

FILE 032Y

Tribal Government

Act's Sect. 1714

*[Handwritten signatures and initials]*

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Air Mail  
Special Delivery

Through: Area Director, Phoenix

NOV 30 1957

Chairman

Hopi Tribal Council

Dear Mr. Chairman:

It has come to my attention that certain mis-statements have been widely publicized and also disseminated to the Hopi people as to the recognition by this office of the Hopi Tribal Council as presently constituted and to its authority to speak and act in behalf of the Hopi Tribe as a whole.

In my letter of December 1, 1955, I stated fully what I believe to be the proper position of this Bureau concerning the status of the Hopi tribal government. You will recall that during the summer of 1955, a special committee composed of members of my staff examined information supplied by the Area Director and data contained in our official records from which I concluded that the election at which the Hopi Tribe accepted the provisions of the Indian Reorganization Act was regularly held, that the constitution and bylaws were duly adopted as subsequently approved by the Secretary of the Interior, and that no valid reason exists to withhold full recognition of the Hopi Tribal Council duly elected pursuant to the tribal constitution so long as the Council conducts its business in accordance with the constitution and bylaws.

I realize that the membership of the Tribal Council as now constituted is a bare quorum as prescribed by the constitution as a prerequisite for conducting tribal business. Despite this, that body has transacted the official business of the Hopi Tribe with courage, diligence and sincerity and with proper observance of the provisions of the tribal constitution. The Hopi Tribal Council is commended for its service to the Hopi people.

Do not file  
Return to  
Tribal Government  
Section

EXHIBIT 91a

I am happy to reaffirm the position as stated in my letter of December 1, 1955, and urge that the Hopi Tribal Council continue its efforts in working for the general welfare of the Hopi people.

Sincerely yours,

(SGD) GLENN L. EMMONS

Commissioner

Copy to: Area Director, Phoenix

Supt., Hopi Agency

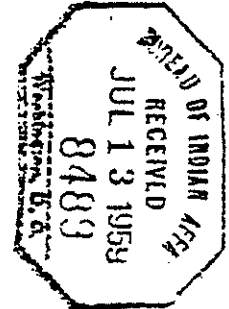
EXHIBIT 91b



IN REPLY REFER TO:

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS  
PHOENIX AREA OFFICE  
P. O. BOX 7007  
PHOENIX, ARIZONA

JUL 9 1959



Commissioner, Bureau of Indian Affairs  
Washington 25, D. C.

Dear Sir:

We transmit herewith three copies of Ordinance No. 10 adopted by the Hopi Tribal Council on the 30th day of June 1959. This Ordinance is adopted for the purpose of establishing procedures and fees for the issuance of permits to prospect for oil and gas upon the Hopi Reservation. It further provides terms and conditions of prospecting permits, provides for the manner of handling fines and provides punishment and penalties for violation of the Ordinance.

We call to your attention the fact that the jurisdiction of the Hopi Tribe is defined in Article I of the Tribal Constitution as follows:

"The authority of the Tribe under this Constitution shall cover the Hopi villages and such land as shall be determined by the Hopi Tribal Council in agreement with the United States Government and the Navajo Tribe and such lands as may be added thereto in future."

This Ordinance does not include lands within the Hopi villages and no lands have been determined by the Hopi Tribal Council in agreement with the United States Government and the Navajo Tribe. Therefore, the jurisdiction will depend upon the final phrase of the sentence - ". . . and such lands as may be added thereto in future."

Public Law 85-547, 85th Congress, July 22, 1958 (72 Stat. 402) provides - "That lands described in the Executive order dated December 16, 1882, are hereby declared to be held by the United States in trust for the Hopi Indians and such other Indians, if any, as heretofore have been settled thereon by the Secretary of the Interior pursuant to such Executive Order."

EXHIBIT 92 a

The Act clearly declares that the Executive order reservation is held in trust by the Government for the Hopi Indians and is therefore added within the meaning of the article conferring jurisdiction upon the Hopi Tribe. While this Act does also declare that the lands are also held for such other Indians, if any, as have heretofore been settled thereon by the Secretary of the Interior pursuant to such Executive order, Paragraph (d) of Section I of the Ordinance carefully grants permission of the tribe, without warranty as to title and subject to the limitations as set forth in 72 Stat. 402.

A more difficult question is presented under Article VI of the Constitution of the Hopi Tribe which defines the powers of the Tribal Council. No specific authority is given therein for granting of permits. However, the Tribal Council is given authority:

(a) "To represent and speak for the Hopi Tribe in all matters for the welfare of the Tribe . . . ."

(c) "To prevent the sale, disposition, lease or encumbrance of tribal lands, or other tribal property."

(Conversely, we presume to allow the leasing, disposition, sale or encumbrance of tribal lands, if it does not desire to prevent the same.)

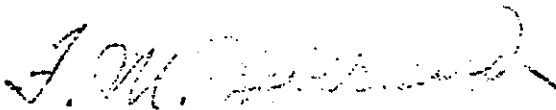
(g) "To make ordinances, subject to the approval of the Secretary of the interior, to protect the peace and welfare of the Tribe. . . . ."

We are fully aware of the reluctance to extend the general welfare provisions of Tribal Constitutions but some meaning must be attributed to such general provisions. In this case it appears to us that, as reported by the Superintendent in his letter, a copy of which we enclose, prospecting by means of modern instruments conveyed with airplanes and the like present a practically uncontrollable situation contrary to the welfare of the Tribe. Under these circumstances, it appears that the orderly prospecting upon the reservation, without option to lease and with fees to the Tribe, should logically be held as within the general welfare provisions. The penal provisions of the statute fall clearly within Article VI, Section I, (g) and (i).

To require amendment of the Tribal Constitution would in effect deny the relief sought by the Ordinance, because of the known delays involved in such procedure. This we would be reluctant to do particularly in view of the urgent necessity for regulation of prospectors and the dire need of the Tribe for money to engage in the very desirable but expensive litigation it has commenced against the Navajo Tribe.

