ripe for a limited period of time. And there might be only one or two plants of food value in this area.

Now, these places, that we're starting to get ethnographic information on from contemporary interviewees, these places cannot hold large populations for very long. Plus, you don't want anybody living there very long, because you're only going to be in there to harvest and process things. So we're finding that the movement to these places, the timing of the movement to such places, would be critical, as well as the coordination for hunting. We understand group hunting much better, and it's discussed in the

literature. It's well documented in the Southern Paiute ethnographic literature. So these would be local kinds of decisions.

Q. You said, I believe, that you have studied all the Southern Paiute Tribe?

A. I've worked with at one level all of the Southern Paiutes.

Q. Do you have an opinion as to whether any one of those groups is more traditional or has maintained its ethnic identity and use of language more than any others?

A. Yes. I am not a language expert, so I will have to say that my opinion is based on the work of Pamela Bunte in terms of language. But, in terms of other things, like the one that I discussed earlier, the religious sense of identification with the land and the plants, this kind of thing, I find these feelings strongest, yes, strongest among the San Juan. I would characterize the San Juan as being the closest thing to a traditional Southern Paiute group as you can find.

MR. GOTTSCHALK: I don't have any further questions.

. . . .

. . . .

EXAMINATION

BY MR. FENZL:

Q. "Closest to traditional Southern Paiute," in what respects other than this identification with the land?

A. Well, that, and they continue to use more plants. When you go in the house of a San Juan Paiute, you still see a large assortment of the traditional plant seeds. They become part of the food; part of the diet. You find, say, in the Las Vegas colony, if you go into the Las Vegas colony, you find maybe one out of five families will have traditional plants, and most of those will be medicine. Whereas the San Juan have -- every household I've ever been in, have traditional medicine as well as traditional food plants. They are to be eaten and consumed. So in those terms --

Q. Those are the only respects you meant when you said they were the closest thing to a traditional Southern Paiute group?

A. Well, I think their social organization, other aspects of it.

Q. What other aspects of it?

A. Well, I'm inclined to see them as operating very much like an independent -- one of these Tribal

subunits would have operated traditionally. I think there's a strong argument for them being more traditional in terms of their political organization. Partly because they continued to do many of the things that traditional Paiutes did, as opposed to the Las Vegas Paiutes, who get up each morning and go to 9:00 to 5:00 jobs. These people are up, and part of their activity on a day to day basis is very much like Southern Paiutes' day to day activity.

Q. Now, wait a minute. What does that have to do with social organization?

A. Well, part of the social organization has to do with making decisions about going out and doing these traditional activities. Who's going to do it, organize people to engage in these activities. You could take a single -- I hope I'm not moving -- I see from your -- I'm reading the need for more information in your eyes. Do you want me to continue to talk about this?

Q. Is it your testimony that none of the people listed in Bunte and Franklin in the Tribal role are employed in wage work?

MR. GOTTSCHALK: I object to that. He didn't say that.

MR. FENZL: I asked him if that's his testimony.

THE WITNESS: No, I didn't. I'm just saying they are the most traditional in terms of the amount of their time and the amount of their group efforts that are devoted to group activities that were like they would have been in the past as opposed to many of the other groups who are much more integrated and involved in activities that are non-traditional.

Q. And when you are opining as to what the traditional activities were of this group, you're basing it at least in part on what they do today, aren't you? I said, I see a certain circularity, Doctor, in your reasoning. You're saying that the people do today what they today, you assume, they did, like they do today, at some historic period of time, and then say they are very traditional because they are doing what they do today?

A. Well, I witnessed accounts of them gathering plants and processing the plants; weaving baskets. The first accounts that we have of them is of doing these activities. You also have archeaological evidence that they gathered many of these seeds and plants in the past. So I think there is something more direct.

Q. Have you made any inquiry as to the present religious preference or affiliation of any of the people on the Tribal role in the Bunte and Franklin report? Most of them are Christians, are they not?

A. Most native Americans belong to at least three religions.

Q. I asked specifically about the list of 173 people in the Bunte-Franklin report?

A. Yes, most Southern Paiute are Christian. And many of them belong to the Native American Church, and many of them are traditional in terms of their religion.

Q. Now, none of the San Juan were members of the Christian religion before contact with Europeans, were they?

A. No. Nor was there a Native American Church at the time.

Q. All of the people on the Tribal role in the Bunte-Franklin report live in hogans or on anglo-style frame houses at the present time; isn't that correct?

A. Yes.

Q. And neither of those types of architecture were traditional among San Juans; is that correct?

A. Well, both of those styles of architecture

are new in the southwest. They probably in the 1850 period lived in a log-type of dwelling in the winter, at least in the higher elevations.

Q. The San Juan people?

A. There was no hogan in 1850.

Q. So the architecture among that group is different today than it was before the 1850's; is that correct?

A. Well, of course.

Q. Nearly all of the people on the Tribal role in the Bunte and Franklin report speak English and/or Navajo, isn't that correct?

A. Well, I can't testify to that, except to the extent that I read the report, since I have not interviewed all those people.

Q. Is it your testimony that you believe that the group described in the Bunte and Franklin report are the closest thing to a traditional Southern Paiute group in terms of their current religion?

A. Yes.

Q. And is it your testimony that they are the closest thing to a traditional Southern Paiute group in terms of their architecture and language?

A. Two questions. Which one do you want me to

take?

Q. Both.

A. Architecture?

Q. Yes.

A. No. There is no traditional architecture anywhere so that's not even a point of comparison. Language, yes. As near as I can tell from Pamela Bunte's work. I can't testify in terms of my professional knowledge of language.

