

Mr. G. Warren Spaulding

March 27, 1952

James S. Lindzey

Current status of the Hopi Indians with particular reference to their claims and tribal organization as presented by John S. Boyden, March 19, 1952.

Present: G. Warren Spaulding; John S. Boyden, Claims Attorney; John Keliaa; James S. Lindzey

Mr. Boyden met with the group at our request to help clarify the Hopi situation on the basis of his knowledge and experience. His confidential remarks were most interesting in that they present an outsider's view. He is acting as counsel, even though tribal funds only include approximately \$2,500 (which he stated they needed for purposes other than paying him) indicating his interest in the welfare of the group. He pointed out that remuneration for his services will depend largely on working out solutions to many of the Hopi problems to such a point that oil leases will provide funds.

Mr. Boyden has approached Secretary Chapman on this question of the Hopi mineral rights on the 1882 Executive Order Reservation. The Secretary agreed to review the 1946 solicitor's opinion which gave the Navajos, residing in the area, a right to share in the mineral rights. The problem is aggravated because the Hopis apparently will refuse to accept any mineral rights jointly with the Navajos on the 1882 Reservation. Thus, no drilling contracts can now be signed. Since there is no recognized tribal governing body, all negotiations are further complicated in that approval must be obtained by contacting groups individually. Further than this problem, but one not considered impossible of solution is the Hopi's traditional reluctance to disturb the land. However, it is believed that they will probably accept drilling when it is realized that nearby drilling operations may drain away their own oil.

Regarding the claims contract, Mr. Boyden said the Tribal Council wanted to employ him, but that he had not accepted until he had seven villages and a majority of the people behind him.

Other than the claim which he is handling, he referred to a claim put before the Indian Claims Commission by the Shungopavi group which lacks legality because it requests return of lands rather than monetary reimbursement. Such matters are beyond the powers of the Indian Claims Commission. In view of this, he felt that BIA field officers should have tried to dissuade the group filing this claim.

When Mr. Boyden was approached by the Hopis to also act as their general counsel, he by-passed the Window Rock Area Office and first agreed upon an acceptable contract, including a 30-day cancellation clause, with the Commissioner. He followed this procedure to be sure he had an approvable contract.

EXHIBIT 56a

17053-56-066-187m

before taking it to the Indians themselves. This contract, he says, was approved by a majority of the Hopis, but has not received final Government approval. In this connection he indicated that his present inability to obtain Government approval was reducing his personal standing and ability to hold the group together.

In discussing general problems, he mentioned the tendency of particularly the traditional group, to wait for "purification day" when the greater claims would be settled. Some feel that an area much greater even than the 1882 Executive Order Reservation is rightfully theirs and any lesser claim is not worthy of consideration. Thus, many of the Hopis won't concern themselves with the minor day-to-day problems and working with them is made more difficult.

With respect to tribal organization Mr. Boyden divided the groups between progressive and traditional with notes as follows:

First Mesa: Three villages (progressive--pro-administration).

1. Shitchomovi
2. Tewa
3. Walpi

Second Mesa: (Leadership involved, position divided)

1. Sipaulovi--progressive
2. Mishongnovi--divided progressive and traditional with traditional leadership
3. Shungopavi--traditional

Third Mesa: 1. Oraibi

- New--progressive
- Old--traditional--has old leader who will not speak (Te-la-pon-tewa?)
2. Kyakotsmovi--traditional
3. Eakabi--under protest but majority progressive
4. Hotevilla--Chief Dan in power--generally progressive--but has not yet committed himself. Self appointed spokesman for group and Chief Dan is Tom Jenkins--a trouble maker and anti-government man of the new Oraibi group.

Moenkopi (near Tuba City)

1. Upper Moenkopi--progressive
2. Lower Moenkopi--a split from old Oraibi--traditional

Two direct questions were asked Mr. Boyden. Following are the questions and the import of his answers:

Question: (1) What would happen if the Government recognized the present Tribal Council?

Answer: The time is not yet ripe for such a move. It will be better to bring the traditional group along a little farther before recognition is given. This will permit him (Mr. Boyden) to consolidate his position with Hotevilla, Mishongovi and others. The minority group (not now sitting in the Tribal Council) is strong in having many people who will intercede for them and block most moves attempted on the basis of approval of the existing Council.

