

MEETING WITH UNITED STATES COMMISSIONER OF INDIAN AFFAIRS, JOHN COLLIER, AT THE ORAIBI HIGH SCHOOL, AT ORAIBI, ARIZ., SEPTEMBER 12, 1944

The opening remarks were not taken down as the writer was not present. When he came in Jean Fredericks was talking, the contents of his talk seemed to center around the opinion of the Solicitor for the Interior Department, and points of the law that applied to the land question and the rights of the Hopi Indians to the Executive order setting aside a certain area in Arizona as a reservation for them. Having closed his remarks, the chairman opened the floor to the public. After a brief pause, the Governor of New Oraibi asked to speak. He asked Otto Lomavitu to interpret for him, since Jean Frederick, whom he had chosen for this was not able to do so at the moment. Addressing the interpreter he said:

"I am choosing you to interpret for me as Jean cannot do it at the moment. I have one request to make of you, and that is, that you say just what I say to these people. If there are some unpleasant things brought up I want you to tell them too, and vice versa. As I said before, there may be some hard things that Mr. Collier will have to listen to."

Otto. "May I ask you a question. Is there going to be anything bad said that you ask me to interpret?"

ROGER (the Governor). Wait and see.

Otto. If there is going to be anything bad said, then leave me out.

(Otto then explained to the Commissioner what had been said.)

ROGER. We cannot see how such a thing should happen to us, in this recent stock reduction, and who this unmerciful person was who caused such a drastic reduction to take place. Certainly, whoever it was, had no consideration for the people. First these people come around with a land reduction, in which they take away most of our land through the establishment of districts, and confine all our stock to one small district, if not all, most of the stock. Then they come around with stock reduction, saying that we are overgrazed, and using that as an excuse for this extremely drastic reduction. Certainly the people who recommended such a program were the most unmerciful and unreasonable people. These people also claim that stock is the cause for all the erosion that's taking place on the reservation.

Yesterday we heard Mr. Collier say that the Navajos blamed him for this reduction; but he says that he is not the one to blame. If you are not to blame, who is? Certainly someone had to give their approval or recommendation before the law could be applied. This drastic reduction has, as it were, literally taken the food out of the mouths of our children and threatened them with starvation. We feel the same as the Navajos do—your name must appear on some of the letters of approval and recommendations.

Mr. COLLIER. Does he want me to answer that question now, or wait till he is finished?

RAY SEYUMPTWA (chairman, addressing the Governor, Roger). Shall he answer it now or would you rather finish first?

ROGER. I think it would be better to finish first, but I would like to have this matter clarified.

As you all know, we cherish our land, our stock, and have a deep love for our children. We prepare for their future, so that they will have something to depend upon when they grow up. Now, we have only a small piece of land to depend upon, and it is not large enough for us all. I have been working in the cattle business all my life. When my sons grew up I gave them part of my herd. When war broke out, these two sons volunteered into the United States Navy, to help fight for the preservation of democracy and the things they had at home. Now, all their cattle has been taken away. I want to know, what are they fighting for; and what will they have to depend upon when they come home? The people who cause this drastic and unjust reduction to come about did not have any mercy upon us and our children. We have had many conferences with Superintendent Ladd, but none of them were of any success. When the order for stock reduction came, Superintendent Ladd had entered the stock which my boys owned, under my name, giving them nothing. I asked him why he did this, to which he replied that our boys were not coming back but would stay with their jobs where they are getting \$10 to \$12 a day. But I know that after the war they will not get these salaries, and I am sure that Mr. Ladd knows it too. It is these unjust and unreasonable things that hurt and have become a burden to us. When our soldier boys come home, they will have to start from the bottom, and the wages of the defense workers will decrease and many will be laid off and come home. I want Mr. Collier to know what Superintendent Ladd has told us.

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Here you were asked to reduce from 10 to 6. This is a program of conservation and stock depends upon the grass. You ask for increase in stock, but the land must come first—the forage must be given a chance to increase and build itself up; then will come the increase.

Now, regarding the Executive order (reservation) of which Roger and Jean spoke: The Executive order as you all know came about in 1882, 62 years ago, and you are familiar with the language as it reads: "set aside for the Mogul (Hopi) and such other Indians as the Secretary of the Interior may see fit to settle thereon." Now, we don't need to debate as to the number of Navajos there were in the Executive order in 1882. I'll explain, whether any Navajos were there or not, they came. The Secretary made a report every year how many there were, and he let them come in each year. In addition he went to Congress and asked for money for schools for both the Navajos and the Hopis on the Executive order, and they gave it to him. Thus it came about. I am not talking about right or wrong. About the matter that the Navajo came to live on the Executive order reservation, it has become a fact—it has become law. I'm not speaking of this as if this is the only one or kind—there are many other similar cases on other reservations. It is not in my power, nor in the power of the Secretary, or the President, and I think I could add, it is not in the power of Congress, to force the Navajo out. The only thing we could do now or had power to do was the establishing of land districts, and keep the Navajo out from encroaching upon you. You have been encroached upon. Now you ask, should you be satisfied with what you have. I should say not, nor should the Hopi Tribal Council, or any Hopi be satisfied with that state of law. *Protest it*—here I come to right and wrong. When it comes to law and fact, it is a fact that the Hopis were here first, not only were they the original owners and users of this land they lived on these mesas, they lived here, and used the land all around. They are not nomadic people, they were settled. Navajos are a roaming people. They roam all over the land. It was the duty of the Government back in 1882 to have made a reservation for the Hopis big enough to live on. It had the power then, but they didn't. They were too busy looking at the Indian from another angle—they didn't want the Indian to exist.

