

"IF WE GAVE UP THE MAKING OF NAWAIT, IT WOULD MEAN STARVATION": Saguaro  
Wine Defenders of Tohono O'odham Land and Way-of-Life

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# “IF WE GAVE UP THE MAKING OF *NAWAIT*, IT WOULD MEAN STARVATION”

## Saguaro Wine Defenders of Tohono O’odham Land and Way-of-Life

by

Peter MacMillan Booth

ON SEPTEMBER 11, 1922, two Tohono O’odham (Papago) policemen in the service of the Office of Indian Affairs (OIA) went to *Ge Oidag* (Big Fields), on the reservation in southern Arizona, to recruit—or seize—children for the Yuma Boarding School. While at *Ge Oidag*, they witnessed a group of O’odham that included two *ma:kai* (religious leaders and healers), José Tapia of the village and José Pablo of *Ge Aji* (Santa Rosa), making *nawait*, or saguaro wine. Tapia, Pablo, and other conservatives who followed the older O’odham ways, known as the *himdag*, saw the ritual as part of a sacred ceremony that would bring rain in the coming year. Many of them belonged to the O’odham dialect group known as the *Aji*. More progressive O’odham, predominantly residents of the *Kolo:di* villages, and the OIA objected to the custom as a violation of federal laws prohibiting the production of any form of alcohol and a stumbling block to tribal advancement. Moderate *Aji* and others, including the *Ge Oidag* headman Alvino Geronimo, were caught in the middle—uneasy over the unrest the conservatives threatened to arouse, but equally uncomfortable with changes occurring in their desert home. Like Geronimo, the policemen were confronted with a dilemma. Conscious of their duty, they attempted to arrest Tapia and Pablo. But, when the wine-making O’odham produced

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weapons and threatened to use them, the reservation lawmen wisely backed down.

It now fell to Papago Indian Reservation superintendent Richard McCormick to determine the best course of action. In previous years, McCormick would have avoided the issue for fear of antagonizing both the moderate O'odham and key OIA supporters on the national level. A few years later, the OIA would defend the O'odham right to make *nawait*. But at this particular time, a variety of local and national issues emboldened McCormick to take an aggressive stance against the making of saguaro wine. Hoping to avoid further aggravating the situation by sending O'odham police to arrest the wine-makers, he called upon U.S. Marshal T. J. Sparks in Tucson. By September 17, Sparks had apprehended Tapia. Pablo was arrested soon after. The arrests set in motion a chain of events that ultimately produced conflicting results for the Tohono O'odhams.<sup>1</sup>

Several significant factors formed the backdrop to Tapia and Pablo's arrest, not the least of which was the establishment of the Papago Reservation in 1916. Until then, the OIA had been little more than a distant nuisance, as officials only occasionally made the long journey to the O'odham villages from their headquarters at San Xavier, near Tucson. Now it was a real presence, operating out of the newly created Sells Agency in the heart of Papaguera. The reservation brought a hospital, some day schools, and the drilling of water wells. But the OIA also recruited, or kidnapped, O'odham children for government boarding schools; introduced meddling bureaucracy; and imposed on the tribe fences, unwanted projects, and increased police surveillance. In general, creation of the reservation meant loss of autonomy for the very independent O'odham villages.

Other elements of the outside world also carved inroads into the O'odham desert homeland. These included self-assured Presbyterian and crusading Franciscan missionaries who jealously competed with each other for O'odham souls. Moreover, defiant non-Indian ranchers competed with the O'odham for land. In particular, these cattlemen fenced a tract—known as “The Strip”—that cut straight across Papaguera, including some O'odham villages. Land speculators, Border Patrol agents, Mexican revolutionaries, labor recruiters, water-hungry miners, tourists, and a few swindlers caused additional anxiety. In the minds of the conservative

*"If We Gave Up the Making of Nawait, It Would Mean Starvation"*

O'odham, these unwelcome intruders threatened the people and their way of life.<sup>2</sup>

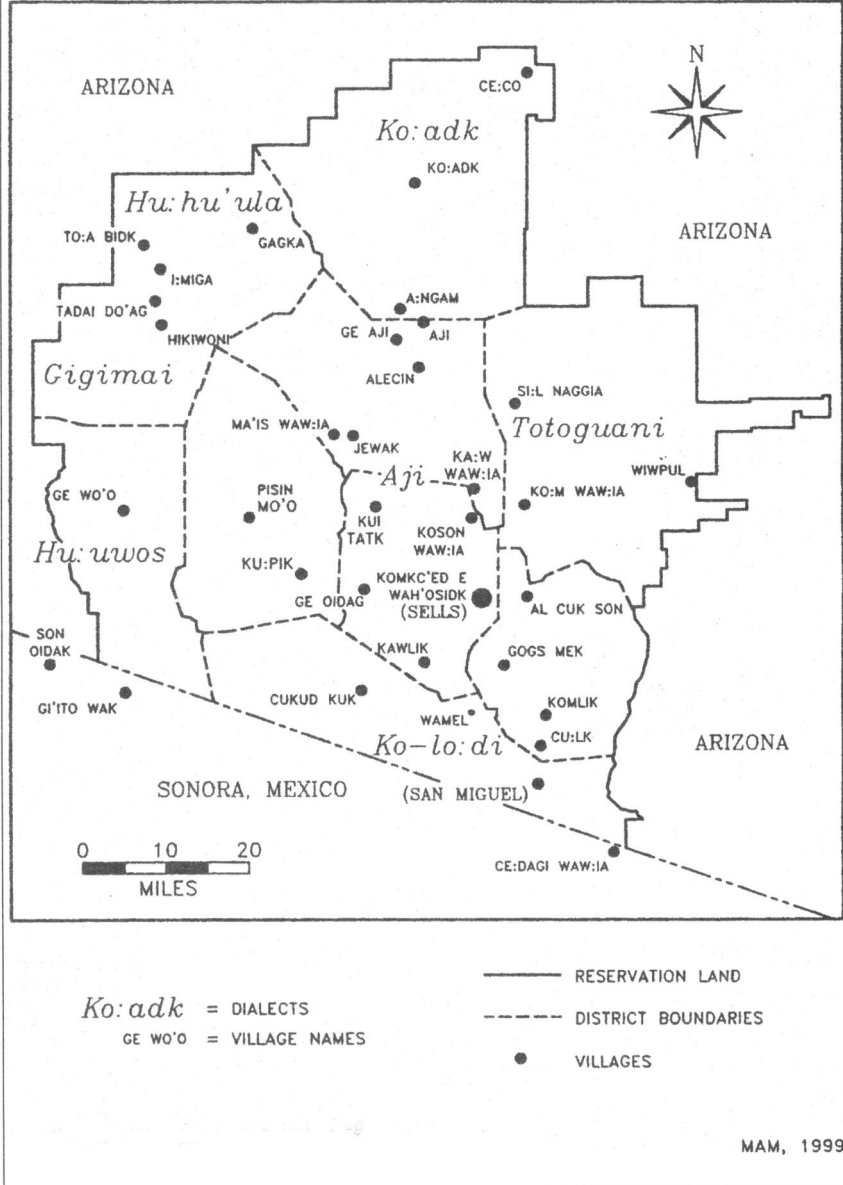
Plentiful rain over the past decade, coupled with steady part-time work in off-reservation cotton fields, had left the Tohono O'odham relatively comfortable. Thanks to their diversified economy, O'odham who wished to keep alive the older *himdag* could ignore the OIA and most other outside pressures. This all changed, however, in the early 1920s. A post-WWI economic downturn depressed the demand for O'odham cattle and crops at the same time that it reduced the number of jobs outside the reservation. A severe drought, beginning in 1921, compounded hardships among the desert people, and inspired conservative O'odham, predominantly in the western *Aji* villages, to call for a revival of the old values.