Q. So all you're really saying is that the other San Juan groups have also changed, isn't that true?

A. The other Southern Paiute groups?

Q. The other Southern Paiute?

MR. GOTTSCHALK: Well, I object to that characterization. His testimony will speak for itself.

MR. FENZL: Are you instructing him not to answer the question?

MR. GOTTSCHALK: No. I'm just saying your question is argumentative, and I object to it on that basis. He's testified. His testimony is what it is.

Q. BY MR. FENZL: Do you understand my question?

A. Yes. I have a very long answer, too.

Q. When you say that the San Juan are the closest thing to the traditional Southern Paiute, are you comparing it to the present practices of other Southern Paiute groups?

A. Yes.

Q. Those other Southern Paiute groups have changed as well, haven't they?

A. Of course.

Q. And you are not saying that the present day San Juan live, in all respects, a Southern Paiutes did before 1850, are you?

A. Of course not.

MR. PENGL: I have no further questions.

EXAMINATION

BY MR. KENNEDY:

Q. I'd like to know about your question or your answer with respect to the hogans. You said there were no hogans prior to 1850?

A. Yes. The hogan is a structure that's been evolving over time. There's no question about this. The archeaological evidence on the hogan shows that it has, as we see them, we go out there today, it's a recent

phenomenon. It goes back. In fact, there's even existing the old forked hogans as a pattern that lasted well up into this century. And this forked hogan is for all architecturally indistinguishable from the winter house of the Southern Paiutes, with place sticks, heavy sticks together, they interweave willows or other kinds of softer material around. They pack it with mud and they even, in many cases, put a cross-piece across the front. That particular structure is indistinguishable from other Paiutes, and it's not a discriminant architectural design.

Q. Well, I guess what I'm asking you is: You're saying that the Navajos didn't have hogans prior to 1850?

A. They had these other kinds of things. The word hogan applies to both the nice eight sided architectural things that we see today. And then, when we go back in time, we move into other styles, particularly this old traditional "traditional hogan." But it's also the traditional Paiute winter house. Paiutes also made stone houses for various purposes and in various places. These tended to be rectangular.

Q. So you're saying that what's commonly

known today as a Navajo hogan, the eight sided structure with the door on the east, is not a structure that was used by the Navajos going back into pre-historic times?

A. No.

Q. When did that structure appear?

A. I can find that out for you.

Q. Do you have any idea? Can you give me a half century guess or estimate?

A. It's my understanding, and I can go back and reread it, I didn't know we were going to talk about this today, it's my understanding that the round octagonal hogan pretty much came into the late 1800's and really didn't become fully accepted as a style until well into the 20th century. But, the question addresses a legitimate question, and that has to do with, "Are people who they are culturally, or are they who they are because of material culture?" And these are honest questions anthropologists spend all their time talking about cultural things and ethnicity and persistence of culture. This is, perhaps, just exactly the key to the debate.

Q. Might we call some of these hogans, Paiute hogans?

A. True.

Q. Hopi hogans?

A. I don't know if the Hopis -- I have no reason to believe that the Hopis didn't live in -- I don't have any knowledge of this, but live in structures like this. They certainly didn't spend all of their time living in square centralized towns. Of course not.

MR. KENNEDY: That's all.

MR. PENZL: I'm afraid now you've confused me.

EXAMINATION

BY MR. PENZL:

Q. Before the 1850's, the Paiutes did not build eight sided horizontal log structures, did they?

A. I don't think anybody did.

Q. But, the Paiutes did not?

A. No.

Q. I don't care what anybody else did. I'm only asking about the Paiutes.

A. Right. As near as I can tell, no.

Q. When is the earliest time that any person, that you would contend to be a San Juan Southern Paiute, built an eight sided horizontal log structure and used it as a home?

A. I don't have a date, but I can go back in my field notes and get a date in terms of some of the estimates. I don't have it now. I would think in the late 1800's. I don't know, 1900.

Q. And have you ever heard of an instance of a Hopi Indian living in an eight sided horizontal log structure?

A. No. But, we're talking about a time period when there would be no reason for the Hopis to be living in that. The Hopis used to be much more dispersed in isolated settlements. And in these time periods with the more ranchero style, it's very likely they had that. We know they had shade houses and these kinds of things, the ramada.

Q. I'm not asking for estimations, but are you aware of any such instance?

A. Of a particular family living in one?

Q. Of any Hopi Indian living in an eight sided horizontal log structure?

A. No.

MR. FENZL: No further questions.

(The deposition then concluded at 3:35 o'clock p.m.)

RICHARD W. STOFFLE

Sworn to and subscribed before me this 8th day of November, 1984.

Rosemary Douglas
Notary Public, Kenosha, WI

My commission expires 5/17/87.

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

BE IT KNOWN that the foregoing deposition was taken before me, WILLIAM N. COHAN, a Notary Public in and for the County of Maricopa, State of Arizona; that the witness before testifying was duly sworn by me to testify to the whole truth; that the questions propounded to the witness and the answers of the witness thereto were taken down by me in shorthand and thereafter reduced to typewriting under my direction; that the deposition was submitted to the witness to read and sign; that the foregoing 115 pages are a true and correct transcript of all proceedings had upon the taking of said deposition; all done to the best of my skill and ability.

I FURTHER CERTIFY that I am in no way related to any of the parties hereto nor am I in any way interested in the outcome hereof.

DATED at Phoenix, Arizona, this _____ day of October, 1984.

_____
Notary Public

My Commission Expires:
June 18, 1986