



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

Mr.. Dan Katchongva
Mr. Andrew Hermequaftewa
Mr. Starlie Lomayuktewa
Shungopavy Village
Second Mesa, Arizona

JUN 16 1952

Gentlemen:

This refers to your letter of April 28, concerning the claims attorney contract between John S. Boyden and The Hopi Tribe.

The contract was executed by representatives of The Hopi Tribe as organized under the Indian Reorganization Act, and it was also executed by representatives of seven villages.

It is not necessary to decide whether the representatives of the organized Hopi Tribe were authorized to sign the contract in the name of the tribe, because even if the organized status of the tribe were ignored any member of the tribe would be authorized under the Indian Claims Commission Act to hire an attorney to prosecute the claims of the tribe.

Very truly yours,

Commissioner

Copy to-

Mr. Andrew Hermequaftewa
Mr. Starlie Lomayuktewa.

EXHIBIT 61

CARBON FOR INDIAN BUREAU

Association on American Indian Affairs, Inc.



48 East 86th Street
New York 28, New York

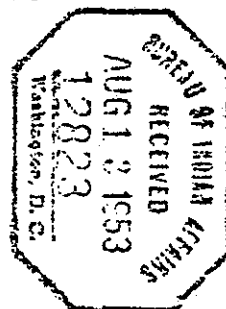
TR 9-3130

Oliver La Farge, *President* • Haven Emerson, M. D., *Honorary President*
Rene d'Harnoncourt, *1st Vice President* • Charles L. Black, Jr., *2nd Vice President*
Alden Stevens, *Secretary* • Charles Russell, *Treasurer*
Alexander Luster, *Executive Director*

647 College Street, Santa Fe, New Mexico

August 11, 1953

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



Dear Glenn:

200
You may have seen by now a letter written to you on August 8 by Mr. Platt Cline, Editor of the Arizona Daily Sun at Flagstaff. This letter concerns the decision recognizing the so-called Hopi Tribal Council, by Acting Commissioner Greenwood. Mr. Cline asks that you suspend this recognition until you can yourself look into the matter, and I heartily second his suggestion.

In my opinion, the decision should not have been made when the appointment of a regular Commissioner was close at hand. It is a very doubtful decision, and one that may cause a great deal of trouble to the Indian Bureau.

I know that the Window Rock Area Director recommended against it, as have I in the past and many others conversant with the Hopi situation. My understanding is that the decision has not yet been announced to the Hopis, as the Hopi superintendent has been absent and the Area Director was waiting to send it through him. I believe that a telegram from you directing that recognition be withheld for further study would be in time.

I know that you are extremely busy with a great many matters of an urgent nature, so I shall not attempt to go into any detail about the difficult

EXHIBIT 62a

Hon. Glenn Emmons

- 2 -

August 11, 1953

Hopi situation in this letter. I will say that I support most of what Mr. Cline says in his letter concerning that situation, although I would take exception to some of his allegations.

If you do decide to restudy this matter, and think that what I can contribute would be of value, I shall be extremely happy to write to you in full.

I urge you now to do no more than declare a standstill until you can acquaint yourself with this matter.

Yours sincerely,



Oliver La Farge

OLaF:cl

cc: Mr. Platt Cline
Mr. Allan G. Harper
Central Office

EXHIBIT 62b



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

Re-written
8/27/53

FILE COPY
SURNAME:
Project of Revision

Locke - 2/21/52
Hicks - 2/21/52
Gifford 3/20/47
Flory 3/21/47
Massey 2/21/52
Spaulding 3/25/50
Walt, Betty 7/14

SEP - 4 1953

Mr. Oliver LaFarge
647 College Street
Santa Fe, New Mexico

Dear Mr. LaFarge:

On receipt of your letter of August 11, concerning Hopi tribal affairs I made a review of tribal government problems as reflected in the records of this office.

It is apparent that the Bureau has had before it for some time the question of recognizing the Hopi Tribal Council as it is reconstituted. It was the thought of the people here that there was definite need of a Council with whom the Federal Government could consult on over-all Hopi matters. The Bureau has no desire to supplant the village government over purely village affairs. Neither does it desire to deal with the Hopi people in an arbitrary manner on matters which affect the Hopi Tribe as a whole. Yet in the absence of a recognized central body, the Government would be forced into making decisions for the Hopi people which the Hopi people should make for themselves or should assist in making through participation in preliminary discussions. It imposes an almost impossible task upon the Hopi Superintendent to require him to hold one or more meetings with eleven separate villages each time official consultation is necessary.

