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### The Paiute, Water Wars, and a Covered Up Agricultural Revolution

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History 490

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### The Paiute, Water Wars, and a Covered Up Agricultural Revolution

Like many other Native Americans, the Bishop Paiute in California have long faced an uphill battle in retaining their federally given land rights, access to natural resources, and their ability to remain self-sufficient. Often Native peoples (the Paiute included) have faced a long history of presidential administrations or federal agencies tolerating or even assisting them, only for a small political change to occur and all positive treaties or relations towards them evaporate or turn hostile. Tribes (according to American law) are supposed to be sovereign and see their treaties upheld in perpetuity. However, the Paiute (like many other Native tribes) face different treatment from one generation to the other as American politics (and American views on Natives) shifts so rapidly, as this paper will explore.

One such example of this rapid treaty reversal can be seen in 1913 when President Taft passed Executive Order 1529<sup>1</sup>. This was supposed to guarantee 67,120 acres for the Native peoples of the Owens Valley. These legal promises were then nullified shortly in 1931 when Congress passed an act to completely reverse the order (and promise) granting the land. This was only intensified by the following presidents Hoover and Franklin D Roosevelt through their own executive orders (5843<sup>2</sup> and 6206<sup>3</sup>) in 1932 and 1933 which not only upheld the Congress

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<sup>1</sup> President Taft, Executive Order 1529, "Reserving for Indian Purposes Certain Lands in the State of California", May 09, 1912.

<sup>2</sup> President Hoover, Executive Order 5843, "Withdrawal of Public Lands in Aid of Legislation and Revocation of Executive Order No. 1529 of May 9, 1912", April 28, 1932.

<sup>3</sup> President Roosevelt, Executive Order 6206, "Withdrawal of Lands in Aid of Legislation for the Protection of the Water Supply of Los Angeles", July 16, 1933.

reversal of the granted land but attempted to remove all land and Natives from the Owens Valley during the turbulent Water Wars period in order to supply the city of LA with the tribe's abundant water.

A common theme found within the systemic stripping and conquest of Native American peoples and their resources by American (and former European) imperialism is that indieignious peoples were not “utilizing the land” so that land was free to take. This “justification” is seen in numerous from Humboldt with the murder of the Wiyot (in order to claim much of the forests for timber as “unused”) to the main focus of the paper, the Owens Valley Paiute whose millennia-old agriculture was suppressed to supply the city of LA with the water that sustained it. This shift in diplomacy was one that oddly enough changed from American respect and admiration of the Paiute agriculture. Primary sources of 19th-century expeditions and newspapers local to the area will show later in the paper the American view shift to envy and even scorn of in order to seize the Native resources to give to growing American settlements like LA. This shift in respect happened as the USA began to industrialize more and more in the nineteenth and twentieth centuries which saw the need for natural resources and ones close to major urban centers explode in order to fuel the growing populations and industry of the United States, with ever-growing California seeing an especially aggressive land grab towards Native peoples.

This coincided with academia largely ignoring the prior records of Americans praising Paiute farming which is seen clearly in the infamous quote from a 1930 anthropological visit to the Paiute where anthropologist Julian Steward wrote that the Paiute were, “on the verge of agriculture without achieving it.”<sup>4</sup> which forever discredited agriculture of the tribe to future

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<sup>4</sup> Harry Lawton, Philip J. Wilke, Mary Dedecker, and William M. Mason. “Agriculture Among the Paiute of Owens Valley.” *The Journal of California Anthropology* 3, no. 1 (1976): 13–50.

historians. Only two years after this visit and disparaging declaration, the government would seize the land of the Paiute in the aforementioned federal orders. This shows a clear relationship between the scholarly slander of a society as being less sophisticated to the oppression and seizure of indigenous peoples' land and resources for the sole use by their industrialized abusers.

This paper will first explore the agriculture and related statecraft that fed thousands of people in the arid Owens Valley and then examine just how historians managed to conceal these facts for the purpose of taking “unused” land to fuel their own economies and people.

Unfortunately, such abuses do not end with the Paiute or the 20th century, and even today examples exist like the Bay Area peoples of the Ohlone. The tribe is now fighting to keep their water and land rights to remain self-sufficient in the face of ever-growing American urban centers that usurp their ancestral lands as is the story with so many other Native American peoples.

The “proof” of demonstrating Paiute agriculture and productive use of the Owens Valley was largely put on the tribal community itself after Congress and the two presidents made it clear they were following the narrative of seizing the water and land of an “underdeveloped” area from an oppressed indigenous population. Thankfully in 1973 historian Harry Lawton made his own journey to the Owens Valley to see for himself the agricultural works of the Paiute and if such works were really as unimpressive as Steward had recorded. Lawton early in his writing career wished to portray the Paiute as accurately as possible and relied heavily on local interviews and observations as he did with *Willie Boy: a Desert Manhunt*<sup>5</sup>. His approach to visit sites related to his work himself aids in the recording of various physical descriptions regarding the layout of the Owens Valley. His findings were recorded in the article “Agriculture Among the

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<sup>5</sup> Harry Lawton, *Willie Boy: A Desert Manhunt*. The Paisano Press, 1960.