Question: (2) What do you think of placing the Hopi Jurisdiction under the Phoenix Area Office instead of the Window Rock Office?

Answer: It seems the only thing to do because the Navajos by sheer numbers and proximity to the Window Rock Office keep it occupied most of the time and leave little time for the Hopi and their problems. The Hopi themselves feel that they are not getting a fair deal under the present administration. This is a key problem in programming.

Mr. Boyden's summary:

1. The Hopi's are rapidly losing faith in him because of delays on the part of the Government in recognizing his contract.
2. Necessary steps to be taken: (a) field meetings with Indians, (b) contract approval on the part of the government, (c) and preparedness on the part of the Government to take the necessary steps.

Mr. Boyden thinks his program is well planned toward establishing unity among the various factions now disrupting the Hopi solidarity, insofar as it is possible to bring the traditional and progressive groups together. In doing this, he indicated that his first steps were to establish friendly relations as a basis from which to work. He feels that he is in a more favorable position to establish a workable plan than members of the Indian Service because of the seeming lack of confidence the Hopis evidence towards the EIA.

When he has obtained the trust of a solid majority, he believes that he can then develop a representative tribal council with whom EIA and outside interest may deal. For this reason he believes that any move on the part of the EIA toward recognizing the present Tribal Council might only result in delaying the time when this Council may be strong enough to be safely recognized.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
WASHINGTON, 25, D.C.

COPY

April 8, 1952

Mr. Platt Cline, Editor
Coconino Sun
Flagstaff, Arizona

Dear Mr. Cline:

In reply to your letter of March 29, 1952, in which you request additional information regarding the Hopi Tribal Council, I believe I can further clarify the situation.

Through your letter, I recognize your personal interest and understanding of the need for the Hopis to develop their own self-government. Your awareness of this problem makes it easier for me to explain the Bureau's position whereby we help the Hopis when they need aid and will accept it. At the same time we feel that it is our responsibility to avoid interfering in affairs which they themselves should decide upon. Realizing that the existing situation is largely as stated in your letter, we have not as yet formally recognized the Tribal Council; however, we have not closed the door against recognition when it appears that the Hopis themselves are satisfied that their Tribal Council is truly representative of the entire Hopi tribe.

As was indicated in my letter to Senator Hayden, matters pertaining to the funds, status and powers of the Tribal Council are still under review in consideration of the present problem, An Act of June 18, 1934, often referred to as the "Indian Reorganization Act" provided the right to organize and adopt constitution and bylaws. These in turn became effective when ratified by a majority vote in a special election which the Secretary of the Interior called and regulated. The Hopis adopted their Constitution and Bylaws October 24, 1936 and it was approved December 19, 1936. Thus, the Act might be said to have provided means whereby a selected council was made the legal representative of the Tribe. The Bureau in accepting the Hopi Constitution and Bylaws permitted the Tribe to select its representative Council by procedure set forth in its own Constitution and Bylaws. The study then boils down to one of determining whether the present Council is constituted within the authority defined in the above document.

I share with you your concern regarding the Hopis, and I am hoping that they will themselves soon provide an answer to this problem by agreeing on a representative Tribal Council which may then be recognized without question as to its status.

I am glad to know that the realization of the complexity of the problems of the Hopi is not confined to your organization alone. Your interest is appreciated.

Sincerely yours,

D.L. Myer (signed)

Commissioner

EXHIBIT 57a

The Coconino Sun Company

Printers and Publishers

FLAGSTAFF, ARIZONA

July 13, 1952

PUBLISHING:
ARIZONA DAILY SUN
COCONINO SUN (WEEKLY)

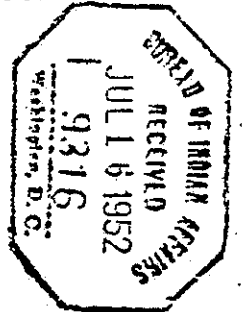
BUREAU OF INDIAN AFFAIRS

RECEIVED

JUL 15 1952

OFFICE OF THE COMMISSIONER

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



Dear Commissioner Myer:

Thank you for the information contained in your letters of several weeks ago, in response to my requests for information concerning Hopi Indian matters.