In the letter of July 17 recognition was given to the Hopi Council for consultation on matters of over-all welfare of the Hopi Tribe until such time as that body is modified or changed through the wishes of a majority of the Hopi people from the different villages. Moreover, the letter stated that the Bureau staff and the Hopi Tribal Council should give recognition to the fact that the "Traditionals" have not as yet affiliated with the council group and that their views should be considered in decisions reached by the council. We have in writing assurance from the council group that they are ready and willing to cooperate in any effort which will make the government of the Hopi Tribe more representative. Meanwhile, it is the intention to give every consideration to the views expressed by the representatives of the villages which have not yet affiliated themselves with the council group.

Carbon for Indian Office

EXHIBIT 63a

July 6 1953

I plan later in the year, to be in the Hopi country myself and shall discuss the problems of self-government with the various groups. If I find, however, that I shall not be able to make the trip, I shall send someone in whom I have complete confidence to meet with the groups. In the meantime, I prefer not to consider changing the position taken in the letter of July 17 until I have had an opportunity to learn more about the complex problems.

I appreciate your offer to be of assistance in dealing with Hopi matters. I shall probably want to consult with you from time to time.

Sincerely yours,

(SGD) GLENN L. EMMONS

Commissioner

Copies to: Area Director, Window Rock, Arizona
Superintendent, Hopi Agency

ECHicks:rw 8/18/53; 8/19/53; 8/27/53

EXHIBIT 63b



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

IN REPLY REFER TO:

Tribal Programs
9034 - 54

FILE COPY
SURNAME:

<i>Hicks</i>
<i>Lee</i>

Hon. Thomas H. Kuchel
United States Senate
Washington 25, D. C.

JA - 2 1954

My dear Senator Kuchel:

Reference is made to your letter of June 16 with which you transmitted a letter from Miss Catherine Howell concerning the position taken by the central office of the Bureau of Indian Affairs in extending limited recognition to the Hopi Tribal Council.

Soon after I had assumed the duties of Commissioner of Indian Affairs, I made a review of the Hopi tribal government problems as reflected in the records of this office. The records revealed that the Bureau had had before it for some time the question of recognizing the Hopi Council as it is reconstituted. It was the thought of the people here that there was definite need of a council with whom the Federal Government could consult on over-all Hopi matters. The Bureau has no desire to supplant the village government over purely village affairs. Neither does it desire to deal with the Hopi people in an arbitrary manner on matters which affect the Hopi Tribe as a whole.

In the letter of July 17, 1953, recognition was given to the Hopi Council for consultation on matters of over-all welfare of the Hopi Tribe until such time as that body is modified or changed through the wishes of a majority of the Hopi people from the different villages. Also the letter stated that the Bureau staff and the Hopi Tribal Council should give recognition to the fact that the "Traditionals" had not affiliated with the council group and that their views should be considered in decisions reached by the council. We have in writing assurance from the council group that they are ready and willing to cooperate in any effort which will make the government of the Hopi Tribe more representative. Meanwhile, it is the intention to give every consideration to the views expressed by the representatives of the villages which have not affiliated themselves with the council group.

Miss Howell's letter of June 10 addressed to you is returned.

Sincerely yours,

(Sgd) GLENN L. EMMONS

EOHicks:gsa;rwr 6/24/54

Commissioner

Do not file Return to Division of Program

Carbon for Indian Office

EXHIBIT 64

Original sent

- 1 ~~Fisher~~
- 2 ~~...~~
- 3 ~~...~~ 6/7
- 4 ~~...~~ 6/3
- 5 ~~...~~
- 6 ~~...~~

May 21, 1952

Commissioner

Office of Chief Counsel

Rights of Hopi and Navajo Indians residing on Hopi Reservation

Reference is made to your recent request that we prepare a memorandum for submission to the Solicitor requesting that he reconsider and reverse the position taken in the opinion of June 11, 1946, (M-33821), dealing with the rights of the Hopi and Navajo Indians residing on the Hopi reservation. It was stated in the opinion that "the rights of the Navajos within the area set aside by the Executive Order of 18827 who settled in good faith prior to October 24, 1936, are coextensive with those of the Hopis with respect to the natural resources of the reservation".

