

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

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FILE NO. 8970 - 30 - 3082 Western Navajo

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Minutes of Conference on Hopi Extension Area held April 24, 1939. Office of Commissioner of Indian Affairs, Washington, D. C.

Present: Peter Nuvamsa, Byron P. Adams, Fred Lomayesva, Samuel Shingoitwa, Hopi delegates; Seth Wilson, Superintendent, Hopi Agency; John Collier, Commissioner of Indian Affairs; and Oliver LaFarge, ex officio.

The meeting opened at 10:20 A.M.

Interpreters: Mr. Adams and Mr. Shingoitwa.

Mr. Nuvamsa: We recall the time the Commissioner was out among us at the Hopi Reservation, at which time we discussed this area. Now we have come before you here in the Washington Office, actually showing the map of the area that the Hopi people desire. The officials here in Washington have requested that a definite map and definite statements as to the reasons why the Hopis claim this area of land be put before them for consideration.

In talking about this area and the acceptance of the Reorganization Act, which is an important view from the Government's side; and on the other hand, our traditions are of importance to the Hopi people; we come face to face and talk among ourselves in considering the area that the Hopis claim.

To explain further, the acceptance of the Reorganization Act and the Hopi traditional beliefs, as well as the ceremonials, seem to parallel each other because this immense area is deeply embedded in the hearts of our people due to its connection with ceremony and we feel justified in asking for this area for our people as both the act of 1934 and our own tribe believes to be equal in authority.

If there is anything that we speak about that is misunderstood by Mr. Collier, I wish that he would ask us the question that we may explain and understand thoroughly from both sides at any time.

As I have stated, this area shown on the map is the original area that the Hopis in the past have revived year after year in exercising their ceremonies which involve their traditions.

And now this area, which we originally believe is our area, through our ceremonies, and now that we have come to a new day in which we put in our deepest thought as to the reason why this area has been taken away from the Hopi people through what reasons which are puzzling to us.

Every year we hold an annual ceremonial which takes in our claim which is outlined by the outside circle.

Mr. Collier: You mean the area bounded by Rainbow Bridge and Colorado River on the south and east, below Winslow and almost to Gallup on the west and north.

Mr. Nuvamsa: That is the sacred area. We have taken into consideration how we might live after the settlement of this area, how we may obtain our timber, salt, and game in this area. Inside this area is a shrine to be of main purpose to the Hopi people.

Mr. Adams: The point he is bringing out is the fact that he built substantial homes and that the ruins or walls of those homes are still intact and when he settled in his present area there was no intention of moving anywhere else but that they still claim this large area which is needed to provide timber, game and salt.

Mr. Collier: Does he mean they once occupied this big area to the exclusion of any other people - no whites?

Mr. Adams: Yes sir.

Mr. Nuvamsa: Therefore, the Hopis feel that they have a right to this area as shown on the map because they still have in their hearts that they have controlled this area and as stated, it involves in their ceremonies. If the Government would recognize this area for the Hopi people and set up regulations as to how it should be governed, then it would be up to the Government to protect us.

Mr. Collier: I am not sure that I understand now what he is saying. He is not saying that he wants the Navajo and the whites put out of the country but he wants it recognized as being fundamentally, historically, Hopi country and he wants us to establish regulations that protect the Hopis in their access to timber, salt and shrines.

Mr. Nuvamsa: I am speaking from prophecy handed to our people far back before this area was settled and that told us that a time may come when other people may come into this area and if at that time people had settled or proved themselves undesirable - fighters, thieves or robbers - then we were to make laws or regulations whereby those people were to be taken out of the area and not be permitted to make permanent homes. This time has come to pass and the people who have proved themselves against which we were warned seems to be the Navajo.

But we were also told that when this trouble comes up that there was a party who would come to our rescue and this also has come to light in the fact that we have the Government over us to protect the interests of our people. When the matter of our present claims is taken in hand by the Government, then it will be up to that Government to take care of the undesirables and thereby give us a little peace on our reservation; peace that will be to all peoples who are not of a bad reputation and are willing to live in harmony in the area and as stated before there has been only one group of people who have proved themselves very undesirable and they, being the wards of the Government like ourselves, we cannot understand why our Government today seems to give more help and assistance in every way to the Navajo to the neglect and detriment of our own Hopi Tribe.

Since this area has been designated by the Hopi people as a whole and presented before you, we wish that every consideration would be taken by you and we ask your honest opinion as to the area designated by the Hopis and we wish that you would give it your deepest thought and not just look at it, not even considering it as a matter of importance.

Mr. Collier: Does the tribe want me to give an answer now or does it want me to wait until this record is made up and then give an answer?

Mr. Nuvamsa: The tribe would wish to know what the answer is to this area at this time because that is the desire of the people.

