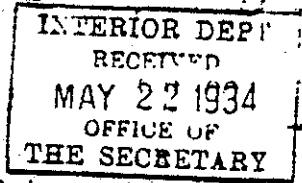




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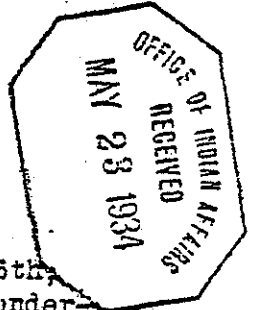
The attitude of the New Mexico Association on Indian Affairs on the Wheeler-Howard Bill, expressed in a letter from Wheaton Augur to Oliver LaFarge, dated May 8, 1934.

Santa Fe, New Mexico  
May 8, 1934

*Louis McHenry Howe*

Secy. to the President

Mr. Oliver LaFarge,  
President,  
National Association on Indian Affairs,  
850 Lexington Avenue,  
New York City, N. Y.



Dear Mr. LaFarge,-

In answering your letter of April 19th and of April 26th, I am confining myself to the Wheeler-Howard Bill. You fully understand and appreciate the other matters in Mrs. Dietrich's letter and they need no further comment.

As to the Wheeler-Howard Bill, the attention and comment it is provoking ought to result in a clearly thought out and well drafted piece of legislation but our Association can not yet feel that the revised bill is such a document, Title I particularly, and to a lesser extent Titles III and IV do not seem to have been fully thought through and the drafting is not well done. There is such overlapping of sections, so much contradiction between sections, such a mass of needless repetition and unnecessary and confusing declarations of policy or principle and so many vague and uncertain terms that the real meaning is often obscured and some times obliterated. From this alone it seems that the proposed bill will raise far more questions than it settles.

Our Association is not opposed to the ideal of self-sufficiency and self-government for the Indians as soon as they can justify it; nor to efforts by which the Indians may be assisted to reach the point where they are capable of self-government. But such efforts are too important to be tied up with the very necessary immediate needs, such as the change proposed in the allotment law. Moreover, when the law embodying these efforts has such radical defects and such imperfect and confused phraseology, the success of the effort may well be jeopardized. Title I, we think, proposes an unnatural scheme. Legally recognized self-governing municipalities are a late step in the evolution of most peoples, resulting from their tradition, education, experience, and racial characteristics. This bill makes the legal form the first step. Thereafter, apparently the fact and substance of self-government are to be pressed into that form regardless of what the future development may be and regardless also of the extreme differences in tradition and racial qualities among the various Indian tribes. To us this seems to start from the wrong end.

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A charter, under Section 4, must be given if the requisite petitions are filed and the elections held. Section 8 provides for the transfer to the Indian chartered communities of certain "Services and functions". This phrase is indefinite but appears to mean certain of the actual work now done by the Indian Office. It may be doubtful whether these services must be transferred at all but it is clear that the Indian offices may take them back. There can, therefore, exist an Indian chartered community doing practically none of the work involved in self-government. Such a situation is futile and might well be disappointing to any tribe, who voted for a charter. Moreover, the charters provided in the bill give dangerous powers, such as that of condemnation and some others. Will a chartered tribe, entrusted with none or very few of the actual "services" of self-government, still have the right to exercise these powers? We think the practical approach is to entrust the tribes with actual work to do first. The fact or form of corporate organization will follow, if the experiment is successful.

The change made in Title V, Section 1, is astonishing. No difference is apparently made between titles. An Indian tribe, holding an election and rejecting the bill apparently rejects all the titles of it. Thus, a tribe, not liking title I must reject all the other titles also to avoid that one. If a tribe, to its own disadvantage, nevertheless, prefers the allotment system, it may retain it by voting against the provisions of the bill. And, furthermore, as any such vote will also prevent the application of Title IV, innumerable questions would arise out of the fact that some Indians and some tribes would not be subject to the jurisdiction of the court of Indian Affairs, while others would be. This change seems to us to do no good and to complicate unnecessarily an already complicated situation.

If its purpose is to satisfy tribes who feel that title I does not give them sufficient option to refuse a charter, it is indeed a sorry satisfaction, since they must reject all the bill or none and that within a period of three months. This period is so short that petitions could scarcely be filed in time and certainly could not be submitted intelligently as no one within that period could observe the working of the law and determine whether it has advantages or not. Frankly it is a hold-up proposition, deceptive in character and a shabby trick to play on the already confused Indian tribes. It is quite unworthy of the motives actuating the friends of the bill.

Also it is impractical. The counts of Indian tribes are not wholly reliable. On the Navajo Reservation, in spite of great efforts, no count of the tribe has been considered accurate. We know, even in our own communities, how difficult it is to get a reliable and satisfactory list of eligible voters or those of voting age. How much more difficult it would be with the Indians

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can well be imagined. Naturally, without such a reliable count, the fractional bases for petitions and elections in the proposed law become merely a source of confusion and additional litigation. It may also be further asked, what is an Indian adult? What law or custom determines that question? The present law does not. And it does not give any other basis for determining it. We are also wondering whether the Indians have been fully informed that the law apparently permits Indian women to vote at elections and to sign petitions? Is it possible that the Navajos, for example, and many other tribes also, would be satisfied with that, if they fully understood it.

There are, without doubt, many fine and valuable ideas embodied in the bill and because there are many, people are apt to praise the bill simply because it contains these ideas. But legislation, however fine and noble its purpose, is a tool for accomplishing a result and can be judged only by what it contains as indicating whether its practical operation will accomplish the purposes which are claimed for it. Each time we read the bill and with each amendment, it seems to become more verbose and more confusing. Because of its noble purposes it is occasionally praised as the rock upon which the new Indian policies may be firmly fixed. We are afraid that its uncertainties and complications may rather create a quicksand in which the whole administration of Indian affairs may become submerged.

Sincerely yours,

(Signed) Wheaton Augur.