A request to the Solicitor for a reconsideration of the opinion should be accompanied by a memorandum from this office indicating why the opinion is believed to be legally defective or indicating whether additional facts can be produced which would substantially affect the conclusion reached. However, the opinion has been discussed extensively by Mr. Ferguson and the Anadarko Area Counsel, Mr. H. E. Hyden, who, when he was attached to the Solicitor's staff, did an exhaustive amount of factual research on the problem and wrote the opinion, and it was their feeling that the opinion is legally sound. Moreover, Mr. Hyden stated that Felix Cohen, who signed the opinion, was originally sympathetic to the Hopi claim, but upon reading the opinion changed his views. Furthermore, the opinion was surmised by Mr. Planery.

It is my belief that a request for reconsideration would not be well received unless accompanied by an exhaustive research memorandum, and that we do not have the time to do the research now. Mr. Boyden told me that he has completed all the research necessary to ask for a reconsideration and intends to file the request as soon as his attorney contract is approved.

Lewis A. Sigler
Acting Chief Counsel

AJH:dmh

EXHIBIT 65

file with
9116-57
Hh

BOYDEN AND WILKINSON
LAW OFFICES
SUITE 2 - UTAH BUILDING
351 SOUTH STATE STREET
SALT LAKE CITY 1, UTAH

JOHN S. BOYDEN
ERNEST L. WILKINSON
ASSOCIATE COUNSEL
ALLEN H. TIBBALS
EARL P. STATEN
BRYANT H. CROFT

BUREAU OF INDIAN AFFAIRS
RECEIVED
SEP 20 1954
13473
WASHINGTON, D. C.
WASHINGTON OFFICE
WILKINSON, BOYDEN & CROFT
744 JACKSON PLACE
WASHINGTON

September 7, 1954

1-2

Robinson-O'Hara
Box 1471
600 Hillview
Winslow, Arizona

Att: Mr. M. K. Robinson

Re: Hopi Tribe - Mining and Minerals
Uranium Prospecting Permits

BUREAU OF INDIAN AFFAIRS
RECEIVED
SEP - 9 1954
WASHINGTON, D. C.

Gentlemen:

This will acknowledge receipt of your letter of September 3, enclosing a copy of a letter from the Superintendent of the Hopi Reservation regarding uranium prospecting upon the Executive Order Reservation outside of District 6.

Please be advised that the Tribe is in disagreement with the Solicitor's Opinion of June 11, 1946, and is now in the process of taking steps for reconsideration of that opinion. The Tribe has refused to take any action consistent with the opinion as given, and, therefore, I believe it is rather a useless gesture to seek any action from the Tribal Council upon this subject at this time.

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However, as Superintendent Pensoneau suggests, it might be well to make your application to the Tribe now for the purpose of making your interest a matter of record. Since this is not public property, any date of discovery is immaterial. I might say that there are many people who have evidenced interest in the property for uranium purposes. However, if and when title is cleared to the satisfaction of the Tribe, I am sure any prospecting permits probably will be upon a bid basis. If there are other people interested in the particular location in which you are interested, they also will be given an opportunity to bid for a mining lease or a prospecting permit in accordance with whatever procedure finally is adopted by the Tribe.

I am sorry I cannot be more helpful at this time, but the matter involved is one of grave concern to the Tribe and they are not willing to take any action that might jeopardize them in the pursuit of a proper settlement of their controversy.

Very truly yours,

John S. Boyden

cc: Commissioner of Indian Affairs
Area Director, Phoenix
Hale Secakuku, Chairman Hopi Tribal Council
Clyde W. Pensoneau, Superintendent

EXHIBIT 66



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

IN REPLY REFER TO:

File 33798-43
April 9, 1954

Memorandum

To: Assistant Secretary Orma Lewis
From: Commissioner, Bureau of Indian Affairs
Subject: Hopi Boundary

In reply to your memorandum dated March 25, 1954, the following information is submitted regarding the Hopi boundary problem, which has seriously complicated the administration of Hopi affairs for more than 50 years.

