

CONSTITUTION AND BY-LAWS OF THE HOPI INDIANS*

PREAMBLE

This Constitution, to be known as the Constitution and By-Laws of the Hopi Tribe, is adopted by the self-governing Hopi and Tewa villages of Arizona to provide a way of working together for peace and agreement between the villages, and of preserving the good things of Hopi life, and to provide a way of organizing to deal with modern problems, with the United States Government and with the outside world generally.

ARTICLE I -- JURISDICTION.

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. The Hopi Tribal Council is hereby authorized to negotiate with the proper officials to reach such agreement, and to accept it by a majority vote.

ARTICLE II -- MEMBERSHIP

SECTION 1. Membership in the Hopi Tribe shall be as follows:

- (a) All persons whose names appear on the census roll of the Hopi Tribe as of January 1st, 1936, but within one year from the time that this Constitution takes effect corrections may be made in the roll by the Hopi Tribal Council with the approval of the Secretary of the Interior.

*The Constitution and By-Laws are reproduced here in their original form. On August 1, 1969, several years after the agency action complained of in this Complaint, amendments to Articles I, IV and V were approved by the Assistant Secretary of the Interior. The amendments, which are not relevant to this controversy, are reproduced separately in this Exhibit following the original Constitution and By-laws.

EXHIBIT 11a

(b) All children born after January 1, 1936, whose father and mother are both members of the Hopi Tribe.

(c) All children born after January 1, 1936, whose mother is a member of the Hopi Tribe, and whose father is a member of some other tribe.

(d) All persons adopted into the Tribe as provided in Section 2.

SEC. 2. Non-members of one-fourth degree of Indian blood or more, who are married to members of the Hopi Tribe, and adult persons of one-fourth degree of Indian blood or more whose fathers are members of the Hopi Tribe, may be adopted in the following manner: Such person may apply to the Kikmongwi of the village to which he is to belong, for acceptance. According to the way of doing established in that village, the Kikmongwi may accept him, and shall tell the Tribal Council. The Council may then by a majority vote have that person's name put on the roll of the Tribe, but before he is enrolled he must officially give up membership in any other tribe.

SEC. 3. Resident members shall be those who already live in the Hopi jurisdiction and who have been living therein for not less than six months. Only resident members of twenty-one years of age or over shall be qualified to vote in any election or referendum. Any adult member who is away from the jurisdiction for six months continuously, shall cease to be a resident member until he has again lived in the jurisdiction for the necessary time.

ARTICLE III -- ORGANIZATION

SECTION 1. The Hopi Tribe is a union of self-governing villages sharing common interests and working for the common welfare of all. It consists of the following recognized villages:

EXHIBIT 11b

First Mesa (consolidated villages of Walpi,
Shitchumovi, and Tewa).

Mishongnovi.

Sipaulavi.

Shungopavi.

Oraibi.

Kyakotsmovi.

Bakabi.

Hotevilla.

Moenkopi.

SEC. 2. The following powers which the Tribe now has under existing law or which have been given by the Act of June 18, 1934, (48 Stat. 984) and acts amendatory thereof or supplemental thereto, are reserved to the individual villages:

(a) To appoint guardians for orphan children and incompetent members.

(b) To adjust family dispute and regulate family relations of members of the villages.

(c) To regulate the inheritance of property of the members of the villages.

(d) To assign farming land, subject to the provisions of Article VII.

SEC. 3. Each village shall decide for itself how it shall be organized. Until a village shall decide to organize in another manner, it shall be considered as being under the traditional Hopi organization, and the Kikmongwi of such village shall be recognized as its leader.

SEC. 4. Any village which does not possess the traditional Hopi self-government, or which wishes to make a change in that government or add something to it, may adopt a village Constitution in the following manner: A Constitution, consistent with this Constitution and By-laws, shall be drawn up, and made known to all the voting members of such village, and a copy shall be given to the

EXHIBIT 11c

Superintendent of the Hopi jurisdiction. Upon the request of the Kikmongwi of such village, or of 25% of the voting members thereof, for an election on such Constitution, the Superintendent shall make sure that all members have had ample opportunity to study the proposed Constitution. He shall then call a special meeting of the voting members of such village, for the purpose of voting on the adoption of the proposed Constitution, and shall see that there is a fair vote. If at such referendum, not less than half of the voting members of the village cast their votes, and if a majority of those voting accepts the proposed Constitution, it shall then become the Constitution of that village, and only officials chosen according to its provisions shall be recognized.

