

Boyden, John S., 8-1-1955. Letter to Edward T. Fritz, Deputy Solicitor, U.S. Dept. of Interior. Copy from Tribal Government Services, Hopi Tribe, Kykotsmovi, AZ.

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August 1, 1955

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AIR MAIL

Mr. Edward T. Fritz
Deputy Solicitor
U. S. Department of Interior
Washington 25, D. C.

Re: Navajo-Hopi Land Dispute

Dear Mr. Fritz:

This will acknowledge receipt of a copy of your letter addressed to Mr. Norman M. Littell under date of July 19, 1955, in the above entitled matter. At this time I, too, do not believe a hearing is necessary, but if Mr. Littell desires to have one, I certainly have no objection.

Mr. Littell has made some point concerning the amount of time taken in the preparation of the brief on behalf of the Hopi Indians and the time allowed in which to file a reply. We, of course, desire that Mr. Littell be afforded adequate time to prepare his brief in reply, but with respect thereto, perhaps the Solicitor should know that late in 1952, in company with the Tribal Chairman of the Hopi Tribe, the Superintendent of the Hopi Reservation, and others of a Hopi delegation, I went to Window Rock, Arizona, and explained to Mr. Sam Ahkeah, then Tribal Chairman of the Navajo Tribe, and to other government officials at Window Rock, that it was our intention to take steps to resolve the boundary dispute existing between these tribes, including the question of the ownership of the minerals on the Hopi Reservation. I also informed Mr. Ahkeah that I would be in Washington soon and I would at that time take such steps as in my judgment would seem advisable. While I was in Washington on December 11, 1952, Mr. Littell left his number and asked me to call him. He left the message that Sam Ahkeah had asked him to get in touch with me. I replied to the phone call and a conference was arranged which took place in the office of Mr. Littell at 1422 "F" Street, N. W. in Washington, D. C., on December 13, 1952. At that conference I explained to Mr. Littell that in order to remove any suspicion, I had informed Mr. Sam Ahkeah in the presence of the Tribal Chairman of the Hopi Tribe with respect to our views and intentions concerning settlement of the boundary dispute between the Hopi Tribe and the Navajo Tribe. I told him that the Hopis would claim all of the minerals underlying the Executive Order Reservation, although that position would be contrary to an existing

Mr. Edward T. Fritz
August 1, 1935
Page 2

Solicitor's Opinion rendered in 1946. I further advised him that we felt it was contrary to existing law to allow the Navajos to live on, and enjoy all the benefits of, the Hopi Reservation, at the same time keeping their tribal connections with the Navajo Tribe. Specific reference was made to the Code of Federal Regulations in this regard. I informed Mr. Littell that he had a different problem than the one with which I was confronted in that the Solicitor's Opinion on Mineral Rights was already in his favor. I further stated that it was necessary for me to do something to have it reconsidered.

On December 15, 1952, I made application to the Secretary of the Interior for reconsideration of the Opinion. This application was granted on January 6, 1953. It will be noted that before the matter was drawn to the attention of the Solicitor the Navajo Tribe and Mr. Littell had been informed as to the general nature of our undertaking.

In 1954 Commissioner Emmons and Assistant Commissioner Rex Lee made inquiry as to the status of the Hopi and Navajo Tribal dispute concerning the boundary line. On June 16, 1954, I wrote Mr. Littell explaining that officials of the Bureau of Indian Affairs had attempted to arrange a meeting between us while I was in Washington, but they learned that Mr. Littell would not return until subsequent to my departure. In the same letter I stated:

"As you know from our previous discussion I do not believe a settlement can be had between the Hopi people and the Navajo people so long as the present Solicitor's Opinion defining the rights of the respective Indians in minerals underlying the Hopi Executive Order Reservation remains unchallenged."

On July 21, 1954, Charles J. Alexander answered my letter for Mr. Littell which is as follows:

"Please accept my apologies for the delay in answering your letter of July 16, 1954, regarding the ownership of minerals underlying the Hopi Executive Order Reservation but due to the pressure of events here I have been unable to make a thorough study of this matter."

"I will complete my study as soon as possible and advise you of my findings."

Mr. Edward T. Frits
August 1, 1955
Page 3

It will, therefore, be observed that during the time we were preparing the Hopi brief for reconsideration of the Solicitor's Opinion the Navajo Tribe was informed, had the opportunity, and at least the intention to inquire into the matter of the ownership of the mineral rights of the Hopi Reservation; particularly as affected by the Solicitor's Opinion. These observations are made solely for the purpose of completely informing the Solicitor as to the events leading up to the filing of the brief on behalf of the Hopis.

Very truly yours,

JOHN S. BOYDEN

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cc: Mr. Norman M. Littell
1824-26 Jefferson Place, N. W.
Washington 6, D. C.