1. Statement of Problem. The problem is to divide the reservation that was established by Executive Order dated December 16, 1882, "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," between the Hopi and the Navajo Indians who are settled there, in order that each group will have the exclusive use of a designated area. The fixing of boundaries of a reservation within which the Hopis will have exclusive rights is a psychological and practical necessity. Essential elements of the problem are:

- (a) The determination of the percentage of the area that should go to each group.
- (b) The determination of the particular Navajos who are entitled to share in the division of the 1882 reservation and their right to share simultaneously in the Navajo reservation.
- (c) The need to retain in joint Navajo-Hopi ownership the subsurface rights in the 1882 reservation until their value is known.

EXHIBIT 67a

2. Facts

- (a) The 1882 reservation was established for the Hopi and such other Indians as the Secretary might settle thereon. The 1882 reservation is completely surrounded by the Navajo Reservation. Some Navajos were living within the 1882 reservation area at the time the reservation was established, and other Navajos have settled there since that time without express departmental approval or disapproval.
- (b) The Solicitor has said that the Hopis and Navajos who settled on the reservation in good faith prior to October 24, 1916, have "concurrent" rights to the use of the 1882 reservation, and that neither group can be given exclusive rights to all or any part of the reservation without legislation by Congress (see Solicitor's memorandum to the Commissioner of Indian Affairs dated February 17, 1941, and Solicitor's opinion to the Secretary dated June 11, 1946, M-11221).
- (c) During 1916, in an attempt to institute a satisfactory range-management program on the entire Navajo and Hopi Reservation area, the Bureau set up grazing districts within both the Navajo and 1882 reservations. District 4 was designated for the use of the Hopi. However, friction between the Hopis and Navajos over the use of the area resulted, and the Hopis generally refused to accept any boundary because they considered that their claims for the much greater area would be jeopardized. Several readjustments enlarging grazing district 4 were proposed, but were not accepted by the Hopis. Originally, district 4 was set up and tacitly understood to be for the exclusive use of the Hopis.

However, when the Bureau proposed to affirm this understanding by an official order defining areas within the 1882 reservation for the exclusive use and occupancy of the Hopis and the Navajos, the Solicitor disapproved the proposal on the ground that it would violate the statutory prohibition against the creation of Indian reservations.

without statutory authority, it would violate the right of the Hopis within the 1882 reservation, and it would not conform to the Hopi constitution approved December 19, 1936 (Collector's memorandum dated February 12, 1941). The Secretary approved a letter to the Hopi Superintendent on January 8, 1942, based on the Collector's memorandum and stating that only Navajos residing on the area as of October 24, 1936, the date of ratification of the Hopi constitution, and the descendants of such Navajos, have rights within the 1882 reservation. This letter also affirms that district 6 is not a reservation boundary but merely a land management district, and that Hopi concurrence must be obtained before the Hopis can be restricted to any portion of the 1882 reservation for grazing and farming purposes.

As a part of the range and management program, stock reduction was undertaken in district 6 in the face of strong opposition by part of the Hopis (third mesa particularly). The Hopi Tribal Council, which was never fully recognized by the Hopis as a representative body, was rendered completely useless by the political conflict which ensued. The Council was reconstituted in 1930, and it has recently been recognized by the Department as the official representative of the Hopi Tribe. The Hopi constitution empowers the Council to negotiate for the exclusive use of a part of the 1882 reservation, but statutory authority is required to establish partition boundaries.

- (c) The Hopis have consistently protested all efforts to restrict their use of the entire 1882 reservation area, and they have consistently protested the use of any part of the reservation area by the Navajos.
- (d) The Hopis have a claim pending before the Indian Claims Commission (No. 376) in which they allege aboriginal title to most of the land in the present Navajo reservation and to all of the land in the 1882 reservation. They claim in the alternative (1) that title to the land has been taken from

them and they are entitled to damages equal to the value of the land taken, or (2) that title to the land is still in the Hopis but they have been deprived of the use of the land and are entitled to damages equal to the value of the use of the land.

