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CONTINUITIES OF HOPI CULTURE CHANGE

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Taylor Grazing Act, which spelled out strict controls for grazing on public lands. Indian Bureau personnel recognized that sheep had severely overgrazed the Navajo reservation, and decreed that some Navajo stock had to go. Interestingly enough, Aberle's figures demonstrate that between 1930 and 1935, before stock reduction was implemented, the number of Navajo sheep had already started on the downswing, representing a pre-stock-reduction ratio of 32 sheep and goats per capita in 1930 and 21 per capita in 1935. Hopis were also targeted for stock reduction, but no alliance between Navajos and Hopis was even suggested by either group at that time, as far as I can tell. Certainly there is no indication in Parman's (1976) excellent history of the "Navajo New Deal" or in James' *Pages from Hopi History* or in Nagata's careful reconstruction of Moenkopi history (1970) or in Aberle's work that such an alliance was considered by anybody.

In 1939, a party of Hopis went to Washington. They carefully explained to John Collier, commissioner of Indian affairs, why it was unjust to relegate Hopis to District Six. After much discussion, the Hopi spokesman asked Collier point-blank if Hopis would ever be able to regain exclusive possession of their entire reservation outside the District Six boundaries. Collier replied, "Never, in any time that I can foresee. If the Navajos should go on and continue to overgraze their land until they destroyed it completely and they had to move somewhere else, they might give it up or in the far future some other migration might take place" (Collier 1939). Since 1942, District 6 has been administered for all practical purposes as a much-diminished Hopi Reservation. The rest of the Hopi Reservation, occupied by the Navajos, was a "Joint Use Area" until 1977.

Hopis had been assured that District Six would not become the new Hopi reservation; yet Hopis' fears were confirmed. The Hopi Indian Agency implemented stock reduction to improve grazing potention only in District Six, leaving the rest of reservation stock reduction to Navajo agencies of the BIA. For practical purposes, then, the Interior Department's interpretation of stock reduction shrank the Hopi land base to an almost token fraction of the enshrined area venerated in Hopi ceremonies.

Generally the stock reduction program was highly resented. Although most Hopis understood the reasons for the stock reduction, forced slaughter of sheep, cattle, and horses compensated as dead carrion instead of as livestock on the hoof did not enhance the government's reputation (Hopi Hearings 1955:221, 310311, 38-39, 90). Once the reduction was accomplished, the stock reduction superintendent was replaced and in 1950 his successor helped revive the tribal council, turning over the issuance of grazing permits to it. But extreme unpopularity of the permits caused the council to stop issuing them in 1962.

The Indian Claims Commission Act

The Indian Claims Commission Act was sponsored by Nevada Senator Pat McCarran and Utah Senator Arthur V. Watkins. Senator Watkins later sponsored "termination" legislation. "Termination" refers to several things: (1) withdrawal of federal services to Indians; (2) assumption of jurisdiction over Indian country by states; (3) transferring the legal title to Indian land to an appointed trustee; and (4) selling Indian land to bidders whose payments are distributed to Indians as "per capita." Through termination, Indian assets then become taxable.

Some comparative information from other Indians' experience illustrates the connection, in the eyes of those who decide policy, between disbursement of claims money and termination. The Menomini Indians of Wisconsin, in order to get the claims money which the government owed them, had to agree to vote for termination (Shames 1972; Lurie 1972). Thus the government could point to them and say, "Look, those people voluntarily *dissolved* their own national sovereignty."

But before termination got underway — back in 1946 when Watkins proposed the Indian Claims Commission Act — there were still huge tracts of the West that were still owned by Indian nations. Congress had never ratified treaties with natives of California, the Southern Paiutes, the Northern Paiutes, the Hopi, and others in Nevada, Utah, Arizona, Wyoming, and Idaho. Neither of the treaties negotiated with the Western Shoshone and the Goshute had been a treaty of cession. Thus, who knows how many millions of dollars worth of minerals might still be owned by Indians!

We can never know what thoughts or motives occurred to those in Congress such as Senator Watkins who suddenly, in 1946, became concerned about the fate of the Indians and about "freeing" them from the "yoke of federal supervision" (Watkins 1957). But one thing was clear: more and more Indian groups were requesting Congress' permission to sue the U.S. government for grievances in the Court of Claims, and they were making their requests on the basis of good legal grounds. What if some Indians started suing individual businesses, city governments, and private parties for squatting on land that Indians had never even sold, voluntarily abandoned, or transferred to any other party?

Termination would take care of one problem: it would abolish Indian nations and make sure they could never start any legal trouble in U.S. law. The Indian Claims Commission would take care of the other problem: by compensating Indians for any and all claims against the United States with a monetary settlement, the government would make sure that the legal and economic structure of the country could not be jeopardized.

The Indian Claims Commission was established as a practical action aimed at systematizing and

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speeding the quieting of Indian title, which was, and is, very real. The commission — consisting of five non-Indian members — determines at what date specific parcels of Indian land were taken, how much was taken, and the value of the land at the time it was taken, in response to legal briefs and arguments filed by attorneys for various Indian groups and for the U.S. government. Its assumption is that Indian title was extinguished in any of the following ways: (1) by negotiation of a treaty of cession; (2) by the settling or homesteading of land by non-Indians; (3) by the U.S. government taking or disposing of the land; (4) by reservations being created; or (5) by states being created. Sometimes government and Indians' lawyers compromise on the date of extinguishment of Indian title to expedite cases, and dollar value of the land at the date it was taken is also sometimes established in this manner. Once the commission makes a decision, either the government or the Indian group has three months to appeal the decision to the same body, but once the appeal decision is made, there is no further channel of appeal (Baring 1965; Indian Claims Commission 1969).