EXHIBIT 6c

COMMISSIONER JOHN COLLIER'S MEETING WITH THE  
HOPI INDIANS AT CRAIBI, ARIZONA  
April 7th, 1936

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(Mr. Hutton) We are very glad to see so many out here today. We have been looking forward to a visit from the Commissioner of Indian Affairs for about one year now. Last June 15th you people voted on the Wheeler-Howard bill; you agreed to come under the provisions of this act. Since that time we have been anxiously waiting for the Commissioner or one of his representatives to come out and discuss the organization with us. Sometimes some of you have become impatient, but you must remember that there are over one hundred tribes who accepted the act, and they also have been trying to organize the past year. The day we have been looking forward to has arrived. The only thing I would like to ask of you people in your discussion with the Commissioner is that you keep in mind something that is going to be of benefit to all of the Hopi people, as his time is very limited today, as he must be back in Albuquerque before dark tonight. So I am just going to ask that in your discussion, that you confine yourselves to something of benefit to all of the Hopi people, and not just little petty grievances.

A great many of you know Commissioner Collier, and do not need an introduction, but for those who don't, I am very glad to introduce Commissioner John Collier:

(Commissioner Collier) My friends, the Hopi tribe adopted the Indian Re-Organization act by a big vote, and I know that since that time many of you have become impatient and have wondered why the Commissioner did not come out to see you; especially when you knew that the Commissioner had come a number of times into the Navajo country. Now I would like to tell you why I have not come until now. It certainly has not been because I am not interested in the Hopis, because I am particularly interested in you Hopi Indians. And it was not because I did not think the Hopis were as important as the Navajos. They are just as important as the Navajos.

Mr. Hutton stated that more than one hundred tribes had adopted the Re-Organization Act. The number was 176 tribes, of which you are one. Practically every one of those tribes is impatient to organize and get its constitution and its charter, and to obtain the benefits of the new law. We have been very hard pressed by the tribes because there were more tribes wanting to go ahead without a man to show the way.

There are certain tribes where it is more difficult to organize, than in the case of most tribes, and you are one of them. The problem of how to organize the Pueblo tribes in Arizona and New Mexico is a difficult problem. As some of you know, I am very very close to the New Mexico pueblos. I kind of grew up among them. They gave me my Indian education, but it was not until yesterday that I went to talk to these New Mexico pueblos about organizing. And in the case of you Hopis, as in the case of Pueblo Indians, Auni, San - Domingo and Taso, I realize that it is going to be difficult to organize. I have been puzzled, I have not known what to do, and I don't pretend that I know today just how to go about it. Nevertheless, I have come to

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realize that the time is at hand when the different Pueblos ought to organize, both in New Mexico and here in your Hopi country. I will tell you briefly why I think the time has come to begin organizing here. One reason is this; it is a purely practical reason. The reorganization act sets up what is called a revolving loan fund which the Government supplies to organized tribes, and they in turn may lend it to their members. The tribes do not pay the money back to the Government, but when a member of the tribe borrows from the loan fund, he repays it to the tribe. Now at present there is two and one half million dollars in that fund, and Congress is now appropriating another million, then we will have three and one-half million dollars. That money cannot be supplied to a tribe until the tribe has organized and has received its charter under the act. The tribes who do organize and get their charter are the ones who get the money, not the ones who fail to organize. This is a reason, not the most important, but a reason to organize soon, rather than late.

Now another reason why I think the Hopis should organize before the end of this year is a political reason; a reason having to do with the national politics. A national election comes next fall and the people will choose their president. It is very probable that Mr. Roosevelt will be reelected. I think he is going to be; most everybody thinks so, but you cannot always be sure. In other words, there is a chance that after next January 1st, Secretary Ickes might no longer be Secretary of the Interior, and I might not be the Commissioner of Indian Affairs any longer. I do not think the chances are as much as one in twenty, but at least there is one chance in twenty that there may be a change in administration.

In organizing to get the benefits of the re-organization act, the Indians require the help of the Commissioner and the Secretary of the Interior. Without that help they cannot organize. Once they do get organized and receive their constitution and charter, the Secretary of the Interior cannot disorganize them. He cannot take their advantages away from them. In order to organize in the first instance, and get the constitution and by-laws, the help of the Secretary of the Interior is indispensable - you must have it. You know that President Roosevelt and Secretary Ickes and I, believe in the Re-organization Act; that we will help you to organize, but you don't know what the next President and the next Commissioner might do; therefore, it is the best thing to organize now when you can organize, rather than to wait, because then you might find that you cannot organize.

Now I come to something more local, more special, still connected with why you ought to organize now, and in telling you this, I will almost tell you how to organize. It is exactly the same things that I told the New Mexico Pueblos at the meeting yesterday. The Hopi Indians live a life that is guarded by ancient customs. These customs have been handed down over a period of a thousand years; they are your customs; your ways; your Indian ways. Many of you know that there are millions of people in this country who believe that all of the old Indian customs should be destroyed; who believe that the Indian language should be destroyed; who believe that the Indian religion should be destroyed. Those influences in the country are so powerful that they have controlled the policy of the Government toward Indians in the past. They even believe that the Indian villages should be broken up and that the lands should be allotted in severalty. It is impossible to guarantee that

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these influences will not again get possession of the Indian Bureau. They had possession of it until about four or five years ago, and they may come back into power. If they do come back into power, and you have not organized, this is what would happen. They would tell you that you cannot organize at all unless you organize in such a way as to blot out the old customs; they would tell you that you had to organize in some new way that would be a refutation of your old living, and the result would be that the Pueblos, including the Hopis, faced with that kind of a problem would just not organize at all. I am quite sure that there is a way to organize and get the protection and benefit of this act without interfering with the old customs of your old life; it can be done. It is possible to organize in such a way that each of your villages will maintain its identity and freedom; and yet you can be organized in such a way that old people and young people can both be satisfied. It is possible for you to organize that way if the Secretary of the Interior and the Commissioner are willing to work with you and help you do it. I shall come back to this matter of the method of organizing, but I must go on to another reason why you ought to organize.