Paiute of Owens Valley”<sup>6</sup> and detailed the mile-long irrigation networks the Paiute used to build in collective work projects involving all peoples of the tribe and headed by a chief engineer of sorts. The article was published in the *Journal of California Anthropology* in 1976 and challenged the previous writings of Steward. It is one of the first major pieces of historical writing both accurately detailing the agricultural practices of California Natives and giving them overdue praise for their accomplishments. This article would be a major start in correctly portraying the Paiute and their farming of the Owens Valley, and overturn the “on the verge of agriculture” verdict by Steward.<sup>7</sup> He (Steward) had (incorrectly) observed the Paiute flooding wild crops like *dichelostemma capitatum* via ditches and damming and concluded the practice was a form of “proto-agriculture.” Steward’s publishings were said to be one of the foremost examples of the most advanced “attempt” of agriculture achieved by Californian Natives in 20th century American historical academia according to Lawton. Lawton set out with his own team of researchers in 1973 and came to conclusions much different than Steward’s/mainstream belief. After examining American sources from the 1800s, visiting the physical locations of Paiute irrigation networks, and consulting various plant experts, Lawton concluded that the Paiute had independently developed a form of agriculture hundreds possibly thousands of years ago. Not only does the article provide an important correction of historical ignorance in Californian history, but a unique example of an agricultural revolution.

The Paiute irrigation networks would catch the abundant supply of water that flowed down from local Sierra Nevadas on one side and the parallel White Valleys. The valley is the deepest in California with mountain peaks at 14000 ft which provided plenty of water for the

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<sup>6</sup> Lawton, “Agriculture...”

<sup>7</sup> Julian Steward, n.d. *Irrigation Without Agriculture*, 1930.

Paiute's agriculture.

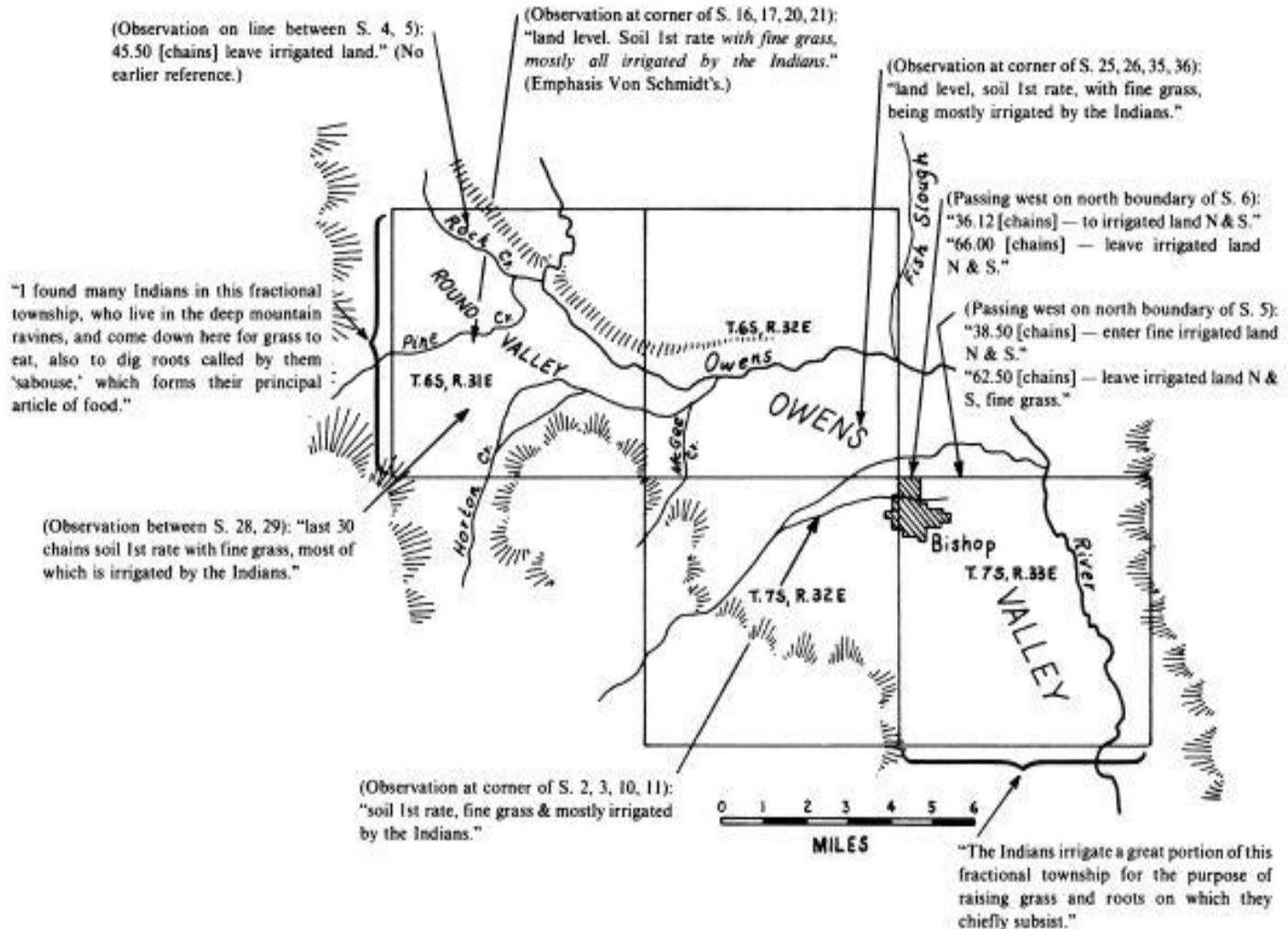


Fig. 4. Observations made by A. W. Von Schmidt in upper Owens Valley, from the northern end of Round Valley to the vicinity of present Bishop. Mostly late October and early November, 1856. Compare this with Fig. 3, which is drawn to the same scale. The main channel of Bishop Creek, as indicated here based on present maps, appears to flow in the northern main ditch. The former main channel ends in modern canals which are not shown.

(The following map is from an 1855 American state-sanctioned expedition by A.W. Von Schmidt who describes the agricultural activity of the Paiute and provided is by Lawton's article.<sup>8</sup>)

<sup>8</sup> Lawton, "Agriculture..."