Six-hundred-five claims were filed on behalf of Indian groups and as of 1969, 154 had been dismissed as having no basis in fact and 150 had been adjudicated. Lawyers for the Indian groups to whom the awards are made receive a commission, usually between seven percent and ten percent on the awards. Once the award is made and the money is in the hands of the Indians, such payment "shall finally dispose of all rights, claims or demands which said petitioners or any of them ... could have asserted with respect to said tract ... and said petitioners ... shall be barred thereby from asserting any such rights, claims, or demands against defendent (the U.S. government) ... as aforesaid shall constitute a final determination of said claim ... and shall become final on the day it is entered, the parties hereto waiving any right to appeal from or otherwise seek review of such determination" (Forbes 1965:45).

In a complicated legal argument in the *Nevada State Bar Journal* (1965), historian Jack Forbes maintains that tribal councils — as the officially recognized representatives of Indian corporate groups established through the Indian Reorganization Act — have been talked into selling Indian lands within the framework of a legal procedure that is without precedent in U.S. law. His argument (Forbes 1965:40) runs as follows: Since "the United States has in other cases recognized the full validity of 'Indian title' when not quieted by purchase or cession to the United States (*Johnson and Graham's Lessee* v. *McIntosh 1823*; *Cherokee Nation* v. *Georgia 1831; Worcester* v. *Georgia 1832;* and *Holden* v. *Joy 1872* — see Cohen1941:291-294, 543-545, 572-574, 587) the so-called public domain of Nevada really is the bonafide property, at least for certain purposes, of the Indians of Nevada." Forbes (1965:41, 44) maintains that, under the fifth amendment to the Constitution, which forbids the taking of private property without "just compensation" and under the 14th Amendment guaranteeing the same constitutional rights to all persons living in the United States regardless of race, color, creed, or nationality (*Yick Wo* v. *Hopkins 1886* — see Forbes 1965:17-18, 24-25, 35-36) the Indians of Nevada still hold title to both the public domain and to land alienated from the public domain by homestead, purchase, or grant and further are entitled to royalties that have accrued on that land since it was illegally taken from them.

Forbes (1965:41, 43) concludes that "in the case of Nevada, the government has admitted that the tribes possess legitimate claims arising out of the seizure of lands without compensation in the 19th century" and that the United States "failed to secure even partial title to the land at the time it was removed from Indian use." He also notes that the U.S. "is not merely seeking to quiet an Indian claim based upon inadequate payment or improperly negotiated treaties. *She is in fact seeking to acquire the 'Indian title' for the first time"* (Forbes 1965:45). He further asserts (1965:46) that, in not allowing Nevada Indians the alternative of retaining title to the land rather than accepting payment, the Indian Claims Commission "would seem to violate due process and, in addition, would demand payment at current market values (since the land is now being sought for the first time) and 100 years' interest, if dated from the 1860s."

Virtually the same argument could be raised for some Indians of Arizona, including, of course, the Hopi. And it is obvious that operation of the Indian Claims Commission is dependent on the ability of Indian groups to hire lawyers through corporate entities such as tribal councils. If Dobyns (1968) is correct in viewing the Indian Claims Commission proceedings as an opportunity for Indians to maximize benefits to be derived from participation in "responsible democracy," then revival of the Hopi Tribal Council was necessary to facilitate this maximization. However, following Forbes' argument, revival of the council can also be regarded as useful to the U.S. government in providing a corporate entity that could hire a lawyer to submit a claim and thus start the process of quieting a Hopi land claim that, like other Indian land claims, might in the future involve complex legal hassling and could not otherwise be settled so inexpensively.

The original impetus for reviving the Hopi Tribal Council in 1950 came from Hopis who had previously been involved in either the defunct tribal council or the Upper Moenkopi Village Council, and whose major concern was Hopi land. According to the new council's first chairman and long-time booster, the group of Hopi men favoring revival of the council traveled to Washington around 1950 to find out how they could acquire use of more of that part of the Hopi Reservation that had been effectively — if not legislatively — added to the Navajo use area when the Hopi grazing district — District Six — was

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created in 1943. In Washington, the Hopis were told "that the only salvation for the Hopi people was and the only instrument to help our people by was to revive the Hopi Tribal Council (*sic*)" (Hopi Hearings 1955:311).

Thus revival of the council was intimately tied to the issue of Hopi land claims and the Indian Claims Commission, and the new superintendent appointed in 1950 was delegated the responsibility of helping to organize the new Hopi Tribal Council in response to the pro-council activists (Hopi Hearings 1955:312). These pro-council activists, encouraged by the superintendent, held meetings at all villages, but the council was flatly rejected at Hotevilla, Old Oraibi, and Shungopavi. However, enough villages agreed to send representatives to provide a quorum, and just a few days before the deadline for submitting claims to the Indian Claims Commission, the new council succeeded in hiring a prominent lawyer from Salt Lake City who drew up and submitted the claim on behalf of the seven villages with whom he had a contract plus the tribal council (Hopi Hearings 1955:312; Cline 1952).

The Tribal Lawyer

Shortly after the council was resurrected, the BIA sent a directive to the agency superintendent instructing him to find a lawyer to file a suit with the Indian Claims Commission on behalf of the Hopi tribe. The name of John S. Boyden of Salt Lake City was proposed, and 20 days before the closing date for filing claims, the Hopi Tribal Council invited Boyden out to the Hopi villages for interviews (Hopi Hearings 1955:312-313). The most influential persons on the council at that time were several men from Moenkopi and New Oraibi who had converted to the Mormon religion and were enthusiastic supporters of the Mormon Church. They were favorably disposed toward Boyden because of his close affiliation with the church and were pleased that he considered taking the case (Hopi Hearings 1955:312-315). When Boyden was first presented with the Hopi claim problem, he asked the council to give him 90 days to research the matter; before 90 days were up he told the council he could help them, and a contract was drawn up (Hopi Hearings 1955:313-315).

