

Boyden, John S., 7-13-1951, Letter to Superintendent Dow Carnal, Hopi Agency. John S.
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JSB-WE

July 13, 1951.

Mr. Dow Carnal,
Superintendent,
Hopi Agency,
Keams Canyon, Arizona.

Dear Mr. Carnal:

Yesterday the delegates appeared before Judge A.H. Ellett of the District Court in Salt Lake City and County, and executed the five copies of the Attorney's Contract, which I herewith return to you. There are still several steps necessary to be taken which I hope you will find convenient to take immediately.

1. You have failed to sign the Certificate of the Superintendent on page 14 of the first contract concerning the Upper Moenkopi village Resolution. Will you please sign the same. I have attached a yellow slip to the page for your convenience.

2. I was informed by the Bakabi group that their two delegates who were here: Julius Toopkema and Howard Talayumptewa, that I was selected as Counsel by their group, and that they were selected as the members of the Village to execute the contract at a meeting held the 13th day of June, 1951. I also learned that no minutes were taken of this meeting, and that you did not attend. Since they were here and since it does add strength to our position I had these two delegates appear before the Judge and sign the contract. I prepared new resolutions, which you will find on page 12 of each one of the contracts. A meeting should be called to pass that resolution. The minutes of the meeting should be taken as before in order to complete the contract. If you will read the resolution you will see that it attempts to ratify and confirm their action of June 13, 1951, and the action of the delegates in signing the contract yesterday.

3. Sam exhibited to me the rough drafts of the minutes of the Villages of the First Mesa meeting, the Sipaulavi and the Kyakotsmovi Villages. I found there were many variations from what actually took place because of inaccuracies in the recording of the minutes. To the best of my ability I revised those minutes and am returning them herewith. You will note that all three have a certificate to be signed by you as to the correctness of the minutes. In each case I am enclosing five copies, one for the Village itself, one for you as Superintendent, one for the Area Director, one for the Commissioner of Indian Affairs, and one extra copy to use as you see fit.

I wish you would have the secretary who recorded the minutes of the Upper Moenkopi group mail me her transcript at once. I will then prepare it along the same line as the enclosed minutes. I would also greatly appreciate an immediate transcript of the minutes of Bakabi meeting, which you are to hold.

4. The Code of Federal Regulations, section 15.4, provides that in the case of organized tribes the Superintendent shall transmit to the Commissioner of Indian Affairs the copies of the contract "with a report based upon references and independent inquiry concerning the qualifications of the attorney, his ability to perform the services required by the contract, and the Superintendent's recommendation with reference to the approval of the contract." In the case of unorganized tribes a similar provision makes the same requirements of the Superintendent.

5. As you know, the time is now exceedingly short and although I have the first rough draft of the Hopi petition, before the same can be filed my contracts must be approved by the Commissioner of Indian Affairs. Therefore, I suggest that immediately upon receipt of these documents you do the following:

- (a) Call the Sakabi meeting and have the resolution on page 12 of all five copies of the contract properly executed by the Secretary of the meeting and by yourself as Superintendent.
- (b) Transmit all five copies to the Area Office for further transmission to the Commissioner of Indian Affairs.

In view of the shortness of time I believe you should mail the contracts and the three sets of Minutes with an explanation that the other two sets of Minutes will follow shortly.

- (c) If it is at all possible, I hope these contracts can be delivered immediately to Mr. Harper with the request that they be immediately transmitted by airmail to the Commissioner. I probably will be in Washington by next Tuesday, July 17th. My trip there will be very short, but if the contracts could arrive in Washington by the 17th or 18th, I will confer with the Commissioner to see if the approval can be had without delay.

This letter, I am sure, must sound very "high pressured", but I believe we both understand each other, and I am sure we both understand the exigencies requiring such prompt action. It will take me some little time to get the petition printed as they all must be printed before they can be filed. The petition itself must refer to the date my contract with the Indians is approved by the Commissioner, and, therefore, I cannot have the petition printed until after the Commissioner's approval. The printed copies must be filed with the Indian Claims Commission before the 15th day of August.

I received your note explaining that the Hopis desired to enter into a general contract and I further discussed the matter with the delegation here. I have agreed that in the near future I will prepare a general contract with no stated compensation leaving that for a later date to be determined by agreement with the Tribe, if and when funds become available. Such agreement, of course, to be then approved by the Commissioner of Indian Affairs. If I have sufficient time and opportunity, it is my intention to discuss such an unusual contract with the Commissioner of Indian Affairs while I am in Washington.

I certainly appreciate your cooperation in these matters and I look forward to a pleasant and successful future relationship with you and the Hopi Indians.

Sincerely,

John S. Boyden