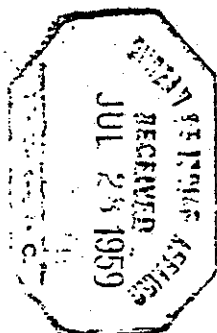
Section III of the Ordinance is not compatible with Section I(f). Since checks are to be delivered to the Superintendent of the reservation, under regulation they must be deposited in the United States Treasury for the benefit of the Hopi Tribe. It is therefore recommended that the Ordinance be approved except that Section III be deleted and the succeeding sections properly renumbered.

Sincerely yours,



Area Director

Enclosures



HOPKI INDIAN NATION  
HOTEVILLA, ARIZONA  
JULY 21, 1959

GLENN L. EMMONS  
Commissioner of Indian Affairs -  
Interior Department  
Washington, D. C.

Commissioner Emmons:

On behalf of Hopi Traditional Leaders in Mishongnovi, Shungopavy, Oraibi, Hotevilla and the majority of the Hopi people and in accordance with the decision of the Hopi Leaders who met in Hotevilla Village on July 14, 1959 I hereby declared and protest that the recent action of the so-called Hopi Tribal Council in voting for and signing Ordinance No. 10 designed to open Hopiland for prospecting for oil and gas as null and void and without any legal standing for this Ordinance was acted upon without the knowledge, consent nor approval of the Hopi Traditional Leaders and the majority of the people in these villages.

Attorney John S. Boyden did not give Council members an opportunity to bring this vital matter to the people and it was a shock to many of our leaders that the Council and Boyden would pass these Ordinances without the knowledge of the people.

The Hopi Traditional Leaders are therefore strongly protested against action of the council. As it involved our very land and life we are determined to see that no oil or gas or other mineral resources are taken out of our sacred homeland until such time as our land matter is settled in accordance with our ancient knowledge and with the consent of our Hopi Traditional Leaders.

The Council secretary and an interpreter were told of this decision at our July 14th meeting.

Sincerely,

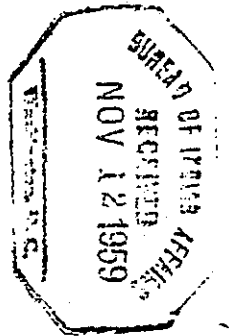
cc: Secretary of Interior

  
DAN KATCHONGVA

  
EXHIBIT 93 a

H O P I I N D E P E N D E N T N A T I O N

Hotevilla, Arizona  
November 4, 1959



Supt. H.E. O'Harra  
Kaasa Canyon, Arizona

Sir:

In the Minutes of Commissioner's Conference held in Hotel Paso del Norte El Paso, Texas August 20-21-22, 1956 we found these words of Commissioner Glenn Easons spoken to Council representatives of Arizona except the Navajos:

"The Commissioner stressed the point that the Indians own the land. It either belongs to the tribe or is allotted. He is opposed to any act or bill which would require the Government to sell off Indian lands. There was a bill presented in Congress which would require the Secretary of the Interior in three years' time to liquidate the Indian Bureau and sell off the Indian land, turning the money over to the Indian people. The Commissioner went before the committee, saying he was opposed because it was illegal, immoral, and unjust. The lands are held in trust. The Indians are entitled to live in their native habitat.

"The Commissioner emphasized the fact that we should not try to take away from the Indian his way of life - but we should try to help him retain his own way, while learning to adopt the things that will help him improve his situation."

As the Hopi Leaders and people of Hotevilla village were shocked to learn that you and your Chief of Police, in a Russian strong-armed method as white American would say, came upon two of our Hopi Traders in our village on November 2, 1959 and demand payment of fees to your Council members so that in your words "they can pay their attorney John S. Boyden," and if the two traders refused to obey you have threatened to closing their stores or put them in jail. You said Congress has made a law which required all white and Indian Traders to have Trader's License to operate a business on the Indian land. This as we understood is made for white Traders only. When a word Indian was put in we have never been informed. As far as we are concern we own this land and these two Hopi traders live in our village and they are Hopis who have received their permission from their Hopi Leaders. They are not required to pay any kind of fees neither are required to have license. They want to operate their business under that system. If that is the law let us get together and hear about it and if found to be a bad law let it be thrown away.

This matter has been referred to us for action since they are under our jurisdiction and authority. Therefore a meeting was held in our Kiva to consider steps to be taken. It is a serious matter for it involve our very rights to our land and way of life as Hopi people who have settled and claimed this area first. It involve also a matter of authority over our land and live. Who has actually the first authority, the Hopi Chiefs, the so-called Hopi Tribal, or the Government of the United States

We have stated many times that we own the land. Commissioner Easons also said Indian own the land. All Indians would say they own the land. We have also told you many times that the so-called Hopi Tribal Council is

EXHIBIT 93b

illegal and without authority except as far as you give them the power but not the powers given them by the Hopi people. The chiefs of Honezovi, Shungobavi, Oraibi, Hotevilla and Lower Moenkopi all have rejected the government-controlled Council neither they hired an attorney John S. Boyden to be their attorney. You have been told this many times but you must be deaf for you still work with them and not doing anything about it. Why pay the Council any money? They do not represent us, they continually criticize our Traditional leaders and people, they argue with us over practically everything, they are selfish, domineering, break-down yet are allowed to get on government jobs. These are trash and can be proven by people in practically every village even in those villages that belongs to the Council. We have been pushed around long enough with your Council. We have been told that you promised to return within ten days to see whether these two traders have agreed or not to pay. Since we are the authorities we will meet you on your arrival and arrange a general meeting over this matter with representatives from other villages: Council, Government Officials and the general public. Until then you are ordered to leave these men alone.

Statements and opinions expressed at our Five Meeting by Hopi Leaders and people of Hotevilla Village. November 3, 1959.