For the moment I would say forget all about the reorganization act, because if there was not a reorganization act, you would need to organize for the reason I am going to give you now. All around you is a Navajo tribe, and that tribe is not organized under the Wheeler-Howard act, but it is organized and during the next year the Navajo tribe is going to become much more strongly organized than it is now. Here in the middle of the Navajo tribe are the Hopi villages and they are not organized at all; they are totally unorganized. The time is drawing near when there will have to be something done toward deciding what is the Hopi land; what is the Navajo land; and that will have to be settled through negotiation but the negotiation cannot go on between an organized tribe and a tribe totally unorganized. The Navajo tribe is organized; it has its recognized tribal council working under regulation and a constitution. The Government can deal with the Navajo tribe through its organized representatives. So long as the Hopis remain an unorganized group of villages, they are going to be at an increasing disadvantage in comparison with the Navajoes. I do not mean to say; and I am not saying, that the Hopis and Navajoes are rivals at all, but I am saying that there are some things which need to be settled by the two tribes and they cannot be settled until both tribes are organized. In the meantime the Hopis are going to get the bad end of the deal if they stay unorganized.

Now I am going back to the subject of how to organize. It would be impossible for me to advise you about all of the details of how the Hopis should organize but I can give you some outline of what I think ought to be done. We have to start with the fact that the Hopis are not one village; not one people; but a number of villages; a number of people. Your situation is very much like that of the Pueblos along the Rio Grande in New Mexico. San Domingo Pueblos cannot be mixed with Cochiti - Pueblos or with Laguna - Pueblos, each is distinct and it must remain distinct. Even the smallest of the Pueblos, like the Picuris with 120 people, like the Lunis with 130 people, still they cannot be mixed with the other Pueblos. Each is a law within itself.

About fifteen years ago all of the New Mexico Pueblos were faced with a common problem of emergency which involved every one of them. That emergency was an attempt by the Secretary of the Interior, Mr. Fall, to take away the

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Pueblos lands and give them to the white people. I was out in that country at the time of this crisis in 1922 and there was a man with me who I am going to introduce to you later, Dr. Schewke. At that time we saw how the New Mexico Pueblos met the problem of becoming organized all together, without evading the liberty of any one Pueblo. They formed what they called the council of all the New Mexico Pueblos. Into that council came the more progressive of the Pueblos, for example, the Lagunas; also the most old-fashioned of the Pueblos, for example, the San Domingos; and they came in on an equality. There were Pueblos in that organization who were ruled entirely by the old men, and there were others who were ruled almost entirely by the young men. They all came in together and they adopted a written constitution. That constitution provides complete freedom for each separate Pueblo; but it provides that the council of all the Pueblos can act for all of them in matters that concerns all of them; or for any one Pueblo upon his request. During the fifteen years that the organization has existed it has made such a difference in the condition of the Pueblos, they are entirely a new people. It has revolutionized their lives in desirable ways. The organization that these Pueblos formed has been so powerful that in a number of cases it was necessary to go to Washington and to disagree with the Indian Bureau. Again and again they forced the Indian Bureau to yield. They actually were more powerful than the Indian Bureau was. In all of these fifteen years there has never been a conflict within the Pueblo council and never once has the all Pueblo council interfered with the affairs of any given Pueblo.

It is my belief that the solution of your problem of organizing is on that line I have been describing to you. To have your different villages unit into a Hopi council which will act for all of them in matters pertaining to all of them. It is my idea that if such a federation of all the Hopi villages could be formed in the right way, then the Government could issue a constitution and a charter to the group, therefore, they could avoid interfering with any local affairs of the village. I don't mean that it can be done just by a wave of the hand. It is going to take a lot of thought, many meetings, much patience and tolerance. I suspect it is going to be necessary to supply Mr. Hutton with some help; that is send some men in from Washington to help.

There is another thing I did not touch on; it is the subject of the new court regulations, the so-called law and order regulations which were promulgated by Secretary Ickes two or three months ago. I have told Mr. Hutton that I do not believe you can take full advantage of these new regulations about law and order until after you have organized under the new reorganization act, because when you read its regulations carefully you will find that they provide that the tribes which are organized can modify the regulations until they suit that particular tribe and you will find under the regulations that there are many things which do not suit the Hopis. It is my belief, therefore, that while these regulations will be very helpful to you after you become an organized tribe, I don't think you can do much with them in your present condition.

I have arranged for the Chief law enforcement man in the Indian Service to come out here very soon, a Mr. Mueller. Mr. Mueller is a very capable and a very wise man. He will look over your situation with you. He may not have the view I have expressed, he may think you can do something with the regulations right away, but I rather think he will agree with what I have said.

Under the new regulations, when a tribe becomes organized, that tribe may make its own ordinances about civil and criminal matters; it will maintain its

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own court and carry on its own session of trials and incriminations and may control outside persons who come upon the reservation.

I have talked with you for one hour and ten minutes already and I am going to tell about one thing more and I am going to stop and let you talk to me.

You are all more or less informed about the work that is being done in this part of the country to rehabilitate the range land; to stop the erosion of the soil; to bring back the vegetation. The work that is being done to check the increase of gullies and to spread the flood waters out so that they will bring the grass. That work is now being done in all of the New Mexico country; all through the Navajo country and along the Gila river in southern Arizona. The work is carried out by two departments of the Government under a joint agreement; that is the Department of the Interior and the Department of Agriculture. In the Pueblo country in New Mexico and in the Navajo country, the arrangement is one by which the operations of both departments are under the Superintendent of the Indian Service, so it all heads up in the Indian Bureau. As yet the work of the Department of Agriculture, or the Soil Conservation work has not been started within the Hopi area, although of course, water development and other kinds of work have been going on under E.C.W. and the Irrigation Service. By combining the two departments much more money is available than when the Indian Service is working by itself.

As you know, the range of this country is just one range - the Navajo and the Hopi. The same water shed cuts entirely through the Navajo and Hopi country. The Government is going to proceed and deal with whole water shed units, whether they be Navajo or Hopi. In making plans for the whole water shed, the Government will have to find out all kinds of facts; not only about the land but who controls that land; who owns the stock on that land, etc.

While the Department of Agriculture has no concern with the question of the Hopi-Navajo boundary, nevertheless, the information they have to get in planning this water shed development will throw light on the boundary question. Actual maps will have to be made. Those maps will show the location of the grazing area; who is using that area; all of the irrigated and dry farming land. The same study will show whether these people were on the land since old time or just come on the land.

