



FILE COPY  
SURNAME:

UNITED STATES  
DEPARTMENT OF THE INTERIOR

Warren Spaulding  
Director, Program Division  
BUREAU OF INDIAN AFFAIRS  
WASHINGTON 25, D. C.

February 21, 1952


Hopi Affairs

Administration of Hopi affairs has always been difficult. An agency was established at Teams Canyon in the 1870's against the active opposition of a considerable portion of the tribe. The early years of agency administration did not dissipate the misgivings and open opposition of the tribal members. Effort was made on two occasions to allot the Hopi Reservation, and when members of the tribe objected, they were threatened with armed force. I believe a military detachment was actually stationed on the reservation for a time, but fortunately this force did not actively intervene. In 1906, the opposition to the Government became so critical at the village of Oraibi that pro- and anti-Government forces lined up in the village plaza and began a shoving contest. The opposition party was shoved out of the village, and thereupon packed up its belongings and moved to Hotevilla, some 10 miles away. Oraibi continued to disintegrate until today the villages of New Oraibi, Bakabi, Hotevilla, and Upper Moenkopi are made up of families deriving from Oraibi.

In 1936, the Bureau made a sustained effort to close these old breaches and to achieve, in the form of a written constitution, a mechanism by which traditional village government could work amicably with those villages which, having broken away from Oraibi, had adopted elective systems of government. Oliver La Farge was assigned to the task of developing a constitution because of his anthropological training and his long friendship with the Hopi Indians. At the time the constitution was drafted, it was our sincere belief that we had developed an instrument which would work and which in time would come to have the united support of all the villages. La Farge reported at the time he submitted the constitution that no one at the agency knew the village chiefs (Kikmongwi) for all the villages. This condition is probably true today, and in fact probably has always been true. Hence, the provision in the constitution that in those villages which followed the traditional form of organization, representatives to the Tribal Council would be approved by the Kikmongwi. This did not require that the Kikmongwi divulge his identity, but it provided a means by which that official could give his approval to the action of the village in naming representatives. These representatives, therefore, would be his spokesman. This was the traditional pattern in Hopi organization, and there was good reason to believe it would operate as intended. At least, La Farge discussed the matter in countless village meetings, and it seemed to satisfy the Hopis.

EXHIBIT 51a

CARBON FOR INDIAN OFFICE

Unfortunately, the question of setting up a land-management district and of reducing livestock to the carrying capacity of the land confronted the Hopi people with desperate political questions before the Tribal Council had fully established itself in the confidence of the people. It was assumed by many that the written constitution and the Council created under the constitution were somewhat responsible for bringing about an apparent reduction of Hopi territory and of livestock. The Council foundered on that problem and no Hopi leader in the traditional line has been willing to support the Council.

When at a general meeting of members of the Hopi Tribe in February 1950 a decision was made to reconstitute the Hopi Tribal Council, we in this office felt that the question of recognizing the reconstituted Council should be held in abeyance until we had all the facts. I visited the Hopi Reservation at that time and met with the Council and with the traditional leaders at Shungopavi. I also reviewed with the Superintendent the procedural actions that had been taken by him and by the tribal members to reestablish the Council. I was convinced at the time, and still am, that the tribe had acted properly to meet all technical requirements for reestablishing the Council. In spite of this, I still recommended against formal action and urged the Superintendent and the Area Director to continue a campaign of building up confidence in the Tribal Council and, if at all possible, winning the support of the traditional leaders at Shungopavi, Hotevilla, and Lower Moenkopi. It may be that we can never expect to win the active support of these leaders, but I think it is possible to achieve a situation of passive acceptance. We have proceeded on that basis since.

Opposition to the Council soon spread beyond the Hopi Reservation, and we began to receive protests from Dr. Byron Cummings, a long-standing friend of the Hopis, from the New Mexico Association on Indian Affairs, the Verde Valley School, and others of like standing in the Southwest. Recognition of the Council, if it had taken place, would have spread criticism and possibly have done real damage to our relations with the tribe and with the public generally. The removal of Superintendent Crawford helped to relieve the pressure and reassure the Hopi Tribe that we were proceeding with their interests in mind.

I am still convinced that it is possible to accomplish our objective of eventual acceptance of the Hopi Tribal Council. To bring this about, however, we must continue to work concertedly, with each step planned beforehand. The Superintendent, Dow Carnal, must make use of every opportunity in village meetings and in conferences with individual leaders to point to the advantages of tribal organization. At all costs, he ought to avoid urging the step as a convenience to the Government or to the oil companies which would like to lease Hopi land. These considerations will not

persuade the Hopi Indians. What they want to know is that (1) we are not interfering with traditional forms and beliefs, (2) we are not asking that noninitiated and nontraditional Hopis abide by traditional forms in their village organization, and (3) that the Hopi villages need a united organization through which the wishes of the Hopi people may be made known to outsiders, including the Government and all nonmembers of the tribe.

In addition, the Government should make certain decisions on matters which deeply affect the Hopi people. It is my recommendation that the following actions be taken and announced to the Hopis:

1. Kaams Canyon Agency should be removed from the Window Rock Area and placed under the Phoenix Area Office. This may not seem to make sense on paper, but I think it is one of the important keys to the problem.

2. We should request a review of the Solicitor's opinion of June 11, 1946. In support of that request, we should present an argument for a contrary view of the rights of the Hopis in the 1882 Executive Order Reservation. An earlier opinion dated February 12, 1941, held that the Hopis possessed "Indian title" to the 1882 area which, as I understand, in view of the Supreme Court decision in the Shoshone case, means that the Hopi title was as sacred as a title in fee. Moreover, the area represented by the 1882 Executive Order was fully contained within the area occupied by the Hopi Indians from immemorial times. The exact extent of that area will ultimately be determined by the Indian Claims Commission. It may be that the Claims Commission will find that the Hopis were entitled by aboriginal right to a larger area than that contained in the 1882 Executive Order. That question is beside the point in this connection. For the sake of our present argument we need only contend that the area was contained within the aboriginal occupancy area and that the Hopis had a right antedating the 1882 Executive Order. For these reasons, we believe that, in equity, the Hopis are entitled to the minerals underlying the 1882 area. We recognize that for practical reasons the Navajos cannot today be removed from the 1882 area, but we ought to limit Navajo rights in the area to use rights on the surface.

