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Clerk
INDIAN CLAIMS COMMISSION

BEFORE THE INDIAN CLAIMS COMMISSION

HOPI VILLAGE OF SHUNGOPOVI,

Petitioner,

vs. No. 210

THE UNITED STATES OF AMERICA,

Defendant.

TRANSCRIPT OF TESTIMONY

December 14, 1956

DEARNLEY-MEIER & ASSOCIATES
INCORPORATED
GENERAL LAW REPORTERS
ALBUQUERQUE, SANTA FE

EXHIBIT 81a

HP014180

BEFORE THE INDIAN CLAIMS COMMISSION

HOPI VILLAGE OF SHUNGOPOVI, Petitioner,	)	
vs.	)	No. 210
THE UNITED STATES OF AMERICA, Defendant.	)	

TRANSCRIPT OF TESTIMONY

BE IT REMEMBERED that heretofore, on to-wit, the 14th day of December, 1956, at 10:00 A. M., the above entitled matter came on for hearing at the Federal Court House in Santa Fe, New Mexico, before the Honorable Louis J. O'Marr, Commissioner, of the Indian Claims Commission; that appearances for the parties hereto were entered as follows:

For the Petitioner: Mr. Richard Schifter
1700 K Street, NW
Washington 6, D. C.

For the Defendant: Mr. Walter A. Rochow
Room 2134
Department of Justice
Washington 25, D. C.

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COMMISSIONER O'MARR: This is Docket No. 210, and the only appearance we can enter at this time, I suppose, is the Government's.

MR. ROCHOW: Yes, but the have personal representatives here.

(Reporter's Note: The personal representatives referred to by Mr. Rochow included a number of Hopi Indians and Mr. Charles A. Minton, Executive Secretary of the New Mexico Association on Indian Affairs, present in the hearing room.)

COMMISSIONER O'MARR: In addition to the Government's attorney, there have appeared here on behalf of the Hopi Village of Shungopovi the following persons: Peter Nuvamsa, Sr.; Vilts Lomahaftewa; Wadsworth Nuvangoitewa; Homer Cooyama; Preston Keevama, the latter being a member of the petitioning group but presently living at San Juan Pueblo in New Mexico. All the others live in the village of Shungopovi, except Homer Cooyama who lives in the Hopi Village of Oraibi. Well, Gentlemen, there has been set for hearing this morning, a motion to dismiss Docket 210, entitled the Hopi Village of Shungopovi vs. the United States. I have been informed that the petitioner in this case is not represented by counsel, but that Mr. Schifter and Mr. Minton have appeared here to represent the petitioners in this case for the purposes of this motion. I wish to state to you gentlemen who appear here for the Petitioner that you will need an attorney. Now, these cases are very difficult and very technical and cannot be handled by members of the tribe. It requires the skill of an attorney, not only to present the case of this character, but also to assemble the facts upon which the claims are based, so let me urge you on behalf of the Indian Claims Commission to employ

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counsel to advise you and also to prepare your case for presentation to the Indian Claims Commission. Now, as I say, the matter now before the Commission is a Motion of the Government to Dismiss, but before I consider that motion I would be glad to hear from you, Mr. Schifter, if you have anything to say in connection with the motion.

MR. SCHIFTER: Your Honor, I am appearing here today at the request of Mr. Charles Minton, Executive Secretary of the New Mexico Association on Indian Affairs, in an amicus curiae capacity. I am also appearing with the consent of the official spokesmen of the Hopi Village of Shungopovi who are present here today. I would like to say merely that it appears that no attorney was consulted in this matter prior to this day and I therefore request that the motion to dismiss be continued until June 1, 1957, so that the Hopi Village of Shungopovi be put in the position of retaining counsel and preparing its case.

COMMISSIONER O'MARR: Does the Government have any statement to make in connection with the request?

MR. ROCHOW: Of course this petition has been pending for about five years, but I realize the circumstances are most unusual and therefore I raise no objection to the continuance.

COMMISSIONER O'MARR: Very well. Let me state further to you gentlemen who are here representing this petitioner, that as perhaps Mr. Schifter and Mr. Minton have already advised you, you have to have a contract with some attorney to represent you in this case. Now, the law requires that, and when the contract is made, it has to be submitted to the Bureau of Indian Affairs for

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approval, and after that is done the attorney can then proceed to handle your affairs in connection with this particular case. Now, there is another matter that the Government's attorney has called to my attention, and that is a case which is now pending and it was filed on August 3, 1951, Case No. 196. The petitioner is the Hopi Tribe, an Indian Reorganization and Corporation, suing on its own behalf and as representative of the Hopi Indians of the Villages of the West Mesa, the consolidated villages of Walpi, Shitchumovi & Tewa; Mishongnoui, Sipaulavi, Shungopovi, Oraibi, Kyakotsmovi, Bakahi, Hotevilla, and Moenkopi, Petitioners. There are, I think, about ten villages, as I understand this docket, including the Shungopovi Village. Now, I don't know whether you people know anything about this case or not. Would any of you like to express your position? Counsel has called my attention to the fact that this case was filed by John S. Boydon, of the firm of Wilkinson, Boyden and Cragun.