As you suggested, I got in touch with Mr. John S. Boyden, attorney, for information on the Hopi land claims.

I met Mr. Boyden a few weeks ago, when he was down this way visiting the Hopi, and had a long talk with him.

He advised me that you, as Commissioner, had approved his contract with the Hopi Tribal Council, and also contracts with groups in some of the villages, and that he was pursuing these claims before Indian Claims Commission.

I have no doubt that Mr. Boyden and associates are very able attorneys, and neither have I any doubt that Mr. Boyden is sincerely trying to help the Hopi and will be zealous in his work on their behalf.

But I would like to point out some facts in regard to the Hopi situation which you may not know.

(1). Many Hopis, perhaps a majority, are opposed to the filing of a regular claim with the Indian Claims Commission, because they feel that by so doing, they are actually APPROVING the seizure of this Hopi land, by the Government and by the Navajos. By asking for payment for land, they reason, they are endorsing the right of other persons to take it away from them. It is for this reason that many Hopi have strongly opposed the filing of a lands claim, and it is for this reason that some of them filed a "claim" with the commission, not for payment, as provided by statute, but for return of the land. Of course this "claim" will be rejected by the Lands Claim Commission, and the Hopi people realize it; but they want the record to show that they made a formal claim for the land which they had used from time immemorial. This "claim" of which I speak is in addition to the claim filed with the Commission by Mr. Boyden.

(2). Boyden claims to represent the Hopi tribe through the Hopi Tribal Council, which has not yet (thank goodness!) been recognized as having actual governmental and representative powers, and through individual contracts which he has with the villages of First Mesa (consolidated villages of Malpi, Sitchumovi and Tewa), and Sipaulovi, Dakabi, Kyatkotsmovi, Upper Moencopi.

He does not have, nor does he now claim to have, contracts with the villages of Old Craibi, Motevilla, Lower Moencopi, Shungopovi and Mishongnovi.

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The Coconino Sun Company

Printers and Publishers

FLAGSTAFF, ARIZONA

PUBLISHING:
ARIZONA DAILY SUN
COCONINO SUN (WEEKLY)

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He claims to have a "majority" of the villages, and thus a "majority" of the Hopi people, as endorsers of his contracts to represent ALL the people in ALL the villages.

Actually, the most important Hopi villages are Hotevilla, Shungopovi and Mishongovi, the three of which have a population of about 1000. None of these three villages have entered into contracts with Boyden or any other attorney.

As a matter of fact, there isn't anything sure about clear "majorities" in the seven villages which are represented as having signed these contracts. As you can learn for yourself upon inquiry, the "majorities" present at these meetings, held to approve the contracts, constituted only a minority of the people in each village.

So if only a majority of those who attended the meetings signed, and this "majority" actually was a very small minority of the Hopi people who live in those villages, how can the contracts be considered as having actually been approved by a real majority of the Hopi people even in those villages, let alone in all villages?

I am sure that your superintendent on the ground, Mr. Dow Carnal, will tell you that "council" people and "traditional" people in Hopi land are pretty evenly divided. My opinion is that he is somewhat optimistic on the side of the council. My honest, considered belief, resulting from a long, intimate concern with the Hopis, is that less than a third of all the Hopi people in any way approve of the Hopi tribal council, as now constituted, or any of its acts including the signing of these lands claim contracts.

You might not know that the people signing these contracts for the several villages are in most cases identical with the Hopi tribal councilmen for those same villages.

On the basis of truly representative government, we cannot, then, say that the council represents a majority of the Hopi people, nor can we say that the contract signers in these seven villages actually truly "represent" the people in their own villages, let alone the people in the other villages with which no contracts were secured.

There are roughly, 4000 Hopi Indians. Mr. Carnal believes that about 1000 of these live off the reservation, in neighboring communities. Of the 3000 in Hopi land, in my opinion, not over 500 or 600 approve of the tribal council and the contracts it has signed, not only as a body, but through its individual members, with Mr. Boyden to represent ALL the Hopis before the Land Claims Commission.

