

Healing vs. Jones, Def. Ex. 467

Wilmington Federal Records Center. Bureau of Indian Affairs. Field
Records. Navajo Service, Window Rock, Ariz. FRC No. 72954, File 304.2.

[Fryer to Com. Ind. Affs.]

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NAVAJO SERVICE
Window Rock, Arizona
March 22, 1937

Mr. John Collier, Commissioner

Dear Mr. Collier:

This is in reference to your letter of January 15, relative to the
proposed reopening of the Hopi boundary matter.

I have withheld a reply to this letter pending the outcome of Mr.
Harper's and our proposal for a definition of Navajo and Hopi administra-
tive relationships. This problem was worked out so satisfactorily to all
concerned that I believe it would be unwise to reopen these Hopi boundary
matters at the present time. If we preserve the grazing rights of the
Hopis within District 6, and recognize the complete administrative control
of the Hopi Superintendent over this particular area, then there will, in
a short time, come a recognition from both the Navajo and Hopi Indians
that District 6 is reserved specifically for Hopi use. After this has
become fixed in the minds of both tribes then the determination of a
definite boundary will be much simpler than if we were to tackle it now.

Our suggestion that the Hopi boundary matter be reopened was based
on a recognized need for a definition of administrative relationships and
Navajo-Hopi land use. This has been accomplished by virtue of your memo-
randum concerning this matter.

Sincerely yours,

E. R. Fryer
General Superintendent

NAIRG 279
Docket 229 (Navajo)
Plaintiff's Exhibit No. 809

Wilmington Federal Records Center. Bureau of Indian Affairs. Field
Records. Navajo Service, Window Rock, Ariz. ERC No. 72920, File 080.

[Com. Ind. Affs. to Fryer]

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON

[Rec'd] NAVAJO SERVICE
Mar 16 1937

Mr. E. Reese-man Fryer,
Supt., Navajo Agency.

Dear Mr. Fryer:

I am pleased to advise you that I have approved the "Memorandum: Recommending Plan of Administration for Hopi and Navajo Reservations" which was transmitted to me by Field Representative Harper from Window Rock, under date of February 17, 1937, on behalf of Superintendent Hutton, Dr. McGinnies and yourself.

In approving the Memorandum, I believed it advisable to add a new sub-section (7) to Section III, in which I have further emphasized a thought which the memorandum itself has suggested; namely, the necessity of adjusting all plans and projects for the Hopis to their particular background and psychology. In mimeographing the Plan for circulation to Divisional heads, I have incorporated this additional sub-section in its proper place in the text.

Approval of the Plan carries with it authority to delimit an area to be reserved exclusively for the Moencopi Hopis. I would like you, Superintendent Hutton, and Dr. McGinnies to give this proposal further, careful thought, especially in regard to the problem of securing the concurrence of the Navajos in the proposal. I have no doubt of the advisability of delimiting such an area for the Moencopis; I am only anxious that the adjustment be made so as to avoid the possibility of conflict between the two tribes or future doubt as to the validity of the reserved area.

May I congratulate you and the other signers of the Plan upon your success in working out this very difficult problem.

Sincerely yours,

JOHN COLLIER

Commissioner.

NA/RG 279

Decket 229 (Navajo)

Plaintiff's Exhibit No. 808

SRP000703

REPRODUCED FROM PULLINGS OF THE NATIONAL ARCHIVES

NATIONAL ARCHIVES. Bureau of Indian Affairs. Record Group 75.
Classified Files, 1907--: File Mark 10527-37-066 Navajo.

[Harper to Com. Ind. Affs.]

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
FIELD SERVICE

NAVAJO SERVICE
Window Rock, Ariz.
February 17, 1937

Hon. John Collier,
Commissioner of Indian Affairs
Washington, D. C.

Dear Mr. Collier:

I take pleasure in transmitting for your consideration the enclosed plan of administrative interrelationships between the Hopi and Navajo jurisdictions. The heads of both agencies, as well as the Director of the Land Management Division of The Navajo Service, have affixed their signatures to the proposed plan and have recommended to you that it be approved.