I perfectly understand the frame of mind and views of the leaders at Houtivalia, and the bitterness of Roger and the emotion of the first speaker. I admire the stand they have taken. They withstood against a lot of foolishness of the Government. I understand fully. I appreciate the accusations against me. The way the Government can work in the future in pushing the Navajo back and pushing out your boundaries, is to get more land for the Navajo somewhere else, and make it so appealing to them that they will be willing to give up their rights on the Executive order for that land. Now, to ask the Government to do this is not an easy thing to bring about, especially in this part. Extension is hard to make because the white cattlemen and politicians will fight against it. On the contrary, they want to take it away. Now I say, I understand your bitterness and anger. Keep it up! but add a determination to find a way out. This whole case has to rest upon the honor and decency of Congress. If the thing I'm suggesting could be brought about, and land could be bought for the Navajos, the Government would compensate them on the improvements they made. We cannot move the Navajo till we find more land for them somewhere else. It may be that you people do not want to go any farther than to protest and say that you are being suffocated. Keep it up! Let your friends do the talking. Work on public opinion; tell the public, and work with them. The Hopi is being wronged; he is worth something, and if we will all work together, something might be accomplished. I'm telling you how to do things and get them done. You have a moral inheritance.

Now, regarding self-government and council of the Hopi Tribe, which will be partly in response to the speaker of this morning. In my eyes it is very important for the Hopi Council to succeed and go forward. I want that with all my heart and mind. Self-government has to be established and go forward within the framework of the Hopi tradition and the constitution. The basic fact about the Hopi society is the one found in the constitution in article 3. In one place it names the self-governing villages, then the tribal council, and then the laws of the United States, which are above the villages and the council. The village councils have to be taken into account. I emphasize—the council itself is made up exclusively of the representatives of the self-governing villages. The constitution is very careful in balancing its powers; it lays down very plainly that no business can be done unless a quorum is present. You know that for yourselves because you have had trouble in getting a quorum. The constitution,

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as I read it, intends that the council find and deal with those things that are paramount to the Hopi welfare and to all the villages. It is not for us to say what those are, but the following are some that might be considered:

1. This matter of getting more land.
2. Obtaining funds necessary to maintain, complete, and operate the facilities now in use; to restore the lands, develop water supplies, and to have an adequate hospital. This, of course, includes schools.
3. There is an effort now being made in Congress to close all Indian lands, and open them to taxes, and to take away your schools and hospitals. This bill is being pushed by some of the strong leaders of Congress. The bill also includes doing away with the protection of the Indian. This is being pushed by both the Democrats and Republicans. Some of the men are Moore, of Oklahoma; Wheeler, of Montana; and Mr. Shipstead. These men want to tax land, take away schools, hospitals and turn you over to the State and State courts. Now, there are at least these three matters that concern all the Hopis. The council would have to form of necessity.

This union of villages would have to be voluntary as the villages differ in different matters. The council should try to select the main issues, keep informed, take those things which would mean, you might say, life or death. Look all abroad for help: you have many friends, in resisting the effort to destroy Indian protection.

Now, my final word is this: I have studied the constitution. I'm filled with adoration for the adequacy and wisdom of this document. It would be very astonishing if the constitution was perfect. It took 8 years to draw up the United States Constitution, and it has been amended 17 times in a little less than 100 years. It takes time to perfect a constitution. You members are forerunners of a complete constitution ahead. Wage the battle as if it must be won or die. Then you have started right: You want to succeed—then expect to succeed. There is a great deal more to be said that has not been said, but I do not have the time and strength. I've had meetings all day; but I'll go back to Washington with a clearer understanding, as to your anger to the Commissioner. We don't blame you. We made our mistakes. We invite your strong language.

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DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington 25, D. C., December 16, 1944.

DR. ARTHUR E. MORGAN,

Community Services, Inc., Yellow Springs, Ohio.

MY DEAR MR. MORGAN: I have now had a moment in which to read more carefully the excerpts from the Hopi letter dated November 20. As I indicated in my acknowledgment, some of the statements in this letter are accurate and

searching, and others are distortions of known facts, or they represent a misunderstanding of things that actually happened. The publication, the Hopi Way, contains much of the background out of which the letter was written.