Mr. Collier: Of course, I have given a great deal of thought to this matter in the past. I do not dispute anything you have said about the traditions of the Hopis for the area they claim to have occupied as their own. I know that if I went to other tribes that some of them would be claiming a part of this land through their ancient traditions, but I haven't gone to these other tribes and I will tell you why. The Hopis are not the only Indian tribe that has a sacred tradition about the territory that it has looked upon as its own through great periods of time. If one went to all of the Indians in the country in the United States, he would find that one or another of these tribes have a clear sacred tradition to so much land that taken all together the entire United States would belong to one or another Indian tribe. Not only they have a clear tradition, but other kinds of evidence would show that at a date not very long ago every square mile of the United States was claimed as the exclusive territory of some Indian tribe. He might find that two tribes or more would claim the same territory, but he would certainly find that all of the territory was claimed by at least some tribe and that a very short time ago, perhaps 200 years, in the history of the Indians. The Indians have been claiming or holding the land for at least 10,000 years. The white man has been here only 400 years, a little while. Now, I come down to the present condition. I am talking about ownership or the right to make exclusive use of lands. Regardless of the tradition of the Hopis and regardless of the facts upon which that tradition rests, if you look at this whole area, you find that portions of it were granted 70 years ago to the railroad, granted by Congress; other portions were granted to homesteaders upon the public domain so that along the southern end of this area cities of white people and bodies of land were owned by people not Indians - white people. If one goes out to the west, he finds that many years ago the Government created a national forest, Kaibab National Forest, that was declared to belong to the people of the United States under the Government. There was also created a national park which included a portion of this east bank of the Colorado River. Then coming closer to what is in your mind, right or wrong, the President, 40 or 50 years ago, created the Navajo Reservation and then in 1928 Congress passed a law that even the President can't alter what his predecessor has done, only Congress can alter it. Not only that, but the Attorney General of the United States ruled that the Navajos had a title to this Executive Order reservation and the Act of 1928 was construed as a recognition of the ruling by the Attorney General. That relates to

what is called the Navajo-Hopi reservation. Let me make it clear that I would not have the power, Secretary Ickes would not have the power, President Roosevelt would not have the power and Congress would not have the power to put these white people off - to take away their ownership. Nor I would not have the power and, I think, Congress would not have the power even to put the Navajo off without their consent from these areas, east, north, south and west. It is beyond their power, right or wrong. These are facts of history that have taken place, that have crystallized into law, into title, into property. There would be no way for the Government to restore to you this area either to your ownership or to your exclusive use except by appropriating enough money to buy out the white people and to buy out the Navajos and turn it back to you. It would be an enormous amount of money, and the Government could only buy them out with their consent. This is not saying that we cannot protect your timber right, your salt and your shrines. To a large extent we can do that. I am not talking about that. But I am saying that we have no power to restore to the Hopis this area contained within this outside line no matter what our desire may be. The President might want to do it. He would have no power. Congress might want to do it and Congress should do it by appropriating perhaps twenty million dollars or thirty million dollars, to buy out the white people and the Navajos. What I am saying to you about your situation could be said to most of the Indian tribes. It certainly could be said to every one of the Pueblos tribes in New Mexico and to many many other tribes. There are Pueblos tribes in New Mexico which have claims just like yours and an amount of support that you haven't got, because in the case of two of these Pueblos were given the exclusive use and later that was taken away from them and we can't do anything to remedy it. There were still other tribes which received grants from Spain but they were not patented to the United States and the ownership has been passed to other people. We are helpless. I could explain more fully, but I imagine this is enough for this record right now.

I am not discussing the truth, the historical validity of what is claimed by the tribe. I am simply stating that to do what they ask is beyond the power of this Department or of the President and, indeed, beyond the power of Congress. But that we can do whatever may be necessary to protect the shrines. I think we can do whatever is necessary to give access to the forests and the salt and anything else of that kind.

Mr. Muvansa: It is beyond my understanding, as well as the tribe, how that anyone could come in and without our knowledge or consent and approval take the lands for their own which we considered for centuries as our very own. Our people think that if this has been stolen from us, which it has, that some steps could be taken to remedy the wrong, that purchases from title holders could be made by the Government for the Hopis. Of course, there are many things that we do not understand, the legal part of the situation, but it seems that where people have been mistreated to a very serious extent like we have that there should be some way open to us to be satisfied in regard to the land that we claim.