3. Important Considerations Relating to a Solution of the Problem

- (a) The present resource base for both the Hopis and Navajos in the 1882 reservation is inadequate. Economic development, or the discovery and development of mineral resources may affect this situation.
- (b) It is estimated that there are 2,800 Hopis and 6,300 Navajos principally dependent on the 1882 reservation surface resources for their livelihood. All of these 6,300 Navajos may not be entitled to live there.
- (c) The area is chiefly suited for livestock grazing and a limited amount of farming. Carrying capacity for livestock is low because of the limited rainfall and deteriorated range condition resulting from overgrazing.
- (d) The entire Navajo Reservation surrounding the 1882 reservation is overcrowded and overgrazed, and sufficient range is not available to permit relocation of either Navajos or Hopis to other areas within the Navajo Reservation without causing further overcrowding and starvation.
- (e) The Navajos and Hopis are traditionally antagonistic, and successful administration at this time requires a physical separation and clear definition of the rights of the two tribes.
- (f) The Hopis are village-dwelling Indians, and the residence of the majority is in village areas from which they manage their farming and livestock operations. Present village sites are in traditional locations and have been occupied for many years. Any reservation boundaries established

should be drawn with a full understanding of the location of the villages and Hopi religious shrines.

- (g) The Hopi villages of Upper Moencopi and Lower Moencopi, are located about 4 miles from Tuba City in grazing district 3 on the Navajo Reservation. It is estimated that there are 400 Hopis living in these villages, which are outside of the 1932 reservation. Consideration must also be given to clearly defining the rights of these Hopis.
- (h) The present Hopi grazing district 6 does not have an adequate supply of wood for fuel and fence posts. The establishment of any reservation boundary should consider the problems of such basic needs as fuel, water, ranges and farm land.
- (i) The possible discovery and development of mineral resources, a resource as yet of undetermined value, indicates the desirability of retaining subsurface rights in joint ownership until such time as their value and location is determined. Any division of land including subsurface rights prior to development might later prove unfair.
- (j) It will be extremely difficult and expensive to determine the Navajos and their descendants who were in residence on the 1932 reservation on October 24, 1936, the time of ratification of the Hopi constitution.
- (k) The complexity of the problem and the need for further detailed information indicates the need for a very comprehensive study of the entire problem before any suggestions are made to the Hopis and Navajos regarding a definitive boundary.
- (l) Navajo Indians with rights in the 1932 reservation are also enrolled in the Navajo Tribe, and they should not be allowed to share in the assets of two reservations.
- (m) The Hopis, although organized under the Indian Reorganization Act, do not have now, and have not had in the past, a

tribal body which has sufficient support to make decisions regarding the donation of any reservation for the exclusive use of the Hopis.

(a) The Hopis generally adhere closely to their religious traditions which are reflected in their way of life. They are split into factions along village lines, clan lines, and by degree of adherence to traditional customs. Obtaining tribal decisions on most matters is difficult. Individuals, even when selected by part of the tribe, do not wish to make decisions which will affect others because they fear criticism. The most important political division of the group is between the more progressive and the traditional elements. The resistance of the traditional element to tribal action is still shown in their refusal to recognize the council or seek their councilman. The tribal council includes representatives from seven villages representing the more progressive group, but five villages representing the traditional Hopis have not sent representatives.

(b) The Hopis lack faith in the Federal Government because they believe they have never been adequately protected from the encroachment of the Navajos. Hopi distrust of the Government was increased by official governmental recognition of the Navajos' rights in the 1882 reservation, establishment of grazing district 6, regulations of grazing use, and the livestock reduction program.

(c) The disputed Hopi and Navajo interests in the mineral estate of the 1882 reservation and the lack of authoritative representation for the Hopi Tribe and the Navajos with co-extensive rights have interfered with development of the reservation mineral resources.

4. Suggested Solution of the Problem

(a) Legislation to authorize a fair division of the 1882 reservation between the Hopis and the Navajos with co-extensive rights. The Hopis will oppose such legislation because they claim the entire reservation. If the division results

in a grossly inadequate resource base for such group, the legislation may need to give to that group relocation opportunities or occupancy rights (for a consideration) in the lands lost by them.

- (b) Litigation by the Hopis in a new action before the Court of Claims under existing jurisdictional acts if they feel that the congressional division of the reservation infringes their rights. Their claim of exclusive rights should be adjudicated in the pending Indian Claims Commission case. If the claim is denied, the proposed congressional partitionment should create no new liability of the United States. If the claim is sustained, the terms of the judgment will determine whether the proposed congressional partitionment would create a new liability.