Mr. Myer, our own Founding Fathers did not concoct and place in operation a representative form of government in as little time as has been expected ~~of~~ of these Hopi people, and this in spite of the fact that our Founding Fathers had a long tradition of parliamentary procedure and democratic rights inherited from England.

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The Coconino Sun Company

Printers and Publishers

FLAGSTAFF, ARIZONA

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PUBLISHING:
ARIZONA DAILY SUN
COCONINO SUN (WEEKLY)

The move for a Hopi Tribal Council has been pushed too rapidly, and the methods used to push it along have in many cases been somewhat less than desirable. There is no question in my mind but what election returns have been falsified, that issues have been improperly presented, and that the Hopi people have been betrayed, time and time again, by those seeking to implement the Council. And it is precisely because of these things that more and more Hopis have dropped it, moving over to the traditional side.

The Council has absolutely no prestige in Hopi land, as you can easily learn for yourself if you will make a sincere, conscientious effort to do so. One former Council Chairman, long identified with the Council, was released from prison a few weeks ago after serving a term for mishandling postoffice funds at Oraibi, where he was Postmaster. The present tribal council chairman has been seen and recognized on the streets of Winslow in a very intoxicated condition. Other things of a similar nature could be reported if there was any need. Can you imagine how much prestige these men have with such records? Can you imagine the prestige the council has when it is represented by men such as these? Doesn't this sort of thing suggest that the wrong element is trying to direct the affairs of the Hopi people?

It's worth a complete, thoroughgoing investigation.

(3). The Hopi people are awakening to the power which they can exercise if they will. They are learning that they don't have to stand for brutal, kangaroo-court procedures in the so-called tribal courts, as witness ~~the~~ the happenings of a couple of weeks ago. They are learning that they can dispose of the ridiculous, strutting little would-be "governors" of the council by laughing at them—and they are laughing.

(4). The Hopis have REAL leaders, with a long, long traditional history of procedure. These are the men who must comprise the Hopi tribal council when and if it is ever really to become a ~~real~~ governmental body.

As one who loves the Hopis very much, who is very close to them, and who has absolutely no axes to grind, I urge you to thoroughly investigate matters in Hopiland, and then to conduct a real, fair, secret referendum out there on this business of attorneys and land claims.

I will be happy to help you do this, and I can help you find a lot of good people, Hopi and white alike, who will help if they find that you are really trying to help the Hopis ~~get~~ a square deal.

There are not many Hopis—but the culture they possess is valuable to the world. They have something we need badly. In the words of John Collier in his book, "Indians of the Americas": "They had what the world has lost. They have it now. What the world has lost, the world must have again, lest it die. Not many years are left to have or have not, to recapture the lost ingredient."

Sincerely, and with every kind wish,

Sam. H. ...

Platt Cline, editor

EXHIBIT 57d

July 19, 1952

COPY

Senator Clinton P. Anderson
Senate Office Building
Washington, D.C.

Dear Senator Anderson:

I am writing to you because I understand you are chairman of a subcommittee, of the Committee On Interior and Insular Affairs, investigating the subject of attorney contracts with Indian tribes.

Could you send me a few copies of your Report to the Full Committee, dated June 24? I have seen a copy, but would like to distribute additional ones in the Indian country.

I don't know whether or not your subcommittee has looked into the Hopi Indian situation in Arizona, but would like to pass on to you some of the things I have learned about matters out there.

John E. Boyden, attorney of Salt Lake City and Washington, has a "contract", or set of contracts, with some of the Hopis. His contract to represent the Hopi people before the Indian Lands Claims Commission, and individual contracts with men who claim to represent seven of the 13 Hopi villages, and his contracts with these same men and with the so-called Hopi Tribal Council to serve as general counsel, have been approved, I understand, by Commissioner Myer. This approval no doubt has resulted from recommendation from Indian Bureau officials in the field.

Boyden claims to represent all the Hopi people, not only in the land claims matters but in all matters, as a result of these contracts.

The so-called Hopi Tribal Council, with which he has contracts, has not yet been recognized as the official governmental body for the Hopi. Nor should it be, as it is not representative, nor does it have the confidence of the great majority of the Hopi people.