"White men should know by now that our Hopi Way of Life is based upon a sound and long-tested principles all of which are deeply rooted in our traditional and religious teachings. It is our firm believe that Great Spirit gave and intrusted to us this land and life. He has taught us how to take care of this land and how to live. We have made our solemn oaths to adhere to these teachings at all times. Each individual is given freedom and ability by which he or she may use in making a living so that each family is provided with sufficient food, shelter, and the necessities of life. No one must deny another a right to make his own livelihood. Our Hopi Way of Life does not require payment to our leaders and we are determined to adhere to this way of life. Begging or accepting dole, relief, hand-outs and loans are looked upon with disfavor and is discouraged for it surely leads to dishonor, moral break-down, laziness and debt."

"We have been self-supporting, self-governing, and self-determining long before any white man set foot upon our land and we are determined to maintain this way of life. We do not bother any one; we want to live in peace with our fellow men; to worship in our own way; to make our own livelihood on our own land. We do not want to rob anyone or force others to change their ways. To do so is dangerous for it is the Great Spirit's law and the punishment is great."

"These two Hopi Traders have adhered to these good teachings and actually started to fulfill the words of Commissioner Glenn Edwards: 'That we should not try to take away from the Indian his way of life - but we should try to help him retain his own way, while learning to adopt the things that will help him improve his situation.'"

"What are these two well-fed, intelligent, and government men, Supt. O'Herra and his Police Chief, are trying to do, make a liar out of their superiors? By coming upon our Hopi traders threatening to stop their little business just when they started to improve themselves is like a mad dog fighting over a bone that rightfully belongs to the Hopi. Or a bad boy snatching the food from the mouth of another. White Americans say this happens only in Russia but it is happening also right here and now. These government officials who are doing this to us be driven out now and fast."

EXHIBIT 93c



"One American citizen, Brig. General Herbert C. Holdridge (retired) knows full well these corruptions, wrong doings among Indian Bureau Officials and is out trying to correct them. Because of this right see steps taken by him has been declared insane, arrested and on trial for helping the Indian people to have better management of their affairs. If a white man can be arrested for trying to help the American Indian then it is more right and necessary that a white man who is doing wrong things to us be arrested and punished or declared insane. Those government officials who are keeping Chairman of the Navajo Tribe Paul Jones arresting Gen. Holdridge should be brought together and see who is insane. We would like to see this take place at our General Meeting."

Mr. Perry Dehongva (Hopi Father) "I am confused as to why they are forcing this upon us. I have provided this little business for my son as a Hopi would for his family. He has a family of his own and being a young man would be seeing that his family is provided with food. Also being young would be easily scared into signing papers of the Government. I do not know what the Government wants us to do. When I was a young man about 1916 I was one of the many children forced by the Government to attend school. They sent policemen upon us and they practically kidnaped us from our parents. Being strong Hopis they put up strong protests for which they were severely clubbed over the heads and our fathers sent to jails. This almost broke up my family. My mother suffered such hardship. In school they taught us trade and we were told to learn so that when we return home we may use it to make our livelihood and live better. When I return home I took deep interest in village life, farming and stock raising and building construction. After having a family I decided to try white man's work. I went to towns and did all the work in construction and have done better than some of the best white workers. I have saved my money. Now two years ago I and my son Gene decided to try store business in our village. After receiving approval and permission from the Hopi leaders we put up a store. It may be that because of envy among among the members of the Council and others that they attempt to stop me. Now Supt. O'Harra is helping them to force this law or payment on us. It is very discouraging and we are under heavy mental strain. Especially when my son is threatened with imprisonment if we do not comply." There are others who obtained loan money and put up their stores, houses and for other purposes and are now behind their payment but they are not threatened in this way. I am using my own money that I have saved."

Mr. Roy Tawahongva: (Hopi Trader) (About 58 years old)

"I also has been approached by Supt. O'Harra and his Chief of Police at my store. They told me something about the law which I do not understand and handed me a paper to sign. I told them I am not going to sign any paper until I talk with my Hopi leaders who gave me a permission. I said I do not know enough English so they can understand me. They left soon after that. I thought they said they would return within ten days but I see now they gave us ten days to think it over. But I have made up my mind I will not close it neither will pay anything to the Council or Boyden. I do not make much profit just enough to feed my family and keep the store running. There is nothing left to feed the Council members nor Boyden. I am a Hopi, living on my own land and doing business in my own village. If we are force to pay I would rather that money go to my village leaders and people. This land belongs to us. How long will the government do this to us. What right has this O'Harra to take the food from my family. They are being paid well I guess to do this to us poor Indians. This is plain robbery. Only a thief does that to a person. If O'Harra force me to sign paper he would be forcing me to go against my own leaders and people and my way of life. It is foolish and unwise for the so-called Council members to hire an attorney when they know we have no money to pay him. So do not recognize the Council.

"When I started this store I thought over the hard struggle my parents had to go thru raising us. I remember well when Government officials with a large number of Navajo returned as police raided our village in 1915 and fought with our parents over us to be sent away to school. My mother was holding me when she was carried off. She died and I knowed unconscious and was near death for several days after. When my father was thrown in jail. And I was taken away to school where I suffered many hardships. When I returned home I determined to work hard so that I can improve my situation. I farmed, hand-craft, bead work and traded them for sheep. From sheepraising I saved enough money after many years struggle. With my boys growing to manhood I thought of starting or trying this store business so that my sons can have something to look forward to in the future. Before this my parents had just started on their feet to support us, the government again took our stock away because of new government police action of forcing stock-reduction. This throws us and many of our people back to where we have started. So now when I thought I was well on my way to getting enough food provided for my family this man O'Herra came to force us to pay or feed the Council or himself. For it seemed to us now that these government men make their living by forcing the fee from the people they suppose to help, protect and serve. I cannot pay the Council when they have been disregarding our Hopi leaders and people who are trying to live their own way of life. We have our religious believes that we must follow, We can never be white man. This mistreating of our people must be stopped now. It has been going on for a long time and many of us have suffered and still suffering today."