The source of Paiute agriculture was the repeated flooding of wild crop plains from the mountain waters which the Natives observed. These waterways would be diverted with “Indian ditches” which were miles long and 40 inches wide in order to flood crop plains.<sup>9</sup>

This observation was missed by Steward who in 1930 would not have seen the old Paiute waterways. These ditches had been commandeered or destroyed in order to divert the water flow to supply the city of LA by the 1920s. Lawton had uncovered old survey maps of the Owens Valley by various American expeditions led by the likes of A.W. Von Schmidt (1855) and LA newspaper accounts (1858)<sup>10</sup> which detail the former Native irrigation networks that spanned the valley. Area descriptions made by Schmidt say, “Just north and east of present Bishop, irrigated lands crossed on the section line were thus 1584 feet (1/3 mile) and 1972 feet (nearly 2/5 mile) across, respectively. The Indians in the vicinity of Bishop and Round Valley were clearly involved in large-scale food production.<sup>11</sup> Lawton then reasons that such large constructions would have taken centuries to have been dug by a society without metal tools and required massive levels of organization which is evident of advanced statecraft and division of labor at work.

More importantly, this strictly Paiute form of agriculture was the original low-intensity method of working the local environment. By being at least centuries old and unique to the Owens Valley the irrigation and agricultural techniques of the Paiute show their dedication to hard and coordinated work. According to Lawton such a large project called for participation from all members of the tribe which saw men, women, and children all work together in the construction of stick and earth dams and ditch digging. All of this work was overseen by a chief engineer of sorts who dilled out work to builders, took and provided measurements for irrigation

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<sup>9</sup> Lawton, “Agriculture...”

<sup>10</sup> Lawton, “Agriculture...”

<sup>11</sup> Lawton, “Agriculture...”

canals, and selected the location for dams or other diversions for water flow. This division of labor combined with the collective tribal perseverance of maintaining such a large-scale building project over generations shows the ingenuity and dedication of the Paiute.

This contradicts previous findings such as Steward's that report agriculture was only a recent practice (nineteenth century) in the Owens Valley and introduced by an outsider, possibly even a non-Native. Lawton reasons that an outsider would not be able to convince the Paiute to abandon traditional food production methods in favor of untested agriculture. This is an important finding from Lawton as it demonstrates the engineering capability and labor organization abilities of the Paiute. Such large irrigation projects would have required individuals or societies with an exceptional ability to organize workers, plan large construction projects, and quite a good amount of dedication as it took centuries to complete. This statement from Lawton sheds light on the hard work and careful planning of the Paiute, who in the time of Steward's writings were (like most Californians) described as lazy or outright dumb, simply just picking up acorns off the ground and mashing them for their main food source.<sup>12</sup>

If working the same piece of land from one generation to the next over centuries does not give the Paiute some sort of claim to own or utilize it, then it is hard to see a valid claim from the American government who seized it instead. The US government (among other imperial powers) often used to justify land seizures against Native Americans by claiming the ingenious peoples were "not using the land". This clearly cannot be applied here to such a long and labor-intensive process that spanned miles of the Owens Valley. The American standard of "working the land" in California when the first settlers arrived in the Owens Valley in the 1850s was the environmentally destructive practice of hydro and dynamite mining away the natural landscape

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<sup>12</sup> Richard, Rice. *The Elusive Eden: a new history of California*. New York, NY: McGraw-Hill. 2011.

in a fanatical search for gold. This would only intensify under the initial cattle ranching which would forever hurt the soil integrity of the valley with the introduction of large grazing herbivores for the first time. Finally, the aqueduct and other massive environmentally transforming buildings projects of the 1920s would leave the Valley both looking and functioning differently than the centuries of traditional Paiute use. Now the waters no longer naturally flowed down the valley's flanking mountains and provided life to the nearby environment, instead, the land's resources were to be artificially extracted to sustain life where it could naturally sustain itself, in Los Angeles. The ability of the Paiute to sustain their own population was taken with their water supply in order to sustain the lives of white Americans in a growing urban center, who were clearly valued more by the now completely in control government.

As a result, the legacy of the Paiute as accomplished farmers and engineers of their natural environment would be buried under the concrete aqueduct used to sap their tribe's natural lifeline. Without the ability to keep growing their population, sustain an agrarian economy, and overall sovereignty over the Owens Valley the Paiute were hardly in the same position they were when Steward declared they were not agriculturists compared to the Schmidt and his impressed expedition. With this in mind, one can see how massively destabilizing events like an 1862 conflict (in which the USA drove the Paiute out of the Owens and into government controlled lands to make way for American settlement) and land following land seizures had on the perception and consequent historical recording of the Paiute and their civilization.<sup>13</sup> Even though they had worked hard for centuries and had an impressive society by the mid-1800s, the Paiute

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<sup>13</sup> United States, and J. H. Simpson. 1876. *Report of explorations across the great basin of the territory of Utah for a direct wagon-route from Camp Floyd to Genoa, in Carson Valley, in 1859, by Captain J.H. Simpson*. Making of America. Washington: Govt.

would only need to suffer half a century of colonial abuse to lose control of their historical legacy as much as their land. With the tribe at the mercy of the United States government by 1933, they no longer would appear to outsiders as “industrious” people who could transform the Owens Valley being a remnant of their past size. This reduced state is what Steward found the Paiute in and would influence his narrative that the tribe was not properly utilizing the land, which the executive orders expanded upon within only a few years. This represents the theme of colonial cultures misinterpreting indigenous societies and improperly recording their ways in written history which goes on to create a false image of Native people like the Paiute to future generations. Now instead of knowing the reality of Paiute agriculture, historians and future generations of Americans would grow up after the Steward 1933 publishing and not believe the impressive feats performed to sustain their arid society. Many of the century-old Paiute irrigation ditches would have been destroyed or even commandeered by the American ranchers after the 1862 war so little physical agricultural evidence remained. This would make it even easier for academics like Steward to present a false narrative for the Paiute’s history and ways of life as the old farmland was now under US government control. This turn of events only aids the final actions by the Federal government to seize Owens Valley from the Paiute by the time of Hoover and FDR’s executive orders. The two presidents were pushing the narrative put forth by Steward that the Owens Valley was essentially open for the taking as unused land.<sup>14</sup> Evidence for this connection comes from the fact that the first aforementioned executive order from Taft would include the mention of the local Paiute population, but by the time of Hoover’s and LA’s quotes to seize the water their mention would be completely omitted in any form in the legal document.