The formulation of the plan was conducted by conference of the signatores, and may I add that a spirit of objective thinking in the interest of working out a plan beneficial to the area was exhibited throughout.

Sincerely yours,

ALLAN G. HARPER

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SRP000704

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON

March 5, 1937.

MEMORANDUM: Recommending Plan of Administration for Hopi and Navajo Reservations.

I

Necessity for redefining Administrative Relationship of the Hopi and Navajo Jurisdiction: The Hopi Reservation is completely enclosed within the Navajo Reservation. Though distinctly different in their respective cultures, the Hopi and Navajo tribes occupy an area which is homogeneous throughout as to its physical geography. Considered solely on the basis of environment, one single reservation agency would be the logical unit of administration. But, the diverse character of the two tribes concerned, as well as their historical background and present psychology, necessitates the maintenance of separate superintendencies.

The administrative relationship of the two agencies is complicated by the boundary established by Executive Order between the two reservations. The theoretical Hopi Reservation is a rectangle measuring 41 miles by 68 miles, covering an area of 2788 square miles. Actually, this area is much larger than is needed by the Hopis, or, in fact, occupied by them. A large population of Navajos resides and ranges its livestock within the so-called Hopi Reservation, and has done so for decades. The Hopi treaty does not vest absolute right to this large area in the Hopi tribe, but gives the Government right to settle other tribes therein, at its discretion. Plans for the arbitration of a new Hopi-Navajo boundary have been materializing, but it is unlikely that a new boundary can be determined at an early date. Meanwhile, it is of pressing importance that a clarification of the relationships of the two agencies should be worked out for immediate application.

The desirability of clarifying the administrative set-up in the Hopi-Navajo area is accentuated by the important developments in Navajo administration since 1933. Following the consolidation of the several Navajo agencies under one Navajo Superintendent, the personnel of the

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Indian Service and the Soil Conservation Service, working in the Hopi-Navajo region, were fused into one unit, the "Navajo Service" in 1936. The heads of these two services, in approving the "United Navajo Program", based their combined effort upon the conception that the Hopi-Navajo region constitutes one homogeneous unit in relation to land planning and use. In establishing a "Land Management Division" within the Navajo Service, it was provided that the land management procedure would "apply with equal force to the Hopi Reservation."

Finally, there is further complication in the lack of uniform fiscal procedures affecting both Indian jurisdictions. A few piecemeal re-adjustments have been made, but it is now apparent, in view of other factors affecting the situation, that a thorough realignment of appropriations should be made in the interest of administrative efficiency.

In view of the foregoing, the respective superintendents of the Hopi and Navajo reservations and the Director of the Navajo Service Land Management Division submit the following plan to the Commissioner for his consideration, together with their unanimous recommendation that it be approved.

II

Controlling Factors: Detailed consideration of the present administrative situation both as to the Indians of the two tribes and as to the solution of their land problems exposes two general sets of facts which condition any plan of an administrative readjustment between the two agencies.

A. The first set is in relation to the Indians themselves:

1. The prevalence of administrative matters which affect the Hopi and Navajo Indians, as distinct and separate groups.
2. The prevalence of administrative matters that affect the Hopi and Navajo Indians jointly as one group of people.

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B. The second set is in relation to the whole field of land management:

1. The development of policies which must be applied throughout the Hopi-Navajo area, without differentiation as to the two tribes.
2. The planning and construction of a large variety of engineering projects which in some cases affect only the Hopis and Navajos as distinct and separate groups, or, as in other cases, which affect both tribes.

The formulation of this plan has also had to be conditioned by an additional consideration: All the Hopi tribe, with the exception of the Moencopi Colony at Tuba City, reside within Land Management District #6. This district was outlined so as to include, not only the entire Hopi population, but also the land actually being used by it. The larger Hopi reservation is blanketed by portions of Districts 3, 4, 5, 7, and 17.