ARTICLE IV -- THE TRIBAL COUNCIL

SECTION 1. The Hopi Tribal Council shall consist of representatives from the various villages. The number of representatives from each village shall be determined according to its population, as follows: villages of 50 to 250 population, one representative; villages of 251 to 500 population, two representatives; villages of 501 to 750 population, three representatives; villages of over 750 population, four representatives.

The representation in the first Tribal Council shall be as follows:

First Mesa	-----	4
Mishongnovi	-----	2
Sipaulavi	-----	1
Shungopavi	-----	2
Oraibi	-----	1
Kyakotsmovi	-----	2
Bakabi	-----	1
Hotevilla	-----	2
Moenkopi	-----	2

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SEC. 2. Representatives shall serve for a term of one year and may serve any number of terms in succession.

SEC. 3. Each representative must be a member of the village which he represents. He must be twenty-five years or more of age, and must have lived in the Hopi jurisdiction for not less than two years before taking office, and must be able to speak the Hopi language fluently.

SEC. 4. Each village shall decide for itself how it shall choose its representatives, subject to the provisions of section 5. Representatives shall be recognized by the Council only if they are certified by the Kikmongwi of their respective villages. Certifications may be made in writing or in person.

SEC. 5. One representative of the village of Moenkopi shall be selected from the Lower District, and certified by the Kikmongwi of Moenkopi, and one representative shall be selected by the Upper District, and certified by the official whom that District may appoint, or who may be specified in a village Constitution adopted under the provisions of Article III, section 4. This section may be repealed, with the consent of the Tribal Council, by vote of a two-thirds majority at a meeting of the voting members of Moenkopi village called and held subject to the provisions of Article III, section 4.

SEC. 6. No business shall be done unless at least a majority of the members are present.

SEC. 7. The Tribal Council shall choose from its own members a Chairman and Vice-Chairman, and from the Council or from other members of the Tribe, a Secretary, Treasurer, Sergeant-at-Arms, and interpreters, and such other officers and committees as it may think necessary, subject to the provisions of the By-laws, Article I.

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ARTICLE V -- VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. Any representative or other officer found guilty in a tribal or other court of misdemeanor involving dishonesty, of a felony, or of drunkenness, shall be automatically removed from office, and the Council shall refuse to recognize him.

SEC. 2. Any officer or representative may be removed from office for serious neglect of duty, by a vote of not less than two-thirds of the Council, after the officer to be so removed has been given full opportunity to hear the charges against him and to defend himself before the Council.

SEC. 3. Vacancies occurring for any reason among the representatives shall be filled for the rest of the term by the village concerned, in the same manner as a representative from that village is ordinarily chosen.

Vacancies occurring for any reason among the officers appointed by the Council shall be filled by the Council.

ARTICLE VI -- POWERS OF THE TRIBAL COUNCIL

SECTION 1. The Hopi Tribal Council shall have the following powers which the Tribe now has under existing law or which have been given to the Tribe by the Act of June 18, 1934. The Tribal Council shall exercise these powers subject to the terms of this Constitution and to the Constitution and Statutes of the United States.

(a) To represent and speak for the Hopi Tribe in all matters for the welfare of the Tribe, and to negotiate with the Federal, State, and local governments, and with the councils of governments of other tribes.

(b) To employ lawyers, the choice of lawyers and fixing of fees to be subject to the approval of the Secretary of the Interior.

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

(d) To advise with the Secretary of the Interior and other governmental agencies upon all appropriation estimates or Federal projects for the benefit of the Tribe before the submission of such estimates to the Bureau of the Budget or to Congress.

(e) To raise and take care of a tribal council fund by accepting grants or gifts from any person, State, or the United States Government, or by charging persons doing business within the Reservation reasonable license fees, subject to the approval of the Secretary of the Interior.

(f) To use such tribal council fund for the welfare of the Tribe, and for salaries or authorized expenses of tribal officers. All payments from the tribal council fund shall be a matter of public record at all times.

(g) To make ordinances, subject to the approval of the Secretary of the Interior, to protect the peace and welfare of the Tribe, and to set up courts for the settlement of claims and disputes, and for the trial and punishment of Indians within the jurisdiction charged with offenses against such ordinances.

(h) To act as a court to hear and settle claims or disputes between villages in the manner provided in Article VIII.

(i) To provide by ordinance, subject to the approval of the Secretary of the Interior, for removal or exclusion from the jurisdiction of any non-members whose presence may be harmful to the members of the Tribe.

(j) To regulate the activities of voluntary cooperative associations of members of the Tribe for business purposes.

(k) To protect the arts, crafts, traditions, and ceremonies of the Hopi Indians.