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<sup>14</sup> Bauer, William. “The Giant and the Waterbaby: Paiute Oral Traditions and the Owens Valley Water Wars.” *Boom: A Journal of California* 2, no. 4 (2012): 104–17.

This will be further explored later when the paper examines and compares passages from each executive order in depth.

By 1933 almost all major Paiute agricultural activity had ceased due to American interference and the government would then claim the tribe had no historical claim to the Owens Valley by right of working the land. In reality, the United States in both its settlers and government were looking to work this same land for themselves and needed to remove all Native ties to their newly seized lands. It is evident by the literal destruction of Paiute archaeology and other agricultural evidence (the irrigation ditches mainly) by American settlement and infrastructure alongside attempts at historical revision like Steward's that a relationship exists between colonial annexation of indigenous peoples and their historical portrayal. After all Native Americans like most other victims of colonial violence are dehumanized via stereotypes like "savage" or "primitive" to somehow justify their abuse by an imperial power. By removing their agricultural feats and stating the Paiute simply couldn't figure out farming Steward and the US government are supporting the narrative that the tribe was like other indigenous peoples improperly using the land.

This would make it easier to "justify" projects that would benefit your average American like the LA aqueduct. Then when the land was already seized and built over by the aqueduct, the historical revision was done by scholars like Steward ensures a sort of "justification" among future generations who grow up thinking the land was never used by the Paiute. This only makes it harder for indigenous peoples to "prove" ownership over lands or win other similar legal battles as government entities they have to negotiate with often have engaged in historical revision similar to Steward's in order to skew decisions in their favor. As time goes on more and more opponents to indigenous people fighting for land rights are exposed to false reports like

Steward's and further misinformation like the Paiute not farming the Owens Valley, further hurting the Paiute claims and making government dishonoring of treaties and land seizures more likely and "legal". Thanks to the combined efforts of the US government acting aggressively towards the Paiute and Steward reporting them as a primitive society, tribal sovereignty continues to be trampled in the Owens Valley over time.

The scale of Paiute labor was not captured in Steward's visit as he recorded Paiute agriculture in 1930 after white settlers had largely seized Native irrigation canals for themselves. This misreporting was corrected by Lawton as he examined the newspaper *Los Angeles Star* (from 1859) which interviewed gold miners present to the true size of Paiute agricultural activity. They say the following regarding the Paiute, "They are an active, industrious race, irrigate the lands and raise a kind of pea... They also cultivate the land, turning the river by ditches for the purposes of irrigation. Where these Indians live, the land is good, and in the upper part of the valley, there is plenty of clover. In this valley of Owen's River, there are probably 2,000 Indians."<sup>15</sup> Such a feat provided food in the arid Great Basin to a densely populated triblet of thousands. Paiute environmental engineering and manipulation of the land were not described before by academia and Lawton's use of overlooked sources provides needed insight into the Paiute's population. Previous population figures placed much lower estimates in the Paiutes (and other Californian) population which reflected the apparent lack of agriculture. Also, writings like the one above used by Lawton demonstrate the skill of Paiute labor as the word "industrious" is used, highlighting the efficient and productive Paiute society. The construction of the "Indian ditches" were in fact communal and saw both men and women assembling mud, brush, and stick dams along with digging canals at the direction of engineers. The notion that the

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<sup>15</sup> *Los Angeles Star*, "Expedition to Owens Lake." *Los Angeles Star*. August 27, 1859.

Paiute obviously watered wild plants is dismissed by the sources used by Lawton that demonstrate the careful planting of crops along communally dug canals.

American praise seems lacking in both the apathetic words of Steward (seen on the second page of the paper) and the dismissive words of the federal government who both did not see the value of Paiute agriculture. This shift in the narrative on American views of the Paiute was an important discovery made by Lawton and the newspapers like this one he brought back to the public light. By showing these impressed reactions of Americans who witnessed Paiute agriculture in the 1800s, Lawton is showing not only the impressive scale of farming but obvious “proper” use of the land. Then it stands to reason that something caused American opinion to shift from admiration and respect to dismissal and government hostility.

The original cause of conflict between the Paiute and the US government (Army) in 1862 was arguably financial since the seized lands were given to American ranchers to grow their businesses but also for strategic purposes as it fed local populations. With such reasons in mind, when examining the cause of this government action one can see that as the demands of the local American populations grew (Los Angeles) to a point in 1933 where more land had to be seized from the local Paiute and disenfranchised them more in favor of white settlement. By the time of FDR’s order (which the paper will explore later in depth along with the other executive orders), the Paiute had been stripped of their agricultural lands and in conflict with the US Army only a few generations ago, making the reduction of their reservation particularly damaging to tribal self-sustainability and the ability to act as a sovereign entity. The Paiute saw the overall autonomy of the tribe decrease further each generation as the Executive Orders and American settlement increased, shifting the balance of power in the Owens Valley. With this shift in power from the time of first major contact with Americans in the 1850s to Executive Order 6206 the

level of respect also changed, evident from the difference in tone between Americans in the LA newspaper and Steward in his 1930 visit.