Commissioner

Attachments

JS Lindsey:mam 4/6/54



February 24, 1955

Commissioner, Bureau of Indian Affairs

Washington 25, D. C.

Dear Sir:

Office letter of February 2, 1955 returned copies of a traffic ordinance that had been submitted by the Hopi Tribal Council for approval under its constitution. Your letter advised that the Hopi Tribal Council is not recognized by the Bureau for purposes such as the enactment of a traffic and motor vehicle code. Your letter has brought up matters on which further clarification is deemed desirable in order that field actions with respect to the reconstitution of the Hopi governing body may be properly effected.

Unfortunately, Superintendent Pensoneau had not seen a copy of your letter of July 2, 1954 to Senator Thomas H. Kuchel. This communication states that the recognition given the Hopi Council was ".....for consultation on matters of over-all welfare of the Hopi Tribe.....". Until Superintendent Pensoneau read our copy of the cited communication, I am informed that he was proceeding on the basis of the following statement taken from your July 17, 1953 letter to the Area Director of the Window Rock Area: "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." You can readily see how Mr. Pensoneau's relations to the present Hopi Council must be altered if the Bureau's recognition is limited to "consultation" and does not apply to the "governing body of the tribe as a whole."

I have discussed with Superintendent Pensoneau and Field Solicitor Truswell the present constitution of the Hopi Tribe, and a question arises as to the basis on which the Bureau can withhold recognition from a council elected in accordance with the Hopi Constitution and doing business as set forth in Section 6 of Article IV, which states: "No business shall be done unless at least a majority of the members are present." This situation becomes particularly pointed when (1) the Superintendent is in possession of appropriate

EXHIBIT 68a

certification as to council members selected, as set forth in Article IV of the tribe's constitution, and (2) at least 9 council members are present at an appropriately convened council meeting. It is my understanding that the Constitution and By-laws of the Hopi Tribe are still in legal effect and cannot be rescinded by administrative action even from the Secretarial level. If I am incorrect in my interpretation of this situation I would like to be so advised.

Superintendent Pensoneau has been operating on the basis of the material contained in the July 17, 1953 letter to the Window Rock Area Office. He has been working with the Hopi Tribal Council on this basis with the understanding that he should do so until the traditional groups come up with recommendations for a reorganization or change in the present constitutional government that will be supported by a majority of the villages and members of the Hopi Tribe. He has been carefully informing the traditionalists of all council actions in order that the views of this group may be considered. As a matter of fact, members of the council themselves have taken great pains to see that the traditional groups are appropriately informed and continuously invited to participate in the Hopi tribal government. The present tribal council, members of which took office December 1, 1954, is made up of nine members representing seven Hopi villages.

Villages represented on the Hopi Tribal Council

First Mesa (Tewa, Sichomovi, Walpi)..... 4 members
 Second Mesa (Shipaulavi Village)..... 1 member
 Third Mesa (Kyakotsomovi, Bacabi, Upper Moencopi). 4 members

Villages not represented on the Hopi Tribal Council

Second Mesa (Mishongnovi, Shungopovi).....entitled 4 members
 Third Mesa (Hotevilla, Oraibi, Lower Moencopi)..entitled 4 members

The council not only represents a majority in the number of villages and in the number of eligible delegates, but also represents a majority of the tribal population as shown by the following tabulation:

Hopi Population

<u>First Mesa</u>	<u>No. Families</u>	<u>Population</u>
Walpi, Sichomovi, Tewa	169	866
<u>Second Mesa</u>		
Shipaulavi	26	116
Mishongnovi	50	227
Shungopovi	71	321

	<u>No. Families</u>	<u>Population</u>
<u>Third Mesa</u>		
Kyakotsmovi (new Oraibi)	62	292
Oraibi (old Oraibi)	27	130
Hotevilla	97	427
Bacabi	36	147
<u>Keams Canyon</u> (Agency not a village)	24	102
<u>Moenkopi</u>		
Upper Village	40	192
Lower Village	<u>42</u>	<u>208</u>
	644	3,028

It is our impression that the traditional groups are not inclined either to participate in the present government of the tribe or to suggest organizational and constitutional changes therein. This condition means that the Bureau will probably be faced for some time in the future with the necessity of having to work through those tribal representatives who are selected in accordance with the tribal constitution. It is our feeling that it is only through this group that a revision of the tribe's organizational setup can be accomplished. We also believe that to require the Superintendent to change his position at this time will materially delay, if not destroy, the progress that is being made toward reorganization.