"Ben Katchongva: We stand firmly upon our Life Plan given to us by the Great Spirit. This is the law of our people that we must adhere to at all times. White man suppose to do things by consent of the people. This is being violated and that of the law of the Great Spirit. We as leaders and parents all are working for the future of our children so that all have sufficient food for their families. These two traders are our people, on their own land and in their own village. We do not require them to have any kind of license to make a living. It was good that Commissioner spoken words that are deep in our hearts and minds. That no Indian should be denied to be what he is or his way of life be destroyed but be helped to retain that way of life while adopting ways to improve themselves. This land does not deny anyone to make a living. But if Commissioner's words are just another lie then it is time to get together and find out what is wrong. That is what I shall work toward from now on for our ancient instructions told us to carry this to the world so that somewhere our True white Brother will hear us and will come to correct these wrongs and punish the evil men, to purify this land and live so that people of One Heart shall live in peace, plenty and everlasting life. That is the only major step to be taken. This is the plan of the Great Spirit and it will be fulfilled. We cannot change it. We have been telling this to the Council members, Government Officials the United Nations but they would not listen. Their punishment shall be great as prophesied by our forefathers. So we must not give in to these evil men; we must not loose faith in our ancient teachings but always stand firm upon our instructions from the Great Spirit. The time is near so we must get ready for it." If we do not, forces of nature shall be turned against us which no man can withstand. I take it that O'Herra is intelligent man with some religious beliefs yet if he failed to do the right thing he does not belong here."

EXHIBIT 93e

Ben Katchongva

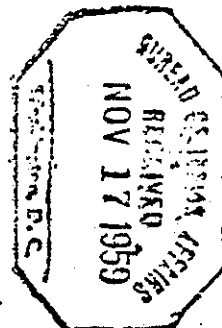
Jack Pong Yerrisa



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF THE SOLICITOR  
WASHINGTON 25, D. C.

IN REPLY REFER TO:  
H-59-1149.9

NOV 16 1959



Memorandum

To: Commissioner of Indian Affairs

From: Acting Associate Solicitor, Indian Affairs

Subject: Hopi Ordinance No. 10, June 30, 1959, to establish procedures and fees for the issuance of permits to prospect for oil and gas on the reservation

This replies to your memorandum of August 31, 1959, in connection with Hopi Ordinance 10 requesting our advice and recommendations on the validity of an ordinance which would vest the tribe with authority to grant prospecting permits for oil and gas exploration on "all or part of the lands within the Hopi Reservation as defined in Public Law 85-547, 85th Congress (72 Stat. 402), except the lands within the traditional villages of First Mesa, Mishongovi, Sipaulavi and Shungopavi and within the established village holdings of Kyatotsmovi, Bakabi, Oraibi and Hotevilla." It is our opinion that the ordinance should not be approved.

Article VI of the Hopi tribal constitution provides that the Hopi Tribal Council shall have certain enumerated powers and that in case the enumerated powers do not cover authorities traditionally vested in the tribe, such powers may be exercised as the members may direct through the adoption of appropriate bylaws and constitutional amendments. We find no power in the tribal council to convey real property or to authorize prospecting permits for oil and gas exploration. There is no question but that the tribe would have an inherent right to undertake such activities, but the Hopi Indians have expressly limited their Tribal Council to powers expressly mentioned in the constitution. None of the powers so listed can be construed to cover the granting of prospecting permits for oil and gas.

Until the members of the Hopi Tribe have exercised the right to adopt an appropriate constitutional amendment, the Tribal Council is without power in the premises.

*Franklin C. Salisbury*  
Franklin C. Salisbury  
Acting Associate Solicitor  
Indian Affairs

EXHIBIT 94



UNITED STATES  
 DEPARTMENT OF THE INTERIOR  
 OFFICE OF THE SECRETARY  
 WASHINGTON 25, D. C.

BUREAU OF INDIAN AFFAIRS  
 PHOENIX

MAY 24 1961

*I decline this  
 from being  
 used, however*

Dear Mr. Haverland:

Hopi Tribal Resolution No. H-4-61 forwarded with your letter of March 30 to the Commissioner of Indian Affairs requests a delegation of further powers under Article VI, Section 3, of the Constitution and By-Laws of the Hopi Tribe. Since the constitution and by-laws do not authorize the Council to lease tribal lands, the Council has requested the Secretary of the Interior to delegate authority to it to enter into mineral leases and for other related purposes.

Article VI, Section 3, of the Constitution and By-Laws of the Hopi Tribe states:

"The Hopi Tribal Council may exercise such further powers as may in the future be delegated to it by the members of the Tribe or by the Secretary of the Interior or any other duly authorized official or agency of the State or Federal Government."

Under the authority granted to the Secretary by Article VI, Section 3, the Hopi Tribal Council is delegated and granted the power to take such measures as are permitted to "Tribal Councils" for developing mineral resources on Indian reservations under 25 CFR 171, "Leasing of Tribal Lands for Mining", as may be amended from time to time and for related purposes. Revenues from such leasing may be appropriated by the Hopi Tribal Council for the benefit of the tribe, including the prosecution of the tribe's law suits and claims. This delegation will continue until it is revoked by this Department. The authority hereby delegated does not apply to any lands which are embraced in the claim of the Navajos in the case entitled Healing v. Jones, Civil No. 579, U.S.D.C., Ariz.

We suggest that the tribe consider amending its constitution, in the manner provided by Article X, to specifically authorize the Hopi Tribal Council to lease tribal lands. The Bureau of Indian Affairs will, if requested, give whatever assistance it can in amending this constitution.

Sincerely yours,

*[Signature]*  
 Secretary of the Interior

*Kenneth H. ...*

Mr. Fredrick M. Haverland  
 Area Director, Bureau of Indian Affairs  
 3508 N. 7th Street  
 Phoenix, Arizona

EXHIBIT 95

COPY

HOPI SOVEREIGN NATION  
Hotevilla, Arizona  
September 20, 1960

HONORABLE FREDERICK B. HANLEY  
U. S. Court of Appeals,  
San Francisco, California

YOUR HONOR: Hopi Sacred Homeland and Way of Life is in danger  
of Destruction.

