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Ojai, California
October 15, 1945

Hon. Joseph C. O'Mahoney, Chairman
Committee on Indian Affairs
Senate Office Building
Washington, D. C.

Dear Mr. O'Mahoney:

Thank you for your letter of October 5th and for your desire for further information regarding the Hopi-Navajo situation. I suggest that you contact Rep. John R. Murdock, who has considerable knowledge of the situation, partly because of having listened to the Hopis present their case at the Subcommittee Hearing at Winslow about a year ago. He can discuss the matter more fully than I; but I welcome the opportunity to share with you what I have come to know.

In August, 1944, I visited Hopiland in connection with the gathering of material for Dr. Mulford Sibley of the University of Illinois for his study on conscientious objectors in prison, carried on under the auspices of the National Social Science Research Council and the Pacifist Research Bureau. My work did not pertain to the economic problem of Hopis; but since Hopi conscientious objection is based partly on their opposition to supporting a government which they feel has done little for them, I soon became aware of a bad economic situation. More than anything else, in my opinion, is needed a thorough investigation of many things by a competent person who is not, like so many visitors, guided around by government people, but who, after independently working among the Indians, then completes his work with a thorough study of the government side of the picture. Inasmuch as lack of time and concentration ~~mainly on~~ other duties prevented my adequately studying the agency side of the story, what I say is not the full truth, I know. Yet, I do feel that I have learned enough to warrant stating that grave injustices need correcting. I realize the complexity of problems in Hopiland, together with the difficulty of the task facing any superintendent. I realize how bound up with a genuine Navajo problem is the entire mess. Yet, it does seem that there should be a fairer way out than is being tried. The problems involved are the following:

1. The Hopi land problem, which dates back to 1882, when was proclaimed the Executive Order, with its clause stating that the area was for the use of the Hopis "and such other Indians" as the Secretary of the Interior should settle thereon. The Indian Bureau apparently interprets this to sanction the few Navajos residing on Hopi lands at that time. Other students, however, maintain that such was not the intent of the Order, inasmuch as at the time of creating the Hopi Reservation the Navajo Reservation was considered adequate, together with the fact that formally there was never action to settle Navajos thereon. In fact, during those early days the U. S. Army offered to force the Navajos back to their own lands where they belonged, the Indian Bureau declining to agree for fear of trouble.

With both Hopis and Navajos increasing, with more Navajos entering the region from their own reservation, which completely surrounds Hopiland, and with the Indian Bureau taking no positive action for years, trouble came. Now, I guess there is no doubt that, if needs of both tribes are to be met proportionately, the Navajos should continue to use part of the area of the 1882 Hopi Reservation. In the opinion of Dr.

Harold Colton, Director of Northern Arizona Museum, they should have 1/3 of the Hopi area on the basis of need. Why, though, should they continue to use 4/5 of this area, as he declares that they are?

2. Closely allied with the problem mentioned above is the matter of soil conservation, the need for which is undoubtedly acute. Original attempts to solve this matter by creating grazing districts was not too satisfactory, with constant Navajo-Hopi bickering, as animals strayed into the wrong districts. Finally the solution was attempted by means of a fence. To quote Dr. Colton, who has studied the Hopi-Navajo situation at close range for some twenty years: "...Because of Navajo pressure the Hopi have been compressed into a small area and the fence is based on land use. The Hopi have been penalized by the Indian Bureau for years because they make more efficient use of the land and support twice as many people per square mile on the land that they actually use. A little more land has been allotted to the Hopi than first proposed by the Soil Conservation Service, an area known as District 6. Persons have been protesting for years but nothing satisfactory is ever done. A fence is necessary but on justice to the Hopi the fence should include an area greater than District 6."

The Bureau declares that the fence will not affect Hopi occupancy rights to the 1882 area; but it is easy to understand Hopi alarm that this is just another move to crystallize their smaller boundaries. In October, 1941, the Solicitor General decreed that the grazing districts could not rightfully deny the Hopis the right to graze their cattle any place on the 1882 area, although at the same time he decreed that the Navajos had rights to the area also. Technically the Hopis have the right to ask for grazing permits off District 6; but actually, we have been told again and again, they have learned that it is useless to ask for such permits, as they are consistently denied. There are - and have been from the beginning - a few Hopi families living permanently off District 6; but for those Indians on District 6 to take their animals off the district is, I understand, practically never allowed, the Solicitor's opinion notwithstanding. I find myself wondering always: If the Hopis had the right of grazing their animals on the entire 1882 area, why was their reduction based solely on the range capacity of 1/5 of that area? (Even granting the necessity for the Navajos using a share of Hopi rangeland.)

The Commissioner has stated that Hopis on the first two mesas asked for the fence. Hopis from First Mesa tell us that the matter was put up to them, with the statement that the other two mesas had already agreed. Believing that if the other mesas had done so they might as well fall in, they signed for the fence. They say that later they learned both other mesas had been similarly approached, with the assertion that all other mesas had signed. When the Indians got together and learned, they say, that all other mesas had received false representations, too, and that scarcely anybody had really wanted the fence, they revoked their decision and began vehement protests. Such are the two versions regarding the fence.