3. The settlement at Moenkopi is part of the immemorial Hopi occupancy area. For many hundreds of years Hopi families living on the three Mesas operated farms at Moenkopi. The area seems to have been abandoned when Paiutes began to raid the area several generations ago. About 1850, with the help of Mormon settlers, the Hopis were able to reoccupy Moenkopi. In subsequent years, Navajo families have moved into the area, which contains the only perennial source of water in the general vicinity. No settlement of the conflicting land rights of Navajo and Hopis will ever be complete without some equitable division of Moenkopi water and farm lands between Navajos and Hopis.

4. The Hopis have a continuing interest in certain shrines located at various outlying points. Some of these shrines are in areas occupied now by Navajos, and doubtless others are in national forests or other public land areas. These shrines should be identified; in some cases, as in public land areas, it may be possible to reserve an acre or two for exclusive Hopi use, and in all cases free access to Hopi shrines should be guaranteed to the fullest possible extent.

I am confident that if decision and action can be taken on each of the above questions, we can begin to count on Hopi cooperation in other fields. Wherever possible, I would act in the name of the Hopi Tribal Council or in full cooperation with the Council in order that the Hopis may come to feel confidence in the strength and good purposes of the Council.

(Sgd) D'Arcy McNickle

D'Arcy McNickle  
Program Division

DMcNickle:mm 2/21/52

cc: Program Div-Tribal Programs

G. Warren Spaulding  
Director, Program Division  
J. B. Kellogg, Staff Member

February 15, 1952

Letter of November 23, 1951 to the Secretary of the Interior from Mr. Ned Nayatawa, Chief of First Mesa, pertaining to Hopi Affairs.

A number of long-standing issues in Hopi affairs are reopened by Mr. Nayatawa in his letter of November 23, 1951. A review of pertinent file and record materials discloses that the Bureau adopted an approach of expedience to these issues apparently with the result that an impasse is now confronted in Hopi affairs. It is suggested, therefore, that prior to preparing a reply to Mr. Nayatawa's letter, the current status of the Bureau's program with respect to Hopi affairs be ascertained and the Bureau's approach to the Hopi problems be reappraised.

In accordance with a previous discussion with you on this subject, a review of the salient points in the whole matter is presented below.

A. - Chronology of significant events:

1. By executive order of December 16, 1882, a reservation of 2,472,320 acres was created from public domain "for the use and occupancy of the Moqui (Hopi) and such other Indians as the Secretary of the Interior may see fit to settle thereon."
2. A series of executive orders enlarged a reservation established for the Navajos to the east of the Hopi area by a treaty of June 1, 1868, so that the Navajo Reservation came to encircle completely the reservation established in 1882 by the executive order of December 16, 1882.
3. The pressure of increasing population led to growing Navajo infiltration of the 1882 executive order reservation, causing serious friction with the Hopi over disputed land use rights within the area.
4. The Hopi Tribe adopted a constitution and by-laws under IRA on October 24, 1936, and this constitution and by-laws was approved December 19, 1936. By this instrument, the Tribal Council became the official representative body of the tribe and was authorized to negotiate for an area for the exclusive use and occupancy of the Hopi.
5. Land management units were set up by the Navajo service in 1936; District No. 6, containing 499,248 acres, was designated as the "Hopi unit" and tacitly understood to be for the exclusive use and occupancy of the Hopi Indians.

EXHIBIT 52a

6. On June 2, 1937, special grazing regulations were established for the Hopi and Navajo Reservations. The Commissioner of Indian Affairs was thereby authorized to establish land management districts based upon social and economic requirements of the Indians and the necessity of rehabilitating grazing lands.

7. As a result of increasing seriousness of friction between the Navajo and Hopi over disputed use of grazing land along the boundaries of District No. 6, a special committee of range experts from the Department of Agriculture conducted a survey of land use on District No. 6 and districts adjoining it, resulting in the Rachford report which was submitted in December, 1939, recommending that District No. 6 be increased from 499,248 acres to 528,823 acres. The Rachford report was rejected as unacceptable by the Hopi Tribal Council in a resolution dated March 23, 1942.

8. A proposed order dated October 9, 1940, defining areas within the 1882 reservation for the exclusive use and occupancy of the Hopi and Navajo Indians respectively was submitted to the Secretary for approval. A solicitor's opinion dated February 12, 1941, was returned rejecting the proposed order as being without the authority of the Secretary and in violation of Hopi rights, but suggesting that the problem of Navajo and Hopi friction might be administratively met by amendments to the grazing regulations so as to exclude Navajos from District No. 6, restrict Hopi grazing permits to District No. 6 only, and enlarge District No. 6 to include the slightly larger area of the Hopi unit proposed in the rejected order. It was specified that restriction of Hopi livestock grazing to District No. 6 would require the assent of the Tribe. The opinion further found that Hopi interest in the 1882 reservation was the usual "Indian title" and extended over the whole area.

9. A letter of January 8, 1942, directed to the Hopi Superintendent and stating that Navajos would not be allowed to settle on the 1882 executive order reservation after October 24, 1936, the date of ratification of Hopi constitution, became the first official restriction upon Navajo movement to the 1882 reservation.

10. A reappraisal of the District No. 6 boundary question resulted in the Centerwall report of July 22, 1942, in which an addition of 142,549 acres to District No. 6 was recommended. This report was approved by the Chairman of the Hopi Tribal Council, later said not to have acted in his official capacity.

11. On April 1, 1943, the special grazing regulations established on June 2, 1937, were rescinded insofar as application to District No. 6.

12. On April 24, 1943, an adjustment of District No. 6 boundaries based on the Rachford and Centerwall surveys, with some modifications, was approved, and District No. 6 was increased to 631,194 acres. There is no evidence that Hopi assent was obtained.

13. A stock reduction program for District No. 6 was begun in the fall of 1943. Hopis of the Third Mesa were vociferous in their opposition and the Tribal Council organization, never firmly entrenched, collapsed completely.

14. In 1944, the relocation of 16 families of Hopi Indians to the Colorado River Reservation project was begun in an effort to relieve the pressure of an increasing population upon the inadequate Hopi land resources.

15. In the early part of 1944, major oil companies became interested in the oil potential of the 1882 executive order reservation and began pressing for some assurance of leasing opportunities. Obstacles to leasing were posed by the disputed Hopi and Navajo interests in the mineral estate and the lack of authoritative representation for the Hopi Tribe and Navajos on the 1882 reservation since authority of an authorized spokesman or agent was required under the Act of May 11, 1938.

