

Emmons, Glen (Commissioner of Indian Affairs), 12-1-1955b, Letter to Senator Barry
Goldwater. Arnold and Porter Hopi Archive Box 795.



DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
WASHINGTON 25, D. C.

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Hon. Barry Goldwater
United States Senate
Washington 25, D. C.

My dear Senator Goldwater:

I promised in my letter of November 4, 1955, to let you know when a decision had been reached by this office with respect to the recognition of the Hopi Tribal Council.

As you know, I appointed a special committee which spent nearly three weeks this past summer holding meetings with the Hopi people on the reservation and developing information with reference to the problem. The matter has been given very thorough study and consideration, and on the basis of information developed this past summer by the special committee, as supported by information in our files here, I am compelled to reach the conclusion that the tribal election at which the Hopi Tribe accepted the provisions of the Indian Reorganization Act was regularly held, that the constitution and by-laws were regularly adopted by the tribe and approved by the Secretary of the Interior, and that no valid reason exists to withhold full recognition of the tribal council duly elected pursuant to the provisions of the tribal constitution so long as that council conducts its business in accordance with the provisions of the tribal constitution and by-laws. The facts are that seven of the Hopi villages, which, under the tribal constitution, are entitled to nine representatives on the tribal council, are observing and abiding by the provisions of the tribal constitution and selecting representatives to the council, while the five remaining Hopi villages, which are entitled to eight members on the council, are not observing or abiding by the provisions of the constitution and are not selecting representatives to the council. The constitution provides that a majority, or nine members, of the council shall constitute a quorum and, therefore, the seven villages which select nine council members have a duly constituted tribal council under the constitution for the purpose of conducting tribal business when all nine members are present. Accordingly, I have notified the Director of our Phoenix Area Office and the Superintendent of

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the Hopi Agency of my decision, and have urged the election of new council members in accordance with the tribal constitution. In this connection, our Area Office communicated with your office concerning the matter of election of new council members and was advised that your staff saw no objection thereto.

The intent of the Hopi tribal constitution is to preserve a large measure of self-government to the individual villages. For example, Section 1, Article III, states that the tribe is "a union of self-governing villages sharing common interests and working for the common welfare" of all the Hopis. Section 3 of Article III provides that each village shall decide how it shall be organized, and until it decides to organize in another manner, it shall be considered as being under the traditional Hopi village organization. There are many other examples of preservation of village self-government in the tribal constitution.

The spirit of the Hopi constitution concerning village self-government seems to have been carried out by the action of the Superintendent, who has been carefully advising the leaders of the five villages not participating in the tribal council of all actions by the council so that they may be informed and their views given consideration. Moreover, the members of the tribal council themselves have taken great care to see that the traditional groups are appropriately informed and invited to attend and take part in the tribal council deliberations. However, it appears that the traditional groups are not inclined to participate in the present tribal government nor to suggest any changes in the government.

We are, of course, in sympathy with the desire of the Hopi people who wish to preserve the village way of life and government, and we believe it can and has been done under the present form of tribal government. If the Hopi people believe that ways and means can be found which will better preserve the independence of the villages and at the same time provide for common action on problems of concern to all of the villages as well as provide for the common welfare of all of the people, we would be glad to give serious consideration to any proposed modification or amendment of the present constitution and by-laws to accomplish that purpose or the

replacement by the Hopi people of the present constitution and by-laws by a document which they regard as more suitable. Any such modification, amendment or replacement should be first considered or proposed by the tribal council. Recognition of the Hopi Tribal Council in no way precludes the Hopi Tribe from holding a referendum election on the question of whether the tribe wants to remain under the provisions of the Indian Reorganization Act. However, such an election would be only an expression of the views of tribal members and would not accomplish the purpose of removing the tribe from the provisions of the act. The Indian Reorganization Act itself provides no means whereby a tribe, once having voted to accept the act, may vote to revoke that acceptance and, consequently, only amendatory legislation by Congress could accomplish that purpose. In this connection, you will be interested, I am sure, in the enclosed copy of a letter dated November 10, 1955, from Mr. Andrew Hermequaftewa, which indicates the feeling of many of the traditionalists toward an election concerning a change in the government.

I appreciate your interest in the welfare of the Hopi people and your cooperation with this Bureau in doing the best we can for them.

Sincerely yours,

(SGD) GLENN L. EMMONS

Commissioner

Copy to: Phoenix Area Office with copy of Hermequaftewa's letter

Supt., Hopi Agency

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