We, therefore, the undersigned, official spokesmen for and on behalf of the Hopi Traditional and Religious Chiefs, and at their urgent request, once again, present to you and to the world in general our STRONG PROTEST against the illegal actions of the so-called Hopi Tribal Council, Attorney John S. Boyden, Officials of the Bureau of Indian Affairs, Members of Congress and The President of the United States for bringing about a SUIT against the NAVAJO TRIBE by passing a legislation designed to setting up a Federal Court and three Federal Judges to attempt to settle the so-called "Hopi-Navajo Land Boundary Dispute", thereby hoping to destroy, forever, the Sacred Homeland and way of life of the Hopi People and eventually the Navajo Tribe.

We want to impress upon you strongly, to inform and to warn, perhaps for the last time before the 26th of September, that these ILLEGAL actions were done WITHOUT THE CONSENT, KNOWLEDGE NOR APPROVAL OF THE TRADITIONAL HOPI CHIEFS and against the wishes of the majority of the Hopi People. When it became known that this and other illegal actions were being worked on by the so-called Hopi Tribal Council and John S. Boyden strong protests were made against their action. We enclose copies of our protests. ("Hopi Indians vs. The Government" and "July 28, 1958 Release")

Because of Ancient Prophecies and Instructions for this day passed on down to us by our forefathers we know the time has come for our Traditional Chiefs and Religious Priests to meet and express their views concerning the joint effort of the Navajo and White man to steal the last bit of land of the Hopi, Peaceful, People. Our prophecy foretold this event: White man MUST now clean their own houses before our TRUE WHITE BROTHER come to judge, punish and to destroy all evil and wicked people.

For this reason the Traditional Chiefs and Religious Priests and People met in Shungopavy on September 14th and in Hotevilla on September 17th, 1960 to decide on the course of action to be taken by them at this phase of Hopi Way of Life which the Great Spirit has laid down for us. As this is a serious matter and since the time is short it has been decided that we write you and point out to you briefly the main points of the views expressed by our Leaders at these meetings.

(1) Traditional Chiefs and the majority of the Hopi People never accept the Wheeler-Howard Act or Indian ReOrganization Act. The present so-called Hopi Tribal Council therefore illegally organized. It is not Hopi but Indian Bureau controlled Council therefore they, the members of the Council, do not represent nor speak for the Hopi Tribe.

EXHIBIT 96 a

(2) The villages of Mushongnovi, Shungopavy, Oraibi, Hotevilla, Lower Moencopi and some people in other villages did not accept Attorney John S. Boyden nor signed his contract or contracts to hire him as an attorney for the Hopi Tribe. Therefore when John S. Boyden and members of the Council claim to represent all Hopi Tribe it is a lie. They do not represent Traditional Hopi Chiefs.

(3) Hopi Traditional Chiefs and Religious Priests are recognized as having the full power and authority over this whole land and life of the Hopi and other Indian people. They hold it in common for all in Trust for the Great Spirit who gave Hopi Sacred Stone Tablets and "Tiponi" symbol of Power and Authority. For this reason the Hopi will not sell, lease or cut up any land. Neither will they allow anyone to take out mineral resources until after the Purification Day.

(4) In Shungopavy meeting the Chiefs unanimously agreed to not authorize anyone to represent them in Prescott Federal Court on September 26th. For this vital matter of land and life of the Hopi People can only come through the proper Hopi Chiefs and Religious Priests. This land does not belong to the White man, the Navajo Tribe came to this area only recently and from time immemorial the Hopi People has been living in this area.

(5) Therefore any decision that has been made and will be made in the Federal Courts of the United States will be considered not binding on the Traditional Chiefs and Religious Priests and their people. All actions in Prescott, Arizona Federal Court will be considered NULL and VOID by the Hopi Chiefs and the Majority of the people. They will not pay Attorney John S. Boyden for the services rendered for the Hopi Tribe as he was not hired by them.

(6) The letter of Brig. General Herbert C. Holdridge of Sherman Oaks, California has been read and considered by the Hopi Traditional Leaders and found that all his statements were true and can be supported by the Hopi Leaders and by other Indian Tribal Leaders. (see General Holdridge's "Open Letter to Honorable Frederick B. Hanley of September 20, 1960")

(7) The so-called Hopi Tribal Council members and their Chairman Willard Sakeyestewa in their special meeting in Lower Oraibi on September 16, 1960 has pushed aside the Hopi People they suppose to represent and serve but now has become dictators and all during the meetings has suppressed full and free expression of opinions of several members of the Council and with dictatorial manner passed certain RESOLUTIONS which were made by the Bureau of Indian Affairs Official and By Suggestion of John S. Boyden. On this day the so-called Hopi Tribal Council has been dissolved as they have violated all of their Constitution and ByLaws.

Now this matter has not been brought on by the Hopi Chiefs. This land belong to us and has the sanction of the Great Spirit. We want to and determined to continue to hold on to our land and Way of Life as has been directed by the Great Spirit. We wait for our TRUE WHITE BROTHER to bring on Purification Day. Other statements of the Leaders will be send you soon.

Sincerely,

Sun Clan. Dan Katchongva, Hotevilla  
Bluebird Clan. Andrew Heremequaitewa, Shungopavy

EXHIBIT 966

C  
O  
P  
Y

INDEPENDENT HOPI NATION  
Hotevilla, Arizona  
February 15, 1961

MR. HARRY CHACCA  
Chairman, Hopi Tribal Council  
Polacca, Arizona

ATTENTION: Mrs. Eva Northrupe  
Members of Council  
Supt. H. E. O'Harra

Mr. Chacca:

At the request of the Traditional Leaders and Hopi Stockmen of several villages who met in Hotevilla today to hear the report of the meeting of so-called Hopi Tribal Council in Moencopi Upper village held yesterday, we present you this statement.

After observing closely the actions of the members of the Council yesterday David Monongye and I realized fully that present members of the so-called Council under your leadership do not intend to listen to the wishes or protest of the people you claim to represent or serve on matters so vital to the entire Hopi Tribe. You do not want to respect the authorities of the real Hopi Traditional Chiefs. In spite of our warning against certain matters which involve all Hopi life and land you and your members of the Council did approved and passed certain matters without consulting the Hopi people first. One of them is: Recommending two names to Arizona Indian Commission. This matter as we have told you yesterday has been strongly opposed by all Traditional Chiefs and their people. They will not recognize anyone to represent them or the Hopi Tribe in Arizona Indian Commission and the Inter-Tribal Council of Arizona.