Mr. Collier: The only answer that I can give to that is one which I gave just for what it is worth. As I stated before a great many of the Indian tribes, most of them, have seen the same thing happen that has happened to the Hopis. They had a bigger territory once through one kind of action or another kind of an action. Much of that territory was taken away from them. Either the Government did it or the Government allowed it to be taken. Sometimes there were treaties so that the tribes know what they were doing but often those treaties were made by misrepresentation or force by the Government. Now, there is a whole cloud of these grievances by Indian tribes awaiting settlement or clearing up. There is no institution in the Government at present that can do anything toward clearing them up. This Department had laid before Congress a bill called "The Indian Claims Commission Bill." That bill, if it were passed, would create a special court or commission or body, to whom the tribes, the Hopis for example, could go and present such facts as they have presented to me. The Commission could then go into the subject of whether the United States Government had been at fault and had done a wrong or injustice and then could recommend to Congress what money should be paid to make good the wrong or injustice. That bill has not been passed. It was passed in the Senate, but not in the House. I don't know whether it is going to be passed. If it were passed, that court could hear the Hopis and its findings would have some power with Congress. But that is in the future. At present the only thing this Department could do would be to make a recommendation to Congress to vote a sum of money to the Hopis and I don't think Congress would pay much attention to us. However, if a sum of money were voted, either by Congress now or by recommendation of the Indian Claims Commission in the future, it would only be a sum of money. It could not buy a restoration of those boundaries. That is beyond the power of Congress unless it should vote enough money to buy out all that vast territory and I doubt if the Hopis would want to buy out that vast territory because they don't have any use for it. I would be glad, if the tribe wants it, to expand this reply, but it is the reply that I would have to make no matter how many words I used.

I wonder if the tribe would like to hear from Mr. LaFarge as to his thought on this subject. The tribe understands that Mr. LaFarge has come to this meeting by invitation as a friend of the Hopi Tribe. He is not an official or employee of the Government and he is stating his view entirely without obligation to the Indian Office.

Mr. Nuvamsa: Yes, we would like to hear from Mr. LaFarge.

Mr. LaFarge: Ever since I went out to the Hopi country and first heard about their claim I have been thinking about the tradition of the Hopis in connection with the things of today, that right now can't be changed. I think there is no way of telling ourselves that the Navajos can be shifted out of all that territory. Before the Navajos were there in the east, there were Paiutes. After them came the Navajos; then finally the white man came. If I remember the instruction that was given to me by the Hopis, it was this:

That the time is going to come, not yet, but it is going to come, when all kinds of people will live together in friendship. Now, what Peter (Nuvamsa) has just said is something that has to happen first. The people who make trouble, the people who steal and those things must be stopped. As I understand it, what is troubling the Hopis more than anything else is not that they don't like to see a Navajo over here or that it makes them angry to see a white man here, but when they try to go to those places somebody tries to stop them. Is that right?

Mr. Nuvamsa: Yes.

Mr. LaFarge: The Hopis do not want to push people out of this territory but they want this land recognized as their old territory. They want special freedom to go and come. The other thing must wait for the time has not come. The day will never come when all Navajos, all Paiutes, all white men will be pushed off this land. The day will come when the Hopis will be recognized and the Navajos, Paiutes, Hopis and white men will all be friendly and will understand each other.

Mr. Adams: You said you were instructed by the Hopis in this belief. Who were those Hopis?

Mr. LaFarge: I could not say that the whole tribe instructed me. For a long time I stayed in the different villages and the chiefs discussed this belief with me. When we wrote the constitution it was insisted by everybody that nothing might go into the constitution that did not follow the Hopi path. So these things came out. It is different in different villages.

Mr. Adams: Practically every village, except Moencopi, said that they would live as friends.

Mr. LaFarge: The statement that they would live as friends was made in some villages but not in others. There is a difference. But I think that you people will now have to report this matter. It is your business to put on the record your claim.

Mr. Collier: In the light of what we have said so far, what shall we now discuss?

Mr. Nuvamsa: As Commissioner Collier has explained, it seems that our claims are matters which will have no weight, that the Department of the Interior is in a powerless situation. But our people are determined not to turn loose of what they claim is rightfully theirs because their very lives, in connection with their religion, hinges onto that and we feel that we must still strive on due to this belief.

We have long delayed bringing this very important matter to the officials but when we accepted the Reorganization Act, in it we thought we had special authority and right conferred on us that our claims would be recognized no

matter who would suffer by them. If someone has to give it up, all right. If money has to be appropriated, all right. But it seems in this hearing that that act does not confer much authority on us. It just raises a question again.

Mr. Adams: Here is the thing Peter requests: As long as the reservation boundary is not settled, all the Navajo Agency officials be instructed to tell the Navajos not to make any trouble for the Hopis that go out to gather their eagles.

Mr. Collier: Do the Navajos make trouble for the Hopis now?

Mr. Adams: Every year many of the Hopis have been forced to go back to the agency for a written permit.

Mr. Collier: Where do they go for the eagles?

Mr. Adams: To practically every direction.

Mr. Collier: What do the Navajos want with the eagles?

Mr. LaFarge: To use in their ceremonies. They are killed in a very painless manner and some of the feathers are used. The Navajos, in my opinion, need fewer eagles than do the Hopis.