Attorney Boyden apparently realizes this, and because of the weakness of his contract with the council, has secured individual contracts with the following villages, or rather, with a minority group in these villages: Walpi, Sitchumovi, Tewa, Sipaulovi, Bakabi, Kyatkotsmovi, Upper Moencopi.

He does not have, nor does he claim at this time to have, contracts with the villages of Old Oraibi, Lower Moencopi, Shungopovi, Mishongnovi and Hotevilla.

His argument runs that he has contracts with a "majority" of the villages, and thus with a "majority" of the Hopi people.

This argument won't stand up, for the following reason:

EXHIBIT 57e

2-2-2 July 19-52

According to Indian Bureau officials, there are about 3800 or 3900 Hopis. Of these, according to Mr. Dow Carnal, superintendent, Kearsu Canyon, about 1000 live away from Hopiland. This leaves roughly 3000 Hopi Indians now living in the 13 villages.

The most important Hopi villages are Hotevilla, Shungopavi, and Mishongnovi, the three of which have a population of more than 1000. In these villages, the attorney does not claim to have any connections at all.

In the seven villages with which he has contracts, he has dealt only with minorities. At meetings called to approve his contracts, only minorities attended. And only a majority of these minorities approved the contracts. And in most cases, the men signing for these seven villages as "representatives" of the people, are identical with the so-called Hopi Tribal councilmen from those villages.

So if only a minority of these people in the seven villages endorsed the Boyden contract, how can the contracts be considered as having actually been approved by a REAL majority of the Hopi people even in these villages, let alone in all the villages?

I have no doubt that Mr. Boyden is a very fine attorney, but I am sure he is not fully aware of the weakness of his contracts with the Hopis.

Even the agency superintendent, Mr. Carnal, will admit that the so-called Hopi Tribal Council does not represent a majority of the Hopi people.

This Hopi matter, as I am sure you well know, is very involved. In my opinion, a complete investigation, not only of the attorney contract matter, but of some other matters, is in order.

True, the Hopi are few---only 4000. But they are Americans, and they are entitled to a fair, square, democratic deal, and it is only by appealing to you and others in Congress, apparently, that they have any chance of getting it.

I have no axe to grind. I have nothing to sell. I know and love the Hopi people, and have the confidence of a lot of them, and I know what is going on out there.

Let me urge your committee to thoroughly investigate the Hopi matter.

Sincerely

Platt Cline, editor

EXHIBIT 57f

Information
8320-53

Tozier

Hon. Patrick J. Hillings
House of Representatives
Washington, D. C.

JUN - 3 1953

Dear Mr. Hillings:

This is in reply to your note of May 28 asking for comments on an enclosed letter addressed to you by Mr. Charles W. Davis of Covina, California. With his letter Mr. Davis enclosed a mimeographed copy of a letter addressed to the President of the United States more than four years ago by the Hereditary Hopi Chieftains of the Villages of Hotevilla, Shungopovy, and Mushongnovi.

I am enclosing a copy of a reply to this letter from the Hopi Chieftains which was addressed to them on May 16, 1949 by the then Commissioner of Indian Affairs. As you will see from this letter, the Bureau of Indian Affairs is not unsympathetic to the views expressed by these "traditionalist" leaders of the Hopi people who have a strong and deeply rooted desire to cling to their ancestral ways of life. However, there is a question as to how far we can go in satisfying their desires within the framework of national law and policy. It should also be pointed out that there are many other Hopi leaders whose views are quite different from those expressed by the Hereditary Chieftains.

If either you or Mr. Davis have any further questions after reviewing the letter by former Commissioner Nichols, we shall do our best to provide you with the answers.

Sincerely yours,

(Sgd) W. BARTON GREENWOOD
ACTING
Commissioner

Enclosure

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EXHIBIT 58

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

JUL 17 1953

Mr. Allan C. Harper

Area Director, Window Rock Arizona

Dear Mr. Harper:

Your letter of February 21, 1953 and other correspondence in connection with the over-all Hopi situation have been receiving considerable attention in this office for sometime. The Hopi Tribal Council has been recognized to a certain degree as evidenced by the approval by this office of attorney contracts with John S. Boyden of Salt Lake City, Utah, and the Hopi Tribal Council, and in other administrative actions between the Hopi Tribe and this office in the past. We wish to clarify the situation at this time and give both the Bureau staff and the Hopi people a statement of our views.