I have brought with me here today the man who will be in charge of the investigation of inquiries. I am going to introduce him to you. This man, whose name is Dr. Schevke, has been working with me in Indian matters ever since the year 1922. He started about the same time I did. He got interested in the Soil Conservation work because of his desire to be of help to the Indians - that is why he is doing it. The Indians will not find a wiser or more faithful friend than Dr. Schevke. Like myself, Dr. Schevke got his Indian education among the Pueblos. I just want to tell you that he is a man you can trust completely. You can give him your confidence. He is fair; he is a true friend of the Indians. Now I am going to stop my talk by asking Dr. Schevke to let me introduce him to you so that you will know him. Then we will answer your questions for you if we can.

(Dr. Schevke) -

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(Otto Lomavitu) One of our elders of the village said that we would like to have this time to have some of the people among us to have a few words with you and he asks that Byron Adams be given this opportunity.

(Byron Adams) We will just handle this like Mr. Collier did - through an interpreter.

I believe that a new area is at hand for the Hopi Indians. You old Indians can look back 70 years and you can also look at the great promises that have been made every since the Government took charge of our interests and, in every instance those promises have never amounted to anything. We have been educated in the belief that a day will come when the burden of the tribe will be thrust upon us. We young educated men and boys must admit that when we first come from schools back to the reservation; back to our unsanitary homes and back to our uneducated people, we will have to admit our fault has been that we know it all and, because of that high-hatedness in us, 99 out of 100 educated and coming back to the reservation has been branded as chronic kickers.

Another phase of our life has been the unfortunate part of the help received from those people who have been sent out by the Government to help us. By that I mean this; in the past history of the Government, its employees attitude has been to hold a club over the Indian and we Indians haven't had the back-bone to realize that we are on the same level as any creature God created. Consequently, the Government employees have thought in the past that they could cuss us out; call us dirty Indians and dogs and we would never say anything; but friends, three years ago today has arrived for the Indians. Mr. Collier said that he received his education about the Indians among the Indians and, when he got the appointment as Commissioner of Indian Affairs, some of us thought something was going to take place. His policy could not be easily digested by the Government employee who got into a rut and, who could not jump out of that rut over night. Now the opportunities are here. We Indians must consider ourselves men. We must not spit back at the Government employees; let us be big enough to overlook their faults; let us look forward to a common understanding so that in the end we will benefit and, the Government employee will see himself as a servant to the Indian, which is his place today. I feel that if a case comes up which requires a recommendation on anything, we Indians should be considered; not like in the past when anything comes up they go to the white men for consideration. We are two groups of people that can never understand the interfeelings of each other. I feel sorry that we are ugly looking people, we are small in stature. I am sorry that we are like that but we can think just like the pale face. God has given us a mind and a will and we must use our mind and will.

Friends, my last word is that we have heard our Commissioner. We have heard at first hand his plans and, it is our duty as Indians and as men to be true to each other and to back up this policy and to unite into an organization in order to work forward to an end so that we may take advantage of the Wheeler-Howard act which is before us.

In my several years experience in the Indian Service, I have always found that we Indians have one great failing. I hate to say it but we are all just a bunch of cut-throats. Now I have made our confession to our honorable Commissioner of Indian Affairs about all of our short-comings and failures and I want him to help us get started on our road to progress. There should not be any tribal distinction. We should not point an accusing finger at a Navajo or Apache. We should be brought to call each other Indians. There should not be any distinction between this man, (Billy

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Pete) a Navajo, and myself. We should go forward and work to the advantage of the Indians.

(Otto Lomavitu) Mr. Commissioner, I wish to add my testimony to that of Byron Adams. I have worked with my own people now eighteen years. I have gone into every phase of their lives and I have made contacts with my people; contacts that make me rejoice when fortunes come to my people and make me weep when misfortune falls. In my poor way I have endeavored to live as one of my people and I was glad indeed when the Reorganization Act was drafted and adopted by our tribe. I saw that there was a way out whereby a poor Hopi could be given another start in life, and I threw my whole force into that. I wish to say, therefore, in order that we might realize the benefits contained therein we must work together. I plead with my people once more and with those in the Government Service that we come to an understanding. The trouble with us has been, my friend Hopis and Government employees, that there is practically no contact anywhere. To this day I doubt whether any of you can successfully get any of the Indians to know you. Knowing about a person and knowing a person is two different things. Let us know one another. We will then be in a position to do away with criticism and sarcasm. We, as Hopis appreciate all that is done for us through the Indian Agency.

(Peter Nuvama) We have heard today from our Commissioner. We refer back to the time when we voted on the Reorganization Act. Perhaps we did it with more or less understanding, but we heard from him today that through this organization we find that we have accepted a way for our new start. We Hopis did accept it partly in ignorance and therefore perhaps failed to carry it further. Instead of living up to our name of Hopi, meaning peace, we went just to the other end. Now remember Hopis that we are called a Hopi and therefore if we weigh the words of our name, you know the way of the Hopi, you know the way of peace, you know the way of reconciliation, you know the path of happiness. Let us become organized on those principles, and we can accomplish something from this which was given to us today by our Commissioner. We can work together and be indeed Hopis which is made possible by the Act. Now this is all I wish to say in regard to our Commissioner. I wish, also, to address this gentleman here who has been introduced to us, Dr. Schevke, who has been pointed out to us in his official capacity and his ability. He has been pointed out to us in his official capacity and his ability, and he is being sent out here and was introduced to us as a man who is going to aid us. I don't know what is in the mind of you people, of you Hopis here, what is the most important thing to you. From my Hopi way of thinking it is the earth, the soil, for us after all is the most important. As I have said before, to my way of thinking, the soil is the most important to the Hopi since it is the source of our livelihood. Now you will recall as given out by this gentleman here, they have also in planning out the future of the Hopi not left out that phase at all. He has pointed out to us the poor condition of the soil here, the erosion that has taken place, the lack of vegetation. I think you know how it was in previous times, and perhaps also you know why we had vegetation here. You have been told that in their plans they have the restoration of our country for us, and if it materializes, it will make the heart of every Hopi glad indeed. I ask these things because in these lies all the source of our livelihood. If this can be realized, we will all be made to rejoice, maybe so he says.