Mr. Collier: What becomes of the eagles?

Mr. LaFarge: They are sacrificed.

Mr. Collier: Is the supply of eagles limited?

Mr. Adams: Yes.

Mr. LaFarge: The Navajos have a very large area of their own in which the Hopis do not hunt. This has been a source of friction for a long time. The Hopis have allowed their custom to lapse. The Navajos used not to interfere. The interference has been recent and I think some of it is onerousness. The Hopis do not clean out all the eagles in a nest. They leave one when there are three.

Mr. Collier: In trying to work this out, could the Hopis make a deal with the Navajo Tribe to pay a certain amount for hunting the eagles exclusively in this area?

Mr. Adams: I don't think that would work because the Hopis know that the land is theirs and they don't want to pay anything.

Mr. Collier: We will give the instruction to the superintendent, but it is a large area and we don't know whether he can control it all or not. We will

do what we can on this; whatever is in the power of the Government to do, we will do. Now, do you want to talk about the question of a use-area or other subjects?

Mr. Adams: I have a few questions I would like to ask concerning this particular subject. You spoke about the title of the Navajos to the Executive Order reservations. Since the Attorney General has made that ruling, would there be any reason why the Hopis could not have a clear title to whatever might be his.

Mr. LaFare: In other words, when an area of exclusive jurisdiction is established, will the Hopi get the same clear title?

Mr. Collier: That could be done once a boundary is established. Congress could then set that up as the Hopi Reservation and title would be in the Government in behalf of the Hopi Tribe.

Mr. Adams: But in the present case of the Navajos, these Executive Orders conferred exclusive title according to the Attorney General.

Mr. Collier: Yes, title in the United States for the exclusive use of the Navajo. That is what we mean by title.

Mr. Adams: This large area which the Hopis are claiming, if it is not recognized by the Government, it will be destroying the Hopi's religion because the most sacred and serious ceremony of the Hopis is the rehearsal of the settlement and of their claim in connection with the reservation. If it is true that this outlying boundary is not Hopi, what are these religious ceremonies going to mean?

Mr. Collier: For comparison, I will state the following: About 2,000 years ago, the whole land of Palestine, was owned by the Jews. The Jews were conquered and largely driven out. Palestine passed into the control of other people, first to the Romans and then to the Turks, but all of these 2,000 years the Hebrews (Jews) have known that Palestine was their own land and have built their ceremonies and their prayers around that fact. Now after 2,000 years a part of Palestine has been restored to them, but not all of it. Isn't there something comparable to this in the case of the Hopis?

Mr. Adams: In comparing the Hopis and the Jews, you, of course, understand that the Jew is fulfilling a prophecy which was forethought, that he would disperse, that he would have no known country, but that in time he would go back to his own country, which I believe is only a matter of a short time. Just as much can be said for the Hopis. We have had intimate contacts with a number of tribes and have studied their ways and customs and we find that among the Hopis their religion is far above others. Years and years ago we were told prophecies which we are seeing fulfilled.

Mr. Collier: There is no date fixing the fulfillment of the Hopi's prophecy. They have not waited nearly as long as the Jews. There are other Pueblos which have the same situation as the Hopis. I can name one of them - Taos. The Taos religion and country are identical as the Hopis. It is an area up in the mountains to which Spain never gave them title. As a matter of fact Plains Indians were always coming into that area. Then came the title from the United States for their claim, but none of their sacred area was included. Yet their ceremonies were continued and they called the area their own. Though exclusive use was granted on some parts of their claim they do not have the title and there are still some 3,000 acres which they have not even the exclusive use. I would say in general that as a Christian you know that no religion is ever wholly fulfilled. Certainly the Christian religion is not. A fulfilled religion would not amount to any more. One of the elements of religion is that we have faith and hope. The Hopis claimed spiritual ownership of that country but their own prophecies told them that other people would be inside those boundaries. That is part of their prophecy. It is our part to work it out in such a way that their liberty of coming and going will be protected. It can be done without getting title to the land.

Mr. Nuvamsa: It seems that our case is not as complicated as that of a nation or a big group of people. Since we are under the Government and a very small group compared with nations that we could come to some solution and it will not be right if we disregard this claim without a permanent title. If we do not get permanent title it gets us away from our faith and our hope and it seems that we could reach some definite agreement whereby our definite rights could be put into writing.

Mr. Collier: I think it can, but only, if the tribe can get a conception that religious or spiritual ownership is not the same thing as a white man's title.

Mr. Adams: The Hopi leads his daily life by his religion. He never steps out of his house and goes anywhere without the belief that he is practicing his religion and because of that fact he goes to the exterior parts of this original belief that in the hope the day is coming when he will touch the four corners of the area. The reason that he is not doing that is because in the past it was dangerous and even today it is an effort to get out to those outlying parts.