There is a legend of a prophecy that a "white brother" will come to the Hopis, but the version given here is not the one that writers on Hopi life have recorded. In other words, the "white brother" is thought of as a friend who is to insure the final triumph of the Hopi people.

I now deal with a series of statements in the letter:

1. "Similarly a Navajo Indian Reservation bordering the Hopi on the northeast was set up. * * * Actually the Navajo Reservation was established by treaty in 1868 prior to the Executive order which established the Hopi Reservation. The raiding of Hopi lands is a matter of history, but as a matter of fact it started before 1852, and the action of the President in creating the Hopi Reservation at that time was at least in part an attempt to protect Hopis in an area of their own. The fact that the Government failed to provide protection other than drawing an imaginary line between the Hopi and the Navajo must be acknowledged, but at least it was the intention of the Government to assist the Hopis.

2. " * * * the Government then opened the Hopi Reservation for settlement to the Navajo." There never was any formal opening of the Hopi Reservation to Navajo settlement. The Navajo Indians simply filtered across the Hopi boundary and were never challenged by the Government.

3. It is true, as suggested here, that the Executive order did not create an exclusive reservation for the Hopi Indians. The language provided that the land should be "set apart for the use and occupancy of the Moqui (Hopi) and such other Indians as the Secretary of the Interior may see fit to settle thereon." The Secretary never officially settled any other Indians on the area but in the absence of any action to eject the Navajo Indians who had filtered into the area it was in time assumed that these Navajo were there with the consent of the Secretary. Ultimately as the Navajo area became overpopulated and overgrazed it became practically impossible to remove them.

4. The Government made two blundering efforts to put the Hopi Indians on individual allotments. The efforts were made in utter ignorance of the facts which the letter states, namely, that the Hopi lands were held by clans or villages and it violated some of their deepest ethics to proceed on an individualized basis.

5. "About 1934, John Collier of the Indian Service surveyed all the territory of the Hopi and Navajo Reservations without explaining his actions to the Hopis although he did confer with Navajo chiefs." The survey referred to was an attempt to delineate the actual use areas of the Hopis and the Navajos. The Navajos over a long period of years had crowded in on Hopi lands, not simply because the Navajo were intent on robbing the Hopis, but rather because the Navajos were themselves under terrific pressure and had no place else to go. If the Hopi boundaries could have been patrolled in an earlier day, it might have been possible to have kept the land free of the Navajos. No such patrolling was done, and in the face of an accomplished fact it became necessary to make a survey for the purpose of discovering which lands the Hopis were actually using and then try to preserve those lands against further encroachment. District No. 6 was created in 1937 and later resurveyed and enlarged. Today, any Navajo who is found on district 6 is guilty of trespass and action is taken against him.

6. The Hopi area is an intricate pattern of use rights. It is not tribal land in the usual sense of being owned in common by all the members of the tribe. Rather, the land is claimed and marked off with stone and other distinguishing boundary marks by clans and villages. It is not the Government which determines where a man runs his sheep, but Hopi usage. The Hopi who wrote this letter knows this perfectly well. The agency at Keams Canyon does try to keep peace in the family, but it is the Hopi tribal court, not the agency, which acts against trespassers.

7. The Hopi lands are overgrazed it is true, and this condition has been made especially bad by several successive years of drought. The problem of enforcing reduction was put up to the people in each of the three mesas. Committees were formed on each mesa and complete information concerning the range was placed before these committees. Knowing what the carrying capacity of each range was, the committees decided the number of sheep each family was to operate so that the total number would remain within the carrying capacity of the range. It is not true that sheep were removed without compensation. Funds were provided and the Government purchased sheep which, because of their starved condition, could not have been marketed anywhere else.

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8. The reference to past policies of the Government, which occur in the last two paragraphs on page 2 are true enough. The policies and practices of the Government in the early years of this century and before did have the effect of dividing the Hopi Indians. At Oraibi emotions ran so high that if any other people in the world had been involved bloodshed would have resulted. Because the Hopis believe implicitly and profoundly in living in peace, they were able to avoid armed conflict but at a terrible cost to their institutions. As a matter of fact, they have not yet recovered from the moral shock which occurred at the time. You probably know the story of how contending factions lined up in the middle of the plaza and pushed against each other until one side was literally pushed out of the plaza.

9. It is true also that the Government compelled children to leave home, and kept them in boarding schools for years on end. This is a further effort to break down the culture and the resistance of the people.

10. In all of the above part played by the Government does not make a pleasant record. In later years it has been necessary to act firmly when we knew that the life of the tribe was at stake. If in an earlier day our policies had been tinged with greater humanity, our relations now might be more friendly.