MR. PETER NUVAMSA: My village is Shungopovi which they don't abide by this counsel which If I understand it right you are referring to, so-called Hopi Tribal Council. That does not include the other mesa village of Moenkopi nor Hotevilla Village.

COMMISSIONER O'MARR: I might say this to you, that when you get an attorney, he will look into this thing and advise you as to how it affects your group,--if it does affect you in any way; that is another reason you should have an attorney represent you.

MR. NUVAMSA: I see, yes.

COMMISSIONER O'MARR: Now, is there anything you wish to ask concerning this case?

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MR. NUVAMSA: Well, yes, I have. On that particular thing, speaking of traditional side and progressive side. The counsel and those young heads representing young and progressive groups, and through Hopi tradition, is on the other hand, and don't work together, but still in Washington they recognize the tribal council with the intention of getting all the other villages who don't work with it as a group.

COMMISSIONER O'MARR: Do you have a tribal council for the Shungopovi group?

MR. NUVAMSA: We have our own Hopi Establishment.

COMMISSIONER O'MARR: And you have no connection with these other groups here--I will let you see their names. Do you see those names on there? (Paper handed to Mr. Nuvamsa by the Commissioner.) Do you recognize those other Hopi groups or villages?

MR. NUVAMSA: Yes, we recognize them.

COMMISSIONER O'MARR: You recognize the names?

MR. NUVAMSA: Yes.

COMMISSIONER:O'MARR: You are not connected with those, is that the idea?

MR. NUVAMSA: Each village has our own by-laws and our customary way. Under this present Constitution which has been approved by the Secretary in around about 1936, it came out with some provision very similar with our village by-laws and general by-laws of the Hopi people.

COMMISSIONER O'MARR: You have separate organizations?

MR. NUVAMSA: Our traditional organization has not been

recognized by the Department.

MR. ROCHOW: You mean by the Secretary of the Interior?

MR. NUVAMSA: Right.

MR. SCHIFTER: I think some groups within the Hopi tribe organized under the Reorganization Act of 1934 and adopted a constitution, and this group apparently did not join.

COMMISSIONER O'MARR: And is not a part of the plaintiff here (Indicating Case No. 196, above referred to)?

MR. SCHIFTER: That's right.

MR. ROCHOW: Not only your village, but some of the other villages named in that case, is that true?

MR. NUVAMSA: Yes, sir.

COMMISSIONER O'MARR: When I get back to Washington, we will make an order in this case giving you people until June 1, of 1957 in which to make your arrangements for employing a lawyer to represent you in this case, and I want to know the name of the person we will send a copy of this order to--who is the head of your organization?

MR. NUVAMSA: I am spokesman for our Hopi organization in that village.

COMMISSIONER O'MARR: All right; we need your name and post office address. Can you give us that now?

MR. NUVAMSA: Yes; Peter Nuvamsa, Sr., Shungopovi Village, c/o Second Mesa, Arizona.

COMMISSIONER O'MARR: Let the record show the motion to dismiss, of defendant, in this case, filed November 23, 1956, has been postponed until June 1, 1957.

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MR. ROCHOW: And that means we go ahead and work on it?

COMMISSIONER O'MARR: Oh, yes.

MR. ROCHOW: (Addressing Mr. Nuvamsa) Now you hire a lawyer to work with you, to get all the facts and do the research.

COMMISSIONER O'MARR: I would like to close the record by saying the Commission appreciates the appearance of Mr. Schifter and Mr. Minton on behalf of these Indians because the case has been pending for sometime and they haven't had anyone appearing in their behalf. That will close the hearing then.

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CERTIFICATE OF REPORTER

I, Dorothy B. Myers, a Court Reporter, and designated to report the proceedings in the above entitled matter, do hereby certify that the foregoing pages numbered 1 to 7, this page inclusive, constitute a full and complete record of said proceedings, as the same were recorded by me in shorthand, and transcribed by me, all to the best of my knowledge, skill and ability.

Dated at Santa Fe, New Mexico, this 21st day of February, 1957.

Dorothy B. Myers

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BEFORE THE INDIAN CLAIMS COMMISSION

No. 210

Hopi Village of Shungopavi

Plaintiff(s),

vs.

THE UNITED STATES,

Defendant.

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OATH OF REPORTER

United States of America,)
State of New Mexico) ss.
County of Santa Fe)
~~District of Columbia~~)

I, the undersigned, having been duly named as a reporter to take and transcribe the testimony in the above entitled cause, upon my oath do say; that I will well and truly take down and transcribe the questions propounded to and the answers given by the witnesses at the hearing of said cause, and that I will do all other things required of me by said Commission, a Commissioner or Examiner thereof.

Dorothy B. Myers

Subscribed and sworn to before me this 14th day of December, 1957

James A. Langston
Clerk

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