Mr. Nuvamsa: You have made the comparisons in the religion but the things that actually take place have been changed from time to time. In some instances a thing has been done and it is seen that it was wrong and the wrong has been corrected and if it is just; corrections have also been made.

Mr. Collier: I do not think that the tribe should get into their minds that the situation is peculiar to themselves. The other Pueblos all have the same kind of religious view of their land as the Hopis. If we were to satisfy the religious requirements of the Rio Grande Pueblos by giving them the land that

is theirs in a religious sense, we would have to give them the entire Rio Grande Valley from Albuquerque to Taos. We can't do it. They know we can't do it. They make a distinction between the land that is theirs as land-owners and the land that is theirs as spiritual owners. It has not destroyed their religion. It won't destroy the Hopis. But what we must do is try to protect the shrines.

Mr. LaFarge: (This part to be considered as optional) I think the point that these men are trying to make clear to you is that if they do anything which gives away this claim, which lets it go, then they smash their religion. They must retain the claim even though they retain it for the future. They must not put their hand to anything that would be admitting that their claim was finished.

Mr. Collier: They don't need to. Any agreement which is made of use-rights will not be a giving up of this claim.

Mr. Nuvamsa: Do you mean to say that we will never get title to our name in this area that we claim?

Mr. Collier: Never, in our lifetime, except by buying it. 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.

Mr. Adams: May I ask a question? Is it the wish of the Indian Department to outline an area for the exclusive use of the Hopis outside of the territory they are claiming?

Mr. Collier: We think that there ought to be a fixed and more or less permanent boundary that will stop overgrazing one way or another. I am not prepared to say that it should be the existing district 6; probably should be more, but I am not prepared to say. I suppose the Hopis would like a boundary fixed.

Mr. Adams: Yes and this is the boundary that we want.

Mr. Collier: You cannot have a boundary as big as the inside square.

Mr. Adams: It is getting very serious with us. Now you have told us that even that small yellow outline cannot be given to us. It is useless for us to talk any further as we can't get everything that we want.

Mr. Collier: You can't get everything that you want. That is different from saying that you can't get anything that you want.

Mr. Nuvamsa: You have shown us what can be done and what cannot be done.

Mr. Collier: The practical question is whether your boundary is to be district 6 or whether it can be some other boundary containing more land than district 6 contains, which as you know is not to be settled now because it has to be settled after hearing the facts from the Navajo side. What we have to do is send a competent man out to hear both sides and then report back here to the Secretary of the Interior.

Mr. Nuvamsa: That is the practical way to handle it. It seems like the Hopis are like sheep in a corral with no outlet. We had been led to believe that by the acceptance of the Reorganization Act that we could be heard and our claims considered. Now we honestly and sincerely believe that our claims are just but if we cannot get any protection under the Reorganization Act, it seems that the Hopi Tribe will be better off by doing away with it and coming back to his former life.

Mr. Collier: That is for the Hopis to decide. You have clearly stated that you were given to understand that by the Reorganization Act you could be heard to negotiate, to assert your claims and also to protect any property that is legally yours. I think you are in a stronger position under the act than if you were not under act; but in the last analysis this is a law that what is called the Hopi-Navajo Reservation set aside by the President for the Hopis and other Indians resident there so that it is hardly the President or his agent, the Secretary of the Interior, to determine what part of that area shall be occupied by the Hopis exclusively and what part by the other Indians. There is no agency outside the Department that has the power to make that finding. The Department has the power to make that finding and it has not made it. The creation of district 6 was not a finding as to what area the Hopis should occupy. The Hopis were not consulted. The making of the true finding is in the future. It should be made on the basis of the existing fact of the relative needs of the different groups. It should take into account any showing of fact that the Hopis can make or that the Navajos can make or any other facts that we can discover. It should take into account just as far as we can any religious or emotional considerations. The Hopis themselves decided that they did not want to enter into arbitration with the Navajos about this matter. Since they do not want to enter into arbitration that compels the Secretary of the Interior to make his own findings and that he will do but we do not want to do it hastily. We don't want to make a mistake. As you know we are taking steps now to further strengthen the Hopi Agency, placing in Mr. Wilson's hands just as many tools and weapons as we can so that he can be an effective attorney for the Hopis. You need not fear that the Navajo Service or the Soil Conservation Service will be allowed to settle this matter. It will be settled by the Secretary of the Interior and you will have your limitless day in the court and you will have a strong advocate in Mr. Wilson.

Mr. Adams: Then, Mr. Commissioner, you have positively stated that we will not get even the whole area of the Executive Order set aside for the Hopis.

Mr. Collier: That is my personal guess now. If the examination of the facts reveal that you should, then it will be in the power of the Secretary to give it to you. I don't think the facts will support giving you the whole area. It may be that you will get some territory outside the boundaries.

