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UNITED STATES
DEPARTMENT OF THE INTERIOR

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OFFICE OF INDIAN AFFAIRS

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FIELD SERVICE

Hopi Indian Agency
Keams Canyon, Arizona
July 9, 1947

Commissioner of Indian Affairs
Merchanidse Mart Building
Chicago 54, Illinois

Sir:

The Solicitor's Opinion of June 11, 1946, "Ownership of the Mineral Estate in the Hopi Executive Order Reservation", (Indian Office File Reference 6898-44, M. 33821) and other correspondence regarding procedure in leasing for oil on the Hopi Executive Order Reservation, have been studied and explained to the Hopis in many village meetings.

Several All-Village meetings have been held for the discussion of leasing, but with very little success. I believe, however, that most Hopis in a majority of the villages would like to have the lands leased in order to provide an income and that they are in favor of using the tribal funds for general welfare and community improvement. The Hopis are very poor, both individually and as a Tribe. Funds for assistance of the old and the dependent are urgently needed, and the situation has become much worse since many of the war workers have been laid off and have returned to the Reservation and since the soldiers' dependency benefits have ceased.

The prejudice and opposition to a tribal council are still very strong. As you know, we have had no council for several years and there is strong opposition to the selection of one.

Since the need of the funds by the Hopis is so urgent and the opposition to a tribal council is so strong, even though the majority seem to favor leasing, it is wondered if we could provide a solution.

The most workable solution would seem to be an Act of Congress, authorizing the Secretary of the Interior to sell mineral leases on the Hopi Executive Order Reservation. In view of the difficult administrative procedure required by the Opinion and the further complications caused by the lack of a Hopi tribal organization, as well as an organization of Navajo residents, it is believed this would be justified.

EXHIBIT 31a

Commissioner of Indian Affairs

July 9, 1947

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Second in desirability would be separate authorization by communities, i.e., First Mesa, Second Mesa, Third Mesa, and the various Navajo communities. Although cumbersome, I believe that this arrangement would be more workable than an organization of Hopis and Navajos or one each of both.

In view of the extreme and urgent need of these people for the use of funds which might be derived from the sale of mineral leases and giving consideration to the present demand for oil and high prices now being paid for leases, I would recommend immediate action on this matter.

Respectfully,

(Sgd.) Burton A. Ladd

Burton A. Ladd
Superintendent

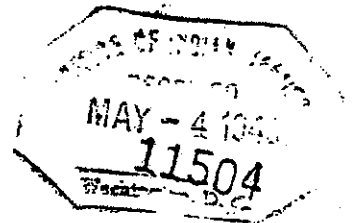


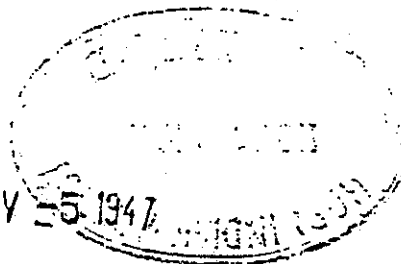
EXHIBIT 31b

REFER IN REPLY TO THE FOLLOWING:

ADDRESS ONLY THE
COMMISSIONER OF INDIAN AFFAIRS

Tribal Relations
26019-47

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
Washington 25, D. C.



Mr. James D. Crawford,
Supt., Hopi Agency,
Keams Canyon, Arizona.

My dear Mr. Crawford:

Perhaps you have already confronted with the problem of the Hopi Tribal organization. The difficulty of operating under the existing Hopi Constitution has up to this point baffled everyone and by now we are all convinced that the existing procedures cannot be made to work.

On July 9 Superintendent Ladd called attention to the necessity of working out a solution in order that the Hopis might take advantage of mineral leasing. He suggested two possible solutions: (1) legislation authorizing the Secretary of the Interior to sell mineral leases, and (2) separate organization by communities, i.e., each of the three mesas to organize separately. I understand also that a number of files have been sent to you and you have been asked to study these and to offer recommendations.

While you have these things in mind, I wish to report on some discussions in which I participated on the Hopi Reservation while Mr. Collier was still Commissioner in 1944. I refer particularly to a long meeting we had with the First Mesa people. What came out strongly was that the Kikmongwi was extremely reluctant to assume the role imposed upon him by Article III of the Constitution. That is, he wouldn't assume the leadership required in Section 3, Article III, neither would he act in the capacity required in Section 4, Article IV.

The speakers at this meeting felt however that there was a possibility of organizing the villages on a strictly political and secular pattern leaving the Kikmongwi out of it entirely. You will note that Section 4 of Article III provides that a village may organize where traditional government does not operate. Assuming that traditionally Hopi government never functioned in the political field, there would appear to be no reason why all the villages could not proceed to establish the type of organization contemplated by the Constitution.