With his contract in hand, Boyden visited all Hopi villages accompanied by council members and BIA personnel. He was flatly rejected at Mishongnovi, Shungopavi, Hotevilla, and Lower Moenkopi, and was not even granted an interview at Old Oraibi. However, the villages of First Mesa, Shipaulovi, New Oraibi, and Upper Moenkopi were favorable toward Boyden, as was the council itself. However, according to a former Indian Service teacher who taught at the Hopi Day School in New Oraibi and now lives in San Francisco, the agency superintendent was uneasy about the validity of any contract that might be drawn up, since the council had not been recognized as the official representative of the Hopi people since the former superintendent had withdrawn recognition in the 1940s. Bakabi, historically friendly to the U.S. government, was unsure as to whether or not it should cooperate with the tribal council (Hopi Hearings 1955:219). Having recently lost its Kikmongwi, the village had not made a decision regarding either hiring a claims lawyer or joining the council. Therefore, the agency superintendent put much effort into persuading Bakabi to join the council and the claims suit. Finally, in a meeting with the superintendent that lasted into the wee, wee hours of the morning, Bakabi designated a representative to the council and acquiesced to participating in the claims suit.

The superintendent also made sure that, in addition to his contract with the Hopi Tribal Council to press for monetary settlement of Hopi land claims in Indian Claims Commission hearings, Boyden also negotiated separate contracts with Walpi, Sichomovi, Tewa, Shipaulovi, New Oraibi, Bakabi, and Upper Moenkopi. In 1952 Boyden negotiated contracts for general counsel services with these same villages and with the council (Wolfsohn 1952). But he did not claim to represent the Hopi tribe in any proceedings until 1955 (see Cline 1952), when the tribal council was finally officially approved as the only legal representative of the Hopi people recognized by the United States government.

Since 1955, Boyden has become the mainstay of the Hopi Tribal Council's economic and political position. As tribal lawyer, he is quite important in the internal political situation at Hopi because of the intwinement of the activities of the tribal lawyer with those of the tribal council. In this sense, even though Boyden does not involve himself in Hopi politics, he is a political entity simply because of the definition of his position both by Hopis and by the framers of the Indian Reorganization Act, and some background on Boyden is of interest for the light it sheds on his entry into Hopi political affairs. In development of a theoretical argument based on ideas of Steward, Dobyns, and Collier presented earlier, the discussion of Boyden contained in this section and in others does not reflect any concern with John Boyden's personal affairs or career, or any intention to judge his legal competence or the privileged aspects of his lawyer-client relationships. Rather, it reflects my concern with presenting a perspective on an important theoretical point which I feel cannot be done without talking about particular aspects of the Hopi tribal lawyer and his position.

John Boyden has been committed to involvement with Indian affairs for many years. As a junior partner in a Salt Lake City law firm, he won his first acclaim by successfully prosecuting a land claim

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and royalties settlement for several Uintah Basin Ute bands in the 1940s under special enabling legislation passed by Congress. Formerly United States attorney in Salt Lake City, he resigned his post in 1948 to run for governor. Unsuccessful in his electoral bid, he became a candidate for Commissioner of Indian Affairs after William Brophy resigned from the position (Arizona Republic 1949).

But Boyden was also unsuccessful in his appointive bid, and after 1949 settled down to building up a large Indian clientele in his own law practice. At present he is claims attorney and general counsel for the Uintah and Ouray Ute tribe; claims attorney for the Goshute tribe; and general counsel for the Ute Distribution Corporation (see Ramparts 1971 for a discussion), in addition to being claims attorney and general counsel for the Hopi tribe. He is also chairman of the Utah Board of Indian Affairs, and may have contracts with other Indian groups of which I am unaware.

Utes have not been entirely happy with Boyden as their general counsel. In 1958 traditional Uintah and Ouray Utes were joined by the Hopi village chiefs in calling for a federal grand jury investigation of Boyden. The Utes issued a resolution accusing Boyden of mismanaging tribal business, but no action was ever taken on the accusation (Arizona Republic 1948). As a member of the Utah Board of Indian Affairs, Boyden has also come under fire from some Navajos. In February, 1970, Aneth Extension Navajos accused the Board of Indian Affairs of mismanaging certain money from an oil royalties fund which they felt should be spent on Indians on the Navajo reservation instead of for general Indian health projects, and John Boyden was among the board members against whom the Navajos filed civil suit (Navajo Times 1970a).

Thus Boyden is a controversial figure in Indian affairs, and the controversy surrounding him is especially evident among the Hopis. To the traditional chiefs, Boyden was a threat because he could obviously increase the power of the tribal council enormously. To the council — especially the Mormon members — Boyden was a boon who indeed strengthened the council's position and viability. To Hopis in general, however, he was an unknown quantity, and Hopis greeted him with distrust and suspicion.

An important factor in Hopis' continuing distrust of Boyden is his religious affiliation. Boyden is in the Mormon Church and is therefore linked in many Hopi minds with one of the most powerful forces of acculturation with which Indians come in contact. Hopi converts to the Mormon Church are some of the economically and politically influential people on the reservation, and at one time some Hopis, traditional and non-traditional alike, spoke of a "Mormon conspiracy," and pointed to numerous Mormons who held tribal or federal offices to back up their suspicions. At the time, these offices included Secretary of the Interior, Commissioner of Indian Affairs, superintendent of the Hopi agency, tribal judge, governor of New Oraibi, and governor of Upper Moenkopi.