Because of the situation outlined above, we would appreciate early consideration to the two questions posed, namely:

1. How can the Bureau fail to recognize as the official governing body of the Hopi Tribe, that body of representatives who are elected in accordance with approved constitutional procedures and who meet in accordance with the constitutional requirement that a majority of such delegates be present for the transaction of tribal business?

2. Will it be necessary for the Hopi Superintendent to revise his approach to the Hopi Council (based on Office letter of July 17, 1953) wherein he has been recognizing the council as the governing body of the tribe, and assume the position (set forth in Office letter of July 2, 1954) that the council is recognizable solely for consultation?

Sincerely yours,

J. M. Howland
Area Director *JBR*

EXHIBIT 68c



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

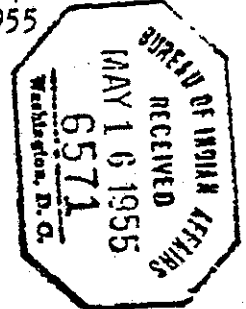
PHOENIX AREA OFFICE
P. O. BOX 7007
PHOENIX, ARIZONA

IN REPLY REFER TO:

RECD 5-17
FLORY
MILLER
HEDDEN
RUDOLPH ✓
CORNELIUS
FILE
SIGNED

May 11, 1955

File 301 & return RJA



Commissioner, Bureau of Indian Affairs

Washington 25, D. C.

Attention: Mr. E. J. Utz

Dear Sir:

Under date of May 3, 1955 you acknowledged a February 23 wire from Dan Katchongva of Flagstaff, Arizona. You are asking for a report on the request of the traditional leaders of the Hopi Reservation that all matters relating to Hopi lands be held in abeyance.

I have discussed the implications of Mr. Katchongva's telegram with Superintendent Pensoneau and I have been advised that the superintendent is not aware of any specific objections being raised by Mr. Katchongva's group other than those which have already been brought to the attention of the Office. It is our belief that the land matters referred to could be one of two things: First, grazing permits relating to the individuals of the Hotevilla Village, or second, the brief that has been submitted by Hopi Tribal Attorney John Boyden on title to mineral rights under the Hopi Executive Order Reservation.

In discussing the "temporary" permits for grazing purposes which are in effect on the Hopi Reservation, the Bureau has attempted to secure agreement among all the Hopis on procedures that would provide for the permanent issuance of standard grazing permits on Bureau forms. The net result of these efforts has been that the so-called traditional group has turned in all of their temporary permits with the contention that their way of life did not require governmental supervision and that their way of life would not permit regulation of grazing on Hopi lands. Superintendent Pensoneau returned the temporary grazing permits to the designated permittees, and at a recent meeting with the Hotevilla group refused to re-accept the surrender of the documents. It is my belief that there is nothing further the Government can do with respect to this situation except to follow matters closely and take such action as is appropriate to assure that we are discharging our responsibilities to protect Indian grazing lands.

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EXHIBIT 69a

Mr. Boyden's brief on title to mineral interests in the Hopi Executive Order Reservation was transmitted to the Solicitor of the Department of the Interior in accordance with the Solicitor's statement to Mr. Boyden that he would be glad to review such facts as Mr. Boyden might care to present. Copies of the brief were forwarded to your Office. As we have pointed out previously, no mineral leasing on the Hopi Executive Order has taken place during recent months. This has occurred because of two facts:

1. The Solicitor's ruling that such leases could be executed only by the Hopis and such Navajos as were residing in the Executive Order Reservation on a specific date in 1936.
2. The Hopi Tribal Council was disbanded several years ago and its reconstitution has not been fully recognized by your Office.

This office does not have an organized body through which to secure representation from the Navajos who are purported to have an interest in the minerals of the Hopi Executive Order Reservation. We know of no manner in which an authorized representative of this group can be selected. It appears, therefore, that the concurrence of such Navajo people could not be secured, even if agreement with respect to a particular lease might be secured from the Hopi Council. Recent correspondence between this office and Washington has raised the question of recognizing the present Hopi Council. If the present council is an advisory body only, a serious question arises as to how the concurrence of the Hopi Tribe upon any lease or permit affecting mineral interests might be executed.