Majority of the Hopi Stockmen, Traditional Chiefs and their people will not accept Regular Grazing Permits or any other permits drafted by Agency Officials. This is a serious matter involving our very land and life. We have called on Supt. O'Harra to meet with us on two occassion but he has so far failed to attend our meeting. We have called upon the so-called Hopi Tribal Council members to meet with us and consider seriously this matter but they also refused to meet the people they claimed to represent.

It is now clear to us that you as Chairman, your Secretary, Mrs. Eva Northrupe, Mr. Abbott Sekaquoptewa and Robert Sekiestewa dominates other Council members who do not speak English or well enough to understand what is being said. We have warned it dangerous and illegal to approve anything without understanding it especially when it involved the entire Hopi Tribe. You seemed to think that what you think should be done and not what the people think. This is dictatership. Your members still practice supression of FULL and FREE expression. This is serious matter not a plaything.

EXHIBIT 97a

What the white man called Democratic Form of Government for which many people fought and shed blood for many years is dead, trampled upon and made a mockery of by members of the so-called Hopi Tribal Council. Now it has become a dictatorial form of government under your leadership. This is a dangerous thing both for your members of the Council as well as for the Hopi and ALL other people in this land or in other land. We will not tolerate this any longer. We now call upon all people who sincerely love True Freedom to help us

Since the so-called Hopi Tribal Council is controlled by the Bureau of Indian Affairs from the time it was set up illegally upon our homeland the real Hopi Traditional Chiefs and their people have never recognized them as representatives of the Hopi Tribe. You and the Agency Officials know full well that the Council does not have representatives from Mushongovi, Shungopavy, Oraibi, Hotevilla and Lower Moencopi. Village of Bacabi has recently voted by majority against participation in the Council. This fact is being ignored by few, mostly Government employees, Hopi men in that village. Village of Shipaulvy has one representative in the Council but the majority of the people in that village have never vote on this matter. So you see your whole organization has been operating illegally ever since it started.

These are truths and facts and can proven at anytime. Now since under your leadership the members of the Council have completely disregarded the wishes of the majority of the Hopi people and the Chiefs the time has come for the HOPI PEACEFUL PEOPLE to act to put an end to this flagrant, high-handed, and arbitrary rule on Hopiland and in ALL lands of the Indians of America. We call upon all Freedom loving people every where to help us to destroy forever DICTATORSHIP now on Hopiland.

This is our determination and will now act in accordance with our Ancient Instructions by authority of our Traditional Chiefs and the Hopi Stockmen and People, do now, call upon you, members of the Council, Supt. H. E. O'Harra and Agency Stockmen to meet with us in Hotevilla Village where a General Hopi Meeting is to be held on February 23, 1961 starting at 10:00 a.m. We are inviting all non-Hopis sincerely interest in the Hopi people to attend this important meeting. The main purpose of this meeting will be to explain our Traditional Hopi way of Life to your members of the Council and to the world in general in the hopes that as Hopis may realize the great mission we have to give to the world so that there will be PEACE, BROTHERHOOD AND EVERLASTING LIFE. Full explanation of our strong opposition to Council, Stock Permits, Arizona Commission of Indian Affairs, Education and Welfare will be made known and our final decision declared.

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David Monongye

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Thomas Banyasva

EXHIBIT 97b

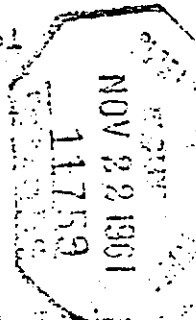


Hopi Traditional Nation  
Shungopavy Village  
Socorro, Mesa, Arizona

November 16, 1961

Superintendent W.A. O'Harra  
Bureau of Indian Affairs  
Hopi Agency  
Socorro Mesa, Arizona

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Sir:

This is to formally advise you and the members of so-called Hopi Tribal Council, Secretary of the Interior Cecil, Attorney John C. Boyden, Area Director Frederick W. Haverland and Fisher Contracting Company of Phoenix, Arizona that it is the unanimous verdict of the Hopi Traditional Chiefs and the Hopi people, during a meeting held Saturday, November 11, 1961 in Shungopavy Village, that you take immediate action to cancel and revoke any agreement or arrangement for the Fisher Contracting Company to carry on exploration or prospecting work for minerals, or other purposes on Hopi land.

The Fisher Contracting Company employees were told on Wednesday night November 8, 1961 by a delegation of Hopis representing Traditional Chiefs and their people to stop operations in connection with coal prospecting in the area south of Oraibi. But they ignored this and continue on with prospecting. We told them we wanted them to send representative to a meeting to be held in Shungopavy on November 11th. And we backed them a letter to Fisher Contracting Company to meet with us at our meeting.

This letter was also sent to your office, to Area office, and to Harry Shook, Chairman of the so-called Hopi Tribal Council in an effort to get all of you to sit down with the Hopi Chiefs and the people to decide whether the Hopi Tribe, that means all Hopi people, not just a puppet Council, wants prospecting or leasing on our land. But all of you have ignored this invitation. Another word all of you have disregarded the real Hopi Tribe, the Hopi Chiefs, the owners of the land. Their rights to land, liberty, and free expression has been violated. By doing so all of you have violated the Constitution and By-laws of the so-called Hopi Tribal Council which specifically bar them from ever selling, leasing or otherwise dispose of their land. The real owners of the land do not know anything about this Resolution No. H-1-61 which Haverland forwarded along with his letter requesting of further powers for the so-called Hopi Tribal Council. The letter of Kenneth Holm, Assistant Secretary of the Interior dated May 24, 1961. Why is that this has been not shown nor explained to the Hopi Tribe by you or your puppet Council. You have just now sent us the copy of this letter of Holm November 15, 1961

All this underhanded activities in your agency with the so-called Council plainly showed that you are working not for the Hopi Tribe but for a few or nine members of the so-called Hopi Tribal Council who does not represent even the majority of the Hopi Tribe. They do not own the land and they have failed to bring this serious matter to their people before approving it under the great pressure of John C. Boyden who carried them from going back to the people they represent for their consideration.