As I noted earlier, John Boyden has become the mainstay of the tribal council's economic and political position. He is, therefore, inevitably indentified with the tribal council and with the council's activities and his actions constitute an important aspect of the Hopi political situation. The council originally hired Boyden for one primary purpose: to regain for them land which was lost to the Navajo and to whites in the last 150 years. He was hired to get as much of the Hopis' land back as possible. By 1964, a massive lawsuit against the Navajo had only confirmed the status-quo: courts ruled that the Navajo had as much right to occupy the Hopi reservation as the Hopi. It was not the ruling Hopis were looking for. Nevertheless, Boyden collected one million dollars in back fees from three million dollars worth of oil and gas royalties he had recently secured for the Hopis.

His latest machinations essentially deed over all lands claimed by the Hopi except 631,000 acres to the government, in exchange for five million dollars. Boyden gets a $500,000 fee from that. The government has already assigned most of the deeded land to the Navajo. In a separate action, Boyden and Arizona's legislators lobbied PL 93-531 through Congress which authorizes the Hopis to file more lawsuits against the Navajo for return of land. PL 93-531 has the government pick up the tab for most of Boyden's fees in those proceedings. So far, through this law, Boyden has gotten back 911,000 acres of Navajo-occupied land for the Hopi by a combination of government edict and court decisions.

The Tribal Council

At this point it is useful to summarize some of the points made so far in this chapter. First, it is evident that there is a long history of ideological conflict among Hopis over a very real issue: the degree to which Hopis should assimilate to a foreign ideology, political system, and economic system, and incorporate their destiny into that of the United States, an unknown and unproven cultural system. Second, it is also evident that this ideological conflict has been reflected in Hopi social organization since the 1890s. Third, the Hopi Tribal Council was organized by John Collier and Oliver LaFarge in an attempt to "unify" the "factionated" Hopis. The attempt did not work because the impetus for the tribal council did not come from the Hopi people, and there was no cleft in Hopi social organization in which the tribal council could take root.

However, by 1950, such a cleft had developed. It resulted partially from the effects of intensive acculturation efforts by missionaries and government schools, and partially from Hopis' desire to increase their power relative to the U.S. government and the

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Navajos. Hopis perceived this power as resting largely in the use and control of land. Pro-council Hopis were greatly encouraged by interior department officials and the local superintendent of the BIA agency. One reason for this encouragement lay in the government's desire to have every tribe and identifiable group of Indians file a claim with the Indian Claims Commission through an "officially recognized" "tribal" body. Another reason may lie in the successful organization of a political coalition by the Kikmongwis and sodality leaders of a majority of the villages.

The composition and activities of this coalition will be covered in a subsequent section. First, we must examine the revival of the tribal council in more detail. The examination will center around the ideological justification for the council and its actions given by Hopis, and the particular actions of the council over the last 27 years. It is important to bear in mind that John Boyden, the council's attorney, has been the mainstay of the council's political power outside Hopiland, and has indirectly strenghtened the council's power within Hopiland, especially in recent years. Boyden and his law firm have negotiated contracts that bring the council its operating revenue, and have also delivered the political commodity for which the council was revived: land.

Although the Bureau of Indian Affairs had helped to revive the council in response to the actions of pro-council Hopis, it was reluctant to grant official recognition to the council until it was certain that the situation of the early 1940s would not be repeated; for this reason it encouraged negotiation of claims contracts between the Hopis' lawyer and the seven villages supporting the council, as well.

It was not until 1955 that the BIA officially recognized the tribal council once again as the representative of the Hopi people. In that year a special investigating team appointed by Commissioner of Indian Affairs Glen L. Emmons heard testimony in all Hopi villages except Old Oraibi for 16 days regarding the tribal council, stock reduction, and many other topics. The sentiment expressed in the testimony did not, in large part, favor the recognition of the council in its LaFarge-inspired form. The Bureau of Indian Affairs responded to the testimony by promptly recognizing the Hopi Tribal Council as the only officially-sanctioned representative of the Hopi people.

Those favoring the tribal council and cooperating with it generally regard cooperation with the United States as necessary to preserve Hopi society, and defend their alliance by referring to the agreements made by the five Hopis who journeyed to Washington in 1890. A number of council supporters regard the introduction of Christianity and the tribal council to be progressive and liberating developments, and Hopis who favor these developments gave testimony such as the following to the investigating team in 1955:

> We, the younger generation of the Hopis who are not baptized into Hopi customs, have chosen the civilized method of democratic government in dealing with others for the welfare of our people, and hope that someday we will realize the fruits of our efforts (Hopi Hearings 1955:288).
>
> The old Hopi government is not a democratic form of government. The Hopi form of government is a Monarcy (*sic*) government which intends to dictate and intends to drive the people. In the old days when the Hopi government was intact only those that belonged to the royal group had a right to the better things. Those of us who are common in the tribe, did not have as much fertile land to farm .... Anything the Kikmongwi (village chief) says we are servants unto him. He stays in command. Springtime comes, all the people plant his fields .... Our Constitution is patterned after the Constitution of the United States government. None of us would have any rights if the Hopi way of government still existed. I think we are fortunate to be one of those conquered by a nation who has this form of government (Hopi Indian Agency 1955:318-319).[3]

The tribal council, in its first 15 years of resurrected life, behaved very much like an instrument of that conquering government. The council was revived to get back land. But by the rules of the Indian Claims Commission, the council could only file a claim for money. The council was envisioned as a liaison between the Hopis and the U.S. government, which would unite Hopis and buffer them against erosion of their rights. But it was neither liaison nor buffer, and it did not unite Hopis.

Part of the reason why it did not unite Hopis lay in the very nature of Hopi social organization. The other part of the reason lay in the fetters which the Indian Reorganization Act placed on the council through the "Tribal" Constitution. The constitution ostensibly protects the inviolability of the individual villages; protects the authority of the Kikmongwis; and authorizes the council to "prevent the sale, disposition, lease, or encumbrance of tribal land (Article VI, Section 1-c). Actually, it has not done any of these things.