I have tried to tell Dan and James, the Hotevilla leaders mentioned here, that we are no longer intent upon the destruction of Hopi life, that, on the contrary, we want to help preserve those qualities and those institutions which have made the Hopi people so enduring. I am afraid the word of no man among us is trusted any longer, by Dan and James. They witness (erroneously I believe, in the light of the Hopi tradition) the process of an unalterable fatality laid down at the foundation of the world.

Sincerely yours,

JOHN COLLIER,
Commissioner.

EXHIBIT 276

Hearing before the Committee on
Indian Affairs, House of Representatives
79th Congress, First Session, Oct. 29,
1945, p. 27

Department of the Interior
Office of Indian Affairs
Washington 25, D.C., April 26, 1945

Mr. Roger Quochytewa,
Governor of Craibi, through Superintendent, Hopi Agency,
Keams Canyon, Arizona

Dear Mr. Quochytewa: I have been awaiting receipt of your letter, which you stated in your telegram of April 5 that you were sending, protesting against the fencing in of district 6.

I assume that your objection to the fences is based on your fear that the building of such fences will in some way affect the claims of the Hopis to lands outside of district 6 within the Executive order reservation.

I want to assure that any fences built will in no wise be construed as establishing district 6 as the Hopi Reservation, or jeopardize any claims which you may have to other lands. The purpose of the fence is not to mark off the boundaries of the reservation, but merely to prevent cattle and horses from straying; to assist the stockmen in improving the quality of their herds, and in controlling the breeding program by preventing inferior sires from mixing with the herds. (emphasis added)

It is not compulsory that a fence be built. Assistance can be obtained from the Agricultural Adjustment Administration which will almost pay the entire cost of the fencing, and it is an opportunity which the Hopi stockmen should take advantage of. Should the stockmen in the area desire to build the fence, I hope that you will not interpose objection.

Again let me assure you that the building of this fence will in no way affect your land claims.

Sincerely yours,

William A. Brophy, Commissioner.

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BIA.FR. Hopi Agency Keams Canyon,
Arizona FRC No. 73598, File 342

February 14, 1945

Burton A. Ladd
Supt. Hopi Agency

Dear Mr. Ladd:

This is in reply to your letter of January 13 concerning the proposal to construct certain fences with AAA assistance.

The proposed structures are in the nature of drift fences. Their construction will in no way affect any of the land claims of the Hopis and will not mean that the Hopis agree to the legal establishment of any boundaries to the Hopi reservation. These fences are designed to protect the interests of the Hopi stockmen and to prevent additional encroachments of Navajo livestock on Hopi ranges. In our judgment the proposed fences will have no effect on Hopi land claims, but will prove to be of great practical value to the Hopi stockmen. (emphasis added)

I hope that arrangements can be completed so that work on the construction of these fences can be started at an early date.

Sincerely yours,

Walter V. Woehlke,

Assistant to the Commissioner.

EXHIBIT 286

Polacca, Arizona
January 8, 1948

Supt. James D. Crawford.

Keams Canyon, Arizona

Dear Mr. Crawford:

In your meeting with us you presented certain matters on which interested parties desire recommendations from us, being The Congress of American Indians and the Commissioner of Indian Affairs... We noted with interest that this is a far departure from official routine in that Government representatives came to us in the past with the information that such and such is the future plan and policy, and never were recommendations sought from us for consideration by the Service.

Past meetings with Indian Service men and Congressional committees have been numerous. At every meeting we gave our best with the thought that what we present will be acted upon, but to our sorrow and disappointments we cannot point to one instance where a consummation was effected. And were we to be governed by these numerous past records we should just lay your request aside with the thought that it is again one of those things told to us as earnestly sought but never acted on. We also take into consideration that policies effected by former Commissioner John Collier and laws enacted through his efforts are intact and still in force. Also, many of the people intimately associated with him in the Indian work are still in the Indian Service which causes us to wonder that if we present anything outside of these policies and laws, whether anything we recommend can be acted on to somewhat conform to our desires. So you can readily see the very peculiar situation we are placed in by your request. But we have had two meetings since meeting with you and all these things were thoroughly gone into and viewed from every angle; and we, by this petition, represent the entire population of First Mesa.

We have decided to comply with your request, and acquiesced. This is based on the many things being talked about with regard to Indians with their relation to the U. S. Government, and the interest shown by American tax payers who seem to have been led into believing that the treatment of Indians by the Government is all wrong. Congress has become interested to a degree as never before. Newspaper reports flashed out to the Country that certain residents in Arizona and New Mexico are going to starve this winter, which caused an influx of an immense quantity of material for these "starving" Indians. It is these present events that has led us to believe you, that recommendations sought by the Indian Service heads are genuine which will lead into enactment in the not too far distant future. Then coupled with this is that you are a new man on this field and in your meeting with us you so impressed us as to your earnestness for the welfare of the Hopi tribe that we now gladly and hopefully present to you, and you in turn to the proper sources and authority, our pleas contained herein.