16. In 1945, an AAA fencing project for certain portions of the boundary of District No. 6 on the Second Mesa, although approved by Hopi individuals involved, was bitterly opposed by other members of the tribe who, moreover, requested removal of the Superintendent and his assistant.

17. In November, 1945, an investigation and report of the charges against the Superintendent and his assistant by Mr. William H. Zeh exonerated these individuals and, instead, commended them.

18. On June 11, 1946, a second solicitor's opinion held that the rights of the Navajos within the area "who settled in good faith prior to October 24, 1936, are co-extensive with those of the Hopis with respect to the natural resources of the reservation." This opinion did not define the comparative rights of the two Indian groups however.

19. In February of 1950, the Hopi Superintendent attempted to reconstitute the Tribal Council in order to provide for an authoritative voice for the whole tribe. Delegates were appointed to the Council from 6 of the 11 villages, but the opposition voiced such strong protests through Congressional and other channels that it was deemed necessary to withhold official Bureau recognition of the new Council.

EXHIBIT 52c



20. The Navajo-Hopi Rehabilitation Act was passed April 19, 1950, and contained a section stating that "the Tribal Councils of the Navajo and Hopi Tribes and the Indian communities affected shall be kept informed and afforded opportunity to consider from their inception plans pertaining to the program..... the Secretary of the Interior shall consider the recommendations of the tribal councils and shall follow (them)..... whenever... feasible and consistent with the objectives of this Act."

21. On July 27, 1951, a claims attorney contract for the Hopi Indians was approved and a petition submitted to the Indian Claims Commission. The unrecognized Tribal Council and seven villages signed on behalf of the Hopis, while five villages abstained. One village, Shungopavi, submitted a separate petition.

**B. - Factors underlying problems in Hopi affairs:**

1. Inadequate resource base for both Hopi and Navajo on the 1882 executive order reservation.

(a) The 2,472,320 acres or 3,860 square miles set aside in 1882 to accommodate approximately 1,800 Hopis and a few hundred Navajos then resident are not sufficient to support the approximately 3,000-4000 Hopis and 4,000 Navajos now occupying the reservation.

(b) The land, chiefly suited for grazing with some farming, by the late 1930's had been denuded by overgrazing and erosion; livestock thereby requiring increasingly larger areas for adequate forage.

(c) The institution of land management districts combined with a drastic stock reduction has led to frequent trespass by livestock over unfenced boundaries causing continuous friction and dispute between Hopi and Navajo Indians.

2. Long standing conflict in land claims and traditional antagonism of Hopi and Navajo Indians.

(a) Hopis traditionally claim an area five times the size of the 1882 reservation, while Navajos lay claim to a large portion of the same area.

(b) Official cognizance of Navajo rights on the 1882 executive order reservation has made the Hopi unhappy.

(c) The establishment of District No. 6 and the denial of the rest of the 1882 executive order reservation for Hopi grazing use, ipso facto, has been regarded by the Hopi as an unfriendly act of the Government.

EXHIBIT 52 d



(d) The traditional antagonism between the Hopi and Navajo has continued to color all relationships between these two tribes.

(e) The Hopi Indians have been extremely reluctant to accept any measure that might embarrass their traditional <sup>land</sup> claims to and have regarded the issue of District No. 6 as a threat to these claims.

### 3. Factionalism within the Hopi tribe itself.

(a) The eleven separate Hopi villages have never acted in tribal unity and have shown themselves to be divided between extremes of progressivism and traditionalism.

(b) The constitution adopted in 1936 was an apparently unsuccessful attempt to achieve a unified tribal representation with which the Government could deal. The constitution made the Tribal Council the sole authoritative general voice for the Hopi Tribe.

(c) In consequence, administrative measures of expedience have been the only recourse in matters requiring tribal participation or assent; e. g., the promulgation of law and order and grazing regulations subject to modification or rescission upon subsequent action of the Tribal Council and the necessity of obtaining the signatures of both Tribal Council officers and individual village spokesmen to sign as one party on behalf of the Hopi Tribe in order to contract for the claims attorney.

(d) The schism in the matter of authoritative representation for the Hopi Tribe is very definite, apparently, and the factions so nearly even in strength that any immediate resolution is obviated and the Department has deemed it politic to withhold official recognition of the reconstituted Tribal Council.

### 4. Hopi distrust of the Bureau of Indian Affairs, and the Window Rock Area Office in particular.

(a) The persistent Hopi feeling of fear and resentment toward the Navajo is transposed to the Window Rock Area Office with an added suspicion of favoritism to the Navajo.

(b) The historical experience of the Hopi in the failure of the Federal Government to adequately protect them against encroachment of the Navajo further contributes to their lack of trust in the Bureau of Indian Affairs.

EXHIBIT 52e

(c) The measures of administrative expedience that have been necessitated in the face of the disunity of the Hopi Tribe have served to deepen Hopi distrust of the Government.

The theme that the Bureau has continued to act in Hopi affairs without Hopi participation and concurrence, and not only neglected the Hopi Indians but also remained deaf to their petitions is consistent throughout Mr. Nayatewa's letter. In reply to his letter, the failure of the Tribe to act responsibly in the matters cited in the letter may be pointed out, and the implication given that any new moves to resolve their problems are up to the tribe. On the other hand, the reply may be formulated in a manner pointing out previous deficiencies on the part of the tribe, and at the same time giving assurance of positive Bureau action to resolve their problems and satisfy their complaints if feasible. Should it be desired that the reply be cast in the latter approach it may be wise to indicate what measures, if any, can and will be taken by the Bureau.

John B. Kelias

JBK:cef

EXHIBIT 52 f

## Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Spaulding

DATE: February 28, 1952

FROM : Mr. Bennett

SUBJECT: Request for comments on problems in Hopi affairs.

It is apparent that an impasse has been reached in the affairs of the Hopi tribe as to dealings between the various villages, between the Hopis and other tribes, between the Hopis and the Government, and to a large extent between the Hopis and their Claims attorney. This condition has existed for some time, without apparent change, and there appears to be no indication that there will be any perceptible change in the foreseeable future.

In order that some activity might be generated to cause some change in the present impasse, it is suggested that consideration be given to calling the tribe's attention to the provision in Section 16 of the Act of June 18, 1934, (48 Stat. 984), by which the tribe might revoke the approved constitution and bylaws of the Hopi tribe.