(l) To delegate any of the powers of the council to committees or officers, keeping the right to review any action taken.

(m) To request a charter of incorporation to be issued as provided in the Act of June 18, 1934.

(n) To adopt resolutions providing the way in which the Tribal Council itself shall do its business.

SEC. 2. Any resolution or ordinance which, by the terms of this Constitution, is subject to review by the Secretary of the Interior, shall be given to the Superintendent of the jurisdiction, who shall, within ten days thereafter, approve or disapprove the same.

If the Superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the Superintendent shall send a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may, within ninety days from the date of enactment, veto said ordinance or resolution for any reason by notifying the Tribal Council of his decision.

If the Superintendent shall refuse to approve any ordinance or resolution submitted to him, within ten days after enactment, he shall report his reasons to the Tribal Council. If the Tribal Council thinks these reasons are not sufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within ninety days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

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SEC. 3. 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 of Federal Government.

SEC. 4. Any rights and powers which the Hopi Tribe of Indians now has, but which are not expressly mentioned in this Constitution, shall not be lost or limited by this article, but may be exercised by the members of the Hopi Tribe of Indians through the adoption of appropriate by-laws and constitutional amendments.

ARTICLE VII -- LAND

SECTION 1. Assignment or use of farming land within the traditional clan holdings of the villages of First Mesa, Mishongnovi, Sipaulavi, and Shungopavi, and within the established village holdings of the village of Kyakotsmovi, Bababi, Oraibi, Hotevilla, and Moenkopi, as in effect at the time of approval of this Constitution, shall be made by each village according to its established custom, or such rules as it may lay down under a village Constitution adopted according to the provisions of Article III, section 4. Unoccupied land beyond the clan and village holdings mentioned shall be open to the use of any member of the Tribe, under the supervision of the Tribal Council. Nothing in this article shall permit depriving a member of the Tribe of farming land actually occupied and beneficially used by him at the time of approval of this Constitution, but where an individual is occupying or using land which belongs to another by agreement with the owner, that land shall continue to belong to that owner.

SEC. 2. In order to improve and preserve the range, range land shall be supervised by the Tribal Council in cooperation with the various United States Government agencies.

SEC. 3. All springs shall be considered the property of the Tribe, and no individual or group of

EXHIBIT 11:

individuals shall be allowed to prevent the reasonable use of any spring by members of the Tribe generally, but the individual who develops a spring, or on whose land it is, shall have the first use of it.

SEC. 4. The administration of this article shall be subject to the provisions of section 6 of the Act of June 18, 1934.

ARTICLE VIII -- DISPUTES BETWEEN VILLAGES

SECTION 1. When a dispute arises between villages over any matter, the Kikmongwi of any village party to the dispute may inform the Chairman of the Tribal Council of the nature of the dispute, and ask him to call a special meeting of the Council to settle the matter.

The Chairman shall thereupon call a special meeting of the Council, to be held on the eighth day from the day of such request, at which meeting he, and the Council representatives or other persons chosen by each village party to the dispute to speak for it before the Council, may summon all witnesses having evidence to give in the matter, and may examine them.

When the Council has heard all the evidence and examined the witnesses to its satisfaction, it shall hold a secret meeting which shall not be attended by the representatives of the villages party to the dispute, and after full and careful consideration and discussion, shall vote on a decision. Such decision shall become effective when it is carried by a majority of the Council members present. The Council shall keep a record of the evidence and the reasons for its decision.

SEC. 2. If both the Chairman and the Vice-Chairman are representatives of villages party to the dispute, the Council shall elect a temporary Chairman to serve for the duration of the trial.

SEC. 3. If any village party to the dispute feels that the decision of the Council in such case is unjust,

EXHIBIT 11;

the Kikmongwi of that village may notify the Superintendent within ten days, and the decision of the Council shall then be subject to review by the Secretary of the Interior, within ninety days thereafter, in the manner provided in Article XI, section 2.

ARTICLE IX -- BILL OF RIGHTS

SECTION 1. All resident members of the Tribe shall be given equal opportunities to share in the economic resources and activities of the jurisdiction.

SEC. 2. All members of the Tribe shall be free to worship in their own way, to speak and write their opinion, and to meet together.

ARTICLE X -- AMENDMENT

Any representative may propose an amendment to this Constitution and By-laws at any meeting of the Council. Such proposed amendment may be discussed at that meeting, but no vote shall be taken on it until the next following meeting of the Council. If the Council shall then approve such proposed amendment by a majority vote, it shall request the Secretary of the Interior to call a referendum for accepting or rejecting such amendment. It shall then be the duty of the Secretary of the Interior to call such referendum, at which the proposed amendment may be adopted subject to the Secretary's approval, in the same manner as provided for the adoption and approval of this Constitution and By-laws.