You no doubt have already seen the acute Hopi land situation, and perhaps considered that the entire economic well-being of the Tribe lies herein. For many years in most every proposition coming to the Tribe by Government

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officials this question comes to the fore as an important subject. Petitions, resolutions and many other pleas have been presented by our men in authority, and coming at this time again may be looked at as "again, one of those same things." But let us consider seriously, for human lives are involved, lives whose well-being is too often decided how they should exist and decisions are from those almost totally unacquainted with lives on this almost non-producing and waterless reservation.

On Dec. 4, 1939, Mr. Hatchford, who was detailed by Commissioner John Collier, held a meeting with the Hopis at Polacca, the subject strictly being Hopi land. Maho, one of our headmen, was selected by the Hopi leaders to be the spokesman at this meeting, and he went into what was the Hopi land area very thoroughly. One of the duties of his chieftainship is Hopi land affairs, and what he recited are facts. Nothing in the record of that meeting is deviated from the truth, and we are now going to cite some of his remarks to try to show you just what Hopi land claims are as existing from time immemorial on this reservation. Maho said:

Some years after the Hopis were found residing here white men began moving towards this place. Through traditional prophecy the Hopi knew that a man from the East would come and unload the Hopi's burden, and since this was expected, when the white man's approach became known, the Tribe awaited his arrival with joy. The first meeting with him was a little east of Santa Fe, N. M., later in Albuquerque, N. M., then at Fort Wingate, N. M., then at Fort Defiance, Arizona. The outer boundary of the Hopi land area became a subject of importance. A sub-station was already up in Keams Canyon for the administration of Hopi affairs by the Government, and Lololma, of Oraibi; Sitpela and Tagani from Chimopovy; Kukutashu from Mishongnovi; Moia, Coyote Man and Kuvawistewa from Polacca, were selected to take up this matter with the Agent, and went to Keams Canyon for a conference with him, but nothing was accomplished, and another Hopi meeting was called which would definitely settle the matter, at Mishongnovi. Upon reading a decision the selected men went to Keams Canyon and informed the Agent of the decision. They were asked where the boundary was. The reply was, "Its beginning is at Ganado." "All right," said the Agent, "but that seems to be a very big territory for you." The Hopis replied, "Yes, but remember, we have in mind all of our people." The Agent asked regarding those others that are living there now, "What do you propose to do with them?" "For the time being we shall continue to permit them to live within the boundary of our reservation. Their residence, however, is only temporary," was the answer.

Another decision reached at Mishongnovi was that Hopi men should be selected to go around the boundary line which the Hopis claimed. When the Agent consented to this, the people again selected men who would go around this boundary. Maho could only name four people whom he saw were to go around. They were: Polacca, Quahu and Avayou from First Mesa (Polacca), and Quavaho from Second Mesa.

The white man (Agent) had a plan too. Soldiers should come into the Hopi country, and in a few days a lot of soldiers came and put up their little tents in one of the canyon corners by the Keams Canyon Agency. On the appointed day the selected Hopi men reported to Keams Canyon to make the trip around the boundary. Then it was revealed why the soldiers came. A number was selected and detailed to go around the borders of the Hopi area. They started off, and just before they got to Ganado, Arizona, as they descended a hill, they camped. They spent the night there. During the time they were there they saw a human skull. This skull was of a Hopi who was killed by the Navajos. The next morning they had their breakfast. They opened a can of peaches, and left the can and piled some rocks together which would signify the beginning of the Hopi reservation line. Something was written on a piece of paper, and put inside of this rock pile. The Hopis said, "We will let this skull be our instrument." So they placed the skull in the pile of stone. This skull is the skull of a man named Tavapu. They made two parties; one to go east and the other to go west. The representatives from here (Polacca) went west. They went up a ridge with a lot of cedars, and they made some notations on a tree. They started in a westerly direction by a certain valley. They kept on making notations on some trees. When they entered a western valley and sighted a village, the soldiers asked where water was. The Hopis pointed out there was a spring there, Big Willow. They went on in a westerly direction, over rough land, and got a little butte near the wasu. They went on until they came to a little sand hill, where they made some notation on top of this sand hill. The cactus made traveling very difficult; however, they kept on going until they came on top of a hill just north of Holbrook, Arizona. They got to that little point north of Holbrook. These people wondered why they did not take much food, but they knew that Holbrook was near where they could replenish their food supply. They talked on that hill, and the Indians advised that they could settle the matter there. They wrote something, put it in a can and deposited it in the ground. When these men agreed on that, they kept on going. The other group that went east, went out near what they call Munakvi Springs. It was decided before they departed that that would be the meeting place. The plan was that on the north side of that Spring they were to meet. When the party that went west reached the appointed place, they waited for the men that went east. For three days they waited, and they did not show up. It was learned afterwards that their route up north was very difficult, due to many deep canyons, mountains and cliffs which delayed them. Complete information from the men that went east is lacking, but from the western side the information is more complete. They came out at Thief Rock. Another place called Tsilani is where they encountered difficulty, as well as at Onion Point. From Thief Rock they went a northerly direction to a place where there is a big hole in the cliff which we Hopis know. That is the mark, and right beside it is a mark of a white man - a piece of iron stuck in the ground. The two are beside each other. They followed a southwesterly direction to a place that the Oraibis call Mazrima. At Mazrima they found that there was a steep canyon which they could not cross. They went farther on west to a place called Cows Tracks, where they encountered another deep