It is admitted that in some respects this would be a backward step. However, it is believed that the situation calls for some approaches which will relieve the present stalemate and this is suggested as one of the approaches.

The advantages to be gained by revocation of the constitution and bylaws would be that contact could be reestablished with the recognized or traditional leaders of the various villages, to arrive at mutual decisions of the tribe and the Government on matters now being held in abeyance. These decisions could be reached because the constitution and bylaws, and a tribal council elected pursuant thereto, would not be made an issue by which action which might otherwise be undertaken, would be forestalled. Decisions could be reached through dealings with the recognized or traditional leaders which conceivably would remove some of the obstacles to a Hopi organization under the Reorganization Act at a later date.

It is believed that it would be less difficult to point out and have an understanding with the progressive group, of the advantages to be gained through tribal action in revoking the constitution and bylaws than it would be to obtain acceptance of the present Council by the conservative element, under conditions which now prevail. The progressive element, favoring organization under the Indian Reorganization Act, could conduct a campaign of infiltration calculated to overcome resistance among some of the conservative elements, to organization under the Indian Reorganization Act. There would also be retained the experiences undergone by the Hopi people in their first acceptance of a new and novel form of government exemplified by the constitution and bylaws, so that at some future time, should the tribe desire to consider a constitution and bylaws, it would be done in the light of their previous experience.

*Robert L. Bennett*  
Robert L. Bennett

EXHIBIT 53

17053-52-02-149

FIELD SEMI-ANNUAL REPORT OF JOHN S. HORDEN,  
 SPECIAL ATTACHE FOR NATIVE INDIAN AFFAIRS, PURSUANT  
 TO CONTRACT NUMBER 1-1-IND. 42048, APPROVED BY  
 COMMISSIONER OF INDIAN AFFAIRS MAY 29, 1952

Period Covered: September 1, 1951 through February 29, 1952

Trips Made on Behalf of Tribe

<u>Date</u>	<u>Nature of Trip</u>	<u>Time Away From Office</u>	
		<u>Hours</u>	<u>Minutes</u>
8-31-51 - 9-6-51	To Hopi country	154	15
11-23-51 - 11-25-51	To Reservation to attend meeting with Secretary of the Interior and party	42	5
11-29-51 - 12-2-51	To Reservation for conference with Alan Harper, Area Director; to attend meeting with Tribal Council at Polacca; conferences with Supr. Dow Carnal at Keams Canyon, visit to part of the villages.	73	30
		<u>269</u>	<u>50</u>

Another trip was made to Washington, D.C. January 4, 1952 on business for another client but work was also done for Hopi Tribe

Nature of Services Rendered

Recognition of Tribal Council:

Conferences with the following:

Commissioner Mayer, Indian Affairs, Washington, D.C., Assistant Commissioner John Provinca, Alan Harper, Area Director, Window Rock, Walter Olsen, Assistant Area Director, Window Rock Superintendent Dow Carnal, Keams Canyon Hopi Tribal Council and members Keams Canyon Assistant Commissioner Lee, Washington, D.C.

Exchange of correspondence with above-named officials.

Oil and Mineral Matters:

Study of Solicitor's opinion of June 11, 1946

Conferences with the following:

Assistant Solicitor, Department of Interior, William Flannery Messrs. Critchfield, Larkin and McNichol Messrs. Jim Savita, Ryker and William Ferguson, Washington, D. C.

Telephone calls to Superintendent Dow Carnal.  
 In bar to tribal officers

Letter to the Area Director, Indian Affairs



Holbrook Transfer Co.:

Franchise before Arizona Corporation Commission concerning operation on Hopi Reservation:

Study of problems involved

Advice and counsel to the Tribe.

Revolving Credit Fund Loan:

Conference with Albert Huber in Salt Lake City, Utah  
Correspondence with Tribal Council and members  
Telephone Albert Huber, Holbrook, Arizona  
Telephone call from Mr. Waite of B.I.A.  
Conference with Albert Huber & Darcy McNickle  
Reports to Chairman Tribal Council and other officers

Area Office Jurisdiction of Hopi:

Conference with Commissioner Myer, Associate Commissioner Rex Lee, Assistant Commissioner John Province and Darcy McNickle

Matters Concerning Hopi History and Mineral Rights of Tribe:

Study of confidential Connely report on Hopi  
Study Solicitor's memorandums of February 12, 1941

Solicitor's Opinion on Mineral Status of Reservations:

Extended research  
Consultation with Assistant Solicitor Wm. Flanery  
Consultation with Indian Service Counsel Ferguson  
Memorandum preparation  
Letter to Edwin E. Ferguson

Education Scholarships:

Investigation and reports on establishment of Tribal scholarships at E.Y.U.

Crazing:

Obtaining and studying regulations

General:

Letters to Tribal members  
Report to Tribal Council on Washington, D. C. trip  
Telephone calls to Tribal officers

EXHIBIT 54b

SECOND SEMI-ANNUAL REPORT OF JOHN S. BORDEN, GENERAL ATTORNEY FOR HOPI INDIAN TRIBE, PURSUANT TO CONTRACT SYMBO. 1-1-ind. 42643, APPROVED BY COMMISSIONER OF INDIAN AFFAIRS MAY 29, 1952

Period Covered: March 1, 1952 through August 31, 1952

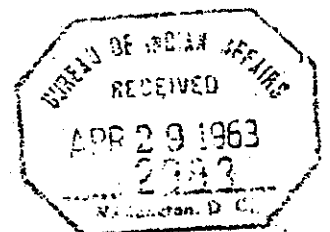
Trips Made on Behalf of Tribe

<u>Date</u>	<u>Nature of Trip</u>	<u>Time Away from Office</u>	
		<u>Hours</u>	<u>Minutes</u>
3-11-52	Chicago at expense of another client Conference with Dr. & Mrs. Fred Egan		
6-18-52 - 6-23-52	To Kaams Canyon for meeting with Carl Beck of Secretary's office.	115	45
8-26-52 - 8-30-52	To Kaams Canyon to report on work, particularly on reconsideration of Solicitor's Opinion of 6-11-45	<u>112</u> 228	<u>30</u> 15
5-19,20-52	Conferences with Commissioner Meyer and Assistant Commissioner Lee while in Washington on business for another client.		