The *himdag* treated the dearth of water as a fact of desert life to be endured; while requiring some adjustments, it did not demand a change in the O'odham lifestyle. It is not that drought was unimportant. On the contrary, the dry spell of the early 1920s was severe enough that some conservative villages recorded it on their saguaro-rib calendar sticks. For example, the *Ma:is Waw:ia* (Covered Wells) calendar stick described 1921 as the year with a "great loss of cattle and horses." But the *himdag* taught the O'odham how to cope with shortages by diversifying their economy, relying on other sources of income, and performing the proper ceremonies until the rains returned. In this way, several individuals capitalized on the drought by selling the sun-bleached bones of dead cattle. Women, meanwhile, used the time they would otherwise have spent harvesting cotton to increase their commercial basket production.<sup>3</sup>

Still, the O'odham needed rain to grow their crops. Calendar sticks and other records show an increase in the performance of ceremonies, many of which had laid dormant while the O'odham seasonally traveled to the cotton fields off the reservation. For example, in 1922 the *Aji* village group held the *Wi:gita* ceremony, a fall event that celebrates the *himdag*. It was the first time they had conducted the ceremony since 1914, and it would not be held again until 1933. The rain-bringing *nawait*, or saguaro wine, ceremonies were similarly revived. In this late-summer ritual, the O'odham fermented the juice of the saguaro fruit, which they then consumed in a gathering that was partly social and partly religious. In doing

# Tohono O'Odham Nation

Villages, Dialects & Districts



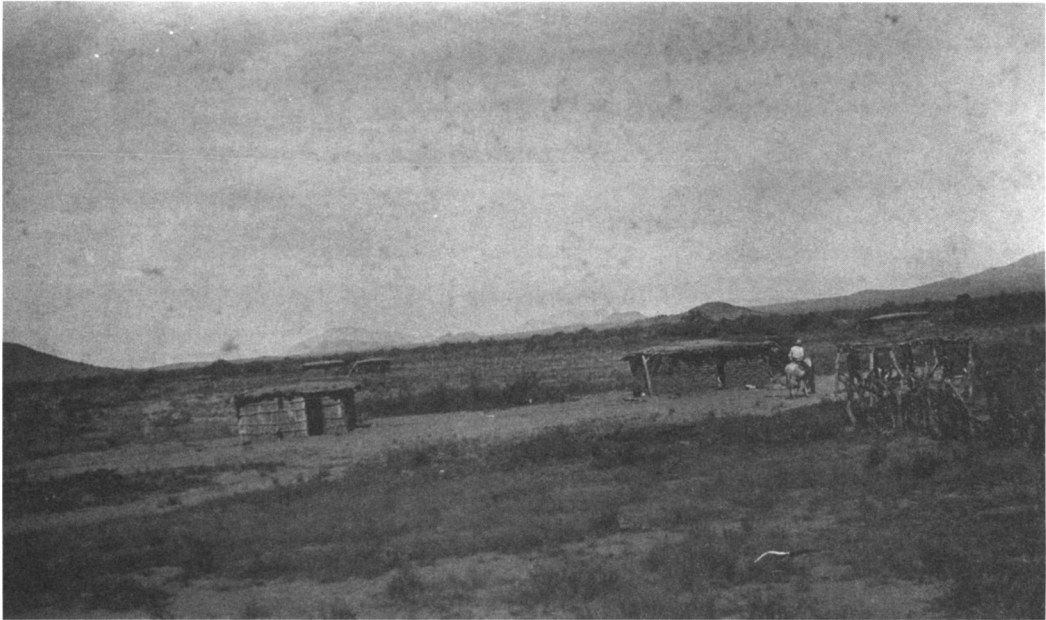
Map adapted with permission from Richmond Clow and Imre Sutton, eds. Trusteeship in Change (University Press of Colorado).

*“If We Gave Up the Making of Nawait, It Would Mean Starvation”*

so, they were singing “to pull down the clouds” and bring rain for the coming year. Conservative *Aji*, like José Tapia and José Pablo, blamed the absence of rain on the fact that the government and other outside influences had prevented the O’odham from observing the wine ceremony. Conversely, they believed that the proper observance of rites handed down by *Itoi*, the O’odham supreme being, would ensure the rain’s return.<sup>4</sup>

The OIA and Superintendent McCormick had their own reactions to the 1921 drought. McCormick tried to provide short-term relief, while formulating long-term solutions that would better protect the O’odham. To offset the immediate effects of the less-than-normal rainfall in the winter of 1921-22, he obtained from the OIA \$12,000 for construction of the new Sells-to-Tucson road as a work-relief project. Despite repeated requests from McCormick and various OIA inspectors who visited the reservation, it was the last time during the early 1920s that the OIA approved work relief on the reservation. On one occasion, Commissioner Charles Burke scolded McCormick for spoiling the O’odham; over-reliance on government assistance was why they were in such need. Burke also reminded McCormick that plenty of jobs were available in the off-reservation cotton fields, and admonished the superintendent that “it must be understood that the Papago Indians can look to the government for only a very limited amount of assistance but must continue to depend upon their own efforts.”<sup>5</sup>