It is unlikely that the Kikmongwi would call an election and it is equally unlikely that 25% of the voting members of a village would call a election in opposition to the Kikmongwi or any other traditional leader. However, the provision brings the Superintendent into the situation by providing that he "shall make sure that all members have had ample opportunity

EXHIBIT 32a

to study the proposed constitution". I believe it would not be straining this language too far if the Superintendent took the initiative and called the election. Indeed the following sentence provides that the Superintendent shall call a special meeting for the purpose of voting on the Constitution.

In the discussions with the First Mesa people all the younger members, men like Tommy Preston, were enthusiastic about going ahead under the provision of the Constitution. They did not want to proceed without full discussions with the older people on the Mesa but they promised that such would be held. I was not able to keep in touch with Hopi developments, so I am not able to supply information on what took place. It may be that the matter was discussed and vetoed. I pass it along however as something which you might want to explore.

Sincerely yours,



D'Arcy McNickle,
Assistant to the Commissioner.

EXHIBIT 32b

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DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
FIELD SERVICE

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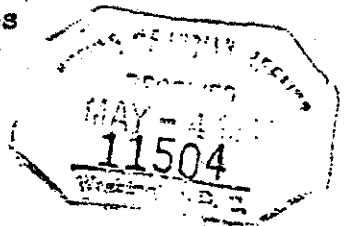
Hopi Indian Agency
Keams Canyon, Arizona
December 5, 1947

Commissioner of Indian Affairs
Department of the Interior
Washington 25, D. C.

Sir:

I find in the files an unanswered letter directed to you by former Superintendent Ladd on July 9, 1947, relative to the sale of mineral leases on the Hopi Reservation.

We have received several more requests from oil companies about the leasing of Hopi lands. Undoubtedly, the Hopis are losing many thousands of dollars from this delay. I have thought it desirable not to take this matter up further with each village until an answer to Mr. Ladd's letter is received.



May I have your decision on the two proposals as soon as possible?

Respectfully,

(Sgd.) James D. Crawford

James D. Crawford
Superintendent

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. McFickle

FROM : Chief, Land: Minerals

SUBJECT:

DATE: March 31, 1948

This refers to your memorandum of February 2, 1948, regarding the making of oil and gas leases on lands of the Hopi Reservation.

Answering your question (a) it does not appear that leases acceptable to oil companies may be made under existing law unless the Hopi Indians will organize a tribal council as provided in the Hopi constitution. In addition, the Navajo residents of the Hopi reservation would have to hold a meeting or meetings to authorize the making of leases covering the interest of the Navajo Indians of the Hopi reservation and to designate someone to execute the leases in their behalf.

Regarding your question (b), if the Hopis will not set up a tribal council pursuant to the provisions of the tribal constitution, legislation might solve the problem. The legislation should not modify the Solicitor's Opinion for the purpose of giving the Hopis the exclusive rights to the reservation. The legislation should authorize the Secretary of the Interior to make oil and gas and other mining leases on the Hopi Reservation, with the consent of a majority of the Hopi villages, and the consent of the Navajo Indians entitled to rights on the reservation, acting through their authorized spokesmen. A tentative draft of a bill is attached. Mr. Haas has not reviewed this draft.

Proceeds from mineral leasing would be paid to the Superintendent of the Hopi Agency for deposit in the Federal treasury in a reservation account, and would be available for expenditure when authorized by Congress for the benefit of all Indians of the reservation generally.



G. M. Paulus, Jr.,
Chief, Land: Minerals.

EXHIBIT 33a

A B I L L

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA, in Congress assembled, That in the leasing of lands within the Hopi Indian Reservation, Arizona, for mining purposes, pursuant to the Act of May 11, 1938 (52 Stat. §47), and the rules and regulations of the Secretary of the Interior thereunder, leases may be made ~~any provision of the Hopi tribal constitution to the contrary notwithstanding~~, upon the approval of the Secretary of the Interior, and with the consent of a majority of the Hopi villages, and consent of Navajo Indians having rights on the Hopi Reservation acting through authorized spokesmen to be selected in a manner approved by the Secretary of the Interior.

EXHIBIT 33b

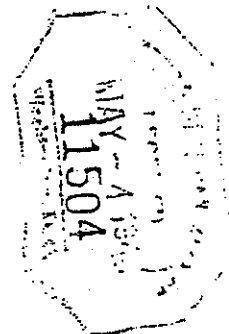
Third Request

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

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FIELD SERVICE

Hopi Indian Agency
Keams Canyon, Arizona
April 30, 1943



Confidential

Commissioner of Indian Affairs
Department of the Interior
Washington 25, D. C.

Sir:

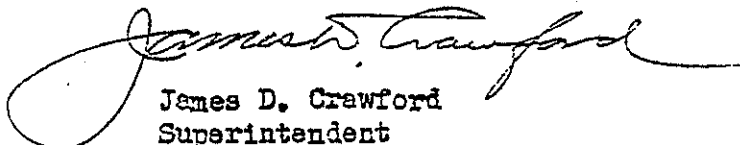
Reference is made to letters directed to you dated July 9 and December 5, 1947, copies of which are attached. Several new oil companies have requested leasing privileges and all of the old companies are continually requesting the privilege of bidding for oil and gas leases.