(Tom Pavatea) I don't know how it will appeal to you Hopis, but we have heard from him, and after considering his talk to us, I think it is all for the benefit of the Hopis, and is very advantageous to us indeed. I don't know how it will strike you Hopis. We accepted the Reorganization Act indeed as a tribe solely on the strength of this, that we saw in it or thought we saw in it

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the life that we live, the life that has been lived and handed down to us by our ancestors, through customs, and others. Being guaranteed so to say, the freedom to enjoy life under the new act; you will also realize that we have a way. We have prepared ourselves in some measure just for this time by training, by education, with the sole thought that eventually we would be able to make our way through this world. As told us by our Commissioner, by the planning made by the Office for us, we are already beginning to realize some of the benefits of the act for which we are all thankful, indeed. Such are the prospects held out to us as we understand it, but in order that we may realize these benefits and enjoy them to the full, it is necessary that we indeed come to unite among ourselves, putting every discrepancy among us away and together with those in the Government Service it is necessary that we enter into cooperation with those who are planning our future for us in the Washington Office. As outlined to you in so few words it is all for our benefit. Of this we are assured that those in the Washington Office will do their share with gladness. I thank you, my friends.

(Edwin Carl) The time is too precious to waste. Let us avail ourselves of the time of our Commissioner while he is here.

(Otto Lomavitu) If I may be permitted, may I say, Mr. Commissioner, that we certainly appreciate this attention given to us. For most of our people this is very new to us, and you need not hesitate to explain and I think I am correct in assuming that it is the mind of the people to hear more from you while you are here and other matters can be taken up with your representatives or with you at some future time.

What we would like to know is this, is there any other further plan regarding the Hopi's future aside from what you have given us on any important line.

(Commissioner Collier) I don't think I can tell you of any other large plan ahead. As I see it, this matter of organizing and the soil work are the two big things ahead. If I were to take a great deal more time and explain about the Reorganization Act in greater detail, if I were to show how it would work out the first year, the second year, then you would see that everything flows out of the Act and out of the organization under the Act and the soil plan. Everything will flow out of that.

(Otto Lomavitu) The reason why I asked that, and we ask that is that we hesitate to ask you any questions, not that we don't have any questions to take up with you, but your time is limited.

(Commissioner Collier) I know for example that some of you are concerned by a little matter. You would like to have a little hospital built somewhere in the Hopi Country, and I can't make a promise about that because it is a question of money, money that we haven't got now, and I am entirely in sympathy with your desire to have a little hospital of your own right here on one of the mesas.

I know again that some of you have spoken about your desire to have the Hopi Agency brought closer to the mesas, and built up in a place more central to the Hopi life, and of course the question of the best location for your permanent center, your permanent headquarters, that is tied up with the question of boundaries, but it seems to me that the first thing we have to do is to work out a location somewhere out this way to the west of Keams Canyon, but that again is partly a question of our procuring any money, which we haven't got now, partly that, and as I say, it is involved with the question of boundaries. We have a

EXHIBIT 7h

great desire to see the day schools at each place built up so they can serve more largely as a headquarters for community business and as centers from which we can administer our affairs so that they can go forward steadily from month to month and year by year.

Now I know again that a good many of you are concerned about law and order enforcement and liquor, about getting a better control, especially of drinking, and as I said, I am having Mr. Meuller come out here to see what can be worked out immediately. I suspect you may need more enforcement officers and you may need another Judge, and we will have to see if we can find the money to employ another Judge. Now I have been thinking more about this matter of the new regulations since I spoke about it an hour ago. I mean that part of the regulations that deals with the election of judges and things of that kind, and I have come even more strongly to the belief that you ought to leave that alone until you get your constitution, because it is just one element of selfgovernment, and if you start with just this one, you might meet with things that would keep you from eventually getting your constitution, from ever getting selfgovernment.

Now I am taking you at your word and talking on from point to point, and I will go on. I think it well to call your attention to a new thing the Government is starting which will have importance for the Hopis. I refer to the Indian Arts and Crafts Board. I will tell you about that. Congress last year passed a law creating this Arts and Crafts Board and giving that board a lot of power. For one thing the board will create a trade mark of genuineness which will go on genuine hand made Indian goods and can't be used on any other goods, and if it is used in an improper way, there is a heavy penalty to the trader or any other person who abuses that trade mark. The board is given the authority, in fact it is directed to go to work and get a wider and better market for Indian Craft Goods, all of the Indian Crafts, to open up a market in New York, in Europe even, so as to improve the quality and get a better market for Indian goods. The money for that Board to spend is being appropriated in the appropriation bill that is in Congress now, and the membership of the board will be announced at an early date by Secretary Lakes, and I think it will be of especial benefit to Hopis and Navajoes. With the help of that board and through the use of the money that you have access to under the Wheeler-Howard Act, it would be possible for the Hopi men to work so that they would market their own goods so that they would reap a much larger profit and sell to a larger group, and you might double your income from arts and crafts, you might do it very easily.

Now in my remaining moments, before I have to go, I am coming back to the Indian Reorganization Act. I can't use words strong enough to tell you how important it may be to you if you can organize in a wise way under the Act. Its importance is so great, it has so many kinds of importance that I simply can't tell it to you, and it is equally important to the Indian Service because only after a tribe has organized and taken on the responsibilities and powers of the Act, only then can the Indian Service become the kind of thing it ought to be. In all my years of working with the Indians, before I became Commissioner, and after, I have been among a tremendous number of tribes, I have known a great many agencies, and I find that the complaints by the Indians and dissatisfaction goes on about the same everywhere, even if the superintendent is a very good man or not, because they are complaining about a system. As long as the Government has to be managing the Indians, managing an unorganized mass of subordinates, the complaints are going to continue, the dissatisfaction is going to continue. Wherever we have passed into the new condition where the Indians begin to take over the power, the large part of the organizing, the Indians are happy and our employees are happy.

