

BEFORE THE INDIAN CLAIMS COMMISSION

THE HOPI TRIBE, an Indian Reorganization	)	
Act Corporation, suing on its own	)	
behalf and as a representative of the	)	
Hopi Indians and the Villages of FIRST	)	Docket No. 196
MESA (consolidated Villages of Walpi,	)	
Shitchumovi and Tewa), MISHOGNOVI,	)	
SIPAULAVI, SHUNGOPAVI, ORAIBI, KYAKOTSMOVI,	)	
BAKABI, HOTEVILLA and MOENKOPI,	)	
	)	
Plaintiff,	)	
	)	
THE NAVAJO TRIBE OF INDIANS,	)	Docket No. 229
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
THE UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

ORDER DENYING HOPI PLAINTIFF'S MOTION FOR LEAVE OF COMMISSION TO HEAR FURTHER ARGUMENT ON LIABILITY PHASE OF COUNTS 5 THROUGH 8, AND TO AMEND FINDINGS AND ORDERS IN RELATION THERETO TO MAKE FINAL DEPOSITION OF THE LIABILITY PHASE OF SAID COUNTS

On October 4, 1973, the Hopi plaintiff in Docket 196 filed the above-captioned motion wherein it requested that this Commission, prior to the valuation phase of these proceedings, hear argument on the question of the liability of the United States for the "rental value" of Hopi aboriginal title lands under Counts 5 through 8 of the original petition in Docket 196, that the Commission thereafter amend its findings and order previously entered herein on June 29, 1970, 23 Ind. Cl. Comm. 277, to reflect a final determination of this issue, and, for such other and further relief as may be appropriate. Oppositions to the Hopi motion were filed by the defendant on October 19, 1973, and the Navajo plaintiff in Docket 229 on October 29, 1973. On November 12, 1973, the Hopi plaintiff filed a further reply brief.

The Commission, having taken the matter under advisement, and now being fully advised in the premises, is of the opinion that the Hopi plaintiff's motion should be denied. Accordingly, this case should proceed, as expeditiously as possible, in the manner previously ordered by the Commission. Further argument and the disposition of the issue

of the "rental value" of the Hopi aboriginal title lands under Counts 5 through 8 of the original petition will be deferred to the value phase of this case.

IT IS THEREFORE ORDERED, the Hopi plaintiff's motion be, and the same is hereby, denied.

Dated at Washington, D. C., this 23rd day of January 1974.

Jerome K. Kuykendall  
Jerome K. Kuykendall, Chairman

John T. Vance  
John T. Vance, Commissioner

Richard W. Yarborough  
Richard W. Yarborough, Commissioner

Margaret H. Pierce  
Margaret H. Pierce, Commissioner

Brantley Blue  
Brantley Blue, Commissioner