

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

DEWEY HEALING, CHAIRMAN OF THE HOPI :
TRIBAL COUNCIL OF THE HOPI INDIAN :
TRIBE, FOR AND ON BEHALF OF THE HOPI :
INDIAN TRIBE, INCLUDING ALL VILLAGES :
AND CLANS THEREOF, AND ON BEHALF OF :
ANY AND ALL HOPI INDIANS CLAIMING ANY :
INTEREST IN THE LANDS DESCRIBED IN :
THE EXECUTIVE ORDER DATED DECEMBER 16, :
1882, :

Plaintiff, :

v. :

No. Civil 579 Prescott

PAUL JONES, CHAIRMAN OF THE NAVAJO :
TRIBAL COUNCIL OF THE NAVAJO INDIAN :
TRIBE FOR AND ON BEHALF OF THE :
NAVAJO INDIAN TRIBE, INCLUDING ALL :
VILLAGES AND CLANS THEREOF, AND ON :
BEHALF OF ANY AND ALL NAVAJO INDIANS :
CLAIMING ANY INTEREST IN THE LANDS :
DESCRIBED IN THE EXECUTIVE ORDER DATED :
DECEMBER 16, 1882; ROBERT F. KENNEDY, :
ATTORNEY GENERAL OF THE UNITED STATES, :
ON BEHALF OF THE UNITED STATES, :

Defendants. :

NOTICE OF APPEAL TO THE SUPREME COURT OF THE UNITED STATES

I. Notice is hereby given that Dewey Healing, Chairman of the Hopi Tribal Council of the Hopi Indian Tribe, the plaintiff above named, hereby appeals to the Supreme Court of the United States from that part of the final judgment set forth in paragraph numbered "3". Said final judgment was dated and entered in this action on September 28, 1962.

This appeal is taken pursuant to Section 1 of the Act of July 22, 1958, 72 Stat. 402.

II. The clerk will please prepare a transcript of the record in this cause, for transmission to the Clerk of the Supreme Court of the United States, and include in said transcript the following:

The entire record, including, but not limited to, the
docket entries, pleadings, pretrial orders, motions on behalf
of any party, opinions, transcript of proceedings, all exhibits

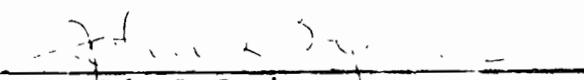
of plaintiff and defendant received into evidence, stipulations, plaintiff's and defendants' respective proposed Findings of Fact and plaintiff's and defendants' respective Objections to Proposed Findings of Fact, the court's opinion of September 28, 1962, the appendix thereto, the Findings of Fact, Conclusions of Law and the Judgment entered on September 28, 1962, and this Notice of Appeal.

III. The following questions are presented by this appeal:

1. Did the Secretary of The Interior have authority to settle the Navajo Indian Tribe upon the Hopi Executive Order Reservation after enactment of the Act of May 25, 1918, 40 Stat. 570, 25 USCA 211, or the Act of March 3, 1927, 44 Stat. 1347, 25 USCA 398(d)?

2. Can the Navajo Indian Tribe or individual Navajo Indians share in the benefits of both the Navajo Indian Reservation and the Hopi Executive Order Reservation?

3. Did the court err in holding that the Navajo Tribe, for the common use and benefit of its members, had any interest in the Hopi Executive Order Reservation?


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PROOF OF SERVICE

I, John S. Boyden, one of the attorneys for Dewey Healing, plaintiff and appellant herein, and a member of the Bar of the Supreme Court of the United States, hereby certify that, on the 24th day of November, 1962, I served copies of the foregoing Notice of Appeal to the Supreme Court of the United States on the several parties thereto, as follows:

1. On the United States, by mailing a copy in a duly addressed envelope with air mail postage prepaid, to Charles A. Muecke, Esquire, United States Attorney for the District of Arizona, at the Federal Building, Phoenix, Arizona, and by mailing a second copy, in a duly addressed envelope, with air mail postage prepaid, to Mary Anne Reimann, Assistant United States Attorney, 412 Post Office and Federal Building, Tucson, Arizona, and by mailing a copy in a duly addressed envelope, with air mail postage prepaid, to The Solicitor General, Department of Justice, Washington 25, D. C.

2. On Paul Jones, defendant, Chairman of the Navajo Tribal Council, by mailing a copy, in a duly addressed envelope, with air mail postage prepaid, to Norman M. Littell, his chief counsel, at his offices at 1824-26 Jefferson Place, N. W., Washington 6, D.C.


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