Nature of Services Rendered

Trading License Ordinance:

Conferences with Tribal Council  
Letters on trader's fees  
Research and drafting of ordinance



Recognition of Tribal Council:

Memorandum for discussion  
Commissioner of Indian Affairs on April 8, 1952 in letter to Platt Cline, editor, "Arizona Daily Sun" - "We have not as yet finally recognized the tribal council".  
Correspondence and conference with Platt Cline at Tuba City, Arizona June 22, 1952.  
Handling of Cline's attack on council before Commissioner of Indian Affairs through Senator McFarland on August 23, 1953. Council was given twenty days to answer the charges that "so called Hopi council had authority to act for tribe".  
Answered charges September 17, 1952.  
Conference with W. Lee, Assistant Commissioner.

EXHIBIT 54c

Conference with Lewis Sigler, Washington, D. C.  
Telephone to Alan Harper, Area Director, Window Rock, 3-25 and 4-4  
Conference with Carl Beck, representative from the office of the  
Secretary of the Interior.

Investigation of Activities of Sam Shing, Hopi Tribal Officer and Tribal  
Policeman:

Study of correspondence and interview of parties involved.  
Preparation of memorandum on findings.

Oil and Mineral Matters:

Report to Tribe on commissions and suggestions concerning Solicitor's  
opinion on June 11, 1946.  
Consultations with W. F. Haganey, Ohio Oil  
Consultation with Lee N. Steiner, Attorney, Ohio Oil  
Consultation with Francisco Granzburg  
Research on Hopi land and oil rights  
Letter to Mr. Karr, McGee Oil

Credit:

Conference with Mr. Huber, Washington, D.C.  
Conference with Mr. Sellevy, Washington, D.C., Counsel for Indian Service  
Assisting tribe to establish a Credit Association  
Memorandum

Miscellaneous Concerning Hopi History:

Conference at Chicago with Dr. and Mrs. Fred Egan

Solicitor's Opinion on Hopi Oil Rights:

Research on treaties and Executive Orders of similar language  
Consultation with Assistant Commissioner Rex Lee on procedure to review

Hopi Shrines:

Investigation and research  
Letter to Supt. Carnal

Platt Gline Charges:

Study of charges  
Letters and Memoranda  
Meeting with Mr. Gline at Tuba City, Arizona

Education:



General Matters:

- Letters to Chairman of Tribal Council
- Letter to Governor of Kyakhtsuvvi
- Letter to First Mesa Chairman
- Consultations with Supt. Dow Carnal, Reservation teacher John Connally and Area Director Allan G. Harper
- Consultation with tribal delegation
- Conference with Dean Kimball, U of U Law School
- Telephone calls to Supt. Carnal
- Consultation with Commissioner of Indian Affairs Dillon Myer
- Consultation with Area Director Harper at Washington, D. C.
- Letters to Children's Hospital re: LaRoy Shing and to Sam Shing

THIRD SEMI-ANNUAL REPORT OF JOHN S. TOYSEN, GENERAL  
ATTORNEY FOR HOPI INDIAN TRIBE, PURSUANT TO CONTRACT  
SYMBOL I-1-IND. 42640, APPROVED BY COMMISSIONER OF  
INDIAN AFFAIRS MAY 29, 1952

Period Covered: September 1, 1952 through February 23, 1953

Trips Made on Behalf of Tribe

<u>Date</u>	<u>Nature of Trip</u>	<u>Time Away from Office</u>	
		<u>Hours</u>	<u>Minutes</u>
11-30-52- 12-3-52	To Hopi to meet with Tribal Council at its request. Went to Kanab at expense of another client. Conference at Window Rock with Tribal officers of Hopi and Navaho and Acting Area Director Fister.	84	00

Nature of Services Rendered

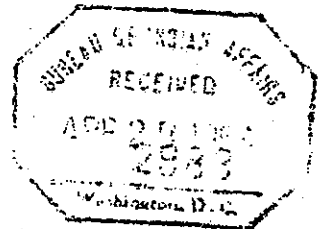
Reconsideration of Solicitor's Opinion of June 11, 1946:

Additional study, research and historical background.  
Conferences and letters.

Letter to Supt. Carnal informing him of favorable action of Commission.

Revolving Credit:

Correspondence with Associate Commissioner H. Rex Lee.  
Research and letter to Supt. Dow Carnal  
Letters to Agents Huber and Mr. Lee  
Consultation with J.E. White, B.I.A.  
Study of 25 CFR Part 21



Navaho Boundary Dispute:

Research, conferences at Window Rock with Hopi-Navaho and government representatives.

Recognition of Tribal Council:

Conference with Secretary of the Interior  
Correspondence with Commissioner Meyer, Associate Commissioner H. Rex Lee, Mr. Sallery of Secretary's office and Assistant Solicitor Flannery  
— Correspondence with Secretary of the Interior on necessity for decision  
Exchange of correspondence with Supt. Dow Carnal, Hopi Reservation.  
Obtaining decision from Secretary of the Interior December 12, 1952.

Area Office Jurisdiction of Hopi:

Conference with Commissioner Meyer, Assistant Commissioner Lee, Assistant Commissioner John Prudence and E. Haskins. (Washington)

Research and Letters:

Research and Letters

EXHIBIT 54f

Reading:

Study of petition of Hopi Indians  
Investigation of Navaho trespass on District 6.

General:

Telephone calls to Supt. and Council representatives.  
Letters to Council members  
Consultations and conferences with Council members  
Letters to Supt. Carnal, Area Director Harper and others.

EXHIBIT 54g

FOURTH SEMI-ANNUAL REPORT OF JOHN S. BOYDEN, GENERAL ATTORNEY FOR HOPI INDIAN TRIBE, PURSUANT TO CONTRACT SYMBOL E-1-Ind. 42643, APPROVED BY COMMISSIONER OF INDIAN AFFAIRS, MAY 29, 1952

Period Covered: March 1, 1953 through August 31, 1953

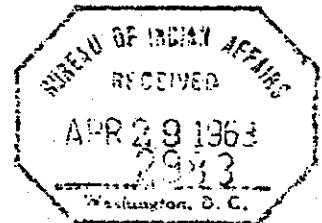
Trips Made on Behalf of Tribe

<u>Date</u>	<u>Nature of Trip</u>	<u>Time Away from Office</u>	
		<u>Hours</u>	<u>Minutes</u>
3-15-53- 3-19-53	To Keams Canyon for meeting with Tribal Council.	103	30
3-30-53 - 4-2-53	To Washington, D.C. for interviews and conferences with Senators Watkins, Hayden and Bennett, Acting Commissioner Greenwood, Asst. Sec. of the Interior Orme Lewis, Mr. Warren Spaulding, Mr. Dairymple of Senator Goldwater's office, Mr. William Flanery, Assistant to the Solicitor.	89	20
5-31-53 - 6-2-53	To Tuba City and Moencopi	60	30
6-21-53 - 6-24-53	To Reservation to meet with Carl W. Beck of office of Secretary of the Interior	83	00
8-22-53 - 8-28-53	To Reservation to attend Tribal Council Meeting.	98	00
		<u>439</u>	<u>20</u>

Nature of Services Rendered

Trader Licenses:

- Research on authority and contents of licenses
- Preparation of memorandum
- Drafting trader license and presentation to Tribal Council.