EXHIBIT 7:

I want to say at this point that I think Mr. Euton, your present Superintendent, has been rendering capable and faithful service to both you and to the Government, but if you were organized under the Reorganization Act, Mr. Euton could render you twice as much service and he would be twice as happy in rendering it. Now a thing I want particularly to emphasize about this matter of organizing is first that it can be done in such a way as to preserve the old life, make the old people happy and at the same time utilize all of the energy and of the education of the young people. It can satisfy both parties. I don't mean just any organization, I mean that if it is wisely worked out after consultation with you, it can be that sort of thing, and I believe that if you can organize under a constitution drawn with wisdom, that will be the best way to perpetuate your good, ancient life, while at the same time it will enable the Hopi people to make use of their young people and it will bridge the chasm between the young and old. Now with respect to what we from Washington are going to do to help you in the matter of organizing, we have men who are working at this time in the matter of helping tribes to organize and have therefore gained a lot of experience of what to do and what to avoid doing, who understand the law. We haven't got nearly enough of these people. Remember that there are 176 tribes either now organizing or waiting to organize, and this is just one of the 176. However, just as soon as I can find the best man and get him over here to the Hopi, I am going to get him over here, and this man when he comes will come simply in order to advise with you and your superintendent, to help work out this problem, giving you his experience, his knowledge of the law, his knowledge of how other tribes have met the same problem, but that man will not come here with a cut and dried plan. He would be no good if he did. He will come here simply to add his experience to yours in thinking out the thing you want to do, and the whole business should be worked out not just in a big meeting, but through conferences with the head men of each village, through conferences with young people of each village, with each faction and group and with all of the Indian Service people, worked out slowly and thoughtfully and then before you know it, you will have the right plan, and you will all be agreed upon it. Nobody need be afraid to confer and discuss and help think the thing out, because when it is thought out, it has to come to Washington and be passed upon in detail, first by me and then by Secretary Ickes, and I can assure you that we will not agree to any constitution or plan of organization that will not fully protect the old life, and then after we have passed on it, it has to come back to you to be adopted or rejected, so there is no danger of anyone being trapped into something he doesn't want. During the course of these discussions and conferences which will last many weeks, months, perhaps, I expect to come back and be among you so as to have a better understanding on my part of your thoughts.

Now I have to say "Good Bye" because it is necessary for us to reach Albuquerque before dark. I am in an aeroplane and we have to get there before dark or we are in trouble. This aeroplane has the best pilot in the United States, but it hasn't got a radio or it hasn't got landing lights. Tomorrow I have to fly to Washington, but in saying good bye, I want to confess what I have said to our people at Washington that I think that we at Washington have been at fault. We should have come out here sooner to talk these matters over with you. We should have been here before now. My excuse is that this year at Washington has been a terrific year, very critical, a year of overwork for everybody in the Indian Office. Also, I have not been able to see my way through this problem of how the Hopis were going to organize. I have been baffled by it, but in the last few days I have been able to see a way through it. I have been getting a ray of light, and that is really why I came here. To make my confession more complete, I will say that I didn't intend to come here for more than a month or so.

EXHIBIT 7;

I was due back at Washington tomorrow, but your friends, Otto and Byron, came to me at Albuquerque and they did not let me go until I promised to come. They simply held on to me like highwaymen until I said I would come here. I thank you deeply for your courtesy and your kindness and for the light that you have shed on your problems that are my problems, and I will see you again before very long, and I will send that man out here and he will go to work with you and for you.

(Otto Lomavita) I can speak very confidently on the part of all the Hopis, and we are indeed grateful for the school which is now being built. It is something which we have all craved and we want to thank you for making it possible, (Commissioner Collier -- "You'll have to thank Secretary Ickes for that.") and we want to thank you also for your kindness and condescension in coming to my people which is appreciated more than I can express, and we want to ask you to come again.

(Commissioner Collier) That I shall do.

(Edwin Carl) Otto Lomavita interpreting says: This is just briefly what he says. He is calling upon you first, thanking you for your presence. Then turning upon the congregation he says to them, "Let us all take that home and consider it. You old men have been told of a way that you can get along with the young men. You young men who have listened, take it and consider it. He doesn't mean for us to go back to the old way of barbarism. Let us take the old and keep the good from it."

(Commissioner Collier) Most of the things in white life which are true and important are ancient, just as ancient as your Indian things. The religion of the white man goes back many thousands of years, just as your religion does. Very few things that are new are good. What we want is to take the good old things of the Indian and of the white man and to build upon them.

That is what our friend said, and I agree with him. Now I will shake hands with Otto for all of you.

EXHIBIT 7K

Commr J C

June 26, 1936

James Chubaiwa and Dan Kotohongva,  
Kotavilla,  
Hopi Indian Agency.

Dear Friends:

Mr. Oliver La Farge has written me briefly, giving your messages. He is going to tell me much more fully about them when I see him.

I want you to know that I fully understand the importance of protecting the true Hopi religion and of seeing it go on into the future. Indeed, I don't think anything else is so important for the Hopis. That is my policy and equally it is the policy of Secretary Ickes. As I told the Hopis when I talked with them at Oraibi, the best way to protect the old Hopi religion is to organize in the right manner under the Indian Reorganization Act.

Mr. La Farge mentions the sacred spring near Pinon which was excavated and was piped into a watering trough. I had not heard of this matter before. I want to look into it and do whatever will protect the Hopi religious interests. Will you not please find out the Indian Emergency Conservation Work Project number of that spring, and send it to me, along with the Hopi and Navajo names by which the spring is known?

Sincerely,

John C. Linn

cc Mr. La Farge

Commissioner

wmp

Carbon Copy for Indian Office

EXHIBIT 8

Polacca, Ariz., Jan. 31, 1936.

Dear Co-Laborer:

"Seek ye Jehovah while he may be found; call ye upon him while he is near."--Isa. 55:6.

Three families of Navajoes came to our Christmas celebration last month bringing their flocks of sheep with them, so that no one would be left at home. These in addition to the many that came. The message was given through an experienced interpreter for which we are thankful. These Indians respond readily to gatherings.

On New Year's Eve we had a Christian marriage in our chapel. At the same time there were three heathen marriages going on, and it gave me an opportunity to bring facts to the people that gathered at this wedding the utter folly of their heathen marriage practices. These ceremonies are prolonged, and so much food is practically wasted. Two deaths are directly traceable to these--the first the result being pneumonia contracted when the young lady was thrown on the ground and buckets of water thrown on her and seven days thereafter she died. The second, the lady being sickly could not stand the strain or physical hardship and the excitement in her home on account of the marriage, broke down, broke a blood vessel and death was instant. Before the present administration on Indian affairs came into power in Washington our Indians to a large extent adopted civilized ways, and among these was the marriage ceremonies according to law, but this administration instructed they did not have to marry according to law, and the result is moral decay today. Pray that we may do our part in helping those who want decency of society among our Indians.