Hardly sharing the same praise as calling the Paiute industrious, Steward dismisses the idea of Paiute agriculture, making this judgment after the tribe had suffered a wide range of systemic abuses from the government. This should be noted since Stewards' opinion set the mainstream belief on the Paiute and other arid dwelling tribes in California, yet he had visited long after white ranchers had largely seized Paiute agricultural lands for non-crop growing purposes.<sup>16</sup>

An important correction made by Lawton was finding that Steward had described the wrong crop being irrigated by the Paiute. The true crop was Yellow nut-grass (*Cyperus esculentus* L.) and Lawton details its cultivation by ancient Egypt, Europe, and the Middle East as a food crop. This provides legitimacy to the crops grown in the Owens Valley as “agricultural” since they had been millennia-old staples throughout the Old World. Lawton provides nutritional data from UC Riverside of yellow nut-grass stating, “Protein content of yellow nut-grass tubers was found to be almost equivalent to rice as a staple. Plain tubers had a protein content of 6%; tubers with fiber removed (probably the state in which they were eaten by the Paiute)”<sup>17</sup>. Lawton proves a local crop had been identified as nutritional enough by the Paiute who devised unique techniques to plant and harvest in the Owens Valley. By looking into the Paiute word for yellow nut-grass (tooboozie) Lawton found the term to have a purely Paiute linguistic origin. The crop had not been passed down from other tribes, Spanish Missions, or Americans to the Paiute, but

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<sup>16</sup> Richard, Stoffle, David B. Halmo, Michael J. Evans, and John E. Olmsted. “Calculating the Cultural Significance of American Indian Plants: Paiute and Shoshone Ethnobotany at Yucca Mountain, Nevada.” *American Anthropologist* 92, no. 2 (1990): 416–32.

<sup>17</sup> Lawton, “Agriculture...”

had been domesticated by the Paiute alone in their endeavor. A clever connection made by Lawton during his research that shows an entirely Californian agricultural revolution.

To get the best idea of how the US government had both taken an unfair stance in their formal dealings with the Paiute and repeatedly broken their word on treaties one only needs to examine several 20th century Executive orders concerning the Paiute. The first of which (Executive order 1529) came from President Taft in 1912 and was supposed to guarantee land for the Paiute to farm in the Owens Valley after their turbulent period of attacks suffered from the US Army and subsequent loss of their homes to incoming white settlers and ranchers. As a result, many of the weakened tribe lived on the edge of poverty or extremely hard lives in the same valley their ancestors thrived in without a means to provide for themselves. This federal action by Taft was an attempt to provide some sort of long-term stability and aid to the Paiute and their turbulent living situation.

The government's guarantee and treaty with the Paiute would be broken completely and the groundwork for not intending to maintain Taft's is laid out even in the wording of the order itself with the lack of any mention of indeignuous habitation in the valley. Only 20 years later president Hoover would repeal this very order and its guarantees which would be intensified with Franklin Roosevelt's own federal action against the tribe in 1933. Take note in the Taft order of the still intact facade that the government is maintaining where it is stating its actions help the welfare of Natives are for their best interest. The Hoover and FDR orders give an idea of the shaky American diplomacy where the legislative dishonesty towards the Paiute began. One only needs to look at the following Taft document Executive Order which reads, "It is ordered that the following described lands in the State of California, be and they are hereby, temporarily reserved from settlement, entry, sale, or other disposition until their suitability for allotment purposes to

homeless Paiute or other Indians living on or adjacent thereto may be fully investigated.”<sup>18</sup> Two things stand out from just the order’s wording that gives one an idea of the government’s domineering attitude towards the Paiute at the beginning of the 20th century. By stating that land guaranteed in the treaty is only “temporarily reserved” for the Paiute shows the intent for future presidents or government actors to go against Taft’s order and seize more of the Owens Valley. Only two decades later would Hoover’s own executive order come that cites this very one and completely annuls it and any Paiute guarantee in the Owens Valley. Such deceitful political tactics are clear for anyone to see as they are written plainly in the language of these orders. By already giving hints that this executive order may not permanently guarantee the sovereignty of the Paiute in the valley then Taft is only laying the groundwork and justification for a future president to revoke it. This also is a clear display of the United States more often than not breaking or going back on treaties they make with the various Native American peoples. Also stating the Paiute presence to be only temporary in the Owens Valley Taft is degrading the historical claim of the tribe to inhabit the valley via their ancestral inhabitation of it. By making the Paiute out to not have permanently lived in the Owens Valley and use its water, Taft is giving credence to the imperial narrative that the desired lands are free of indigenous use and claim. This leads to the second thing about Taft’s order, the use of the word “homeless” to describe the living situation of the Paiute in the valley during the early 1900s.

Many Paiute were forced onto reservations after the 1862 war which would further the belief that they were not making use of the Owens Valley to many new arrival Americans. As such local beliefs and throughout the state would emerge that the Paiute and other Native Californians were lazy vagrants. This negative attitude was a product of the desire to seize indigenous lands by American settlers and the government. Older generations of American

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<sup>18</sup> Taft, 1519

settlers in the Owens Valley actively fought and killed the Paiute alongside the US Army to seize the lands, and later generations would grow up after the tribe was expelled and declared “homeless” surely leading to many then thinking the Owens Valley had always been free of inhabitation and ready to settle.

The next phase in the set of unfair executive orders against the Paiute and their rights to their ancestral waters and lands in the Owens Valley came from President Hoover in 1932. Hardly a generation after the guarantees made by the Taft order, the government under Hoover had less of a reason to act in a gracious manner toward the Paiute and their homeland now that the city of LA had been eyeing the Owens Valley Water for its abundant supply to fuel its growing urban population. By 1932 most of the Owens Valley was under white rancher, farmer, or some other settler descended control and the government was looking to keep the Paiute (who lived on nearby reservations) permanently out of the Owens Valley and the way of American interests for good. Ironically the new white landowners were now feeling the same pressure as the formerly in control Paiute from the US government who now sought to seize all privately held lands in the Owens Valley for the contemporary LA aquaduct project. This was known as the California Water Wars and it only made the situation for the Paiute worse, as now white landowners had even more of a reason to be hostile to any Native autonomy in the area in an effort to hold their own ill gotten lands from the ever increasing greed of the government. With this intensified desire to expel indigenous presence from the valley, Hoover order takes no time pretending to be diplomatic towards the Paiute.