McCormick had better luck implementing his long-term ideas, although even that proved frustrating. OIA officials had long believed that cattle raising was the one viable economic activity that the Papageria could support. Nevertheless, the OIA had yet to implement any coordinated effort to encourage cattle production, beyond drilling some wells. This changed in October of 1922, when McCormick presented his superiors with a five-year “industrial program” centered on livestock raising. The proposal called for a multifaceted effort that included improvement in education, health, law enforcement, and economic conditions on the Papago Reservation. While commending the O’odham for faithfully trying to plant their crops year after year, McCormick argued that agriculture had no long-term future on the reservation. Instead, the government needed to upgrade the quality of breeding stock, improve roads, launch an educational campaign, and construct



*A typical early twentieth-century O'odham village composed of widely scattered ki, or family homes. Wattle and daub architecture had replaced the older grass round houses. AHS MS 1038, 8-75.*

earthen water tanks (*charcos*) to spread grazing out over a larger area and away from the wells.<sup>6</sup>

McCormick inevitably clashed with conservative O'odham, who were predominantly farmers. In McCormick's opinion, the older traditions would undermine his industrial plan and retard O'odham progress. His attitude was not new, but the OIA had been reluctant in the past to challenge directly Native American religious practices. This changed in 1921, when newly appointed Commissioner Burke issued Circular 1665, which denounced the "elements of savagery and demoralizing practices" expressed in native ceremonies and dances. When the wine ceremonies resumed in the fall of 1922, McCormick felt he had official backing to suppress the most significant source of resistance to the progressive development of the reservation—the conservative *Aji* saguaro wine makers.<sup>7</sup>

This was the situation when the standoff at *Ge Oidag* occurred. In addition to Tapia and Pablo, Marshal Sparks took into custody a third, unnamed, O'odham. The normal sentence for a liquor

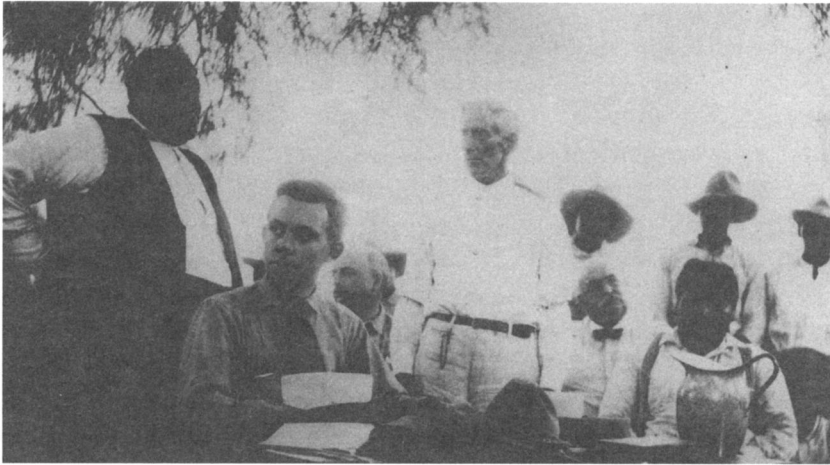
*"If We Gave Up the Making of Nawait, It Would Mean Starvation"*

offense was thirty days, but matters got worse once the prisoners were in jail. One of the men, whom the *Ma:is Waw:ia* calendar stick describes as a "head singer and a Smoke Keeper" (possibly Pablo), died. Because this person would have been held in great esteem among conservative O'odham, the death caused a stir among other *Aji* headmen. The conservative leaders complained to McCormick that if they "gave up the making [of *nawait*], it would mean starvation for their wives and children, as it would never rain again." McCormick defended his actions throughout this controversial period by reminding critics of his duty to enforce the law and promote progressive development of the Papago Reservation.<sup>8</sup>

The government's focus on wine use obscured other issues that concerned conservative O'odham. They expressed some of these concerns when OIA inspector L. A. Dorrington arrived on the reservation, two months after the arrests for wine making, to follow up on rumors of Indian discontent. Interference with the *nawait* ceremony was just one of the topics of discussion in a meeting with Dorrington at Tapia's house in *Ge Oidag*. Tapia, who was awaiting his trial for wine production, set the tone by stating his belief that the O'odham right to live their lives as they chose was under attack. He highlighted his concern when he announced: "We are placed on this land by our Creator and are supposed to have rights here like other people. We do the best we can and so far as I know have done no wrong." José Tawa echoed this sentiment when he reminded Dorrington that "We are friendly to Americans, so be friendly to us." The protesters particularly criticized the OIA for compelling them to send their children away to boarding schools. They even accused agency police chief Hugh Norris of outright stealing the youngsters. Alturo Castro best voiced the O'odham fears when he reasoned that "It seems some are trying to change the ways of living for us. . . . We think our's all right the whites think their's all right. Let us go on our way and the whites go on their way. We are going on and living the way left for us."<sup>9</sup>

Unfortunately, the wine issue enabled Dorrington and McCormick to label the malcontents "lawbreakers" and dismiss their deeper grievances. Dorrington made a telling comment when he reported that the Indians were unwilling to "recognize the authority of the superintendent." Nothing better reflected the fundamental





*At an August 1915 meeting with Commissioner of Indian Affairs Cato Sells (seated third from left) and Arizona governor George W. P. Hunt (seated fourth from right) at Indian Oasis (later Sells), leading progressive-minded O'odham Jose X. Pablo and Hugh Norris (standing far left and acting as interpreter) argued in favor of establishing a reservation. Presbyterian missionary Frazer S. Herndon (standing center) was a key speaker and central architect at the meeting. AHS #4770.*

philosophical divide between the O'odham, who were simply asking that the government honor their rights, and the OIA.<sup>10</sup>

The *Aji* watched their situation deteriorate over the next year, as one of the OIA policies that most troubled the O'odham became worse. In the midst of the wine arrests, McCormick devised a plan to improve boarding school recruitment on the reservation. He observed that because the *Ko-lo:di* and *Aji* in the eastern villages normally were the first tribe members to enroll their children, and chose the more popular Phoenix Indian School, it was difficult to convince O'odham in the western *Aji* villages to send their youngsters to the less desirable government school at Yuma. Feeling pressured to send more children to the boarding schools, McCormick admitted that "the balance of my quota for Yuma I believe will have to be taken by force, and these children will have to come out of a district in the Santa Rosa (*Ge Aji*) Valley where the Indians are very much opposed to sending their children away to school." One *Ge Oidag* resident, Heleno Scott, complained that McCormick "told me