canyon which they were unable to cross. The group finally found a passage near the Tuba City coal mine on the west side. They crossed and kept going on west, and in the meantime the other group on the western end not having met with them in four days, started looking for them. Just past the coal mine they met. At a place called Quilt Hill they made some more notations. They made some blue spears, and started home carrying them on their shoulders. They marched in a circle in the court at Oraibi. They went from the village into the valley. From Oraibi they went to Chimopovy and went through the same performance in the court. They did not go into the Mishongnovi village or into the First Mesa village. They went past these villages into Keams Canyon. After they got home, they settled down, having accomplished what they were after. They made a personal, hard trip around the boundary which they claimed was theirs.

All this was prior to the year 1882. Then some years after 1882 the Hopis were informed that a reservation was set aside for them by Executive Order on Dec. 16, 1882, comprising of 2,472,320 acres or 3560 square miles. Although this order was far below which the Hopis claim and around which they walked with the soldiers, they made no protest whatever to the U. S. Government. Living in the midst of the Navajo country, the Hopi never heard that a confirmation of their title was necessary nor had they any money to make the claim; Therefore, they had no legal tenure to their land until the Executive Order was made. This reservation was set up with the idea of giving the United States authority over the Hopi and to protect them from the Navajo. The report of Lieut. C. Ives of his exploration in 1857 and 1858 of this area would seem to further substantiate the claims that the Executive Order Reservation was set aside to protect the Hopis from the Navajo rather than a place for the Navajos to be settled. Ives' report and maps places the east boundary of the Hopis somewhere east of Ganado, Arizona.

On Nov. 14, 1944, a delegation appointed by Hopis presented their land matters to the Sub-Committee on Indian Affairs of the House of Representatives from Washington. Although years ago we all believed that we had some legal claims to that boundary set by our selected Hopis who actually walked around the line, accompanied by U. S. soldiers, we did not asked to be given this area but made a plea that the Executive Order area of Dec. 16, 1882, be set aside by Congress as the legal boundary of the Hopi Reservation. This is recorded in the Sub-Committee's report beginning on page 850.

In 1934 Congress passed a law which was later designated as the "Reorganization Act." On April 7, 1936, Commissioner John Collier, in a meeting with the Hopi people at Oraibi, said; "All around you is the Navajo tribe, and that tribe is not organized under the Wheeler-Howard (Reorganization) 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 tribe totally unorganized. The Navajo tribe is organized; it has its recognized tribal council working under regulations 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 Navajos. I do not mean to say - and I am not saying, that the Hopis and Navajos are rivals at all, but I am saying that there are some things which need to be settled by the two tribes and the, 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."

Mr. Collier at that time was trying to point to us the good things contained in the Reorganization Act. He told us that when the Hopis organized that the Government cannot do anything without the knowledge, consent, or approval of the Hopi tribe. We believed him as we have believed all Government representatives in the past. So we organized. But we have been sadly disappointed, and this proves it: Regulations on Law and Order were drawn up and approved by the Secretary of the Interior without any knowledge of the Hopi tribe; trading regulations were drawn up and approved without the knowledge of the Hopi tribe; District No. 6 was mapped out without the knowledge or the approval of the Hopi tribe. We heard of District 6 after the boundary lines were in effect.

After the Tribal organization was effected, a delegation was sent to Washington, their particular object being land matters. The delegation so impressed Commissioner Collier of the dissatisfaction of land management District 6 that he later detailed Mr. Centerwall to come out and go over the whole matter of District 6. The investigations and report and approval by the Indian Office of Mr. Hatchford's findings were not satisfactory to the Tribe. So Mr. Centerwall arrived; made a complete investigation of District 6, and made an exhaustive report to the Commissioner on the matter. The report was approved by the Chairman of the Hopi Tribal Council. As a result of this investigation District 6 was extended out a little more, but still not enough to properly care for all farm and stock needs of the tribe. Then on top of this a complete census of stock was made which resulted in the most drastic, inhuman reductions in stock to get it down to the carrying capacity of District 6. We protested. We were told that District 6 must not be construed as the Hopi reservation, that the outer area outside of District 6 was still Hopi area. Believing this, we requested that District 6 boundaries be put aside and we permitted on the Executive Order reservation land. But this was refused.