Mr. Adams: I have had special instructions from the First Mesa Village regarding this land proposition but with the whole explanation from the Commissioner I feel it best and safer not to present this matter now but await the time when a Government representative shall come to the reservation on this land proposition and then have this matter presented in the light of its worth. For that reason I am not stating the First Mesa proposition now.

Mr. Collier: I will certainly send the best man or group of men that I can find out there. This man or group will also deal with the Moencopi case.

Mr. Adams: I think that concludes the boundary business.

Mr. Collier: Are there going to be other matters?

Mr. Adams: Yes, but they can be postponed until tomorrow.

Meeting adjourned.

Minutes of Conference on Hopi questions held April 25, 1939.
Office of Commissioner of Indian Affairs, Washington, D.C.

Present: Mr. Byron P. Adams, Samuel Shingoitwa, Peter Nuvamsa, Fred Lomayesva, Hopi delegates; Mr. Seth Wilson, Superintendent, Hopi Agency; Mr. John Collier, Commissioner of Indian Affairs; Mr. Joe McCaskill, Indian Office official; and Mr. Oliver LaFarge, ex officio.

The meeting opened at 9:45 A.M.

Mr. Adams: The first question we would like to ask you, Mr. Commissioner, is the legal status of the 1882 Executive Order. Did the Act of 1934 or the Hopi Constitution and By-laws nullify the Executive Order of 1882?

Mr. Collier: No, they had no effect on it.

Mr. Adams: Legally, should the Hopis share pro rata in natural resources of the Executive Order Reservation whatever it may have been or will be?

Mr. Collier: That is an interesting question which I am not prepared to answer just now. I will take it up with the Solicitor and will send you his opinion.

Mr. Adams: The present Hopi jurisdiction known as land management district 6 contains about one-half million acres and the Executive Order Reservation contains about two and one-half million acres. On the present allocation this gives the Navajos 500 acres per capita and the Hopis 165 per capita.

Mr. Collier: The Hopis have a great deal of farm land, but it seems to me that these are questions that you would want to take up with the man who comes down there to see you, except, of course, the one question of law.

Mr. Adams: One more question, Mr. Commissioner, concerning the present land-management district 6. It is too small for us. The stock figures were taken not as actual facts but merely guessed at and they were put down as 17,500 sheep units. As a matter of fact there are 35,000 sheep units.

Mr. Collier: Was 17,500 put down as the actual number or the carrying capacity?

Mr. Wilson: The carrying capacity.

Mr. Collier: They are not the same thing; they cannot be settled here now.

Mr. Adams: We would like to have an extension to take care of this 35,000 units instead of 17,500 that the thing was based on.

Mr. Collier: You are talking about the number of sheep you have as against the amount you are allowed. The Navajos had to reduce their numbers and the Hopis may have to. All of this can be brought about more effectively when the man comes down there in consultation with you.

Mr. Adams: We are much concerned about it.

Let us take the matter of the jurisdiction of the Hopi Agency. When you were out there, Mr. Commissioner, it was brought to the attention of the Indians that the former superintendent did not cooperate or did not seem to do his very best with the Central Agency of the Navajo Service. You recommended highly our present superintendent and for his sake as well as for the welfare of the Indians, the Hopis feel that they must be an entirely separate and distinct unit from the Central Agency.

Mr. Collier: the various construction units such as Roads, Irrigation, et cetera, are being brought under the supervision of the Hopi Agency. It is necessary that some Navajos come to the Hopi Agency for different matters under that jurisdiction and the same is true that the Hopis must go to the Navajo Agency for matters under the Navajo jurisdiction. This is a matter which you should discuss with the superintendent.

Mr. Adams: I feel he will concur in what we say.

Mr. Collier: There should be an adjustment between the two superintendents. There is no general rule that can be laid down as to complaints.

Mr. Adams: The Hopis feel that the Navajos have nothing to do all day and complain about the least little things.

Mr. Collier (to Mr. Wilson): Are the Navajos taking an undue amount of your time?

Mr. Wilson: They have been; but we are educating them now to go to their District Supervisors.

Mr. Adams: It seems that that will work out itself in time. Nothing would please the Hopis more than to have two distinct units. The Hopis feel that the Keams Canyon property is theirs and the school is theirs. You promised us that the Keams Canyon school would belong to the Hopis.

Mr. Collier: I never promised the Hopis that they would have the Keams Canyon School. Any Hopi that wants to enroll his children in the Keams Canyon School may do so.

Mr. Adams: The desire of the Hopis is to have a Hopi School at Keams Canyon. This question is also brought you. There are from ten to fifteen boys of school age that are not attending school. Two are my nephews. Who is going to put them there?

Mr. McCaskill: The facilities are there; why are they not in school?