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[the children] would not be taken by force and that I could do as I pleased. Later a policeman came here and took them by force.” Twenty young O’odham demonstrated their discontent that year by running away from Yuma—four times more O’odham runaways than at all the other boarding schools combined.<sup>11</sup>

At the same time, liquor use, venereal disease, and tuberculosis increased among O’odham living off the reservation. Health officials blamed the burgeoning disease rate on interaction with Hispanics and Chinese in Tucson and Ajo, and even traced a smallpox outbreak to a town bordering the reservation. For the most part, local law enforcement ignored the Indians, especially in rough mining towns like Ajo. Frustrated by the inaction, McCormick obtained authorization under prohibition laws to send his police officers to patrol O’odham encampments beyond the reservation boundaries. While some tribal leaders favored the extension of OIA police power, to others it represented a further intrusion of the government into their lives, even off the reservation.<sup>12</sup>

Matters grew more desperate when the 1922-23 winter rains failed to materialize. As the drought intensified, McCormick once again requested work-relief funds, only to be denied by Commissioner Burke on the grounds that the O’odham wasted too much time tending to their own crops. Instead, he ordered McCormick to cooperate more closely with the Arizona Cotton Growers Association in recruiting O’odham field hands. Burke admonished the Papago Reservation superintendent that “everything practicable [*sic*] must be done to keep away from any tendency to depend on the [Indian] Service to come to the assistance of the Indians whenever there is a crop failure or a drouth.” McCormick vehemently defended his charges, reminding Burke that the O’odham were quite self-sufficient and required only a little relief. Still, he was unable to pry loose any government assistance. Even as the government willingly interfered in O’odham lives and disrupted their normal existence, it refused to help alleviate any hardships that interference created. This attitude limited McCormick’s ability to provide work in exchange for goods, a tactic he had used very successfully in the past to win support among the people.<sup>13</sup>

At the same time that the drought forced the O’odham to utilize all of Papaguera, the fencing by non-Indian ranchers of the Strip and other private tracts within the reservation restricted

the O'odham use of land that they believed belonged to them. When tribal members brought their concerns to McCormick's attention, the superintendent explained that there was nothing he could do—the land enclosed by the fences was private (non-reservation) property. Antonio Lopez, a *Ge Aji* leader, then wrote a letter explaining the problem to OIA Commissioner Burke. The fact that Lopez mailed his correspondence from Florence suggests that he received help from Louis Foote of the *Kui Tatk Aji* in *Ge Oidag*, in an effort to employ non-O'odham techniques in defending Indian rights. Foote had attended Santa Fe Indian School, but had not graduated. Schooling had not destroyed his conservative outlook and Foote came back from Santa Fe as an even stronger advocate of the *himdag*. For example, soon after his return, Foote was arrested for having three wives. The practice was acceptable, though unusual, according to older O'odham customs. Even with Foote's assistance, Lopez failed to persuade Burke, who referred the *Aji* leader back to McCormick.<sup>14</sup>

These unresolved concerns created a tense atmosphere on the Papago Reservation going into the 1923 wine-making season. Because of the previous year's arrests, most *nawait* ceremonies at the end of summer were held in secret. Antonio Lopez, however, took a more defiant approach than other O'odham. Perhaps emboldened by the hope that Foote's knowledge of non-Indian ways would help him in his protest, Lopez challenged McCormick by announcing publicly that he would be making the *nawait*. McCormick responded by arresting Lopez and two other O'odham. All three served ninety-day jail sentences.<sup>15</sup>

Although McCormick's decisive action curbed open participation in the *nawait* rites, secret ceremonies did occur on the reservation. James McCarthy wrote in his autobiography of attending a wine festival while visiting his parents' birthplace at *Nolik*. "After some days of visiting [McCarthy's uncle, Sweet Mouth,] took me to see how they made rain," McCarthy recalled. "The medicine man [*makai*] started at *Nolik* Village and tried to find out when the rain would come." People gathered from the various villages, and McCarthy watched as "The men put up four corner posts, strung rope in between, and hung small eagle feathers all around." Then the ceremony commenced. "The medicine man sat in the middle and sang while the people danced around them in a circle,"



*As symbolized by this 1920s-era image of an O'odham family and wagon, Papagueria was a relatively isolated desert area composed of independent villages loosely connected by language, culture, and dirt trails. Establishment of the reservation promised to break down this isolation, but not all O'odham welcomed the changes that the new road would bring to the desert people. AHS #55360.*

McCarthy explained, adding that “My uncle and I took part in the dancing.” At some point during each dance “the medicine man would examine the feathers for moisture, and sometimes, when he shook the string, it would sprinkle. He would say, ‘The rain will come from the north (or east).’ After a while, a man would bring a big bucketful of cactus wine. Each person would get a cupful to drink. It was not strong, and people did not get drunk. I tasted it, but I didn’t drink. They kept dancing, checking, and drinking all night long.”

McCarthy attended a second ceremony at *Kui Tatk*, conducted by Louis Foote and an unidentified *makai*, possibly José Tapia. The wine was stronger this time and more people got drunk. At a meeting in Foote’s *Ge Oidag* home shortly before the ceremony, McCarthy was asked to translate a letter, possibly Commissioner Burke’s response to Lopez’s protest. The contents must not have pleased the gathering, because the *makai* accused McCarthy of not explaining the letter correctly. Foote and Tapia no doubt were hoping that Burke would support their open continuation of the wine ceremony.<sup>16</sup>

By this time, the conservatives must have been frustrated in their fight to maintain their lifestyle. Even while they held onto their two-village migration patterns, kept most of their children out of boarding schools, and ignored the government-dug wells, OIA interference in their lives was increasing, as symbolized by the arrests during the past two wine seasons. Government officials were determined to have them either settle down in one village, give up agriculture, and raise cattle, or move off-reservation and work in the cotton fields.<sup>17</sup>

Up to this point, moderate O'odham apparently believed that only the ultraconservatives need worry about OIA control. But two policy changes at the Sells Agency in 1924 showed them that McCormick's actions could adversely impact all tribal members. The first occurred in February, when McCormick extended Commissioner Burke's ban on native religious ceremonies to include social gatherings. On birthdays, weddings, or a village's feast day, the O'odham customarily hosted dances that lasted until dawn. Entertainment included a unique type of music called *waila*, an O'odham derivative of the Spanish word *bailar*, meaning "dance." Worried about drunkenness and concerned about children staying up all night, McCormick imposed an 11 P.M. curfew on the dances.<sup>18</sup>