The following material demonstrates that some Hopis have tried to make the council into a local channel of political power within the power structure interface of the metropolis-satellite political economy and that working toward such a goal has had a questionable effect on overall Indian self-determination. By "power structure interface," I mean the particular conditions and circumstances under which Hopis may influence decisions of BIA personnel, interior officials, congresspersons, or state officials that may have some control over local affairs. In addition, the particular institutions through which the BIA and Interior implement their decisions and the Hopi institutions and individuals through which Hopis may exercise influence, are part of this power structure interface. As part of a

3. This statement may reflect a Euro-American apology for conquest more than it does actual fact. See Titiev (1965:65), but also Sekaquaptewa (1969:8-10, 38-40, 44).

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satellite, Hopi power structure interface has some peculiar aspects that are evident, if somewhat perplexing, in the latest events surrounding Hopi attempts to regain their land base.

At the same time that the council was being revived and rerecognized by some Hopis and the BIA, other Hopis were pursuing a different course: a revitalization movement intended to counter the influence of the BIA. This revitalization movement grew out of the resistance which Hopis directed in the years 1890 through 1928 to the repressive policies of the Hopi Indian Agency. It operated in a somewhat paradoxical arena. On one hand, it was an indication of the effect of Collier's policy that lifted the repression and encouraged local self-determination. On the other hand, it directly opposed the attempts of the U.S. government to direct and control the development of that local self-determination and to channel it into an integral part of a distinctly U.S. cultural, sociopolitical, economic system. Refusing to take advantage of government sponsorship, this movement reached out to U.S. citizens, and later to other Indians, on a "grass-roots" level.

After a discussion of the tribal council and its activities, I will give a brief indication of the "revitalization movement" and its activities, Included in that section will be an evaluation of the "revitalization movement" theory which was mentioned in the first chapter. I will briefly discuss two significant events in recent Hopi history: the beginnings of the leasing strategy and the resistance against installation of electric power lines in Hotevilla. No other two events demonstrate as well the impact of federal jurisdiction on the destiny and configuration of Hopi society and sociopolitical organization.

The Arm of the Conqueror: Integration on a Political Level

A man from Old Oraibi told me in 1970 that he objected to the council because "it's not a Hopi council — it's a government council!" A few selected quotations from the Hopi Constitution would support his point:

> Article VI, Section 1-b ...the choice of lawyers (by the Council) and fixing of fees to be *subject to the approval of the Secretary of the Interior.*
>
> Article VI, Section 1-g ...ordinances (by the Tribal Council), *subject to the approval of the Secretary of the Interior, ...*
>
> Article VI, Section 1-i (The Council may) ... provide by ordinance, *subject to the approval of the Secretary of the Interior,* for removal or exclusion from the jurisdiction of (Tribal) non-members whose presence may be harmful ....
>
> Article VI, Section 3. The Hopi Tribal Council may exercise such further powers as *may in the future be delegated to it by* the members of the Tribe or by *the Secretary of the Interior, or any other duly authorized official or agency of the State or Federal Government.*
>
> Article X. If the Council shall ... approve ... proposed amendment ... it *shall request the Secretary of the Interior to call such referendum* ... at which the ... amendment may be adopted *subject to the Secretary's approval.*
>
> By-laws: Article VI. This Constitution ... *shall be submitted to the Secretary of the Interior, and if approved, shall take effect* ... (emphasis mine).

The council is supposed to operate with approximately 28 representatives, based on a scale of representation mandated in the constitution. These representatives are then supposed to formulate policies at the local level through resolutions; pass local ordinances; administer a budget; represent the Hopis in all negotiations with state, local, and federal government agencies; and plot the destiny of the Hopi people through use of legal action pursued by a lawyer of their choice, but *subject only to the approval of the representative of the superordinate political entity that has heaped repression upon them in the past!*

It is no wonder that Mishongnovi, Shungopavi, Old Oraibi, Hotevilla, and Lower Moenkopi refused to send representatives to the council for years. At times, even Chief Ned of First Mesa, long favorable to the council and supportive of efforts for its revival in 1951, has refused to certify representatives (see Lomayaktewa 1971; Clemmer n.d.). In fact, even now only 10 of the representatives are certified by their village Kikmongwis in accordance with Article IV, Section 4 of the constitution, and only the three councilmen from Upper Moenkopi were elected by procedures set down in a written village constitution as specified for non-traditional villages. The remaining representatives were all either elected or selected from villages with neither written constitutions nor traditional Hopi social organization and no Kikmongwis, in violation of Article III, Section 4 and Article IV, Section 4 of the constitution. At one time the governor of New Oraibi sat on the council as representative totally without any constitutional authority or electoral mandate, and for years Myron of Old Oraibi has delegated a representative — lately himself — to the council in the absence of any sort of mandate from his villagers. In addition, the council itself has more than once violated provisions of the constitution by leasing Hopi lands.

Economic development is the key to the existence of the tribal council and the activities of its lawyer. For many years, the council functioned without a meeting hall or other physical plant and with a minimal staff, and was almost nothing more than a government-on-paper. It barely pulled in enough money from transmission line easements and other isolated small income sources to meet small expenses. Its lawyer went entirely unpaid for 12 years.