Recognition of Tribal Council:

- Surveillance and study of newspaper attack by "Arizona Daily Sun" on Hopi Tribal Council.
- Handling of second appeal to Secretary of the Interior by Platt Cline through Senator Carl Hayden.
- Favorable decision rendered April 9, 1953.
- Correspondence with members of the Tribal Council.
- Conference with Commissioner Dillon G. Meyer
- Conference with Carl Beck of the Secretary's office
- Conference with Tribal leaders on John Connolly matter

EXHIBIT 54h

Use of Tribal Funds:

Conference with Commissioner Dillon S. Meyer.

Transfer of Fund to Tribal Council:

Letter to Supt. Carnal

Navaho Activities on Hopi Reservation:

Conference with Area Counsel Murray L. Cross concerning charges imposed by the Navaho Tribe on the Hopi Reservation.

Research

6 April 1953 Letter to Alan G. Harper, Area Director, protesting charging of fees by Navaho

Report letters to Tribal Council members

Report letters to traditional representatives.

Conferences with Mr. Huber, Washington, D.C.

Conferences with Mr. Fister, Window Rock

Conferences with Mr. Harper on trader license fee

Moencopi Territory:

Rights of Moencopi Hopi with 1934 Navaho Reservation:

Conferences with Murray L. Cross, area legal counsel

Visit at Moencopi and conferences with Moencopi Hopi Indians.

Letters and telephone to R. C. Fister, Window Rock, Arizona regarding survey of Moencopi territory.

Conference with Mr. Harper 12 March 1953

Moencopi Constitution:

Research

Drafting of proposed minutes of village meeting

Drafting constitution and by-laws of Upper Moencopi Village

Meeting with village to adopt constitution and by-laws

Tribal, External Political Difficulties:

Study of history and collection of documents.

Conferences with Carl Beck of Solicitor's office.

Letter on Platt Cline matter.

Navaho Boundary Dispute:

Study of Hatchford Report.

H.R. 1051:

Study and telephone to Supt. Dow Carnal.

Study and report to Tribal Council  
Letter of report to Tribal Council

EXHIBIT 54i

Public Law 230, 83d Congress (State jurisdiction):

Conference with Tribal representatives  
Letters on proposed amendment  
Memorandum

Public Law 277, 83rd Congress (Indian liquor laws):

Reviewing protests of tribe  
Letter regarding proposed amendment of Sections 6 & 7  
Memorandum

Hamer Homewytawa v. Joseph A. Tichert of Las Vegas, N.M.:

Counsel and advice  
Letters

Lorenzo Hubbell Co. Bankruptcy:

Study of proceedings  
Counsel and advice

General:

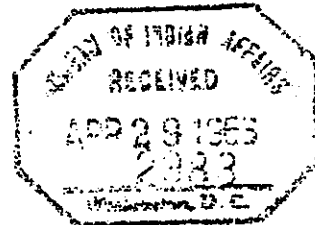
Report to tribe on Washington trip.

EXHIBIT 54j

THREE YEAR-ANNUAL REPORT OF JOHN S. BOWEN, FEDERAL ATTORNEY FOR HOPI INDIAN TRIBE, PURSUANT TO CONTRACT SERIAL I-1-Ind. 42543, APPROVED BY COMMISSIONER OF INDIAN AFFAIRS MAY 29, 1952

Period Covered: September 1, 1953 through February 28, 1954

<u>Date</u>	<u>Trips Made on Behalf of Tribe</u> <u>Nature of Trip</u>	<u>Time Away from Office</u>	
		<u>Hours</u>	<u>Minutes</u>
10-30-53 - 11-4-53	To Reservation	120	30
1-12-54	Trip made to Washington, D.C. on business for another client but Hopi work also accomplished.		



Nature of Services Rendered

Kyakotamovi Trading Post Lease:

Investigation as to sale of trading post under bankruptcy proceedings. Negotiations with Rabbit Brothers, purchasers under bankruptcy proceedings.

Research on questions of law involved.

Settlement with Rabbit Brothers and drafting of lease giving Rabbit Brothers possession of trading post for a definite term with clear title to revert to Kyakotamovi Village.

Drafting lease - Redraft of lease

Conferences in Washington, D.C. with Emma Hicks of tribal relations, Mr. Sigler of Solicitor's office.

Letters to Carl Beck, Warren Spaulding and Commissioner of Indian Affairs and Supt. Carnal.

Status of Tribal Council:

Telephone to Carl Beck, Washington, D.C.

Telephone call from Supt. Dew Carnal, Kaona Canyon, Arizona

Telephone to report to Tribal Council.

Kyaho Activities on Hopi Reservation:

Research

25 Oct. 1953 Letter to Alan G. Harper, Area Director

Consultation with Assistant Commissioner for the

Commissioner of Indian Affairs, Bureau of Indian Affairs

Consultation with Carl Beck of Office of Secretary of Interior

27 Oct. 1953 Letter to Area Director Alan G. Harper re: John Sigler

EXHIBIT 54k



Government Employees and Regulation 1912 and 1943:

Research  
Conferences in Washington with Mr. Lee, Mr. Emons, Mr. Beck, Senator  
Waskins, Mr. Critchfield and Mr. Spaulding  
Report to tribe

Traffic Ordinance:

Study of Ordinance  
Report to tribe 28 Nov. 1953

Public Law 230. 83rd Congress:

Reviawing resolution of tribe

Public Law 474. 81st Congress:

Review of resolution of tribe and investigation

Affidavit Re: Sam Shing:

Investigation of allegations  
Report to tribe  
Conference with Carl Beck, Washington, D. C.