The season is on now for Hopi heathen ceremonies and dances, and this distracts our Sunday School attendance, but we hold the school just the same, meeting with the few faithful right along. Beginning with the new year we determined to hold our Thursday evening song and praise service and play hour, although these winter months the nights are so long that it makes it hard for the little folks to attend. We all enjoy these Thursday evening meetings, and ask God's guidance in them that His Spirit may work wonderful things here.

We have made some little changes this month. Miss Peck, who formerly was at the Navajo mission, is now at Polacca, but goes out to the Navajo Post every Wednesday for the sewing class. Owing to cold weather attendance there has not been so large, but God's word will not return unto Him void. Oh we need quilt squares so badly, and will some of our co-laborers please help us? Sizes, 4"x4", and they do real missionary service. We recently bought ten cotton quilt batting but lack squares. Only eternity will reveal results of these meetings.

My physical condition is excellent and I thank and praise God for this, and I thank you all for your intercession in my behalf. Let us continue on--every soul has a value and we have all given ourselves over to Him to serve, and here is our opportunity. God bless you all.

Your brother in Christ,

EXHIBIT 9

Byron P. Adams



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS  
FIELD SERVICE

Hopi Indian Agency  
Keams Cañon, Arizona

August 26, 1936

MEMORANDUM

for the Commissioner of Indian Affairs.

THE PROPOSED HOPI CONSTITUTION

In considering this Constitution it must be borne in mind that its text has been formed by arriving at agreement between nine independent villages, one of which (First Mesa) is a consolidation of three full-sized villages, having no tradition of tribal action and very little of union of any sort. In these villages are found two unrelated languages, Hopi and Tewa, and various dialects, important social differences, unlike interests, and extreme divergence in the acceptance of white (European) culture.

This means that it has been necessary to protect unlike interests and meet unlike needs, and that any attempt to alter these agreements will be looked upon with great suspicion.

As an example, the immediately neighbouring villages of Kyaköchunovi and Oraibi may be taken. The former has little or no use for the traditional Hopi organization and is about half Christian. It is ready forthwith to adopt a modern village constitution (Article III, Section 4) with a local council, chairman, etc. Oraibi, on the other hand, would not consider a Constitution which did not contain the provisions of Article III, Section 3, recognizing the traditional organization and allowing it to continue without change.

About 80% of these Indians follow the Hopi religious and civil establishment today, and desire to continue so doing. They will accept nothing which goes contrary to it. Hence it is necessary so to write the document that the old Hopi organization is recognized and protected, and at the same time, so that when the various villages reach the point at which their majorities will wish to take up more modern methods, they will be free to do so. This balance, or open choice, occurs in various places in the Constitution, as in Article III, Article VII, Article II, Section 2.

In the experience of these Indians, the white man is hostile to the Hopi culture and all that goes with it. Ultimate adoption or rejection of the proposed Constitution will depend upon whether it is clearly not inconsistent with that culture. When it is returned from Washington, it will be very carefully examined for changes. The white man, they say, "talks very cleverly to the Hopis. Then he goes back to Washington and does just the other way. Every time the Hopis lose something and the promise is broken."

EXHIBIT 10a

For this reason also, every day which elapses while the Constitution is under consideration in Washington, will be a day of added suspicion and mistrust. If the Hopis are to remain in their present attitude of taking up that new and unusual thing, coöperation, if they are to accept this Constitution, then it must return to them by the first week in October, and the referendum must be called by the end of that month. The Hopis themselves have insisted upon this to me.

Leaders and committees in all the villages have considered this Constitution most carefully. Again and again it has been corrected to suit their needs and wishes. Progressives and Conservatives alike are agreed upon the document thus formed. It provides at once, protection for those who wish to continue in the old Hopi way, and the means of change for those who want it. All corrections will be looked over with care. Any language which they do not understand, or which has not been explained to them, will be taken for a possible trap. Any major change will cause rejection at the polls.

#### THE KILMONGWI

This Constitution does not explain how the Kilmongwi is selected, or who he is. To do so would require an ethnological treatise. The Kilmongwi is the true leader in the conservative villages -- seven out of nine. There is none at Ayałšchumovi. At Mishongovi there are six, holding office in rotation for four years apiece. At First Mesa there are two, one at Tewa and one at Walpi, but by an old internal agreement, the Walpi Kilmongwi is first, and so recognized. Tewas and Hopis alike agree that he is the person referred to in Article III, Section 3.

Careful inquiry shows that at no time is there any doubt in the minds of the Indians as to just who is Kilmongwi in a given village. The native name has to be used. There are six to a dozen "chiefs" in every village. The word Kilmongwi has an unavoidable meaning, and its use has caused much confidence on the part of the pro-Hopi majority of the tribe.

#### VILLAGE MEMBERSHIP

Similarly, no manner of determining village membership has been specified. Until the tribe changes materially, the matter is too complex, involving patrilineal and matrilineal controls, clan membership, society membership, and residence. To specify now would be to crystallize a situation which may eventually change. However, here again there is absolutely no doubt whatsoever as to who is a member of what village, and it is most unlikely that any question on the subject will arise.

#### NOTES ON SPECIFIC PROVISIONS

##### ARTICLE I

At present there exists no exclusive Hopi jurisdiction or reservation. One of our main immediate purposes in organizing this Tribe is to have a responsible representative body, through which settlement can be made of a situation which today is extremely troublesome to Hopis, Navajos, and Indian Service alike. Therefore the usual provision on Jurisdiction has, of necessity, to be written rather as a power to negotiate for and accept such a Jurisdiction. These negotiations are going to be long and difficult; to

EXHIBIT 106

try to settle the boundary question first would be to postpone organization of the tribe indefinitely.

#### ARTICLE II

The membership requirements are somewhat similar to those of the Santa Clara Constitution, save that they recognize the matrilineal descent which is deeply imbedded in the Hopi system. The Hopis all agree that any child of a Hopi mother is a Hopi, regardless of who the father may be, but finally were willing to restrict this to unions between Hopi women and members of other tribes. Degree of blood could not be specified in this case.

In the matter of adoption, Section 2, degree of blood (one quarter) was arrived at by lengthy consideration of specific cases. The manner of adoption allows conservative villages to follow the present established method, while making it possible for progressive villages to change this when they get ready to.