In 1961, however, lawyer Boyden secured the interest of Fisher Contracting Company of Phoenix in prospecting for minerals on the exlusive Hopi use section of the reservation. Boyden drew up a resolution requesting the Secretary of the Interior to delegate leasing authority to the council, and the council passed the resolution in March, 1961. On

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APPENDIX

Table I
Chronology of Hopi Resistance, 1949-1972

1949	Personal protest by Katchongva at annual meeting of National Congress of American Indians against the 88 million dollar "Navajo-Hopi Rehabilitation Act."
March 28, 1949	Letter from Shungopavi, Mishongnovi and Hotevilla Village Chiefs, 10 Shungopavi religious leaders, eight Mishongnovi religious leaders, one Shipaulovi religious leader, Katchongva, and four interpreters to the president of the United States refusing to cooperate with the Indian Claims Commission; rejecting the provisions of the Navajo-Hopi bill; protesting the Hoover Commission's proposal to "covert the country's 400,000 Indians into full, tax-paying citizens"; refusing to lease any lands for oil development; protesting the North Atlantic Treaty Organization and refusing to be bound by it; protesting the United States' unilateral placement of Hopis under laws made without their consent; and declaring intention to perpetuate Hopi tradition, religion, way of life, and authority over land.
March 2, 1950	Letter from Hopi Traditional Chiefs protesting draft of Hopi youth.
Oct. 8, 1950	Letter from Hopi Sovereign Nation to president of U.S. protesting war efforts, Navajo-Hopi bill, Indian Claims Commission and IRA; demanding end to drafting of Hopis; release of Hopis presently in armed forces; full and complete investigation of Navajo-Hopi bill, Hopi Tribal Council, and Indian Bureau by president of U.S.; and warning that complaints will be taken before the United Nations.
1952	Traditional religious leaders personally protested drafting of Hopis and various other matters to Selective Service and BIA.
June, 1953	Letter from Hopi Religious Leaders to president asking that Hopis be released from armed forces.
Nov. 10, 1955	Letter from Andrew Hermequaftewa, Bluebird Clan Chief, representing Shungopavi Kikmongwi protesting tribal council.
1950s	Attempt by religious leaders and interpreter to bring complaints before U.N. — no success.
1955	Personal protest by religious leaders and interpreter to Secretary of the Interior against proposed paved road through Hopiland, and other matters.
1956	Personal protest by religious leaders and interpreter to Selective Service against drafting of Hopi youth.
July 16, 1956	Letter from Katchongva to Senator Goldwater protesting legislation authorizing a court test of "conflicting claims of the Navajo and Hopi Indians of lands in Arizona."
Aug. 4-5, 1956	Hopi "Meeting of Religious People," at Hotevilla in which many Hopi leaders aired philosophy, beliefs, prophecies, grievances. Other Indians, whites also in attendance.
Oct. 19-20 1956	"Meeting of Indian Brothers" pan-Indian meeting at Hotevilla.
1956-1957	Five separate letters from Hopi Traditional Chiefs protest the drafting of Hopi youth.
Feb. 14, 1957	Letter from 83 Hotevilla residents rejecting the BIA's proposal to build a new day school, drill a new well, and construct a new sewer system.
Feb. 14, 1957	Declaration by Mishongnovi village chief, two Shungopavi religious leaders, a Mishongnovi man, a Shipaulovi religious leader and a Shipaulovi resident that tribal council represents only minority of Hopi people; Hopi people are not under one tribal government; Hopi chiefs are in the majority; H.R. 3789, a bill that would set up a special court to settle "conflicting claims of the Navajo and Hopi Indians of lands in Arizona," should not be passed.
February, 1957	Telegram from three Hopi religious leaders plus interpreter to chairman, House Subcommittee on Indian Affairs, protesting H.R. 3789.
Feb. 26, 1957	Letter from Katchongva to Senator Goldwater protesting above legislation.
March 12, 1957	Letter from Mishongnovi village chief, 39 traditional and religious leaders of Mishongnovi, 35 religious leaders of Shungopavi and 83 Hotevilla religious and traditional leaders and people to chairman, House Subcommittee on Indian Affairs, protesting H.R. 3789.
April 12, 1957	Submission of petition from 373 traditional and religious leaders and people from Shungopavi, Mishongnovi, Shipaulovi, Old Oraibi, Hotevilla, Lower Moenkopi, Kiakhotsmov (New Oraibi) and Bakabi to the U.S. Congress petitioning and demanding that Congress not pass H.R. 3789 or its counterpart S. 692; that the Indian department withdraw recognition of the tribal council; that full and complete recognition be given to the bloodline traditional chiefs; that the tribal council be abolished; that lawyer Boyden and the agency superinten-

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dent be removed from the reservation; that the Hopi Constitution "be removed complete and whole"; and that "our land be given to us in accordance with our aboriginal settlement claim as being the first people here."