I cannot stress too much the importance of making a decision on the course of action to pursue. I have now had the opportunity of meeting with all of the village leaders about many of the important problems at Hopi. Because you have not answered our letters, I have not been in a position to discuss the oil leasing problem fully.

The letters we are now receiving from the oil companies are demanding quicker action and are becoming harder to satisfy with our answers. It is almost impossible to answer satisfactorily the questions from the oil companies without considerable embarrassment to all concerned. The need for additional supplies of petroleum is becoming more crucial each day; on the other hand, both the Hopis and Navajos need the thousands and thousands of dollars they are now losing because they are unable to lease their lands.

It is respectfully requested that you acknowledge receipt of this letter.

Respectfully,


James D. Crawford
Superintendent

Enclosure

EXHIBIT 34a

10/13/40
JEF

Wagon Wheel Agency
Grand Canyon, Arizona
May 24, 1942

RECEIVED
MAY 27 1942

Mr. W. H. Zeh
Regional Director
1100 Rhodes Circle
Phoenix, Arizona

Dear Mr. Zeh:

In accordance with the circular issued last January by Acting Commissioner William Zimmerman and approved by the Secretary of the Interior, I would like to request that you arrange for me to visit the Office of the Commissioner sometime between the first and fifteenth of June in order that I might return in time for the quarterly meeting of the Southwest Superintendents.

I am making this request for the following reasons:

1. I have just had the opportunity of visiting with Mr. John McKee of the Commissioner's staff, who thought it would be advantageous for me to visit Washington in early June.
2. With the exception of a short visit with Mr. Flory several weeks ago and a more recent short visit with Messrs. Cooley and McKee, the proposed Hatajo-Hopi program has never been discussed. I now find that Congress has definitely included Hopi in the program and that considerable planning must be completed prior to the initiation of the program. Much of this planning is on the Washington level. I would like to discuss with each division head his division's part in the proposed ten-year program.
3. I wish to discuss carefully a proposed arts and crafts program for the Hopi craftsmen with the Education Division.
4. I have had no answers relative to the proposed leasing of Hopi lands for oil and gas purposes. I am continually being pressured by nearly a dozen oil companies for reasons. I would like to discuss this policy with the Commissioner.

EXHIBIT 346

5. We have been notified by the U. S. Public Health Service at Lexington, Kentucky, that one of their patients, Dr. Victor Haskie, a Hopi Indian, is ready for discharge.

For your information, on August 9, 1938, Victor Haskie was committed to the Arizona State Hospital. Subsequently, he was released but on January 22, 1940, was admitted to St. Elizabeth's Hospital. On May 25, 1942, in accordance with Executive Order of February 26, 1942, arrangements were made for his transfer to the Public Health Hospital at Fort Worth, Texas. In 1944 he was transferred to the U. S. Public Health Service Hospital at Lexington, Kentucky, where he has been a patient ever since.

We are now in receipt of a letter from the Medical Officer in Charge, indicating that Victor has made a satisfactory adjustment and that it would be possible for him to return home. I expect to escort this patient to the reservation on my return trip from Washington.

Sufficient funds have been obligated for my trip and the return of Victor Haskie to the Reservation.

Your arrangements for my trip to the Washington Office and approval of my request will be greatly appreciated.

Sincerely yours,

5 24 43
JDC:als

James D. Crawford
Superintendent

Approved:

W. J. Zah MAY 27 1943 ✓
W. J. Zah
Regional Director

cc - Washington Office ✓

EXHIBIT 34c

Final list 5
file

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Fryer

FROM : Mr. McNickle *DMC*

SUBJECT: Hopi mineral leases.

DATE: May 12, 1948.

I notice that the proposed legislation on Hopi mineral leasing would authorize the Secretary to make leases "with the consent of a majority of the Hopi villages and consent of the Navajo Indians on the Hopi Reservation, etc." Offhand, would not this provision be as difficult to operate under as the present requirement of leasing under the Hopi constitution? If we are going to resolve the matter by legislation, should we not seek language that will facilitate the leasing procedure?

I would favor permitting the Secretary to proceed without the consent of the Indians if, within a reasonable period of sixty days, the wishes of the Indians could not be obtained. However, I would propose a saving clause by which the authority to make leases would be restored in full to the Indians at any time upon their establishing tribal government or adequate machinery for voicing the wishes of the members.

Further, do we want to accept at this point the validity of the Solicitor's opinion by providing for the consent of the Navajo Indians? Might it not be preferable to have the Secretary make the leases and deposit the revenue in a special account and have the ownership determined by some tribunal, possibly the Claims Commission? If it should turn out that the Hopis have a prior right within the Executive Order reservation, the United States would be liable to restore to the Hopis any funds paid out to the Navajos.

I am not at all sure of this latter reasoning but I throw it out for your consideration.

(Sgd) D'Arcy McNickle