The second policy change dealt with recruitment of children for boarding schools. Still unable to fill quotas for the existing boarding institutions, and with new schools at Fort Mojave and Truxton Canyon also demanding O'odham students, McCormick instructed reservation policemen to openly coerce parents into removing their children from Catholic schools and enrolling them in government schools. On some occasions, police in effect kidnapped youngsters from the Catholic day schools. Father Bonaventura Oblasser, the head Franciscan missionary in Papague-ria, vehemently protested what he called "rustling of children." Oblasser claimed that Catholic schools had lost more than fifty students. For example, Indian police removed Maulista Manuel of *Pisin Mo:o* from a Catholic day school, while her father was working in the mountains, and sent her to Truxton Canyon Indian School. Oblasser sputtered that McCormick must think the priests were "a pack of damn fool Franciscans" for putting up with this injustice. But his protests fell on deaf ears. McCormick was under too much pressure to fill the government school quotas for him to reconsider

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his harsh tactics. Although his actions probably had little effect on the ultraconservatives, who did not want their children attending any school, they did impact their distant relatives in the eastern *Aji* villages of *Kui Tatk* and *Aki Cini*, as well as the Catholic *Ko-lo-di* and *Komlik Aji*. The “round ups of children and this disgraceful scramble for applicants,” as Oblasser called McCormick’s policy, fanned growing discontent among these moderate O’odham, who began to sympathize with the more active protestors.<sup>19</sup>

As the 1924 *nawait* season approached, *Aji* leaders continued to search for help in defending their rights. Perhaps with Louis Foote’s assistance, the protestors contacted Joe Eschief from the Fort McDowell reservation, northeast of Phoenix. Eschief may have been associated with a leading Indian rights champion, Carlos Montezuma, prior to Montezuma’s death in 1923. Montezuma’s militant defense of Indian freedom from government control attracted Foote and his O’odham compatriots who, not having had the opportunity to obtain Montezuma’s support before he died, at least secured the assistance of someone who had likely worked with the revered activist. O’odham protestors against the OIA in the 1930s even took the name “Montezumas.”<sup>20</sup>

At a *Ge Aji* meeting on June 22, 1924, Eschief met with Antonio Lopez and representatives from nearly half the villages on the reservation. The group deliberated all night and only broke up after sunrise the next day. The grievances they discussed included suppression of the *nawait* ceremony, forced recruitment of children for the boarding schools, construction of wells without consulting local headmen, and fencing of the Strip. Eschief convinced the O’odham that Superintendent McCormick had no right to interfere with their *himdag*. With Eschief’s help, the O’odham leaders devised a plan of action and prepared to take their case to McCormick’s superiors. The protestors decided on two approaches: first, they would write President Calvin Coolidge, asking if the superintendent had the right to stop their ceremonies; at the same time, a delegation would visit Commissioner Burke in Washington, D.C., and ask for his help in defending O’odham land and rights. Eschief and Foote were selected to present the tribe’s case, and the pair commenced raising funds to finance their trip.<sup>21</sup>

McCormick was dismayed by the growing opposition to his administration of reservation affairs. In his opinion, he had worked



*With its school, hospital, police, and government programs, the Papago Reservation headquarters at Sells, pictured here during the Papago Rodeo and Indian Fair in the late 1930s, symbolized both assistance and land protection as well as an ever-increasing, and not necessarily welcome, intrusion in the lives of the O'odham. AHS #49512.*

hard to help the O'odham. He had "gone the limit with them in patience," and had gone beyond the call of duty to help individuals in need. Although convinced that the O'odham conservatives were backwards, McCormick nonetheless thought that he had paid careful respect to their headmen. Now, he felt betrayed and personally insulted by people he had tried to help. In his mind, he was being unfairly attacked for defending the law, which mandated that he crack down on wine making and send O'odham children to boarding schools. "I do not consider that I have been at all severe with them," McCormick explained. While admitting that "I have forced some of the children into school," he reminded Commissioner Burke that he had never arrested, or even fined, the parents of truant children—which he could have done. Possibly out of anguish, McCormick suggested that the government abandon the Sells Agency altogether and move the reservation headquarters to

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San Xavier or Tucson. Better yet, the Sells and Gila River agencies could be consolidated under a single superintendent located in Phoenix. McCormick's superiors ignored his suggestions.<sup>22</sup>

McCormick's growing frustration eroded his tolerance for the wine makers. To insure "discipline on the reservation," he urged the immediate arrest of the conservative *Aji* headmen. Commissioner Burke, however, advised McCormick "not to precipitate trouble" while the protestors' petition was on its way to President Coolidge. Better to wait for the president's reply, and in the meantime turn the matter over to the U.S. attorney for a federal grand jury indictment of the wine makers.<sup>23</sup>

Some O'odham supported McCormick's administration. A group of progressive tribal cattle ranchers had organized in 1911 to help establish the reservation. Although the group, known as the Good Government League (GGL), had ceased to exist by the 1920s, its former members were still heavily involved with agency affairs. Sensing a threat to many of the programs they had campaigned for, such as schools and wells, they reconstituted the GGL with ardent pro-agency rancher Richard Hendricks of San Miguel as president and Rosewell Manual of Sells as vice-president. In its newly drafted constitution, the GGL pledged itself "to the advancement of the Papago tribe along all lines of growth and progress." Members visited the western and northern villages, where they encouraged residents to give up their old ways. Even so, McCormick was pessimistic about O'odham support for the agency. In his own words, the GGL was "about as good as we can expect from here."<sup>24</sup>

The saguaro harvest came early in 1924, and O'odham conservatives began fermenting *nawait* by the end of July. Prior to receiving Burke's instructions not to instigate trouble, McCormick and U.S. Marshal George Mauk of Tucson had moved to arrest the high profile *Aji* leaders in order to stifle the protest movement before it had a chance to spread. McCormick later explained that "this whole aggregation is a drawback to the entire northern part of this reservation." Unable to locate the resisters, in early August McCormick and Mauk lured Antonio Lopez into Tucson by sending word that Louis Foote was in town and needed his help. Lopez was immediately taken into custody. McCormick and Mauk then notified long-time anti-OIA leader Juan Konorone that Lopez needed witnesses for his defense. Konorone, along with Juan Lopez of *Ge*





*As symbolized by these O'odham cowboys (ca. 1925), cattle raising had become an important pursuit, especially in the southeastern portion of the reservation. AHS #21935.*