Sept. 7, 1957	Letter from Katchongva, 10 Hotevilla leaders, nine Shungopavi leaders, and six Hopi traders to the Director of the Income Tax Division of the Arizona State Tax Commission stating their refusal to pay either income or sales tax on the reservation and protesting attempts to force any Indians to pay taxes on their own lands.
Dec. 8, 1957	Presentation of statement by Old Oraibi trader at meeting of United Traders Association in Gallup opposing levy of state sales tax on Hopi reservation.
Jan. 10, 1958	Letter from Old Oraibi trader to Arizona State Tax Commission protesting commission's attempts to collect taxes on reservation.
July 1, 1958	Letter from Andrew Hermequaftewa, Shungopavi, to chairman, House Subcommittee on Indian Affairs, protesting H.R. 3789 and S. 692; denouncing tribal council; and stating his intention to take matter to United Nations.
July 2, 1958	Letter from Mishongnovi village chief protesting H.R. 3789 and S. 692 and denouncing tribal council and Boyden.
July 3, 1958	Letter from Katchongva to chairman, Senate Subcommittee on Indian Affairs protesting H.R. 3789 and S. 692; calling for investigation of Hopi Tribal Council and warning that he might take issue to United Nations.
July 11, 1958	Meeting of traditional chiefs at which testimony of two Hopis favoring H.R. 3789 before House Subcommittee on Indian Affairs was repudiated.
July 12 1958	Letter from Katchongva plus four Hotevilla men asking President to veto H.R. 3789 and S. 692.
1958	"Meeting of Religious People," Hotevilla, Indians and non-Indians.
Nov. 19, 1958	Joint demand by traditional Utes and traditional Hopis for grand jury investigation of John Boyden.
March 7, 1959	Meeting in Hotevilla to lay plans for bringing land issue to U.N.
Jan. 26, 1959	Letter from Hopi elders to editor of *Arizona Republic* announcing determination to take land issue to United Nations.
1959-1963	Two "Meetings of Religious People" — Hotevilla — Indians and non-Indians.
1959-1963	Three "Meetings of Indian Brothers" — Hotevilla — pan-Indian.
Sept. 20, 1960	Letter from Katchongva and Hermequaftewa to Honorable Frederick Hanley, U.S. Court of Appeals, San Francisco, protesting court action involving land dispute taken as a result of S. 692 and H.R. 3789 by Hopi Tribal Council, BIA, Boyden, Congress and President of U.S.; denouncing Indian Reorganization Act; repudiating Boyden as tribal attorney; repudiating proceedings in Prescott Federal Court on Sept. 26, 1960, that would result in some decision on Navajo-Hopi land dispute; stating intention not to abide by court's ultimate decision; declaring power and authority over land to rest with traditional chiefs; supporting Brigadier General Herbert Holdridge's (ret.) "Open Letter to Honorable Frederick B. Hanley, Sept. 20, 1960"; and denouncing tribal council.
1960	Capping of well drilled near Hotevilla by BIA with funds from Navajo-Hopi Act (1950) due to Hotevillans' opposition.
Feb. 15, 1961	Letter from Hotevilla religious leader and interpreter to agency superintendent protesting tribal council; stock permits; Arizona Commission on Indian Affairs, education and welfare and inviting superintendent to meeting on February 23, 1961.
Feb. 23, 1961	Meeting in Hotevilla to discuss various matters.
Aug. 15-27, 1961	"Gathering of Indian Brothers" in Hotevilla, pan-Indian.
Sept. 16, 1961	Letter from Katchongva to Fisher Contracting Co., Phoenix, protesting tribal council's leasing of lands; declaring such action null and void; quoting parts of Hopi Constitution forbidding lease of reservation lands; and calling upon Fisher to withdraw or cancel their contract.
1961	Meeting at Shungopavi to discuss traditions, prophecies, religious philosophy, issues and grievances; several Western Shoshones and other Indians in attendance.
1961-1964	Removal of surveying markers by Hotevilla and Old Oraibi villagers opposed to core drilling for mineral exploration; verbal confrontations between Hotevilla residents and oil companies taking core samples.
Sept. 15-16, 1962	"Gathering of Indian Brothers," Hotevilla, pan-Indian.
Sept. 14-15, 1963	"Hopi Meeting of Indian Brothers and Religious People," Hotevilla — pan-Indian, many whites also in attendance.
Sept. 18, 1963	Letter from representatives of Hotevilla, Mishongnovi, Shungopavi, and Old Oraibi plus 16 religious leaders of those villages to agency superintendent and chairman of tribal council decreeing that all actions of the council be stopped "in matters which involves our very land and life" pending an investigation of the council and tribal attorney.

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Oct. 7, 1963	Press conference held by interpreter plus four representatives from Mishongnovi, Shungopavi, Hotevilla, and Old Oraibi in Los Angeles to protest mineral leases and the tribal council.
March 11, 1964	Alleged assault of agency superintendent by angry Hopi Traditionals at joint meeting of Hopi tribal leaders and Congress of Racial Equality officials.
Sept. 28, 1964	Letter from Katchongva, village chiefs of Shungopavi and Mishongnovi, and three Hopi religious leaders to tribal council chairman, agency superintendent, and attorney Boyden protesting council's leasing of lands for oil exploration; charging above with "attempting to overthrow our ancient form of self-government"; demanding a stop to oil company bidding and an investigation of the matter; and threatening legal action.
Oct. 27, 1964	Suit filed in U.S. district court by "duly qualified representatives of Mishongnovi, Shipaulovi, Old Oraibi, Shungopavi, and Hotevilla" against 10 oil companies, one individual, and Hopi Tribal Council requesting "injunction from any further exploration or extraction of minerals or petroleum products" from reservation lands (injunction denied).
Jan. 12, 1965	Letter to President Johnson from Katchongva protesting reduction of Hopi Tribal Council to "merely puppets of Keams Canyon Agency"; leasing of lands for mineral exploration; actions of attorney Boyden; and requesting Johnson to end "illegal seizure of our ancient homeland, destruction of our religion, and Hopi way of life as an independent nation."
Jan. 27, 1965	Letter from Katchongva to Secretary of Interior Udall requesting him to withhold all lease money until council's decision to pay Boyden with lease money could be looked into.
Feb. 1, 1965	Letter from Katchongva and three Hotevilla religious leaders to Indian Claims Commission protesting suit filed by attorney Boyden on behalf of Hopis.
April 13, 1965	Audit of Hopi tribal records by attorney representing village chiefs of Mishongnovi and Old Oraibi.
Dec. 12, 1965	Letter from Katchongva, four Hotevilla leaders and one Shungopavi leader protesting Boyden's prosecution of Hopi claim before Indian Claims Commission.
Sept. 10-14, 1966	Discussion between four Hotevilla religious leaders and interpreter and Lewis B. Hershey regarding release of Hopis from armed forces; official recognition of Hopi religion as a "conscientious objector religion"; and ministerial deferments for Hopi youths initiated into certain religious societies.
May 20, 1968	Confrontation and passive resistance by Hotevilla residents of BIA attempt to install electric power poles and grade road.
May 21, 1968	Taping of segment of Steve Allen show with Katchongva as guest protesting BIA's power project aired in Los Angeles June 21, 1968.
May 21-23, 1968	Removal of some utility poles by Hotevillans.
May 24, 1968	Request by Katchongva for support from Dick Gregory, George McGovern, others.
May 27, 1968	Submission of petition by 130 Hotevilla residents to agency superintendent protesting power project.
May 27, 1968	Confrontation and passive resistance by Hotevillans of second BIA attempt to install power lines.
June 12, 1968	Letter from Katchongva and village chiefs of Mishongnovi, Shungopavi, and Old Oraibi to agency superintendent demanding that he leave Hopiland within one week; that the superintendent stop compilation of a tribal membership roll; that plans for the Hopi Cultural Center be halted and the project be thoroughly explained to the traditional chiefs; and demanding transfer or firing of all BIA employees, agency police, and state employees involved in attempt to force electric power lines into Hotevilla.
July 15, 1968	Letter from Katchongva to agency superintendent rejecting tribal council's resolution authorizing superintendent to remove "hippies" from reservation and demanding recognition of independence of Hopi Nation and Hotevilla village.
Aug. 27, 1968	Letter from Katchongva and four Hotevilla residents demanding transfer of Day School principal.
August, 1968	Personal visit by interpreter to Commissioner of Indian Affairs' office at which interpreter requested that acting Hopi agency superintendent be fired or transferred and explained reasons.
Sept. 9, 1968	Confrontation by Hotevilla residents of Day School principal.
Sept. 28-29, 1968	Pan-Indian meeting in Shungopavi, whites also in attendance, president of U.S. invited.
1968	Refusal by three Hotevilla traders to report or pay state or federal income tax.
1969	Removal four times by Hotevilla "non-progressive traditionals" of pipe installed by U.S. Public Health Service and Hotevilla "progressives."
1969	Successful persuasion by Shungopavi religious leaders of Shipaulovi chief to withdraw his approval of government housing project.
February, 1970	Rejection by Mishongnovi, Shungopavi, and Old Oraibi chiefs and residents of offer from Navajo tribe to purchase the Hopi interest in