BY-LAWS OF THE HOPI TRIBE

ARTICLE 1 -- DUTIES AND QUALIFICATIONS OF OFFICERS

SECTION 1. The Chairman shall preside over all meetings of the Tribal Council. He shall perform all duties of a Chairman fairly and impartially, and exercise any authority delegated to him by the Council. He shall vote only in case of a tie.

EXHIBIT 11K

SEC. 2. The Vice-Chairman shall help the Chairman in his duties when called upon to do so, and in the absence of the Chairman shall act as Chairman with all the attendant powers and duties.

SEC. 3. The representatives shall perform the duties of the Council, set forth in this Constitution and By-laws. They shall inform the people of their villages of the matters discussed and the actions taken, and they shall fairly and truly represent the people of their villages.

SEC. 4. The Secretary shall write all tribal correspondence, as authorized by the Council, and shall keep an accurate record of all action of regular and special meetings of the Council. He shall keep a copy of such records in good order and available to the general public and shall send another copy of them, following each meeting of the Council, to the Superintendent of the jurisdiction. He shall have a vote in the Council only if he is a regular representative.

The Secretary must be a resident member of the Hopi Tribe, and must be able to speak the Hopi language fluently, and to read and write English well.

SEC. 5. The Treasurer shall receive, receipt for, and take care of all funds in the custody of the Council, and deposit them in a bank or elsewhere "as directed by the Council. He shall make payments therefrom only when authorized by a resolution of the council, and in the manner authorized. He shall keep a faithful record of such funds, and shall report fully on receipts, payments, and amounts in hand at all regular meetings of the Council and whenever requested to do so by the Council. His accounts shall be open to public inspection.

He shall have a vote in the Council only if he is a regular representative.

The Treasurer may be required by the Council to give a bond satisfactory to the Council and to the Commissioner of Indian Affairs.

EXHIBIT 11L

The Treasurer must be a resident member of the Hopi Tribe, and must be able to speak the Hopi language fluently and to read and write English well.

SEC. 6. The interpreter or interpreters shall be resident members of the Hopi Tribe, and shall be able to interpret fluently and accurately in the Hopi, English and Navajo languages, and shall do so whenever requested by the Council. Interpreters shall have a vote in the Council only when they are regular representatives.

SEC. 7. The Sergeant-at-Arms, at the orders of the Chairman, shall enforce order in the Council, and shall summon all persons required to appear before the Council, and deliver notices of special meetings, and perform such other duties as may be required of him by the Council.

The Sergeant-at-Arms shall be a resident member of the Hopi Tribe, and must be able to speak Hopi fluently, and to speak English.

SEC. 9. The qualifications and duties of all committees and officers appointed by the Council shall be clearly defined by resolution of the Tribal Council at the time the positions are created. Such committees or officers shall report to the Council whenever required.

ARTICLE II -- MEETINGS OF THE COUNCIL

SECTION 1. Regular meetings of the Tribal Council shall be held on the first day of December, March, June, and September, at such places as shall be determined by the Council.

SEC. 2. Within sixteen days after this Constitution goes into effect, the villages shall choose their representatives for the first term of one year, and on the sixteenth day the first meeting of the Council shall be held at Oraibi Day School.

EXHIBIT 11 m

SEC. 3. Special meetings of the Council shall be called by the Chairman in his discretion or at the request of four representatives, or in the case of a dispute between villages, as provided in Article VIII of the Constitution. Notice of special meeting shall be delivered to each representative not less than eight days before such meeting, together with a statement of the business to be discussed thereat.

SEC. 4. All members of the Hopi Tribe may attend any meeting of the Council, but they may not speak, except by invitation of the Council. Non-members may be invited by the Council to attend any meeting and to address it.

SEC. 5. The Council may employ, or may request the Superintendent of the jurisdiction to furnish, a clerk trained in shorthand, to take down verbatim minutes of any meeting.

SEC. 6. When the Council desires advise of, or consultation with, any officer of the Federal Government, it may invite him to attend any meeting and may give him the privilege of the floor.

ARTICLE III -- ORDINANCES AND RESOLUTIONS

All ordinances and resolutions shall be recorded and available at all times for the information and education of the Tribe. Copies of all ordinances shall be posted from time to time in a public place in each village.

