

Nayatewa, Ned (“Head Chief), Duke Pahona (“Associate Chief”), and Maho (“Assistant Chief”), 1-8-1948, Letter to Superintendent James Crawford, Hopi Agency. Copy from Indian Law Resource Center website, Hopi Report, Exhibit 29. (http://www.indianlaw.org/en/hopi_report)

Yolacsa, Arizona
January 8, 1942

Supt. James D. Crawford.

Keams Canyon, Arizona

Dear Mr. Crawford:

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

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

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

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

EXHIBIT 29a

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

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

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

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

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

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

All this was prior to the year 1882. Then some years after 1862 the Hopis were informed that a reservation was set aside for them by Executive Order on Dec. 16, 1882, comprising of 2,472,320 acres or 3860 square miles. Although this order was far below which the Hopis claim and around which they walked with the soldiers, they made no protest whatever to the U. S. Government. Living in the midst of the Navajo country, the Hopi never heard that a confirmation of their title was necessary nor had they any money to make the claim; therefore, they had no legal tenure to their land until the Executive Order was made. This reservation was set up with the idea of giving the United States authority over the Hopi and to protect them from the Navajo. The report of Lieut. C. Ives of his exploration in 1857 and 1858 of this area would seem to further substantiate the claims that the Executive Order reservation was set aside to protect the Hopis from the Navajo rather than a place for the Navajos to be settled. Ives' report and maps places the east boundary of the Hopis somewhere east of Ganado, Arizona.

On Nov. 14, 1944, a delegation appointed by Hopis presented their land matters to the Sub-Committee on Indian Affairs of the House of Representatives from Washington. Although years ago we all believed that we had some legal claims to that boundary set by our selected Hopis who actually walked around the line, accompanied by U. S. soldiers, we did not ask to be given this area but made a plea that the Executive Order area of Dec. 16, 1882, be set aside by Congress as the legal boundary of the Hopi Reservation. This is recorded in the Sub-Committee's report beginning on page 880.

In 1934 Congress passed a law which was later designated as the "Reorganization Act." On April 7, 1936, Commissioner John Collier, in a meeting with the Hopi people at Oraibi, said: "All around you is the Navajo tribe, and that tribe is not organized under the Wheeler-Howard (Reorganization) Act, but it is organized, and during the next year the Navajo tribe is going to become much more strongly organized than it is now. Here in the middle of the Navajo tribe are the Hopi villages and they are not organized at all; they are totally unorganized. The time is drawing near when there will have to be something done toward deciding what is the Hopi land; what is the Navajo land; and that will have to be settled through negotiation, but the negotiation cannot go on between an organized tribe and tribe totally unorganized. The Navajo tribe is organized; it has its recognized tribal council working under regulations and a constitution. The Government can deal with the Navajo tribe through its organized representatives. So long as the Hopis remain an unorganized group of villages, they are going to be at an increasing

disadvantage in comparison with the Navajos. I do not mean to say - and I am not saying, that the Hopis and Navajos are rivals at all, but I am saying that there are some things which need to be settled by the two tribes and the cannot be settled until both tribes are organized. In the meantime the Hopis are going to get the bad end of the deal if they stay unorganized."

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

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

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

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

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

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

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

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

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

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

S/ Ned Nayatewa
Head Associate Chief, First Mesa

Witness to mark:

S/ Duke Pahona, Associate Chief

S/ Albert Yava

Maho (Thumb print), Asst. Chief

EXHIBIT 29f