Now that the power situation in the Valley has almost entirely shifted in American favor, the order simply reads as a command or matter of bureaucracy. Now that the image of the Paiute as the century-old keepers of the Owens Valley has faded for almost a century under American

occupation the tone towards the tribe is notably more negative. Take note in the word choice of the order and how the Paiute and their status in the valley is absent, a deterioration from the claim of homelessness by Taft's earlier document and a sign that the government views the Owens Valley as completely theirs now. President Hoover makes it very clear of intensified American domination of the valley in his executive order writing, "Under authority contained in the act of June 25, 1910, as amended by the act of August 24, 1912, and subject to the conditions, provisions, and limitations of said acts, it is hereby ordered that the unappropriated public lands in the townships hereinafter described be, and the same are hereby, withdrawn from settlement, location, sale, entry, and all forms of appropriation, subject to all valid existing rights, for classification and in aid of legislation".<sup>19</sup> The Hoover order is significant in understanding the dishonored legal relationship between the Paiute (and really many Native American tribes/peoples as a whole) where legal documents and treaties are often made binding contracts that the USA often repeals or completely ignores rather quickly.

By keeping up the appearance of maintaining formal diplomatic relations with Native American tribes via written treaties, contracts, and other legal documents like the Taft Executive Order, the US government is able to "prove" their fairness in indigenous relations. In reality, situations like the one with president Taft dealing favorably with Native Americans in one legal document only to have it undone by a President in the near future were not uncommon.<sup>20</sup> As a result "diplomacy" between Native tribes like the Paiute and the US government was unstable at best, with the USA taking a more domineering stance in their relationship to indigenous peoples. With the ability to simply overpower the Paiute after the 1862 war and the Owens Valley seeing

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<sup>19</sup> Hoover, 5843

<sup>20</sup> Stephen A. Walker, and Keri-Ann C. Baker. "Law & Water: Working With Native Americans on Water Issues." *Journal (American Water Works Association)* 104, no. 5 (2012): 18–22.

growing American settlement, the US government simply had no fear of repercussion when it came to not honoring their word when dealing with the Paiute. This is a product of the loss of control in the Owens Valley for the Paiute, as the praise for the Paiute in the LA Star article (1859) demonstrates. When the Paiute were still operating their massive farming operation people had positive things to say in the article, and when the US Army seized the valley from the Paiute only 3 years after this article, one can see the shift in how the Paiute were viewed. They were largely sent off to reservations and stripped of their land ownership of the valley.<sup>21</sup> This caused the sources describing the Paiute to go from admiration and respect to a much more condescending tone, again culminating in Steward's dismissive remarks. It is this shift in how the Paiute are viewed both by the common American and historians that influenced government documents like the Hoover order that all but brush the Paiute and their lives aside. Now it's clear that Americans thought the Paiute were a burden in the area and in the decades after many ranchers took the tribe's farmland, white settlers would begin to look down upon their new weakened neighbors.

The lack of care for the Paiute people under Hoover by depriving them of their land and ability to provide for themselves is as evidence of the lack of care of honoring the recent Taft guarantee for the tribe. The fact that such a massive reversal in guarantees to the Paiute regarding their sovereignty in the Owens Valley comes only two years after Steward's declaration speaks to itself. The relationship between American historical opinion of the Paiute and governmental action against them should be explored here. As both the state and federal government began to act more aggressive and violent toward the Paiute after the 1862 war the Native control of the Valley gradually decreased alongside white settler opinion of the tribe. This in turn led to a

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<sup>21</sup> William J. Bauer, Jr. "The Giant and the Waterbaby: Paiute Oral Traditions and the Owens Valley Water Wars." *Boom: A Journal of California* 2, no. 4 (2012): 104–17.

period of decline after 1862-1933 where the tribe would lose more land/water and ability to farm over time. This in turn would only leave the tribe more vulnerable to invasive government action and loss of land to white settlement. As a result of this weakened state, the overall voice of the Paiute was damaged alongside their image to the outside world, since Steward was able to misrepresent the entire tribe. If the Paiute never lost their land and American settlement and later building projects like the aqueduct never built over and masked the old sites of Paiute agriculture then outsiders would not be able to speak for the Paiute so easily.

By declaring the Paiute were not engaged in working the land in his 1930 report<sup>22</sup>, Steward had legitimized the government's claims only a few years later in Hoover's order that the Owens Valley was free for the taking. This close occurrence in the two events demonstrates a link between historical work like Steward's and the government's treatment of indigenous peoples. Perhaps if Steward had instead given accurate physical descriptions like Schmidt had or used positive historical accounts of the Paiute's agriculture then the tribe's claim to the Owens Valley would be much stronger today. The LA newspaper (1859) and Schmidt expedition both prove that 19th century Americans knew the Owens Valley was farmed on a large scale by the Paiute for generations. It was the 1862 War that would sever any sort of praise or positive opinions for the Paiute as they were now in the sights of American expansion during California's rapid industrialization during the 19th and 20th centuries. With a financial incentive to rid the Owens Valley of the Paiute and seize all of its natural resources, the United States and its citizens like Steward took a much more condescending tone when describing the Paiute to make their loss of land seem less unjust.

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<sup>22</sup> Julian, Steward. n.d. *Irrigation Without Agriculture*, 1930.