We will recognize the Hopi Council as the governing body of the tribe as a whole until such time as that body is modified or changed through the wishes of a majority of the Hopi people from the different villages. We understand that representatives of the several villages who have not as yet affiliated themselves with the so-called council group will propose to the Secretary definite recommendations for a different type of tribal government for the Hopi people which could strengthen the position of each village of the entire Hopi Reservation.

Until these recommendations have been received and considered, the Bureau staff and the Hopi Tribal Council should give recognition to the fact that the "Traditionalists" have not as yet affiliated with the Council group and their views should be considered nevertheless in decisions reached by the Council until a possible reorganization is effected.

With reference to the proposal that funds accumulated in the account (MPL Hopi Agency representing traders license fees be transferred to the credit of the tribe, we have been unable to find any authority to permit such a transfer.

Sincerely yours,

(Sgd.) W. Barton Greenwood

Acting Commissioner

EXHIBIT 59

17053-50-066-147m

see also
A:210

Shungopavy Village
Second Mesa, Arizona
April 28, 1952

C O P Y

Dillon L. Myer
Commissioner of Indian Affairs
Washington 25, D.C.

RECEIVED
MAY 23 1952
Indian
Claims Commission

Dear Myer,

Recently we, the undersigned, traditional Hopi leaders of Hotevilla, Shungopavy and Mushongnovi villages have received a Petition of an attorney, John S. Boyden of Salt Lake City, Utah which he has filed with the Indian Claims Commission on behalf (he claimed), of the whole Hopi Tribe.

We shooked our heads with shame and regrets that this fine, intelligent and highly educated man either completely misunderstood us or just simply disregarded our words and wishes by taking upon himself by writing this Petition up and filing it without our consent nor approval. We cannot help but say that he has done us wrong. He has stolen the names of the Villages that has rejected him and did not signed his Contracts when he was on the Hopi Land a year ago. He even went as far as to say he represents the whole Hopi Tribe, villages and has the authority of the so-called Hopi Tribal Council.

The truth of the matter is that the traditionally established villages of Mushongnovi, Shungopavy, Oraibi, Hotevilla and Lower Moencopi did not and will not accept him to be an attorney for the Hopi Tribe. None of the above villages signed his Contracts therefore he could not represent the whole Hopi Tribe.

As regards the co-called Hopi Tribal Council they do not have our approval nor recognition. We have no representative in this organization. They are young, educated Hopi men who are either on government jobs and some have little or no knowledge of our Hopi tradition and religion. They have caused much unhappiness and misunderstanding among our people. They are hateful and dictatorial in nature. They present Council was organized by Supt. Crawford with the help of some of the Hopi government employees. There has been many cases too numerous to mention here where they have caused arrest of some Hopi men who were fined far beyond their financial means. These facts can be proven at anytime.

If you have recognized this Council you have recognized the dictatorship for the Hopi, peaceful people.

Because of this land matter is of highest importance to us, involving all people in this whole land of the Indian Race, we demand a full explanation of the so-called Hopi Tribal Council and that attorney John S. Boyden be required to stop working on the claim now.

EXHIBIT 60a

At our recent meetings we have come to a common decision as traditional leaders that the present~~y~~ so-called Hopi Tribal Council does not represent our traditionally established villages and that anything that they have approved or passed will not bind us or our villages. That only those who signed the Contracts of the attorney, John S. Boyden be required to settle any matters with him. That we will not work with them at anytime because they are working contrary to our own Hopi traditional way of living. We will not want ever to become White man but will continue to remain and live as Hopi people until our "true white brother" comes and right the wrongs that has been done to us.

Sincerely yours,

We are,

(Signed)

Dan Katchongva
8,114 Hotevilla Village
(Advisor)

(Signed)

Andrew Hermequaftewa ✓
8,114 Shungopavy Village
(Advisor)

(Signed)

Starlie Lomuyaktewa
(Chief)
Mushongnovi Village

8,114

cc:

John S. Boyden
Indian Claims Commission
Supt. D. Carnal, Keams Canyon, Ariz.
National Congress of American Indians

EXHIBIT 60b