*Aji* and José Lopez of *Ma:is Waw:ia*, were also jailed as soon as they set foot in Tucson. McCormick was so determined to keep the *Aji* leaders in jail that, when an OIA physician expressed concern for the well-being of the tubercular Antonio Lopez, the superintendent solicited another doctor's opinion that the ailing O'odham could survive a short prison sentence.<sup>25</sup>

Instead of nipping the *Aji* protest in the bud, as McCormick had hoped, the arrests backfired. The conservatives had been having trouble raising enough money to send Foote and Eschief to Washington. But the arrest of four of their leaders, especially Konorone, angered the conservative *Aji* and bolstered their resolve. Soon afterward, Hugh Norris and his fellow policemen, Juan Lewis and Abe Pablo, approached José Tapia and other conservatives in *Ge Oidag*, including Louis Foote, while the men were making *nawait*. Much as in 1922, an armed Tapia refused to surrender. He challenged the lawmen to "now get me if you can," and forced them to back down.

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Then he fled, with some of his supporters, to the home of a *ma:kai* at the base of the nearby Quijotoa Mountains. Foote, meanwhile, finished raising the money for himself and Eschief to travel east.<sup>26</sup>

Newspapers, who quickly got wind of the story, labeled the bungled arrest an "uprising." With the media involved, Commissioner Burke tried to appear as firm as possible. He once again ordered Superintendent McCormick to turn the matter over to a federal grand jury. Federal indictments would make it appear less like the OIA was oppressing Indians and more like the agency was merely taking measures necessary to enforce the law. In mid-September, the grand jury handed down indictments for the four resisters already in jail and for six other protesters, including Tapia and Foote, who were still at large.<sup>27</sup>

Foote and Eschief finally arrived in Washington just a few days before the indictment. On September 12, they visited Commissioner Burke. Although the pair complained specifically about the arrest of the four O'odham, they did not raise the wine issue. Instead, they characterized the dispute as a disagreement over land—the four imprisoned *Aji* were simply defending what was theirs from trespassers. Burke responded by pointing out that the land they referred to was in the public domain, and not a part of the reservation. When informed of the accusations, McCormick became defensive and accused Foote of lying. In the superintendent's eyes, the issue was solely the making of wine. The exchange demonstrated that the O'odham saw things differently.<sup>28</sup>

Back on the reservation, Foote reconnected with Tapia. The resisters remained in hiding until November 7, when Marshal Mauk finally arrested Foote and Tapia while they were speaking to a group of O'odham about their land rights. Arrested with the pair was another indicted O'odham, named Helino (possibly Heleno Scott, who had protested to Inspector Dorrington in 1922). The three remaining indicted resisters were never apprehended. Asked at his arraignment if he had a lawyer, Tapia, through an interpreter, said "yes," and pointed to Foote. This simple action demonstrated how the older conservatives looked for leadership to the younger, returned students. Because Foote was not an attorney, the judge assigned counsel.

Meanwhile, Eschief wrote to Commissioner Burke on behalf of the jailed O'odham. Again, Eschief's argument had nothing to do with wine. Instead, he expressed the belief that the accused men

had been arrested for speaking out in defense of their land rights. Eschief's letter, like the earlier exchange between Burke and the O'odham delegation, demonstrated once again that, while the OIA focused on the wine issue, the O'odhams' principal concern was loss of their rights to land in the Strip. Eschief's plea fell on deaf ears in Washington.<sup>29</sup>

The trial of Foote, Tapia, and Helino that began on January 6, 1925 was a nationally reported event. Konorone and the three unrelated Lopezes, who had been arrested earlier, had already been sentenced each to thirty-day jail terms. Because of growing doubt among OIA officials that federal prohibition laws extended to Indian reservations, the OIA and the Sells Agency, rather than the Prohibition Department, prosecuted the case. Tapia and Foote's lawyers argued that the saguaro wine was a sacrament, much like the Catholic Eucharist. The O'odhams' prosperity depended upon their making of *nawait*. In the end, the prosecution convinced the jury that the resisters were simply a bunch of lawbreakers who had violated the prohibition statute and were a detriment to other O'odham. At the conclusion of the three-day trial, the jury handed down a guilty verdict. The three defendants were each sentenced to ninety days in jail. The judge initially handed Tapia a longer sentence, because it was his second conviction. However, he reduced the term on account of the defendant's advanced age of forty-nine.<sup>30</sup>

Even though they lost, the O'odham resisters inspired sympathy. After the trial, federal Prohibition Office director F. M. Pool, Marshal Mauk, and others requested that Foote, Tapia, and Helino be pardoned. Pool reasoned that the O'odham "had as much right to have the liquor to be used in a religious service just as much as any of the religious denominations have to use sacramental wines." Marshal Mauk pointed out that the prisoners feel "very bitter towards us for the arrests, and from their view point, justly." McCormick and Burke, however, successfully argued that a pardon would set a bad example and provide an endorsement for the *nawait* ceremony, much as had happened with peyote elsewhere.<sup>31</sup>

McCormick's hope that the arrest and sentencing of Tapia, Foote, and Helino would quell resistance in the *Aji* villages seemed to have been realized. "I am fully convinced that, securing convictions as we did, a good effect will be had on the Indians of this jurisdiction; especially those residing in the northern part of



*A display of O'odham traditional desert, dry land farm crops. Though admiring their tenacious agricultural efforts, OIA officials wanted the O'odham to give up farming and become ranchers or cotton field workers. The Aji and other resisters insisted on continuing their farming lifestyle. AHS #B893664.*

the reservation,” he remarked. On the surface, it appeared that McCormick was right—the protestors’ strategy had failed. Nothing positive for the conservatives had come out of their meeting with Commissioner Burke, and there is no evidence that President Coolidge responded to the protestors’ letter to him. Most significantly, the wine issue had enabled the OIA to label the protestors as lawbreakers and overlook their other complaints. The incident also all but ended the leadership of many of the O’odham conservatives involved in the protest. Tapia and Helino sank into obscurity after their release from jail, as did Antonio Lopez and the others. Eschief was never heard from again.<sup>32</sup>