III

General Principles Underlying Proposed Set-Up: With these factors conditioning the problem as outlined in Section II, and with the general background of the problem, as outlined in Section I, it is intended that this plan shall rest upon the following principles:

1. That all administrative matters which exclusively concern either the Hopi or Navajo Indians as separate tribes shall be completely within the jurisdiction of their respective superintendents.

2. That all administrative matters which affect the Hopis and Navajo Indians jointly shall be distributed between the two superintendents on the principle that the Hopi Superintendent will have jurisdiction throughout District #6, and that the Navajo Superintendent will have jurisdiction in the other land management districts. This arrangement will be tentative until the definite boundary of the Hopi-Navajo reservation shall have been determined. This arrangement is established as a matter of administrative expediency and convenience and shall not be construed in any way as fixing an official boundary between the two tribes, or as prejudging in any way the boundary which is ultimately established.

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3. That certain agency activities which are not related to the land management problems of the region shall not be affected by this plan.

4. That all activities now conducted in both jurisdictions which are related to construction of engineering projects and to land planning shall be unified and directed by the Land Planning Division of the Navajo Service.

5. That all activities in District #6 concerned with land use administration shall be administered by the Hopi Superintendent. Planning in District #6 shall be under the control of the Land Management Division.

6. That all the personnel of either the Navajo Service or of the Hopi Reservation, in dealing officially with members of the other tribe, shall do so through the respective superintendents.

7. The successful application of the plan, proposed herein, will depend in a large way upon the intelligence with which Indian Service personnel handle their human relationships with the Hopi Tribe. The indiscriminate application of land management policies to the Hopi-Navajo Area, without constant consideration of the peculiar Hopi theocratic form of social organization, and the Hopi ways of thought and life, must be rigidly avoided. This places a special responsibility on the personnel of the Navajo Service to keep Hopi psychology, Hopi social organization, Hopi history and Hopi claims, constantly in mind when working out plans and programs for land management in District 6. Adherence to the letter and spirit of the Hopi Constitution and by-laws, especially Article VII thereof, is a fundamental prerequisite to the successful operation of the plan.

IV

Hopi Reservation Activities Unaffected by the Proposed Plan:

It is intended that the Hopi Superintendent's jurisdiction, except as specifically modified by this memorandum, shall continue to be exercised as at present in Tribal relations with the Hopis, Health, Education, Fiscal, and the usual duties, responsibilities and controls of an Indian Superintendent. The present arrangement places Hopi-Navajo Health under a Director for the Hopi-Navajo area who is responsible to the two respective superintendents. A similar severance exists in regard to Education, except that jurisdiction of the Keams Canyon Boarding School shall continue under the Navajo Agency.

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V

Special Readjustment in Law and Order: At present, allocations for Navajo judges and policemen, operating within the Hopi Reservation are made to the Hopi Agency and these employees are responsible to the Hopi Superintendent. Navajo judges hold court at Keams Canyon and Navajo policemen reside at Keams Canyon and work outside District #6 from that agency as headquarters. It is believed that these employees should be placed under the Navajo Agency. It is, therefore, recommended that the funds for these employees be transferred to and be disbursed by the Navajo Agency, and that these employees shall be responsible to the Navajo Superintendent. It is also recommended, as a matter of administrative procedure that, in cases involving Navajos and Hopis, each superintendent should be responsible for the appearance of his people; that such cases be tried at Keams Canyon; and that the Hopi Superintendent act as referee in such cases.

VI

Activities in Land Use Administration: The Land Management Division is developing and coordinating certain agency activities in land use administration throughout the entire Hopi-Navajo region. These activities concern Forestry, Agronomy, Range Management, and Extension, and it is recommended that the set-up for these four activities in District #6 shall be as follows:

1. That Forestry, Agronomy, Range Management, and Extension, in District #6, shall be placed under the Land Management Division, in regard to planning.
2. That administration of these activities and of their personnel shall be the responsibility of the Hopi Superintendent.
3. That all funds for these activities, except Extension, shall be allocated to and disbursed by the Navajo Agency. Note: As the Hopi jurisdiction at present has no personnel in Forestry, Range Management, and Agronomy, the above set-up will involve the assignment of personnel from the Navajo in these fields to District #6 who will be responsible to the Hopi Superintendent.