ARTICLE IV -- EAGLE HUNTING TERRITORIES AND SHRINES

The Tribal Council shall negotiate with the United States Government agencies concerned, and with other tribes and other persons concerned, in order to secure protection of the right of the Hopi Tribe to hunt for eagles in its traditional territories, and to secure adequate protection for its outlying, established shrines.

EXHIBIT 11n

ARTICLE V -- ALL-PUEBLO COUNCIL

The Tribal Council may appoint delegates to speak for the Tribe at the All-Pueblo Council, and to report to the Council and the Tribe on all proceedings thereof.

ARTICLE VI -- ADOPTION OF CONSTITUTION AND BY-LAWS

This Constitution and By-laws, when ratified by a majority vote of the adult members of the Hopi Tribe voting at a referendum called for the purpose by the Secretary of the Interior, provided that at least thirty percent of those entitled to vote shall vote at such referendum, shall be submitted to the Secretary of the Interior, and if approved, shall take effect from the date of approval.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved September 30, 1936, by the Secretary of the Interior, the attached Constitution and By-laws was submitted for ratification to the Hopi Tribe residing on the Hopi Reservation, and was on October 24, 1936, duly adopted by a vote of 651 for, and 104 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934, (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

GEORGE COOCHISE,
Chairman of Election Board.

ALBERT YAVA,
Secretary of Election Board

A. G. HUTTON, Superintendent.

EXHIBIT 110

I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18, 1964 (48 Stat. 984), as amended, do hereby approve the attached Constitution and By-laws of the Hopi Tribe.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Constitution and By-laws are hereby declared inapplicable to these Indians.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and By-laws.

Approval recommended December 14, 1936.

JOHN COLLIER,
Commissioner of Indian Affairs.

HAROLD L. ICKES,
Secretary of the Interior
[SEAL]

Washington, D.C., December 19, 1936

EXHIBIT 11 p

AMENDMENT
CONSTITUTION AND BYLAWS
of the
HOPI TRIBE
ARIZONA

AMENDMENT I

Section 3 of Article II, Membership, shall be deleted in its entirety.

The first sentence of Article IV, The Tribal Council, shall be amended to read:

Section 1. The Hopi Tribal Council shall consist of a chairman, vice chairman and representatives from the various villages.

Section 2 of Article IV, The Tribal Council, shall be amended in its entirety to read as follows:

Sec. 2. The term of office of the representatives shall be two years, except that at the first election or choosing of representatives following the adoption of this section, approximately one-half of the representatives shall serve for a term of one year. The determination as to which representative shall serve for one year shall be made by the tribal council and announced to each village, Kickmongvi or Governor on or before the first day of October 1969. Representatives may serve any number of terms in succession or otherwise.

Section 7 of Article IV, the Tribal Council, shall be amended to read as follows:

Sec. 7. The chairman and vice-chairman shall be elected by secret ballot by all members of the Hopi Tribe. The tribal council shall choose from its own members or from other members of the tribe, a secretary, treasurer, sergeant-at-arms and interpreters and such other officers and committees as it may determine necessary, subject to the provisions of the Bylaws, Article 1.

EXHIBIT 11q

Article IV, The Tribal Council, shall be amended by adding to it Sections 8, 9, 10, 11, 12 and 13 as follows:

Sec. 8. All members of the Hopi Tribe twenty-one years of age or over shall be qualified to vote in any election or referendum, other than village elections and referendums under such rules and regulations as may be prescribed by the Hopi Tribal Council and approved by the Secretary of the Interior.

Sec. 9. The chairman and vice-chairman shall each serve for a term of four years. Candidates for the offices of chairman and vice-chairman shall be members of the Hopi Tribe, twenty-five years of age or older and must be able to speak the Hopi language fluently. Each candidate for either of said offices must also have lived on the Hopi Reservation for not less than two years immediately preceding his announcement of such candidacy.

Sec. 10. Candidates for the offices of chairman and vice-chairman may declare their candidacy by filing with the tribal secretary or tribal chairman or vice-chairman a petition signed by at least ten adult members of the tribe at least 15 days before the date set for the election. It shall be the duty of the secretary to post the names of the qualified candidates for both the primary and final elections in a public place in each village at least ten days prior to the election.

Sec. 11. A primary election shall be held on the first Wednesday in November in 1969 and on the first Wednesday in November in every fourth year thereafter, provided that, no primary election shall be held in the years when there shall be no more than two candidates for either of the offices of chairman and vice-chairman.

The two candidates in a primary election receiving the highest number of votes for each of said offices of chairman and vice-chairman shall have their names entered in the final election. In the event there are not more than two candidates for either of such offices these candidates with no more than one competing candidate shall have their names entered in the final election without the necessity of a primary election.