3. The problem of dissatisfaction with agency administration, of course, stems from the general repugnance to above named conditions. The Indian Bureau claims that the opposition comes from Third Mesa, from a group of vocal malcontents who should not be listened to. However, we found instances of such dissatisfaction among people of the other two mesa, although it is undoubtedly true that opposition to all governmental activities is more pronounced on Third Mesa, where almost no Hopis are enjoying governmental salaries, as on the other mesas.

My personal belief is that if the charges level against Eugene Lowry and Superintendent Ladd are unjustified, it is only fair to them that they should have a chance to publically vindicate themselves. Similarly, in a country worthy of calling itself a democracy, it would seem that a substantial group of Hopis, even though dubbed malcontents by the Superintendent and thus the Commissioner, should have the right to a hearing.

Because of a personal incident, exceedingly trivial in itself, I find myself believing that there may be something in the assertion of Hopis that Superintendent Ladd's integrity is not above reproach and that, when expedient, he lies to them. For circumstances lead me to believe that the Superintendent deliberately lied to me over "nothing." What might he not do when an "important" issue is at stake?

My story, so trivial, concerns my conversation with Ladd re Hopi conscientious objectors, during which he told me that the Hopi Tribal Council was so ashamed of having Hopi conscientious objectors that it sent a letter so stating to the Governor of Arizona. Interested, I requested a copy of the letter, which he could not find at the time, but which he promised to have for me before I left. Subsequent contacts with Hopis made me wonder about so many of the things I had been told that, not knowing I was addressing the Secretary of the Council, I asked an alert Hopi about this letter. He stared at me. He stared at his friend - whereupon he informed me that if such a letter had been written he, the Secretary, would have written it. Not only, he declared, had he not written such; but he was sure the Council had never contemplated such a thing. The day I left he saw me and asked me to send him a copy of anything Ladd might produce, since he was sure it was a forgery - but he assured me that I'd never see a copy of a nonexistent letter. When I saw Ladd, he told me that he'd spent the entire morning vainly looking for the letter. Inasmuch as Collier had arrived at the Reservation that morning, it didn't sound too convincing that Ladd would spend the time looking for something so insignificant. He promised to mail me a copy when he unearthed it; but I have not since heard from him. A little thing, of course, but can I help but wonder if the Hopis have no grounds for asking for a hearing regarding their Superintendent, whom they declare is unfit for office?

I might mention another matter regarding Ladd - whom I'm not prepared to say is a scoundrel, but whom I think the Indians have a right to have investigated at a hearing in which they participate. A Caucasian employe on Third Mesa whose integrity I believe unchallenged verified emphatically the Hopi story that in order to overcome opposition to reduction on Third Mesa the agency jailed on trumped-up evidence Governor Quochytewa long enough to break the morale on the Mesa. When they had a hearing the case was promptly dismissed because of complete lack of evidence. I might add that I wrote this tale to the President of the New Mexico Indian Association, who from her wide experience, replied: "I am not surprised that a Hopi Governor was jailed for failure to comply with orders or for the alleged stirring up of trouble. We could match any story of high handed procedure among the Hopis with similar stories among the Navajos. The Navajos now take pride in being sent to jail, and they are learning to take their cases into the Federal Courts at their own expense. There appears to be little chance for justice in the Navajo Tribal Courts (so-called.) The Indian judges are appointed by the Superintendent and are responsible only to him. There is no jury and often the defendant is denied the right of witnesses." A case is being tried at this time in Prescott, Arizona, invol-

ving Navajos who were defying the stock reduction program. The government subpoenaed the leaders of the Navajo Rights, Association in an effort, so it appears, to break up that organization of Navajos who dare to demand for Indians the protection guaranteed by the Federal Constitution."

I am told that in the Hopi country the judge is decidedly a yes-man, being, of course, responsible to Superintendent Ladd for the continuance of his job, the remuneration for which would be particularly enticing at a time when the majority of the Hopis are so feeling, as one put it, "economic strangulation".

A white employe also told us that at the time when the Superintendent learned that the House Subcommittee was going to arrive two weeks hence, eight earthen dams were started and completed within the two weeks. Hopis showed us these dams, with always the lament, "We could have told them" why it would be better not to build it in such and such a spot; or, "We tried to tell them but they wouldn't listen." In view of the regulations stating that Indians should have a voice in deciding such matters, we wondered about why it was denied them. The New Mexico Indian Association has ably expressed my opinion when they state, regarding Indians: "...We must cease to treat them (even benevolently) as subject people but treat them as the citizens as they are. It involves allowing them to make decisions for themselves even if in our judgment they make mistakes. We all learn from our mistakes."

I hope that some of what I have written will prove of value. I again urge you, however, to contact Representative Murdock for a fuller discussion of the problem. He has been instrumental in attempting to have re-grassing by plane - the first attempt, whatever, I understand, in attempts at revegetation of denuded areas since the reduction, in 1943. He has also helped in the move to provide lands for Hopis at the Poston Relocation Center. Several of the families who had volunteered to go backed out at the last; and I can't help but wonder why attempts are not pushed to relocate some of the Navajos on the Hopi Reservation, thus turning back to the Hopis lands which seem to be rightfully theirs, rather than keep stressing the need of moving the sedentary Hopis, so more rooted to their own closely-knit social pattern than are the Navajo nomads.

Cordially yours,

/s/ Genevieve Walther