Kyakotsmovi Lease:

Confereneas with Messrs. Critchfield, Kammerer and Sigler, Washington, D.C.

Oil Matters:

Letter to McGee Oil Industries

Area Jurisdiction over Hopi Reservation:

Study of Hopi objection to being combined in Area with Navaho  
Preparation of paper to be delivered at meeting with Commissioner of Indian  
Affairs.  
Meeting at Keams Canyon Nov. 3, 1953 with Government officials, including  
Commissioner of Indian Affairs.

Moencopi Constitution:

Letter to Commissioner of Indian Affairs

Navaho-Hopi Rehabilitation Program:

Study of legislation  
Report to tribe.

EXHIBIT 54 L

SIXTH SEMI-ANNUAL REPORT OF JOHN S. DOTTEN, GENERAL ATTORNEY FOR HOPI INDIAN TRIBE, PURSUANT TO CONTRACT SYMBOL I-1-ind. 42643, APPROVED BY COMMISSIONER OF INDIAN AFFAIRS MAY 29, 1952

Period Covered: March 1, 1954 through August 31, 1954

Trips Made on Behalf of Tribe

<u>Date</u>	<u>Nature of Trip</u>	<u>Time Away from Office</u>	
		<u>Hours</u>	<u>Minutes</u>
3-1-54 - 3-4-54	To Arizona. Went to Oraibi first day. Had meeting with Tribal Council on Tuesday, March 2. On Wednesday conferred with Mr. Pfister of Area Office and with Area Counsel, Mr. Grosse, on Hopi matters. Went to Gallup, N.M. that night and conferred next morning with Carl W. Beck of Department of the Interior, with reference to new organizational matters as they affect the Hopi jurisdiction.	59	10
6-6-54 - 6-10-54	Trip to Washington, D.C. at expense of another client but Hopi work also accomplished.		
7-12-54 - 7-16-54	To Kaams Canyon to attend Special Meeting of Tribal Council with new superintendent and new Area Director at request of Council	95	15
8-7-54 - 8-8-54	To Hotvilla to attend special meeting	32 216	10 35



Nature of Services Rendered

Area Jurisdiction over Hopi Reservation:

- Conference with the following:
  - Mr. Pfister of the Area Office
  - Murray L. Grosse, legal counsel, Area Office
  - Carl Beck of the Office of the Secretary of the Interior
- Meeting with new superintendent
- Meeting with new area director.

Reversal of Solicitor's Opia. 123821 June 11, 1948:

- Study of microfilm from archives.
- Other extended research

Oil and Minerals:

- Draft of memorandum for file

EXHIBIT 54 m

Problems with Navaho Tribe:

Conferences with Assistant Secretary of the Interior Lewis  
Conferences with Mr. Beck, Washington, D.C.  
Conferences with Assistant Solicitor William Finery  
Conferences with Mr. Galvin, Area Director, Washington, D.C.  
Letter to Mr. Cross  
Conference with Area Directors Galvin and Head, Mr. Sigler, Commissioner  
Emmons and Assistant Commissioner Lee on tribal government and jurisdictional  
questions.

Moencopai Government:

Conference with Mr. Salery, Washington, D.C.  
Conference with Mr. Galvin, Area Director at Washington, D.C.  
Conference with Mr. Sigler of Solicitor's Office at Washington, D.C.

Wahioanovi Lease:

Letters and follow up

Traffic Ordinance:

Research and drafting of ordinance.

Grazing:

Letter to Murray L. Cross  
Investigation and conference with Mr. Cross.

Government Employees on Tribal Council:

Letters and conferences  
Advice to Council

Lease for Religious Purposes:

Letters and study of problem

Taxation:

Study of taxes imposed by state on Hopi

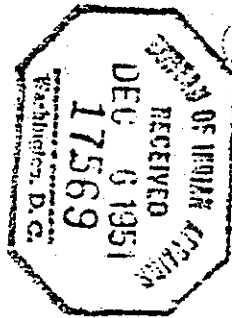
General:

Telephone calls and correspondence with Supt. Penrose and tribal  
leaders.

INTERIOR DEPT.

DEC - 3 1951

DIVISION OF  
LAND UTILIZATION



Polacca, Arizona,  
November 23, 1951.

ROBERT  
MAY'S  
OFFICE  
8 1951

AND Hon. Secretary of the Interior:

Dear Sir:--

We feel highly honored by your visit and presence here today. To our knowledge this is the first time in the life of the Hopi and in the history of his relations with the federal government that a Secretary of the Interior set foot on Hopi Indian soil, and this over the bold and a seemingly truthful statement of Mr. John Collier, on April 7, 1934, in his capacity of Commissioner of Indian Affairs, when he said that the Hopi is the forgotten Indian, as far as the government was concerned.

Like all Indian tribes, we have problems. The sad feature of these problems is the fact that they have always fallen on deaf ears, though by word of mouth words come honey-coated, "yes, it will have our immediate attention," and period.

When the Reorganization Act proposal was started out among all tribes in the United States and many Indian service employees detailed to "talk it up" among the Indians, we took the many words uttered as reliable, and exclaimed that the Indians' day is now at hand. The Act was accepted here, constitution and by-laws adopted and the birth of the Hopi Tribal Council had. The full belief that the Hopi tribe now has power, that nothing concerning the welfare of the tribe shall ever take place without the presence, full knowledge of problems which is the subject, and for active participation. These were drilled into us, and we believed. But it appears now that we have been somewhat misled, and respectfully invite your attention to the following facts:

1. Grazing regulations were drawn up governing the reservations and by the Secretary's approval became law. The tribes affected by these regulations were the Navajo, Zuni and Hopi. Our belief that we should have a part in drawing up these regulations since we were organized legally was nil.

2. Law & Order regulations were drawn up governing law and order on the Navajo and Hopi jurisdictions in Arizona and New Mexico, approved June 2, 1937. The supposedly legally organized Hopi tribe had no part in the formulation of these regulations.