EXHIBIT 11 r

Sec. 12. The general election shall be held on the third Wednesday in November 1969 and on the third Wednesday in November in every fourth year thereafter.

Sec. 13. Inauguration the chairman and vice-chairman shall take place at the first regular tribal council meeting following their election.

EXHIBIT 11s

AMENDMENT
CONSTITUTION AND BYLAWS
of the
HOPI TRIBE
ARIZONA

AMENDMENT II

Article V, Vacancies and Removal from Office, shall be amended as follows:

Section 1. Any chairman, vice-chairman, representative or other officer found guilty in a tribal or other court of a misdemeanor involving dishonesty, of a felony, or of drunkenness, shall be automatically removed from office, and the council shall refuse to recognize him.

Section 3, paragraph 3 shall be added as follows:

Vacancies occurring for any reason in the offices of chairman and vice-chairman or in the office of any other officer shall be filled for the rest of the term in the same manner as those officers are ordinarily chosen.

EXHIBIT 11t

A P P R O V A L

I, Harrison Loesch, Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted to me by the Act of June 18, 1934 (68 Stat. 984), as amended, do hereby approve the attached Amendments I and II to the Constitution and Bylaws of the Hopi Tribe of Arizona.

Approval Recommended:

Signed Acting Deputy, J. L. Norwood
Commissioner of Indian Affairs

Signed Harrison Loesch
Assistant Secretary of the Interior

Washington, D. C.

Date: August 1, 1969

EXHIBIT 11u

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
FIELD SERVICE
Hopi Indian Agency,
Shungopavy, Arizona

October 24, 1936

Honorable Secretary of the Interior,
Washington, D. C.

Sir:

We, the undersigned, certify that the following is the correct vote
of this village on the adoption of the Hopi Constitution and By-Laws.

Total eligible voters 172

Total for adoption 97

Total against adoption 8

Peter Nuvansa
Peter Nuvansa, Judge

Archie Quomala
Archie Quomala, Clerk

Herbert Taleheptewa
Herbert Taleheptewa, Teller

EXHIBIT 12a

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

FIELD SERVICE
Hopi Indian Agency,
Chepaulovi, Arizona

October 24, 1936

Honorable Secretary of the Interior,
Washington, D. C.

Sir:

We, the undersigned, certify that the following is the correct
vote of this village on the adoption of the Hopi Constitution and By-Laws.

Total eligible voters 86

Total for adoption 44

Total against adoption 2

Cecil Calvert
Cecil Calvert, Judge

David Talawiftewa
David Talawiftewa, Clerk

Albus Cherevho
Albus Cherevho, Teller

EXHIBIT 12b

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

FIELD SERVICE
Hopi Indian Agency,
Kyakotsmovi, Arizona

October 24, 1936

Honorable Secretary of the Interior,
Washington, D. C.

Sir:

We, the undersigned, certify that the following is the correct
vote of this village on the adoption of the Hopi Constitution and By-Laws.

Total eligible voters 178
Total for adoption 116
Total against adoption 9

Elizabeth White

Elizabeth White, Judge

Sam Jenkins

Sam Jenkins, Clerk

Homer Cooyama

Homer Cooyama, Teller

EXHIBIT 12c

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

FIELD SERVICE
Hopi Indian Agency,
Oraibi, Arizona

October 24, 1936

Honorable Secretary of the Interior,
Washington, D. C.

Sir:

We, the undersigned, certify that the following is the correct
vote of this village on the adoption of the Hopi Constitution and By-
Laws.

Total eligible voters 73
Total for adoption 8
Total against adoption 0

Richard Polipawima
Judge

Francis H. Hestawa
Clerk

Edie Poomacate
Teller

EXHIBIT 12d

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
FIELD SERVICE
Hopi Indian Agency,
Mishongnovi, Arizona

October 24, 1936

Honorable Secretary of the Interior,
Washington, D. C.

Sir:

We, the undersigned, certify that the following is the correct
vote of this village on the adoption of the Hopi Constitution and By-Laws.

Total eligible voters 58
Total for adoption 57
Total against adoption 1

Phillip Zeyouma, Sr.
Phillip Zeyouma, Sr. Judge

Carl Sowe
Carl Sowe - Clerk

Phillip Zeyouma, Jr.
Phillip Zeyouma, Jr. Teller

EXHIBIT 12e

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
FIELD SERVICE
Hopi Indian Agency,
Bacabi, Arizona

October 24, 1936

Honorable Secretary of the Interior,
Washington, D. C.