This past Summer and Fall after visits were made to the Navajo reservation by Congressmen, Secretary of the Interior, and others, a report went out that the Navajo Indians would starve this winter. Such reports aroused public interest to a degree that voluntary assistance came to the Navajo and Hopi reservations. The Hopi tribe did not send out a call for help because of lack of food and other necessities of life. But the Hopi tribe is a little worse off economically than the Navajos because:

1. Because a big part of the Executive Order Reservation land has been taken away from us and given to the Navajos;
2. A drastic reduction in our livestock was made, with no assurance from any Government source that relief in this can be had.

These most unfortunate fates are on us. We have made repeated appeals to

Indian service officials for relief from these two things, and when Commissioner Collier's attention was invited to this in Oraibi, on Sept. 12, 1944, he said:

"I perfectly understand the frame of mind and views of the leaders of Hotevilla, and the bitterness of Roger and the emotion of the first speaker. I admire the stand they have taken. They witnessed against a lot of foolishness of the Government. I understand fully. I appreciate the accusations against me. The way the Government can work in the future in pushing the Navajo back and pushing out your boundaries, is to get more land for the Navajo somewhere else, and make it so appealing to them that they will be willing to give up their rights on the Executive Order for that land. Now, to ask the Government to do this is not an easy thing to bring about, especially in this part. Extension is hard to make because the white cattlemen and politicians will fight against it. On the other contrary, they want to take it away. Now I say, I understand your bitterness and anger. Keep it up! but add a determination to find a way out. This whole case has to rest upon the honor and decency of Congress. If the thing I'm suggesting could be brought about, and land could be bought for the Navajos, the Government would compensate them on the improvements they made. We cannot move the Navajo until we find more land for them somewhere else. It may be that you people do not want to go any farther than to protest and say that you are being suffocated. Keep it up! Let your friends do the talking. Work on public opinion; tell the public, and work with them. The Hopi is being wronged; he is worth something, and if we will all work together, something might be accomplished. I'm telling you how to do things and get them done. You have a moral inheritance."

No, we want to state what we want. District 6 boundaries are not bound by law. We want District 5 to be done away with and the Hopi tribe permitted to all parts of the Executive Order reservation, and by this our present small stock holdings will be increased which will more than take care of our daily wants and needs. We don't want the outside public to look on us as a lazy, indigent and shiftless tribe. The injustice perpetrated by the Government in the establishment of District 6 is a wrong done us what Commissioner Collier said. District 6 can be made obsolete now by the Commissioner of Indian Affairs.

Then, when District 6 is done away with, we want Congress by law to define the boundaries of the Hopi Reservation for use of the Hopi tribe, such boundaries to be the present boundaries set forth in the Executive Order of Dec. 15, 1882.

It seems to us that sound reason is in our favor, that we should not have to resort to any outside groups as suggested by Mr. Collier; but we are in a bad situation, and misfortune demands action and not pity alone. So, in conclusion, we humbly appeal to our great Government through you for relief.

S/ Ned Kayatewa
Head associate Chief, First Mesa

Witness to mark:

S/ Duke Panona, Associate Chief

S/ Albert Yava

Mano (Thumb print), Asst. Chief

EXHIBIT 29f

REV. DAVID CHURCHMAN TRIMBLE
ST. LUKE'S RECTORY
132 SOUTH MOUNT VERNON AVENUE
PRESCOTT, ARIZONA

PHONE 855

*Mr. Larry
Rev. of Int. Aff.*

March 29, 1948

INTERIOR DEPT.
RECEIVED
APR 5 1948
OFFICE
THE SECRETARY

The Hon. Julius A. Krug,
Secretary of the Interior,
Washington, D.C.

INTERIOR DEPT.
SECRETARY'S
MAIL CENTER
APR - 6 1948
TO OFFICE OF
INDIAN AFFAIRS

APR 6 1948
OFFICE OF INDIAN AFFAIRS

My dear Sir:

I am enclosing a letter addressed by some Hopi Indians to their agent. In it they state that they are unable to live on the territory of District 6. Since their cattle and sheep have been compulsorily reduced the situation to their economy is very grave.

One of them appeared last month before the local Ministers' Association and requested that we write to our Congressmen and to you urging that they be no longer restricted to District 6 but be allowed the Executive Order reservation granted to them years ago.

Sincerely and with respect,

David C. Trimble

EXHIBIT 29g

Resources

~~CONFIDENTIAL~~
Washington 25, D.C.

Fey

The Reverend David Churchman Trimble
St. Luke's Rectory
136 South Mount Vernon Avenue
Prescott, Arizona

MAY 12 1948

My dear Mr. Trimble:

Your letter of March 29 to the Secretary of the Interior, enclosing a letter from the Hopi Chiefs of First Mesa to Superintendent Crawford, has been referred to this office for reply.