I have been advised by Superintendent Pensoneau that his latest information indicates Mr. Katchongva's group left Sunday, May 8, for Washington, D. C. There appear to be four or five members in this group, traveling by automobile, using funds derived from a collection within the Hotevilla Village.

It may be that some of the group might comment upon the lack of information being made available to them. Every effort has been made by the agency staff at Hopi, and particularly by Superintendent Pensoneau, to keep all groups of Indians on the Hopi Reservation fully advised as to the actions being taken by the tribal council and as to the conversations which occurred during Superintendent Pensoneau's meetings with the traditionals at Hotevilla. Superintendent Pensoneau has consistently requested the Hotevilla group to advise him in writing exactly how they wished to have their affairs managed. Mr. Pensoneau has advised them that he is interested in working with them but that it will be necessary for him to have some indication as to their wishes

and desires in order for him to determine whether or not their wishes can be granted. To date this group has not seen fit to inform Superintendent Pensoneau of their wishes.

This has been a rather lengthy attempt to give you as much background as is available to us on the matters that may be behind Mr. Katchongva's February 23 wire to the Bureau. We shall be interested in receiving a report on the happenings of the group's visit to Washington.

Sincerely yours,

J. M. Auerland

Area Director

EXHIBIT 69c

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May 19, 1955

G. C. Gardner

Meeting with delegation from Hopi Reservation
May 16, 1955, 1:30 p.m., in Mr. Reid's Office

Present: David Monanya, George Mesniseuma, Ralph
Towangeyawma, and Thurmond Banyacya from the Hopi Reservation;
and Messrs. Reid, Rudolph, and Gardner from the Bureau.

The delegation listed the subjects they desired to clear up:

1. Hopi tribal participation in IRA
2. Grazing
3. Roads
4. Drafting of conscientious objectors
5. Public Law 280

Mr. Reid opened the meeting by telling the group that we were glad to have them in the office to go over some of their problems with them, and he turned the meeting over to their chairman for discussion. The tribal discussion was led by an elder spokesman, Dan Katchongua. The delegation's viewpoints are summarized:

1. They did not like the rules and regulations, especially the ones pertaining to grazing. They had lived in the vicinity of this reservation a long time, were taught by their forefathers to farm, and were all willing to work and had their own stock. Their way of life was handed down by their forefathers and they got along real well. The white man came with rules and regulations, and now they aren't free to make a living.

2. They questioned the authority for organizing under the IRA. We were told that a majority of the people did not know what they were voting on and it was not explained to them. The younger educated group understood and were running the show.

3. Bureau people had not consulted properly with them, and local officials would not spend the time explaining things to them. Washington officials had been invited out three times to their knowledge but had never showed up.

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EXHIBIT 70a

CARBON FOR INDIAN OFFICE

4. Official information was mailed to them and not having an education, they could not understand what was in the letters.

5. A meeting had been held with Mr. Waggoner of the Area Office to oppose permits on grazing. The permits had been gathered up and handed to him and he had taken them when he left. In a few days, Superintendent Clyde Pensoneau had met with them after the second invitation. He left the grazing permits with the people but did not satisfy them.

6. They were going back to the old way and were not going to recognize the Government's way of doing business by permits.

Mr. Rudolph explained to them the organization under the IRA and how the condition of the range and the people as a whole had improved since grazing regulations were placed in effect. Also, he explained that the law specified that the Secretary of the Interior set up rules and regulations to govern the use of the range. He was complimentary of the progress that had been made to date in that area. Their spokesman requested that a meeting be arranged with all the members of the staff and a representative of the newspaper, so they could at last get the answers to their questions. They were advised that it would be almost impossible to schedule a meeting of this kind. However, Branch of Tribal Affairs scheduled meetings for them with Roads and Law and Order. Mr. Reid told them the Commissioner would be able to see them on Wednesday, May 18.

Summary: This group is known as the traditional group and is principally from the Hotevilla village. They are opposed to Bureau control and to the younger group of the reservation who are in control of the Council. They want free use of the range without specified limits on livestock.

Meeting adjourned at 4 p.m. Mrs. Perkins of the Branch of Tribal Affairs left with them to schedule further conferences.

(Sgd.) Grever C. Gardner

G. C. Gardner
Program Officer