The residence requirement, with its reflection in Article IX, is urgently desired by the Indians. Hopis living entirely away from the reservation, but appearing at irregular intervals to air miscellaneous knowledge and interfere in local affairs, have been a great source of confusion and irritation.

#### ARTICLE III

This Article as a whole is explained by the opening remarks of this memorandum. It protects the entity of the individual villages, reserves to them powers which they now have, protects the Hopi organization so long as that is the majority's choice, and provides for change when that choice changes.

In the list of villages, Section 1, the explanatory parenthesis under the name of First Mesa should be retained in the final version of the Constitution. The members of the sub-villages which are voluntarily consolidating consider it most important that these names be preserved in this manner.

Note the spelling of the village names, which differs considerably from that now in use. The local names appear, as usual, to have been written with a shovel, and misrepresentations such as Shipaulavi for Sinaulavi, Chimopavy for Shimopavi are a source of irritation to the Indians.

Section 2 (a) gives the villages power to appoint guardians without review by the Secretary of the Interior. This power is one which they do now possess under active, customary law, and has never been interfered with. Minors and incompetents are taken care of by members of their clan. The thing is so well established as to be automatic.

#### ARTICLE IV

Section 5 is written to meet the peculiar situation at Moonkopi. The village is at present utterly split over a religious issue, the Kilmongwi's party being in the minority. The two parties will not even attend the same meeting. In time, with the death of about a score of elderly men, this breach will be healed, but until then it is necessary to divide the representation as shown, in order to prevent the creation of an unrepresented minority of about 200 out of 450 people. The "Progressive" party will probably succeed.

EXHIBIT 10c

in putting through a village constitution, and without some such provision this would leave the Kilmongwi and his followers, a group larger in number than some independent villages, in a very painful position. Representation in the Council until the group dissolves, will protect them in such matters as the appointment of judges and police, and the administration of justice.

Both groups have expressed themselves as satisfied with this arrangement.

#### ARTICLE VI

The greater part of this Article is routine. In order to make it comprehensible, it has been written in the simplest English possible. The method of "enumerated powers" has been used, as the Hopis like its clear, specific nature.

Section 1, (e). The Hopis will not consider any reference to levying taxes or general assessments.

Section 1, (k). Any change in the wording of this paragraph will cause rejection of the Constitution. It will be noted that we have not used the word "encourage" usually found in similar provisions, owing to the specific mention of ceremonies. This paragraph, of course, is subject to the general provision of subsection to the United States Constitution and Statutes at the head of Section 1, and must be taken in the light of Article IX, Section 2. The Hopis understand this fully. It is looked upon by the Hopis as a guarantee that the Government is no longer hostile to their culture, and that this Constitution is not a trap to destroy it.

They also refused to consider any provision for compulsory community work.

#### ARTICLE VII

Here again it is necessary to meet the needs of unlike situations. Some villages hold their lands by clans, others do not. There is a complicated system of rentals, mainly intra-family, certain holdings have been established by pure use-occupancy, a sort of squatter's right, and there is what amounts to a Hopi Public Domain. The whole land question is approached with grave suspicion. It has been a matter of internal dissension for years. The present wording of Section 1 is devised to meet a wide range of objections. Some of it may seem cumbersome or unnecessary, but all of it has been absolutely demanded by the Hopis.

The provisions for Tribal Council control of range land and outlying farming land, represent the result of very careful negotiations. They permit of effective cooperation with the Soil Conservation Service, and avoid what would otherwise be demanded, cutting the reservation up into village tracts, each one exclusively controlled by its village.

#### ARTICLE VIII

The greater part of this Article explains itself fairly well.

EXHIBIT 10d

The provision for appeal to the Secretary of the Interior is needed, and is desired. It is needed to protect the prestige of the Council as well as to prevent injustice. It must be remembered that ~~at~~ the present state of their evolution, no Hopis will accept an adverse decision, no matter how just. If there is no appeal beyond the Council, the place will be full of allegations of favoritism, and refusals to obey the Council's orders. Appeal to the Secretary, and a decision sustaining the Council, will be an extremely valuable factor. At the same time, the knowledge that its decision can be reviewed will have an effect upon the Council, inclining it to make an effort to seek a decision which will be upheld.

This has been put to me in various ways by the Indians, with a good deal of emphasis, and I agree heartily with them.

#### ARTICLE IX

Section 1. The limitation of a share in economic resources to resident members has been provided in various existing Constitutions. The main economic resource of this reservation is land, which should be held only by use-occupancy. This provision expresses the will of the Hopis generally.

#### ARTICLE X

The single method of proposing an amendment was asked for by the Hopis. "Our villages are small, and we can control our representatives. If we can't, something is wrong with the whole thing. We don't need a petition." The point is well taken.

#### BYLAWS

Articles I and II are more or less mechanical. So also is Article III.

#### ARTICLE IV

This gives expression to matters very near to the Hopi heart. It is, of course, an instruction to the Council rather than a power. The mention of these matters is taken, again, as proof that this Constitution is not hostile to the Hopi culture. It would be dangerous to tamper with this Article.

Articles V and VI are self-explanatory.

In conclusion, I wish to point out again that this Constitution is an attempt to unite a traditionally disunited tribe, the last common action of which was the sacking of the Hopi village of Awatobi about 1710. It is also about the most primitive tribe, in the sense of remaining culturally as it was before the white man came, and thinking along aboriginal lines, that has yet attempted to organize. Its Constitution must therefore be unlike that of other tribes.


The Hopis are interested in the Constitution, willing to try this new thing, to make this effort, now. They deeply mistrust Washington. Delay in sending it out to them again, or a vote called later than October 30, may see

EXHIBIT 10e

a complete change of heart. They say to me constantly, "Are you really serious? Is this really different from everything else the white man has done? Is it really going to happen?"

The instant I leave here, they will begin suspecting that it's the same old run-around. Let that suspicion grow strong, and other, blind suspicions will come after it. Then they will reject the document when it returns to them. This may seem illogical. It may be illogical. But it is the fact.

Respectfully submitted,

  
~~Chris P. [unclear]~~  
Field Representative

Copies to:  
Mr. Button  
Mrs. Westwood

EXHIBIT 10f