The *nawait* ceremony also suffered. Foote, claiming to have been given a letter during his visit with the commissioner of Indian affairs that affirmed the O’odhams’ right to make wine, tried to organize the ceremonies again the next year. The group broke up, however, after an infiltrator, Henry Encinas, revealed that the commissioner’s letter did no such thing. Consequently, there was no public wine ceremony in 1926. Further humiliated, Foote’s influence faded. Although *Aji* leaders, such as Barnabe Lopez of *Wiwpul*

and Konorone (who died around 1930) continued holding the ceremony in secret, most O'odham learned to distance themselves from it in order to stay in good favor with the agency.<sup>33</sup>

Although the *nawait* defenders of the *himdag* lost, they had set the stage for others. For many generations, the O'odham villages had been autonomous from one another. As a result, they found it difficult to confront common challenges with a united voice. For that reason, many people mistakenly viewed the divided O'odham as docile and easily managed. The *nawait* dispute gave many O'odham an issue to rally around. In this regard, it represented the first modern example of a large-scale pan-O'odham movement. For the first time, the O'odham organized politically outside their independent villages. Although thwarted, the efforts of the *nawait* defenders provided valuable lessons and experience for tribal members who wished to protect the *himdag* in the face of cultural change and threats from OIA programs. The conservative movement would evolve from here, adapting O'odham ways and adopting non-O'odham tools, until it eventually became a powerful force in reservation politics. Within a decade, they would depose a superintendent. More importantly, they would help shape the creation of the Papago Tribe during the New Deal.

## NOTES

1. Telegrams, Richard McCormick to Office of Indian Affairs (OIA), September 14 and 17, 1922, 73936-1922-Sells-126 and 74320-1922-Sells-126, respectively, Bureau of Indian Affairs (BIA), Record Group (RG) 75, National Archives (NA); McCormick to Commissioner of Indian Affairs (COIA), September 18, 1922, in Vincente Garcia Collection, O'odham History Collection (OHC), Tohono O'odham Nation, Sells, Arizona. The quotation in the title of this article is from an unnamed O'odham cited in McCormick to COIA, February 28, 1923, *ibid.* *Aji* and *Ko-lo:di* are two of the six dialect groups that make up Tohono O'odham. These six groups were subdivided into thirteen or more village groups (if village groups that still existed in Mexico in 1900 are considered), though some argue that there were as few as nine. The *Aji*, which included five different village groups, was the largest dialect. The *Ko-lo:di*, and its two village groups, was the most progressive; its members had become the leading ranchers on the reservation. For a discussion, see Peter MacMillan Booth, "Creation of a Nation: The Political Development of the Tohono O'odham" (Ph.D. diss., Purdue University, 2000); J. W. Hoover, "Generic Descent of the Papago Villages," *American Anthropologist*, vol. 37 (1935), pp. 257-64; Ruth Underhill, *Social Organization of the Papago Indians* (New York: Columbia University Press, 1939); Richard Donald Jones, "An Analysis of Papago Communities, 1900-1920" (Ph.D. diss., University of Arizona, 1969); and Dean and Lucille Saxton, *Dictionary: Papago and Pima to English, English to Papago and Pima* (Tucson: University of Arizona Press, 1969). The spellings are from the Albert Alvarez and Kenneth Hale orthographic system, which the Tohono O'odham Nation accepted in 1974. See Ofelia Zepeda, *A Papago Grammar* (Tucson: University of Arizona Press, 1994). Spellings of village names also follow the Alvarez and Hale orthography, even though they may not match most maps (some places may have up to three other designations).

*"If We Gave Up the Making of Nawait, It Would Mean Starvation"*

2. For a history of the establishment of the Papago Indian Reservation, see Booth, "Creation of a Nation." An overview of O'odham history and culture are in *ibid.*; Bernard Fontana, "The Papago Indians" (1964), unpublished manuscript printed by the Tohono O'odham Nation, Arizona State Museum, Tucson; Fontana, *Of Earth and Little Rain: The Papago Indians* (Tucson: University of Arizona Press, 1989); Alice Joseph, Rosamund Spicer, and Jane Chesky, *The Desert People: A Study of the Papago Indians* (Chicago: University of Chicago Press, 1949); Underhill, *Social Organization of the Papago*; Winston Erickson, *Sharing the Desert: The Tohono O'odham in History* (Tucson: University of Arizona Press, 1994). See also, McCormick to Jesus Romero, January 7, 1922; Romero to McCormick, January 2, 1922; E. M. Sweet to COIA, August 3, 1920; McCormick to Employees of the Sells Jurisdiction, Missionaries, Traders, leading Indians and others interested, July 26, 1921; E. B. Meritt to E. Hammond, October 4, 1922; and McCormick to A. F. Dulcos, September 18, 1922, all in OHC. David F. Myrick, "Quijotoa: Boom and Bust in the Arizona Desert," *Journal of Arizona History*, vol. 34 (Summer 1993), pp. 117-54.
3. *Ma:is Waw:ia* calendar stick quoted in Fontana, "Papago Indians," p. 243. See also, R. E. Newberne report, October 15, 1921, 84777-1921-Sells-150, and Charles E. Dagnett to COIA, March 8, 1922, 31719-1922-Sells-150, BIA; McCormick to COIA, March 8, 1922 and February 28, 1923, O'odham History Collection. Jones, "An Analysis of Papago Communities," pp 313-407.
4. Ruth M. Underhill, *Singing for Power: The Song Magic of the Papago Indians of Southern Arizona* (1938; reprint, Tucson: University of Arizona Press, 1993), p. 26. See also, *Ma:is Waw:ia* calendar stick in Fontana, "Papago Indians"; Ruth M. Underhill, "A Papago Calendar Stick," *University of New Mexico Bulletin* 2 (1938), pp. 3-66; Jane Chesky, "The Wikita," *The Kiva*, vol. 8 (1942), pp. 3-5; Fontana, *Of Earth and Little Rain*; Joseph et al., *The Desert People*, Erickson, *Sharing the Desert*.
5. Charles Burke to McCormick, May 18, 1925, 91045-1924-Sells-229, BIA. See also, Burke to McCormick, February 10, 1923; McCormick to COIA, January 10, October 30, 1922, and February 28, 1923, all in OHC. Charles E. Dagnett to COIA, April 11, 1922, 31719-1922-Sells-150, and Burke to McCormick, January 23, 1922, 3668-1922-Sells-229, BIA. McCormick, "Annual Narrative Report, Sells Agency, 1922," in Roll 104, Microfilm 1011, U.S. Office of Indian Affairs Superintendents' Annual Narrative and Statistical Reports from Field Jurisdictions (OIASANSR), BIA, copy in Hayden Library, Arizona State University, Tempe.
6. McCormick to COIA, "Sells Agency Industrial Program," October 25, 1922, OHC.
7. Quoted in David Daily, *Battle for the BIA: G. E. E. Lundquist and the Missionary Crusade Against John Collier* (Tucson: University of Arizona Press, 2004), pp. 36-59.
8. Underhill, "A Papago Calendar Stick," p. 62; McCormick to COIA, February 28, 1923, OHC. See also, telegram, McCormick to OIA, September 14 and 17, 1922, BIA; and McCormick to COIA, September 18, 1922, *ibid.*
9. L. A. Dorrington to COIA, November 22, 1922, 41159-1921-155, BIA.
10. *Ibid.*
11. McCormick to H. B. Peairs, September 15, 1922, OHC; Dorrington to COIA, November 22, 1922, BIA. See also, McCormick to COIA, March 15, 1923; and McCormick to Employees . . . , August 26, 1921, OHC.
12. McCormick to COIA, April 10, 1923; Meritt to McCormick, April 26, 1923; Meritt to Roy A. Haynes, April 26, 1923; McCormick to COIA, June 8, 1923; telegram, McCormick to OIA, June 9, 1923; Burke to McCormick, June 12, 1923; Burke to Secretary of Interior, June 15, 1923, all in 31044-1923-Sells-126, BIA. Burke to John Mayes, August 14, 1923, 61595-1923-Sells-126, *ibid.* McCormick to COIA, August 21, 1923, OHC. McCormick, "Annual Narrative Report . . . , 1923," Roll 130, OIASANASR.
13. Burke to McCormick, February 10, 1923, OHC. See also, McCormick to COIA, August 29, 1922, and February 28, 1923; Agreement, Burke to William H. Knox, June 19, 1922; Burke to McCormick, June 27, 1922; Knox to McCormick, July 7, 1922, all in *ibid.*
14. Antonio Lopez to OIA, September 13, 1923, and Burke to Lopez, September 21, 1924, 73250-1923-Sells-155; McCormick to COIA, June 28, 1924, 73796-1922-Sells-126, BIA.
15. McCormick to COIA, June 28, 1924; McCormick to COIA, August 17, 1924, OHC; McCormick, "Annual Narrative Report . . . 1923."