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the portion of 1882 Executive Order Hopi Reservation outside District 6, in several meetings. Offer also rejected by tribal council. First time in 22 years that Hopi traditional chiefs agree on an issue.

July, 1970	Confrontation between Old Oraibi Chief Mina Lanza plus 17 Old Oraibi and Moenkopi villagers and manager of Peabody's Black Mesa strip mine.
July, 1970	Confrontation between Old Oraibi chief and Black Mesa Pipeline Co. official in Flagstaff.
July 15, 1970	Letter from Old Oraibi, Shungopavi, and Mishongnovi village chiefs rejecting Indian Claims Commission recognition of the loss of 4.4 million acres of aboriginal Hopi territory to be compensated by monetary award, and denouncing Hopi Tribal Council.
Aug. 6, 1970	Letter from Shungopavi and Old Oraibi village chiefs plus 30 Shungopavi, Old Oraibi, and Moenkopi villagers to chairman and members of tribal council and Boyden protesting strip-mining lease to Peabody Coal Company.
Sept. 8, 1970	Letter from Katchongva to chairman, Hopi Tribal Council and Boyden protesting strip-mining lease to Peabody Coal Co.
1970	Successful disapproval by Shungopavi village chief of water system installation in village by Public Health Service.
Feb. 14, 1971	Confrontation between Old Oraibi Chief Mina Lanza plus villagers and Peabody Coal's vice president.
April 15, 1971	Personal registration of protests by Tewa and First Mesa chiefs to tribal council against plans of Church of Jesus Christ of Latter Day Saints to build chapel at Polacca.
April 26, 1971	Appeal by First Mesa chief to Phoenix area office of BIA of agency superintendent's approval of lease of Polacca land by First Mesa Sand Clan to Church of Latter Day Saints.
May 14, 1971	Filing of suit by the First Mesa, Tewa, Mishongnovi, Shungopavi, and Old Oraibi village chiefs plus 58 religious leaders from these villages and Shipaulovi and Hotevilla plus individuals from those villages and New Oraibi, Polacca, Bakabi, Lower Moenkopi, and Upper Moenkopi against Rogers C.B. Morton, Secretary of the Interior, and Peabody Coal Company.
Aug. 8, 1971	Letter from Mishongnovi village chief to Chambers of Commerce in Winslow, Holbrook, and Flagstaff announcing closure of Hopi Snake Dance to all white people and requesting their help and the help of Hopi young men in enforcing the ban, and protesting plans for a HUD housing project at Second Mesa.
August, 1971	Removal of white people, including agency superintendent, from Snake Dance plaza at Mishongnovi.
October, 1971	Protest at meeting in Flagstaff by representatives of Hopi Traditional Chiefs and other Hopis of proposed San Francisco Peaks development, in an unusual move, the Hopi Tribal Council joined them in their opposition to development of the peaks for more skiing.
Dec. 13, 1971	Issuance of statement by Hotevilla religious leader protesting proposed San Francisco Peaks development on grounds that Peaks are sacred to Hopis and an integral sacramental component of Hopi religion.
1971	Protest by Hopi Traditional Chiefs against legislation written by Boyden introduced into House of Representatives that would reduce boundaries of Hopi reservation as set out in 1882 Executive Order.
January, 1972	Protest at meeting in Flagstaff by both traditionals and tribal council members of proposed development of San Francisco Peaks, sacred to Hopis, into "winter playground." Second time in 24 years that council members and traditional Hopi chiefs agree on an issue.

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