The final and most dominating of the Executive orders came in 1933 under President Roosevelt whose federal actions attempted to fully oust the Paiute from the Owens Valley and assert American control of the local water supply for Los Angeles. FDR's executive order #6206 is important in understanding the shift from American views on the Paiute from a positive one (as seen in the sources like the Star Newspaper) to the hostile ones found after Steward's writings. Both the Hoover and Roosevelt orders come only a few years after Steward declared the Paiute to not be farmers in the Owens Valley, and carry both the desires of American farmers and the City of LA to seize the local water supply and after the effects of prolonged land loss upon the tribe. The long-term effects of American domination of the Owens Valley and oppression of the Paiute by 1933 are evident again in the wording of this executive order. The order makes it clear that all of the Owens Valley is under firm American control and that claim is absolute and enforced by the government who once attacked the Paiute in a war. This final shift in domineering tone is the culmination of the dishonorable diplomacy found in the Taft order where the word "temporarily" alluded to the guarantee of lands to the Paiute being fake. The effects of prolonged mistreatment of the Paiute being normalized by settler encroachment and historical revisionism by Steward portraying the tribe as primitive are found in Roosevelt's harsh words.

In the executive order, President Roosevelt states the following, "Under the authority of the act of Congress approved June 25, 1910, it is hereby ordered that the following-described lands,, surveyed and unsurveyed, be, and the same are hereby, temporarily withdrawn from settlement, location, sale, or entry, subject to all valid existing rights in aid of proposed legislation withdrawing the lands for the protection of the water supply of the City of Los Angeles."<sup>23</sup> The word protection raises the question of who is attacking the water supply and

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<sup>23</sup> Roosevelt, 6206

what is their reason for such a siege? This is because the word is more of a softer way of really saying seizing or taking the water supply for Los Angeles (America) from a separate and distinct entity, the sovereign Bishop Paiute. The conflict had been present between the native Paiute and the US Army in 1862 in one of America's many Indian Wars, and even the need for "protection" wasn't called for then. In fact, this 1862 conflict goes to show the only protection really necessary in the Valley's situation was for the indigenous Paiute, who were largely driven out of the Owens Valley to reservations in order for white Americans to seize the land and water for ranches. This executive order is a clear evolution of the infrastructure plans for American industry, as simple ranching has grown into an aqueduct to sustain the City of Los Angeles. The US Army made use of deadly force to seize the Owens Valley's natural resources for ranch owners, now the full weight of the federal government had ordered the Valley to enrich and grow the interests of LA. Again it's hard to see how this water needs protection when the only assumed threat (the local Paiute) has long since been driven out and had their ancestral lands seized by American farmers, coupled with the fact that the power of the United States in the area has only grown. Sure the aforementioned Water Wars saw local unrest by white agricultural landowners but never to the point of widespread open violence and destruction that the Paiute faced.

By the time of FDR's older generations of loss and government, oppression had worn down the "threat" the Paiute really posed to resist American expansion in the valley. The gradual loss of the Paiute irrigation ditches and agricultural lands to American ranchers took away the Paiute ability to feed and grow their own population which in the end only weakens their ability to resist.<sup>24</sup> Their deportation to reservations coupled with the loss of this agricultural ability

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<sup>24</sup> Stephen A. Walker, and Keri-Ann C. Baker. "Law & Water: Working With Native Americans on Water Issues." *Journal (American Water Works Association)* 104, no. 5 (2012): 18–22.

would forever cap the population and power of the Paiute in the area, in order to make way for American interests in the area. Ranchers would heavily weaken the power of the Paiute in the 1920s Water War period, which left the tribe weak to resist the 1933 order from FDR which would all but strip the Natives of their autonomy in the Owens Valley. Without a means to feed their tribe and have any sort of market to produce goods and wealth with, this Executive Order ensured a fully subjugated Paiute. The power and wealth of the tribe would continue to diminish with the 1933 loss, and nearby urban centers like LA and overall power of the white American population would increase as a result.

The seizure of the entire valley's (tribe's) water supply for the aqueduct is a prime example of Californian society being advanced and enriched with the taken resources and lives of indigenous people. This increase in aggressive government and American action against the Paiute is reflected by the use of the word "protection" in the order as it signals the domineering stance now taken by the government who sees the water as their own now. With the sovereignty and ownership of the Owens Valley now taken from the Paiute and in the hands of the United States, the government would take this much more authoritative stance, ordering federal actions to guard its newly seized lands in an imperial-like manner. The colonial attitudes of the government in California were still very much present, an evolution from the outright violent conquest under the American army during 19th-century colonization. This isn't too much of a surprise as the power of American influence would have grown immensely from the cattle ranching operation in the late 1800s to a much more industrialized and populated California under President Roosevelt. Now the sole power in the Owens Valley, the American government had no problem deciding who had the right to settle and lay protective claims over the entirety of the seized Paiute land.

Historical writings like Steward's have the power to set the tone and stereotypes for entire groups of people as seen with his writing's effects upon the attitudes toward the Paiute.<sup>25</sup> Because he had come to his own conclusions that the Paiute practiced no native form of agriculture to the Owens Valley the theory that the tribe was not historically native to the area was furthered. This misinterpretation on Steward's part only helped the federal government's quest to rid the Owens Valley of the Paiute by possibly giving evidence the tribe had no ancestral claim to the area. Though Steward was a resident of Southern California and could have stood to have gained from hurting the Paiute claim the Owens Valley and farming it, it is sure that the US government did benefit which it had been yearning for since the 1862 war. Steward's publishings (intentionally or not) gave legitimacy to the government's claim the Owens Valley was "free" of Native inhabitation and open for utilization in the aqueduct project so one can see the powerful effects of historical revisionism. This raises the question if Steward's claims that made the Paiute appear to be a primitive society were of his own misreporting and bad observations during his 1930 visit or more the result of this increased government action against the Paiute that would have created a more negative perception of the tribe among Americans. It would seem that after the 1862 war the course was set for the Paiute to lose control and use of the Owens Valley to American interests.