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16. Joseph McCarthy, *A Papago Traveler: The Memories of James McCarthy* (Tucson: University of Arizona Press, 1986), pp. 109-110.
17. Meritt to Burke, inclosing note from William Reed to Burke, May 27, 1925, 91045-1924-Sells-229, BIA.
18. McCormick to the Chiefs of all villages of the Papago Reservation, January 21, 1924, Bonaventura Oblasser Collection, Special Collections, University of Arizona Library, Tucson; McCormick to COIA, February 9, 1924, 6790-1924-Sells-110, BIA; Burke to McCormick, February 21, 1924, OHC.
19. Oblasser to Father William Hughes, June 27, August 9, December 18, 1924, Oblasser Collection. See also, Hughes to Oblasser, August 11, 1924; and Burke to Hughes, January 20, 1925, *ibid.*
20. Peter Iverson, *Carlos Montezuma and the Changing World of the American Indian* (Albuquerque: University of New Mexico Press, 1982), pp. 350-51.
21. McCormick to COIA, June 28, July 8, 1924, 73796-1922-Sells-126, BIA.
22. McCormick to OIA, August 15, 1924; McCormick to COIA, June 28, 1924, *ibid.* See also, McCormick to COIA, November 5, 1924, OHC.
23. McCormick to COIA, August 17, 1924, OHC; telegram, Burke to McCormick, August 16, 1924, 73756-1922-Sells-126, BIA.
24. Constitution and By-Laws of the Papago Good Government League, November 15, 1924; McCormick to COIA, December 29, 1925, OHC. See also, McCormick to COIA, June 28, 1925, 73796-1922-Sells-126; Papago Good Government League minutes, March 17, 1930, 41148-1928-Sells-154, BIA. McCormick, "Annual Narrative Report . . . 1924," Roll 130, OIASANSR.
25. McCormick to COIA, September 20, 1924, 73796-1922-Sells-126, BIA. See also, Burke to Konaron [*sic*], Antonio Lopez, and Louis Foote, October 2, 1924; Foote to COIA, September 17, 1924, *ibid.* McCormick to COIA, August 17, 1924, OHC.
26. McCormick to COIA, August 17, 1924, OHC. See also, McCormick to COIA, September 13, 20, 1924; telegram, McCormick to OIA, August 13, 1924, 7396-1922-Sells-126, BIA.
27. "Indian Trio Get Drunk; Defy Agent," *The Tribune* (Casper, Wyoming), August 16, 1924; Meritt to McCormick, September 6, 1924, OHC; McCormick to COIA, September 30, 1924, 7396-1922-Sells-126, BIA.
28. Burke to McCormick, September 12, 1924; McCormick to COIA, September 20, 1924; Meritt to McCormick, October 21, 1924, 73796-1922-Sells-126, BIA.
29. McCormick to COIA, November 25, 1924; Joe Eschief to COIA, November 26, 1924, *ibid.*
30. *Washington Post*, January 9, 1924; *Arizona Daily Star* (Tucson), January 6, 7, 8, 9, 1925; *Arizona Republican* (Phoenix), January 8, 1925. *United States of America vs. Jose Tapia, Louis Foote, and Helimo*, no. C-2476, January 9, 1925, U.S. District Court, Tucson. McCormick to COIA, January 10, 1925, OHC. Juan Thomas, an O'odham, testified for the prosecution that everyone who drank became intoxicated. Thomas, however, had not participated in the 1924 ceremony because in the past he had passed out only to awake and find all his clothes gone. He could not afford to lose another set of clothes. *Arizona Daily Star*, January 7, 1925. Just over a year later, a Tucson court would rule that the Volstead Act was not applicable on Indian reservations. *Ibid.*, March 30, 1926.
31. F. M. Poole to Burke, enclosing note from Marshal Mauk, March 20, 1925, OHC. See also, Daikus memorandum to Meritt, n.d. [February 1925], 73796-1922-Sells-126, BIA; Meritt to Pool, April 2, 1925; McCormick to COIA, January 10, 1925, OHC.
32. McCormick to COIA, January 10, 1925, OHC. See also, *ibid.*, April 22, 1926, 73796-1922-Sells-126, BIA.
33. McCormick to COIA, January 10, 1925, OHC. See also, *ibid.*, April 22, 1926, 73796-1922-Sells-126, BIA.