I want to assure you that we, in the Department of Interior and Bureau of Indian Affairs, are keenly aware of the desperate land problem of the Hopi people. I fully understand their feeling of insecurity, but this is due only in part to the boundary lines of District 6. There are many other factors.

The abolishment of District 6 would not increase their grazing area, but would instead diminish it, for elimination of the boundaries that delimit District 6 would only increase the problem of holding back the encroaching Navajo.

I wish to assure you that the establishment of District 6 does not modify in any way Hopi rights in the Executive Order reservation of 1282: "set apart for the use and occupancy of the Moque and such other Indians as the Secretary of the Interior may see fit to settle thereon."

District 6 is essentially a grazing unit. It was established pursuant to the authority and obligation of the Secretary of the Interior to bring about and maintain the conservation of Indian lands. Grazing units are essential to this purpose.

The present boundaries of District 6 were fixed after long studies which commenced in 1934, and were not finally completed until 1939 when the Department called in Mr. Chris Ratchford, of the U. S. Forest Service, to make an independent recheck of the boundary. This boundary is always subject to modification and changes when circumstances warrant such changes.

The boundary lines as they stand now, represent the line of reasonable equilibrium between grazing pressures which have pushed the Navajo toward the Hopi villages and Hopi land pressures that have forced them out from the villages. In some places, Navajo pressures are much stronger against the line than the Hopi pressures from within.

The Hopi would probably benefit psychologically if District 6 were

Carbon for Indian Office

EXHIBIT 29h

eliminated, but the conservation of the range land would then become nearly impossible. Friction between Navajo and Hopi would increase. The Navajos are there and they cannot be moved except as we drain them off into employment outside the reservation, relocate them on the Colorado River, and relieve some of the pressures on grazing land through the development of agricultural and industrial resource opportunities within the reservation to lessen their dependency on livestock.

The economic plight of the Hopi is as bad as that of the Navajo. For this reason they are included, proportionately, in the 10-Year Rehabilitation Program. They, like the Navajo, must seek employment outside the reservation. They must, through education, acquire the skills that will make them able to compete, in every respect, with the white man. It will be necessary for large numbers of them to settle on the rich lands of the Colorado River reservation. They, like the Navajo, must intensify their efforts to improve their agriculture and their livestock, and through good conservation practices, their grazing lands.

Please be assured of my devoted interest in the welfare of the Hopi people.

Sincerely yours,

(Sgd) William Zimmerman, Jr.

Acting Commissioner

ERF:LL

cc: Region IV, Phoenix, Arizona

Mr. James D. Crawford, Hopi Agency

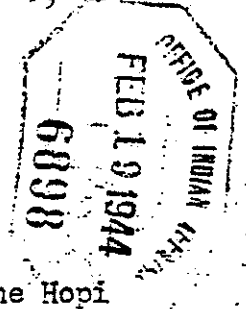
EXHIBIT 29i

UNITED STATES
DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS
FIELD SERVICE

Hopi Agency
Keams Canyon, Ariz.
February 15, 1944

Commissioner of Indian Affairs
Department of the Interior
Chicago 54, Illinois



Dear Mr. Commissioner:

There has been a group of geologists working on the Hopi area for several months. I understand that they are in the employ of Stanolin, a branch of Standard Oil Company, and are prospecting for oil.

This company is drilling prospect wells south of Holbrook now and the geologists tell us that near Oraibi and Pinon are the best oil formations that they have found in the entire general area. Also that we can expect the company to proposition us for an oil lease soon and they will probably be in a hurry to start drilling when they ask for a lease.

I would like for it to contain several stipulations. Among them I would like to have them agree to drill to a definite depth within a definite time limit. Perhaps the Office could supply information and suggestions. Our most difficult problem, however, is the procedure in granting the lease.

Some villages will be against a council and against the drilling for oil.

From the information which I have been able to obtain, one of the favorable prospects is on District No. 6 and another on District No. 4, both on the Hopi Executive Order Reservation, but the one on District No. 4 is under the Land Management Jurisdiction of the Superintendent of the Navajo Reservation. What would be the procedure in that case?

I may be crossing the bridge before I get to it because all of my information is unofficial, but this unofficial information leads me to believe that we will be pressed for time when the proposition breaks officially. There seems to be quite a lot of preparation before any action can be taken.

After application for lease has been received, there will be other discussion with the Office before any meetings are held in villages.

Some of the questions which we would like an opinion on now are:

1. What leasing procedure would be followed in the absence of a council?
2. Should not the entire Hopi Executive Order Reservation be leased through Hopi Agency?
3. To which Indians would the mineral rights belong?
4. How much time would be required, under these conditions to complete a lease?

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(over)

EXHIBIT 30a

Any other information which the Office might offer will be appreciated.

Sincerely,

Burton A. Ladd
Burton A. Ladd,
Superintendent.

JP

EXHIBIT 30b