Sir:

We, the undersigned, certify that the following is the correct
vote of this village on the adoption of the Hopi Constitution and By-Laws.

Total eligible voters 92

Total for adoption 55

Total against adoption none

Thomas Balenquah
Thomas Balenquah, Judge

Wilson Talashoema
Wilson Talashoema, Clerk

Harry Kewanemytewa
Harry Kewanemytewa, Teller

EXHIBIT 12f

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
FIELD SERVICE
Hopi Indian Agency,
Hotevilla, Arizona

October 24, 1936

Honorable Secretary of the Interior,
Washington, D. C.

Sir:

We, the undersigned, certify that the following is the correct
vote of this village on the adoption of the Hopi Constitution and By-Laws.

Total eligible voters 250
Total for adoption 12
Total against adoption 1

Emory Sekaquaptewa
Emory Sekaquaptewa, Judge

Clarence Talas
Clarence Talas, Clerk

Lloyd Tenak
Lloyd Tenak - Teller

EXHIBIT 129

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

Moencopi, Day School,
Tuba City, Arizona

October 24, 1936

Honorable Secretary of the Interior,
Washington, D. C.

Sir:

We, the undersigned, certify that the following is the correct vote
of this village on the adoption of the Hopi Constitution and By-Laws.

Total eligible voters 207
Total for adoption 83
Total against adoption 70

Sam Shing
Sam Shing, Judge

James Kumetewa
James Kumetewa, Clerk

Harry Keopi
Harry Keopi, Teller

EXHIBIT 12h

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

FIELD SERVICE
Polacca, Arizona
October 24, 1936

Honorable Secretary of the Interior,
Washington, D. C.

Sir:

We, the undersigned, certify that the following is the correct
vote of this village on the adoption of the Hopi Constitution and By-Laws.

Total eligible voters 422
Total for adoption 178
Total against adoption 83

George Coochise
George Coochise, Judge

IRVING PABANALE
Irving Pabanale, Clerk

Albert Yava
Albert Yava, Teller

EXHIBIT 12 i

7

9603

Mr. Alexander G. Hutton,
Supt., Hopi Agency,
Keams Canon, Arizona.

Dear Mr. Hutton:

I have had a long conference and some correspondence with Mr. Oliver LaFarge about the forthcoming Hopi referendum on the 24th. He is not satisfied with the customary form of ballot which it was our plan to use in this as in other elections. As the time is growing short, it would probably be too hazardous for us in Washington to get a revised ballot mimeographed and delivered to you in Keams Canon in time for the 24th. Therefore you should discard the form ballots which were sent to you from this Office and have your own ballots mimeographed on the reservation. (If you haven't got the appropriate machinery, Mr. Fryer's office could be enlisted.)

Mr. LaFarge favors our following the general method which was used in the election by which the Reorganization Act was adopted. He thinks that the vote might be adversely affected if a change is made. The illiterate vote is an important factor with the Hopis, and this element already understands the X and circle system which was used in adopting the Act. I am therefore enclosing a sample for your guidance.

In my talks with Mr. LaFarge, two other matters of importance were discussed:

First, because of the religious association connected in the Hopi mind with the word "cross", he suggested that reference to the "X" mark on the ballot be spoken of as an "ax" and not a "cross".

Second, he strongly recommends that you have two polling places at Oraibi -- one for the people on the top of the mesa, and one for the people down below. Provision for two polling places instead of one he considered of the greatest importance in view of the internal situation at Oraibi.

With kind regards, I am

Sincerely yours,

cc - Oliver LaFarge
% Mr. Christopher LaFarge
234 East 62 Street, New York City
Enclosure 857129
10 Jan 14

Allan G. Harper
Field Administrator
in Charge.

EXHIBIT 13

Hopi: Gen.

Comm.

*Hopi
9603-~~1111~~*

REC'D OFFICE
JAN 15 1937
COM'R. IND. AFFRS.

*Walter Harper 1/16
" Dante 1/17
" Michael 1/18/37*

January 14, 1937

Hon. Carl Hayden
United States Senate
Washington, D. C.

Dear Senator Hayden:—

The Commissioner has sent me copies of correspondence with Dean Cummings, Tewaquaptewa of Oraibi, and yourself concerning alleged discrimination against the Chief's followers at that village and at Moenkopi, with a request that I write you in some detail about the local situation out there.

I have been acquainted with Chief Tewaquaptewa since 1931, and during the summer just past spent three months on the Hopi reservation assisting them to organize and draw up a constitution which has now gone into effect. Dean Cummings cooperated with me in attempting to persuade the old chief to take a favourable view towards this innovation, but both of us were unsuccessful. In the course of the summer I spent many nights talking with him and with his followers both at Oraibi and at Moenkopi, and believe that I am fairly well qualified to explain the situation.