Mr. Adams: I do not know.

Mr. Adams: Sam (Shingoitwa) raises this question. Let us take the matter of the Navajos. There are 47 day schools among the Navajos and many of these schools are being attended by only three or more pupils and everyone of these schools have a full set of employees. Now what is the difference between closing the Hopi schools and closing the Navajo schools?

Mr. Collier: There are 1400 children in 47 Navajo schools, averaging about 30 children in each school. Most of the schools are not up to their capacity yet. There are now about 4,000 Navajo children not in any school. If both day and boarding schools were filled to capacity, we would still have about 2,000 out of school. We are taking the Hopi children into non-reservation schools. There are perhaps 100 or 200 now in non-reservation schools. We are not going to be able to get the money to construct enough schools for the Navajo for a long time. The Hopis would make an unwise choice in sending all their children to Keams Canyon, putting the Navajo children into the places at Albuquerque and Santa Fe that they vacate. I think you had better be satisfied with the present set-up and not insist on taking property that you do not need. We can't bring Keams Canyon up to the excellence of Navajo, Santa Fe or Phoenix.

Mr. McCaskill: We don't have the money, the equipment, or the staff.

Mr. Collier: I have had to put up quite a fight to keep Albuquerque, for example, open to Navajos and Hopi children and I think we should work out some way to keep it open to them.

Mr. Adams: Our idea was to educate the children up to the eighth grade and then send them somewhere else.

Mr. Collier: What you are concerned with, as I understand it, is to get a self-contained Hopi jurisdiction, whereby all of your operations will be within the agency and that is in the process of being done now.

Mr. Adams: It is very embarrassing that when you stick up for the Indians someone is going to charge that you are not cooperating.

Mr. Collier: I think that the utilization of the Keams Canyon School and Hospital should continue to be mixed-use, as they should be filled to carrying capacity.

Mr. Adams: All of these matters we had intended to take up with the superintendent.

Mr. Collier: Yes, and he is being backed up.

Mr. Adams: In cases of inheritance, we have never gotten anything that amounted to much, just personal property, a few head of sheep, a cow or a horse or two. There was only one estate which amounted to quite a bit and that was the estate of Albert Naha, which estate was handled by the Government according to the inheritance laws of the state. The money was deposited by the Government as individual money. Just recently another man died that owned quite a lot of property and now we don't feel that the Indians should handle it because in the old Hopi custom the uncle was heir and the wife and children were left out. Justice should be done to the wife and children.

Mr. Collier: Does section 2 of the Constitution exclude the Government from determining heirs?

Mr. Wilson: Yes. In one case the four councilmen and the four chiefs of the First Mesa made a written request to me that the Government handle matters of inheritance as they had in the past until such time as the village could set up machinery which would handle it.

Note to Mr. Collier: (Get this correspondence and discuss with Solicitor).

Mr. Collier: I think the Government ought to be able to help the tribe or the village regardless of the constitution, if they request it. I don't see why the village can't request the agency to do it.

Mr. LaFargo: If the village chooses to delegate this authority to the Government, it is up to that village to decide. That would be my understanding of this. We wanted each village to hold to the village certain powers and the tribal council not to interfere with certain village powers. If the lawyers would agree the village can request and ask the Government to handle this matter for it and that would be done directly by that village, if they can't settle it themselves. The village would agree to the government's decision in the matter.

Mr. Collier: Will the village request the Government to settle for it? Will it accept the settlement which the government makes? That is certainly possible. We don't have to go to the lawyers on that.

Mr. Adams: Yes.

Mr. Collier: How much longer are you going to be here?

Mr. Wilson: We wanted to leave tomorrow.

Mr. Collier: I have wanted to get a few minutes for you with the Secretary. I want him to confirm the fact that you are not surrendering your claims to the larger area.

Mr. Shingoitwa: I want to go back to the question of the administration of the Hopi people. I am representing one of the villages and their desire is that they want to handle all the affairs through the Hopi Agency. Would it be made possible that they could do that until a definite reservation is set up for the Hopis? We are in a dark spot over there and we do not get any administration.

Mr. Collier: How could that be worked out? Could the principal act as a sub-agent?

Mr. Wilson: He could if the area was all Hopi, but it is not.

Mr. Shingoitwa: Some temporary set-up ought to be made because of the grazing rights already established. As far as the farming is concerned they need some development work.

Mr. Wilson: They do not have exclusive right to that area. The Navajos are using it too.

Mr. Shingoitwa: Yes, for the last five years.

Mr. McCaskill: There is no clear cut line there?

Mr. Wilson: No, while the Hopis use all the water of one dam, the Navajo Service has control over it.

Mr. McCaskill: Under their land-management supervisors?

Mr. Wilson: Yes.

Mr. LaFarge: That has always been a very indefinite situation.