The traditional Chiefs and their people who attended a meeting in Shungopavy last Saturday all demand immediate cancelling of contracts and prospecting for coal or for other mineral resources for it is being done without the challenge nor Consent of the coal owners, the Hopi Traditional Chiefs and the majority of the people. We will not stop demanding this until justice is done and the desires of the Hopi tribe is respected.

*Don't let them take the land*

EXHIBIT 74a

File 1577-61-200

Chief Sekelaku - Shipaneri Village

Carl Pala - Anungyapay Village

Taylor Wazzy

Ralph Luma

Rick McLean

Herbert Tulehwa

Kmongwi - Claude Kewanyama Village Leader

Otis Polonema

EXHIBIT 99b

Realty - Minerals  
6955-01  
1977-61

FILE COPY  
SURNAME:

Air Mail

AUG 2 1961

Act: 3/1/61  
M. J. Mansie  
Barner 8-4  
N. M. U. 8/4

Mr. Fredrick M. Haverland  
Area Director, Phoenix, Arizona

Dear Mr. Haverland:

Your letter of June 30 requests that we review the re-draft of proposed contract forms which the Fisher Contracting Company wishes to negotiate. The proposal is for a three year exclusive coal prospecting permit covering 10,500 acres of Hopi tribal land with a right to a lease or leases of not over 25,000 acres, provided that the total tonnage of coal contained in the leases does not exceed 250 million tons of 10,000 B.T.U. per pound equivalent coal of economic quality. If, as the Company indicates, the average heat content of the coal to be mined is 6,000 B.T.U., the preference calculates to 417 million tons.

The permit now calls for an expenditure of \$25,000 per year in prospecting, a reduction from the \$35,000 previously offered. The \$10,000 per year difference is to be paid to the Indians over the three years as a cash bonus under the permit, subject, however, to the surrender right which may reduce the total payment. You should attempt to have the permit amended to insure a total payment of \$30,000 in any event, surrender or cancellation notwithstanding.

The Supervisor's letters of February 7 and July 12 should be fully considered by the tribal representatives. We agree with his conclusions about providing him with prospecting reports at 90-day intervals, referring to 30 CFR 211 as the correct operating regulations, and adjusting royalty by the Secretary of the Interior at the end of the first 20 years and each successive 10-year period thereafter. We also agree with the Supervisor's suggestion that the permit and lease include language similar to that included in the El Paso Navajo coal permit and lease regarding oil and gas and mining operations.

In addition, we agree to Mr. Boyden's requested change on reclaiming the surface. The land description and its location on the map should be closely checked and the permit should include the clause stated in our letter of March 24 relating to unsurveyed land. We also would like you to insert, for accuracy, "per pound" after B.T.U. in the first

FROM SOLICITOR

AUG 4 1961

FOR SIGNATURE

EXHIBIT 100a

File 1577-61  
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Branch of Realty

sentence of section 3(a), and to delete "blocked out" from the same sentence. Sufficient coal of economic quality may be determined without fully blocking it out, which development will probably take more than three years. The Supervisor states that the reserve tonnage varies when later developed under the lease.

In a phone conversation your staff agreed that allowing all payments, such as cash bonuses, under the permit to be applied against minimum or other royalties in the lease is undesirable. Such a credit could wipe out minimum royalty payments, and therefore the entire eighth sentence in section 3(a), Preference, of the permit should be stricken. In a proposal of this size, the Company should be able to make bonus payments under the permit without allowance for future credit.

In section 3(b), Diligence and Development, as written would allow expenditures for promoting and financing the project to be charged to development, as the expression, "its project for utilization of", should be eliminated and the word "development" changed to "prospecting". This is the only requirement for money to be spent for prospecting and development in the proposal.

The Supervisor reiterates his objection to the tonnage of coal reserve as being excessive to the power requirements mentioned in meetings held with company representatives, but we are following your recommendation to permit leasing of the 25,000 acres requested. You imply that the Company may wish additional coal to supply other plants at a later time. We understand that the Company is trying to negotiate a similar coal permit with the Navajo Tribe.

On royalty, the Supervisor offers no particular objection but prefers that the rate be on a flat sum per ton basis because he will be unable to verify the B.T.U. content of the coal. The analysis, however, could be made on the Supervisor's samples by the U. S. Bureau of Mines, if payment is made, in accordance with price schedules published in the Federal Register. In the event that truck load shipments are made to other plants, the cost of sampling and analysis will be greatly increased. In our letter of March 24, we state that we are inclined to favor the royalty on a B.T.U. basis. Since you offer no opinion or furnish no information that would warrant a change in our opinion, the rate proposed by Fisher should be used. You are authorized to approve the rates as now stated in the mining lease forms, if agreeable to the tribe, after the Supervisor's views regarding analysis of coal samples have been fully explained to it. It should also be explained to the tribe that these rates when applied to 9,000 B.T.U. per pound coal are equivalent to 15¢ per ton for coal mined and used off the reservation, and 12¢ per ton for coal used on the reservation, and that we have under consideration an application by Feabody for a preferential prospecting permit located just north of the Hopi Reservation. Feabody offers a royalty for coal valued at \$4.00 per ton, which may be compared to Hopi coal, of 25¢ per ton for use off the Navajo Reservation, and 20¢ per ton for use on the reservation. For \$3 per ton coal,

the royalty rates are increased to 10 and 24 cents per ton, and over \$5 per ton coal, the rates are again increased to 17 1/2 and 30 cents per ton.

The Supervisor expresses concern on having to depend on the lessee's accuracy in analyzing the B.T.U. content of coal samples which will be taken and considered representative of the weighted tonnage delivered. As you raise no objection to providing for a number of accepted standard sampling and analyzing procedures for various grades and uses of coal, you may amend the first sentence of section 1(a) of the lease form to read:

"The B.T.U. content of such coal shall be determined in samples taken at point of weighing, using procedures specified in American Society for Testing Materials (ASTM) Standards, or U. S. Bureau of Mines Methods, by the lessee as soon as feasible after sampling."