3. On Feb. 12, 1941, Nathan R. Margold, solicitor for the Interior Department, wrote:

"The Indian Office has submitted for the signature of the Secretary an order which would define within the Hopi reservation created by the Executive order of Dec. 16, 1882, an area which is to be for the exclusive use and occupancy of the Hopi Indians. This area is referred to in this memorandum as the Hopi unit. The remainder of the 1882 reservation outside of the Hopi unit is to be for the exclusive use and occupancy of the Navajo Indians. It is proposed to accomplish this delimitation by fiat of the Department without expression of assent on the part of the Indians and without statu-

IOA DEPT.  
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4- 1951

INDIAN

EXHIBIT 55a

tory authorization. The authority which relied upon for this action is the wording of the Executive order of 1882 which created the reservation for the Hopi Indians "and such other Indians as the Secretary of the Interior may see fit to settle thereon." I am returning the proposed order as I find it to--

"2. In violation of the rights of the Hopi Indians within the 1882 reservation; and

"3. Not in conformity with the provisions of the Hopi constitution approved December 19, 1936."

This under-handed proposed method to steal real property from the Hopi tribe without his knowledge cannot be too strongly condemned by thinking men, and is an excellent display of un-Americanism, but thanks to the fine type of humanity in the Solicitor who saved the Hopi. Again, no representation in this case, which involved Hopi existence when we were led to believe that under the Reorganization Act nothing would ever take place concerning the tribe without their knowledge and consent.

4. The fixing of the boundary line of District 6. The Hopi tribe was organized and we thought legally functioning. Here comes along a map with many numbers on it. We were told that No. 6 was set aside for the Hopi tribe as their reservation; that the area in it was too small to accommodate the great number of stock that the Hopi owned, and that a reduction in stock must be made to save the area from total destruction. So a drastic stock reduction was made over the strong protests of our people. Did the Hopi sit in council which defined the District 6 area and did he agree to it? Again, the answer is negative. And so over never-ceasing protests of our people a letter was written to the Commissioner of Indian Affairs, and his reply to the questions are contained in the attached printed two sheets, marked Exhibit A.

5. The 88-million-dollar ten-year program is supposed to be in effect now. We await with curiosity action on its planning its expenditures on the Hopi reservation--whether the expenditures will be for the benefit of the federal employees or for the sole beneficial use of the Indians. We are supposedly legally organized. Will we be taken into consideration in the planning of this vast expenditure of public money?

6. The Hopi Agency at Keams Canyon, Arizona. Ever since Mr. John Collier became Commissioner of Indian Affairs the becoming of law of the Reorganization Act, we have appealed to him and other officials that the Hopi Indian Agency should always be retained as a separate and complete unit, but today this Agency seems to be gradually becoming a "ghost town", with only a superintendent and a few clerks the administrators. The recent, shall we say abolishment, of the Pima Agency at Sacaton, Arizona, and the combining of the Valentine office with the Parker office, and the abolishment of 51 positions in the Navajo and Hopi government activities has many of us wondering if the next move will be the consolidation of our Agency with the Window Rock office. If the Hopi tribe is anything in fact and not only in name as an organized tribe, we want our Agency retained. True, Mr. Collier said that the Hopi is a forgotten Indian but we want you to wake up to the fact that

EXHIBIT 55b

we are a much alive set of people, recognizing as being the subjects of the federal government, and when we speak, please listen.

7. Our schools have been the subject of many discussions. On May 5, 1939, the then Hopi Tribal Council through four of its members met with Mr. Willard Beatty, Educational Director, and Mr. Tisinger, at Moencopi, Arizona, and discussed Hopi school problems. The main subject was school attendance. The question, "do the authorities have power to force these children to school." (meaning children who continually stay out of school). Mr. Beatty replied that they had such power, but first recommended that they do all they could to get more cooperation between the parents and the officials. He also mentioned the fact that the American law compels all children of school age to attend some school, regardless of race. Mr. Beatty was asked if he would assure them that he would try to get all children of school age in the day schools or at Keams Canyon. He gave his assurance. But later on, in the little paper he publishes, he brought out that the matter of sending children was up to the parents, send them or not send them. Today, there are many children enrolled but attendance seems different. Gov. Howard Pyle recently invited Indian Tribal Councils in Arizona to meet with him and discuss Indian problems looking forward to the time when Indians will become the sole subjects of the state of Arizona. It seems the most feasible and simple way to educate our Indians is to enact a Bill through Congress making it compulsory for Indian school curriculum to conform fully to the public school's. In the course of ten years on an average a graduate from our schools will be on the same level as white graduates from the public schools. On Jan. 1, 1939, an inquiry sponsored by the Phelps-Stokes Fund, 101 Park Ave., New York, began its work on "The Navajo Indian Problem." On page 63 of their report this is written: "The term high school, insofar as it is taken to indicate any approximating the standards of the school for white children, is misleading. Two recent series of tests indicate that the ability of ninth and tenth grade Navajo students to use and understand English corresponds in general to that of fifth and sixth grade students in a general school." Do you want your Indian subjects to be always below par in schooling, as compared with public schools, and thereby always be concerned with the Indian problem because of his insufficient schoolroom education?

**OUR IMMEDIATE NEEDS:**

1. Our needs for our very existence are many. But the most paramount and imperative need is the lifting of the District 6 boundary lines, which John Collier says is only temporary, and permit our ambitious young men to move on to their own reservation area as given in the Executive order of 1882. We appreciate with deep feeling the relief through financial means for our unfortunate members of the tribe who have to resort to this because we are denied the use of our entire reservation on which living could be had for our families. And so again, the test of our legality as an organized tribe is put to you. Shall we look for a favorable consideration in this from you? We want to move on to our own reservation outside of District 6.
2. We want our Hopi Indian Agency retained and to function with a full corps of administrators. Never do we want it to be combined with a distant office.

EXHIBIT 55c

3. We want you to take immediate steps through Congress looking towards putting all federal Indian schools on the same level in curriculum with the State public schools, and make our schools subject to all State school laws.

4. We want you and the Department to "abrogate" what has been stated as a fact, and so seems to us, that the Hopi is a forgotten Indian. We want you to become so intimate with us and our grave problems that we can all greet each other with a genuine brotherly feeling.

5. And, lastly. It is our misfortune that aside from appeals to the Commissioner of Indian Affairs and the Secretary of the Interior we have no recourse to any public agency for assistance. We write to our Congressmen and get a nice, beautiful assuring-looking reply that they will gladly take up our matters, and that's all. We appeal to your good sense of honor to put forth your efforts and try to do something for us that will relieve the general public that we are their charges while at the same time the means are right at our feet by which we all can make commendable livelihood but denied us by what seems to be an iron hand, the owners of which seem to expect us to jump at every command they give concerning all our affairs. I want to hear from you.

Respectfully submitted,

*Ned Nayatewa*

Ned Nayatewa, Chief of First Mesa.