The federal government in 1932 and 1933 probably would have still acted in a domineering way towards the Paiute and seized lands with "justifying" legislation like the executive orders. However, the misrepresentation of the entire Paiute identity and way of life by stripping them of their unique form of agriculture that Steward does seems to play into the government's imperial narrative too well. With the Paiute at their final weakened state after the 1933 order (which downsized the tribes' reservation from 67,000 acres to 900 acres) they had

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<sup>25</sup> Richard, Rice. *The Elusive Eden: a new history of California*. New York, NY: McGraw-Hill. 2011.

little sway compared to Steward in voicing their true history and valley agriculture to the rest of the country. The Paiute were at the disadvantage with the balance of power against the government in the Owens Valley, as well as with Steward in being able to publish and affect how they are remembered in history. The Bishop Paiute tribe today has a small cultural center and a website that details their agricultural past and provides physical proof but smaller numbers of Americans have heard this correct narrative with Steward's claims being the mainstream ones. The Paiute are not nearly as widely published or circulated in schools or academic circles compared to Steward or other American (non-indigenous) writers, leading to a large bias against them in sources. This is important because most of the "primary" accounts about the Paiute and evidence prior to Lawton's 1973 study came from Steward's 1930 visit leaving the tribe's voice out of their own control and in the hands of Americans. <sup>26</sup>This lack of control that the Paiute had over their own voice in historiography parallels their loss of land control to the US government in the Owens Valley.

The relationship between how the government progressively mistreated the Paiute and stripped them of their land rights in the Owens Valley and historians like Steward misrepresenting the tribe as primitive is linked in the imperialistic desire to seize indigenous lands. After the state's physical and systemic violence towards the tribe (1862 war and reservations) had left the Paiute at the mercy of the government, historical misrepresentation like Steward's helped to mask that. Whether they were influenced by the 1930 report or not, the two final executive orders championed the settler narrative that the Owens Valley was free to take. Historians and schools would then teach that the Paiute were not long time agricultural residents of the valley and that the American ranches built there over the tribe's farmland were the first in

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<sup>26</sup> Julian, Steward. n.d. *Irrigation Without Agriculture*, 1930.

the area. Such narratives legitimize colonial abuse towards indigenous peoples by erasing evidence of their ancestral claims to land and assist in playing down abuse of the tribe by making them seem primitive.

Lawton's article is an important development to the perception of Native Californians and just how "advanced" their societies were. I often thought similar to Steward's previous claims that made Native Californians like the Paiute seems unable to escape a sort of stone age thought, foraging to live. It's nice to see Lawton seek out 19th-century American sources praising the Paiute's work as their intelligence and hard work shouldn't have gone unreported for so long in historiography. After visiting family on the Bishop reservation myself, it was not hard to picture the huge amounts of water available in the Valley being utilized in a productive manner.

Lawton's ability to venture to where he is writing about and uncover local knowledge (both verbally and via writings) helps illustrate the large scale of activity in the valley. I think the efforts put in by both him and his team are respectable as they worked to give voice to one of the many unsung Native Californian achievements. Ultimately Lawton's article is a positive reflection of the shifting attitudes in California historiography to positively and accurately tell Native American history. The development made by Lawton to improve the history regarding the Paiute civilization and their claim to farming for centuries in the Owens Valley came during a period of increased autonomy and land concessions to the tribe during the 1970s and the second historical visit.

Perhaps if there was a link between the government hurting the Paiute and historians like Steward misrepresenting them, then the same exists in opposite for the positive reporting done by Lawton and the increase in Paiute control of the Owens Valley since the 1970s. The Paiute live in a shadow of their former ancestral lands on the Bishop reservation today and hundreds of

other Native American tribes still fight massive disputes with the government and private American groups for territory near their homes making the topic still relevant today. The fact Steward was able to misrepresent the Paiute's claim to the Owens Valley during a government land grab for the Owens Valley raises modern questions for situations like the Keystone Pipeline and if American claims are biased or not in history and their credibility. If the academic narrative benefited imperial action of the United States against indigenous peoples as it had with Steward and the aqueduct project, what is keeping it from happening again? The aforementioned Paiute source with the reservation's cultural museum is a good start to increase the tribe's own voice and further correct any historical misrepresentation along with Lawton's work. More Native American writers should be considered or circulated as leading sources on indigenous topics and claims, more so than American historians like Steward and even Lawton. This way a tribe can have their own historical narrative in their own control and be able to more visibly raise objections and corrections in the face of the government citing historical revisionism as they had when claiming the Owens Valley was free of Native inhabitation.

The physical violence and loss of land towards the Paiute and Native Americans throughout American history is only made worse by the softening of its impact made by misrepresenting their way of life in history. The negative portrayal led by Steward reflected both the prior hostility during 19th century land conquests in the Owens Valley and influenced future US imperialism against the Paiute with the executive orders. As time went on and the Paiute saw their sovereignty respected more so did the historical narrative with Lawton praising them in a similar fashion to the 19th century newspaper article and Schmidt expedition. Overall this shows that when the United States government and its people had a vested interest in seizing the Paiute's land from them, the historical narrative worked to further reflect the tribe poorly. With

this in mind one should keep in mind whether or not Native authors or voices are being heard in today's disputes over land whether it be the Wiyot (who just received a historic return of their ancestral lands by the state government in 2019) or tribes like the Ohlone of the Bay Area who face a similar situation of government land seizures.<sup>27</sup> A clear link exists between if Native Americans are portrayed positively by historic and mainstream media/literature and if the government mistreats them or seizes more land.

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<sup>27</sup> Brett, Bovee. "Establishing and Preserving Tribal Water Rights in a Water Stressed West." *Water Resources IMPACT*, vol. 17, no. 4, 2015, pp. 5–10.

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