(The added words are underlined )

Since the Supervisor objects strongly to the present minimum royalty provision, based on coal reserves blocked out, and you do not oppose an annual fixed amount beginning with approval, the standard provision should be used. The minimum royalty may be set at \$75,000 per annum, as recommended by the Supervisor, or a lesser amount if you deem best, but not less than \$10,000 per year for the first 3 years, and \$20,000 for each year thereafter.

On the cost of plant construction, the Supervisor points out that the cost will probably be 25 or 30 million dollars, so that designating only 1 million as filling the requirement could defeat its purpose. It might be advisable to eliminate the money requirement and provide instead that within five years, the lessee construct a power plant having a minimum capacity of 200,000 KW.

As to advertising, the Company explains that for steam power generating purposes, the use of low heating value bituminous coal on the Hopi Reservation must compete with the use of similar coal that can be mined on the Navajo Reservation or other lands. Since you recommend negotiation in the absence of any specific interest, the Hopi Tribe is authorized to negotiate in accordance with 25 CFR 171.2 a preferential prospecting permit in favor of Fisher, by making the above changes in the proposal.

For encouragement in the development of the proposed operation, we are recommending that an exception be made to 25 CFR 171.12 (b) to permit the minimum royalty payments to be credited as an advance payment against actual royalty or royalty on production for the lease year for which payment is made, and succeeding years, but for not more than 3 years from

the date of each payment, as permitted by section 4, minimum Royalty Credit, in the lease. Copies of the approval are enclosed.

As understood in the phone conversation with your staff, your approval of the permit and lease is to be made only after you have determined that lands requested to be prospected and leased are not embraced in the claim of the Navajos in the case entitled Healing v. Jones, Civil No. 579, U.S. D.C., Arizona. The authority for the Hopi Tribal Council to lease lands for mining under 25 CFR 171 is delegated by the Secretary's letter of May 24.

Because of the need for early action, please phone us if any questions arise, and send us a copy of the executed forms for our files.

Sincerely yours,

(Sgd.) Martin P. Mangin

~~MINING~~  
Commissioner

Enclosures (13)

cc: Area Director, Phoenix, Arizona  
Regional Mining Supervisor, USGS, Carlsbad, New Mexico  
Geological Survey, Wash. D. C., ATTN: J. D. Turner  
✓ Mr. John S. Boyden, Hopi Tribal Attorney w/copy of re-drafted permit  
and lease and Supervisor's letters. --  
via Air Mail

ASWynar:ak 7/31/61 r/w req. by Solicitor - penultimate para. added 8/4/61

EXHIBIT 100d

Realty - Minerals

6955-61

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EXCEPTION TO 25 CFR 171.12 (b)

In order to encourage the development and use of the low heating value bituminous coal deposits of the Hopi Indian Reservation, Arizona, for steam power generation, an exception is made to 25 CFR 171.12 (b) to permit the minimum royalty payments to be credited as an advance payment against royalty on production for the lease year for which the payment is made, and succeeding years, but for not more than 5 years from the date of each payment. The exception to the regulation is within the Act of May 11, 1938 (52 Stat. 347; 25 U. S. C. 395 (a-g)), and is found to be in the best interest of the Hopi Indian Tribe. If successful, the project will provide some employment for Indians on the reservation, and give the tribes some needed income.

Pursuant to recommendation of the Commissioner, Bureau of Indian Affairs, the above exception to 25 CFR 171.12 (b) is hereby approved and authority is hereby granted and delegated to the Area Director, Phoenix, Arizona, to approve the referenced executed provision for a coal mining lease, in favor of the Fisher Contracting Company, on tribal lands of the Hopi Indian Reservation, Arizona.

(sgd) John A. Carver, Jr.

Assistant Secretary of the Interior

AUG 11 1961

- cc: Area Director, Phoenix, Arizona
- Regional Mining Supervisor, USGS, Carlsbad, New Mexico
- Geological Survey, Wash. D. C., ATTN: J. D. Turner
- Mr. John S. Boyden, Hopi Tribal Attorney

ASWyner:ak 7/31/61

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EXHIBIT 100e

July 18, 1961

Memorandum of Facts

Fisher Contracting Company proposes an exclusive 3-year coal prospecting permit on 36,560 acres of Hopi tribal land with option to lease 25,000 acres of the land, if it does not contain over 250 million tons of 10,000 B.T.U. per pound equivalent coal of economic grade which equals about 416.6 million tons of 6,000 B.T.U. per pound coal.

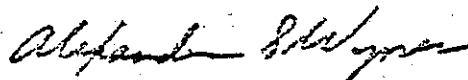
Under the permit, the permittor will pay \$10,000 in advance for the first year and \$10,000 on each of the next two years, making a total of \$30,000. The amount of money previously offered to be spent by the Company in developing the project is reduced by the amount of the bonuses. In the permit, the eighth sentence under 3(a) PREFERENCE, states:

"Should such a lease or leases be entered into pursuant to the terms of this permit, all payments made to the Permittor hereunder shall be applied against minimum or other royalties provided in such lease or leases."

No money is required to be spent for prospecting and development including "blocking out" of coal under the permit or lease, as the \$25,000 per year specified in the permit for development of the project could be used for soliciting further financing.

As the minimum royalty in the lease form depends on the amount of coal developed by the Company, it was decided, at a meeting in the Central Office, to require a minimum royalty of \$10,000 per year for the first three years and \$20,000 per year for the fourth year and thereafter. This would be in addition to the presently stated minimum royalty provision, which \$.0004 per ton per year on all coal reserves actually blocked out.

Production or "Actual" Royalty is, for each unit containing one million B.T.U., mined and used off the reservation, \$.0125 and for each unit mined and used on the reservation, \$.01. For 6,000 B.T.U. coal, this is equivalent to 15 and 12 cents per ton of coal.



Alexander S. Wyner  
Mining Engineer

A. Wyner:eb  
7-18-61

EXHIBIT 100f