To begin with it must be understood that from the point of view both of Hopi tribal custom and of the Government his chieftancy extends only over some seventy Hopis of all ages, who still live in the old village of Oraibi. A further group of approximately one hundred conservatives at Moenkopi looks to him as its leader, but his authority there is purely a matter of personal influence.

Secondly, in the past the old man has been extremely badly treated by the United States Government, and has been subjected to a violent emotional strain since during his lifetime approximately between his thirtieth and sixtieth years his village dwindled from a settlement of nine hundred to the present remnant of seventy. The result of this strain and of the religious persecution from which he has suffered in the past has been, I think, to render him not quite sane.

EXHIBIT 14 a

My feeling after many hours of talk with him was that he lived entirely within a small circle of absolutely fixed ideas from which it was impossible for him to escape. One of my concerns in drafting the Hopi constitution was to write it in such a manner that he and his group of followers, who wished to follow an archaic mode of life undisturbed, should be protected in so doing, and should be given representation on the council which would enable them to protect their natural rights. This I believe I succeeded in doing.

In regard to the specific question of discrimination in employment either on relief work such as PWA or EOW, or the various jobs that are available to Indians on a reservation, every Hopi has some kind of a protest to make. No matter who gets the jobs the ones who don't feel mistreated. The only way to give satisfaction would be to provide a job for every individual on the reservation regardless of his financial condition. The progressive group at Moenkopi, which is the overwhelming majority there, protested to me very strongly that the government jobs were all going to Tewaquaptewa's followers despite the fact that these followers accepted hostility to the Government as a religious tenet. The people at old Oraibi on the whole do not go out of their way to look for government work, owing to the attitude of hostility, nor do they possess the skills for such work as stone masonry, carpentry, and so forth. To my own knowledge, several of them were employed during the summer in unskilled work such as hauling coal. The two groups combined amount to not more than two hundred Indians, men, women and children, out of a total population of twenty-eight hundred. An even distribution of work would give their group a relatively small number of jobs, inevitably.

I could not find this summer that there had been any discrimination against these people, other than that which would arise inevitably from their failure to keep themselves in evidence when work was being given out. At Moenkopi my own observation tended to confirm the protest of the progressives, that the conservative group was receiving jobs out of proportion to its numbers.

The new tribal organization is far from working any discrimination against these people. On the contrary, in order to make sure that these minority groups have full representation, they have two out of a total of seventeen representatives on the tribal council. As the great majority of the rest of the council will align with them in all matters of religion, there is no reason to believe that they will be in any way subject to persecution. There does exist among the tribe in general a certain irritation with Chief Tewaquaptewa because of his complete failure to cooperate in tribal matters. The other Hopi chiefs in general feel, as I do, that he is not quite right in the head.

I believe that what he most wants is to be left alone and allowed to follow his own way with his small group, and this I believe has been secured for him. The letter was unquestionably motivated by the Moenkopi conservatives, who are a much more alert group.

EXHIBIT 14b

Hon. Carl Hayden

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1/14/37

and who are entirely competent to take care of themselves.

I hope that this letter covers the subject adequately for you. If I can be of any further service in any way, please command me. I plan to be in Washington some time in the near future, and should be glad to discuss this matter personally with you if you should so desire.

Yours sincerely,

Oliver La Farge

cc:
Commissioner of Indian Affairs ✓
Superintendent Hutton

OLaF/rm

EXHIBIT 14c

NATIONAL ASSOCIATION ON INDIAN AFFAIRS, Inc.
120 East 57 Street, New York
May 26, 1937

Mr. Collier
Mr. Harter
Act. to Mr. La Rouché

Dear Mr. La Rouché,

Thank you for your letter of May 24th with the very helpful enclosures about the various bills. These tell me just what I want to know.

In replying to letters from various individuals protesting against S. 1736, Senator Wheeler writes that he expects to hold hearings on the bill, and says, "Many Indians whose tribes voted to come under the Act are now supporting its repeal. Furthermore there are many tribes who never voted to accept it. The committee also has evidence of coercion and misleading statements made by representatives of the Indian Bureau in the Bureau's to get the Indians to vote to come under the Act."

This seems to be a form letter, and may mean something or nothing.

Yours sincerely,


Oliver La Farge.

Mr. F. W. La Rouché.
Office of Indian Affairs
Washington, D. C.

OLaF/rm

EXHIBIT 15