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VII

Coordination of Activities Concerned with Engineering Projects:

Certain activities in the Hopi-Navajo area mainly involve the construction of important engineering projects under Irrigation, ECW, Roads, and S.C.S. The efficient coordination of these four types of engineering projects in District #6 should be carried out in relation to long-range planning. It is recommended that the following uniform system of administration in District #6 should be established.

1. Before any engineering projects are started in District #6, they shall have been approved by the Hopi-Navajo Executive Committee, as hereinafter described in Section VIII.
2. With the exception of S.C.S. funds which must be handled by the Department of Agriculture, all allocations of funds should be made to the Navajo Agency and be disbursed by it. This will involve the consolidation of the separate Roads appropriations of Hopi and Navajo Agencies under the Navajo Agency. Irrigation and ECW have already been consolidated.
3. The directing heads of these four activities in District #6 will be responsible to the respective heads of these activities at Navajo Agency.
4. The participation of the Hopi Superintendent in the formulation of plans in these activities for District #6, the consideration of his recommendations for the establishment of projects, and the expeditious handling of his reports on unsatisfactory conditions shall be guaranteed, as hereinafter recommended.

VIII

Creation of Hopi-Navajo Executive Committee: To provide for the orderly consideration and handling of land planning in all of its aspects in District #6, it is recommended that a "Hopi-Navajo Executive Committee for District #6" shall be created, to consist ex officio of the Superintendent and the Director of Land Management of the Navajo Service and the Superintendent of the Hopi Reservation.

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It is recommended that the Executive Committee shall consider and establish policies of land use administration and shall consider and authorize major projects in Roads, Irrigation, ECW, and S.C.S. for District #6. It is intended that the Committee will function flexibly as to meetings. The right to call meetings of the Committee shall be enjoyed equally by the Hopi and Navajo Superintendents. However, the Chairman of the Committee (Navajo Superintendent) shall be charged with the responsibility of calling meetings of the Committee from time to time to consider major plans and projects of District #6, and he will strive to call as many such meetings as possible at Keams Canyon, so as to permit easy conference and contact with the personnel in District #6. It is intended that, as a member of this Committee, the Hopi Superintendent will have a recognized channel through which he may report the existence or development of any unsatisfactory conditions. In the event that the Superintendent of the Hopis cannot find himself in agreement with the proposals of a majority of the Executive Committee, such projects and plans shall be withheld from execution or application, until he shall submit his reasons for disagreement to the Commissioner of Indian Affairs, or through him to the Regional Conservator of the Soil Conservation Service.

IX

Special Consideration Moencopi Colony: The Moencopi Colony at Tuba City is located outside the boundary of the Hopi Reservation. These Hopis number 465 and are located ninety miles from Keams Canyon (Hopi Agency Headquarters). The area used by them is within Land Management District #3. Considerable confusion exists in regard to their administrative relations with the Navajo and Hopi Agencies and also between the two tribes. It is, therefore, recommended that the Office approve the following:

1. That the Superintendents of the Hopi and the Navajo Reservations be authorized to delimit an area of land to be reserved exclusively to the Moencopi Colony and that the area designated for their use be fenced at an early date.
2. That the Extension workers, now attached to the Navajo Service and located at Tuba City, continue their extension work with the Moencopi Colony.

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3. That all land management work in the Moencopi area shall be under the Supervisor in charge of District #3; and that the administrative relationship between the Hopi and Navajo jurisdictions, in regard to the delimited Moencopi area, shall be the same as purposed herein for District #6.

Recommended for approval by the undersigned:

E. REESEMAN FRYER

E. Reeseman Fryer, Supt. Navajo Service

A. G. HUTTON

A. G. Hutton, Supt. Hopi Reservation

WM. G. MCGINNIES

Wm. G. McGinnies, Director, Land
Management Service, Navajo Service

ALLAN G. HARPER

Allan G. Harper, Field Representative

Approved:

JOHN COLLIER
Commissioner

Date: 3/3/37

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