Mr. Adams: Would it be very difficult for the two superintendents, Mr. Wilson and Mr. Fryer to define a definite area in District 3; that is the Tuba area?

Mr. Collier: I don't know the facts. They are raising the question as to whether we could arrange an interim area. I am inclined to advise against doing that because you might find establishment even of a tentative area would have the effect of jeopardizing your case later on. It would be wiser to wait until we settled this boundary matter.

Mr. Lomayeva: There seems to be a tendency on the part of the Navajos, to close in upon the Hopi district 6 when they know we have access; but they seem to be closing in on us to preserve the distant parts for their own use. Now it seems that the Government officials at Window Rock had arbitrarily made this district 6 without consulting the Hopis in the least and the first thing we know we were in that small area. When we decide we want to go out and expand we are against a proposition that we had no chance to approve or disapprove and we are told to stay in our own area. We feel that we should be given the privilege of a little more area.

Mr. Collier: That is the job of the man who is going out there. Those boundaries of district 6 can be changed in the light of any facts. There is nothing about them that I can change in ten minutes. All of this and any other data you may have should be given to the man who comes out there.

Mr. Adams: Will the man who comes out there have authority to say yes or no?

Mr. Collier: No. He will report to me and to the Secretary. You don't want a man who will have final power. He might not do the best thing for you.

Mr. Adams: One thing we always say is that nobody ever comes out who can give a definite answer.

Mr. Collier: I don't think you want that.

Mr. Adams: You have made known to us that all these matters will be taken up by your representative and we were under the impression that all these things could be taken up with you, as head of the Service.

Mr. Collier: I would have to become intimately acquainted with all the facts and spend much time on the reservation. This has to be worked out on the ground by a competent man, then he has to bring his report to me.

Mr. Wilson: The Commissioner mentioned that there is much farming land in district 6. Is that the opinion here in Washington?

Mr. Collier: Not a lot of farming land, but some.

Mr. Wilson: There is some, but not much.

Mr. LaFarge: You will find, or I will get for you a copy of a special letter which I wrote you and Dr. Shevky when I left the Hopi Village. At that time it was pointed out to me that the Hopis wanted consideration in regard to this.

Mr. Adams: Fred (Lomayesva) has one other question which he has been asked to take up with you, concerning the high school at Oraibi. The students there are not up to par as compared with other schools.

Mr. McCaskill: What did you have in mind, academic or trade subjects?

Mr. Adams: There seems to be no trades taught there. It should be on the same basis as the non-reservation schools.

Mr. McCaskill: I think we are very much concerned as to what should go into the Oraibi program.

Mr. Adams: There seems to be a group graduated from this high school, ranging in age from 17 to 18, that can not talk the English language and have no trade and cannot compete even with the eighth grade students in the non-reservation schools. That is what Fred states.

Mr. McCaskill: Would it be better to put those courses in there or would it be better to select from the older students those who have some talent along those lines and send them to Albuquerque to get the trade studies?

Mr. Adams: There are two groups of people on the reservation: One group would like to see their children go to other boarding schools off the reservation and one group who want their children at home. The group that wants the children at home, when the children finish high school they are incompetent and inefficient. When a white boy finishes high school he just has academic education but if he can afford it, he puts out money and learns a trade, but we are in a bad way in providing for those who want to take up a trade and inasmuch as we have a high school, why not make it so that all the subjects can be taught there, trade as well as academic?

Mr. McCaskill: I think we all agree that any student finishing the Oraibi high school should be able to use the English language. If he can't do it, we are falling down on the job.

Mr. Wilson: Wouldn't it be better to discuss the peculiar circumstances of education with Mr. Beatty when he arrives in May?

Mr. Collier: Those matters should be taken up with him at that time.

Mr. Shingoitwa: One question concerning the land: Is it the desire of the Indian Department that Moencopi will be included in that area?

Mr. Collier: Yes, if it can be worked out in such a way that it is practical.

Mr. Shingoitwa: I asked that because those people are anxious to know what's ahead.

Mr. Collier: The area might be marked out and the agency would not have the personnel to take care of it. They might have to make some cooperative arrangement with either the Soil Conservation Service or the Navajo.

Mr. Wilson: But Sam can assure the people at Moencopi that there will be somebody to start the work there.

Mr. Collier: I can't pledge what the area will be or even that we will have the personnel that we need to administer it.

Mr. Shingoitwa: Their desire is that they be subject to the Hopi administration.

Mr. Collier: We are making adjustments all the time and as far as practical and feasible we will bring all the Hopi administration within Mr. Wilson's control. We know what you want and we want the same thing, but I can't promise you that we will give it to you in just such a way. The desirable thing is to give you all that you want that is good and feasible for you.

Mr. Adams: I think that is all.

Meeting adjourned.

6-7-5