

First Mesa Meeting, 9-2-1951, To Discuss Claims filing, and General Contract with John S. Boyden. Copy in Exhibit files (Exhibit 24) to Chambers and Lynch 1985 (q.v.). Copy courtesy Hopi Tribal Chairman's Office.

...the meeting was called to order by Mr. Carnal, who explained the purpose of the meeting.

Archives in Washington which show that ...
day. I believe ...
Washington, D.C. 17764

Mr. John S. Boyden, Mr. Dow Carnal, Superintendent,
Samuel Shing, Interpreter, and 22 Hopis present.

The meeting was called to order by Mr. Carnal, who explained the purpose of the meeting.

Mr. Carnal: At our last meeting with Mr. Boyden you people passed a resolution to hire him as your Claims Attorney, and since that time Mr. Boyden has filed the claim for the Hopi people and has returned to your Villages to make a report on what he has been able to do for you in regard to your claim. A number of Hopi people have asked that Mr. Boyden consider another contract with the Hopi people wherein he could represent them as General Counsel. Mr. Boyden will discuss this proposition with you while he is here, so at this time we will turn the meeting over to Mr. Boyden who needs no introduction to this group.

Mr. Boyden: I am very glad to be here. Since leaving Salt Lake City I was in Window Rock Friday night and have been here since Saturday.

First of all it was necessary to get the claim filed. This was done on August 3. You remember that the thirteenth of August was the dead line. The claims were filed on behalf of all of the Hopi people, even though some have not voted to hire me. Since the majority of the Villages passed the Resolution the claim was filed for all the villages. It has to be done in the right way because the claim is a joint one. The Commissioner approved the Contract in the name of all of the Villages, and that is why all of their names appear on the Petition which we filed. It would not have been fair if we had included only those that approved the contract. The claim can be filed only against the United States, and it includes the land you occupied in 1848. We could not go back beyond that time because at that time this strip of country was under the Mexican Government, and we could not sue Mexico.

The tract includes some land also occupied by the Navajo. But the only land that we can successfully claim is that to which we can prove exclusive possession. The description in the Petition starts out around the San Juan River and follows until it meets the Colorado River and on to the Little Colorado River, then into the Zuni River, up the Zuni to the State line, then turning North on the border between the States of Arizona and New Mexico up to the Four Corners, and North on the Utah, Colorado border to the point of beginning on the San Juan.

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that is in 1866 - 85 years ago. It does not show any Navajos in this territory east of the Little Colorado River, south of the San Juan River, north of the Zuni River, or west of the Arizona border on the east side except in that territory up around Shiprock a little west and a little north of Fort Defiance.

The last map was made in 1880; that is only 71 years ago. I want to tell you how we happened to find this. That's the time of the Executive Order Reservation. There was considerable correspondence between Washington and the Indian Agent. In one of those letters they spoke about a map being sent along to show about the Hopi claim. We then began a search to find the map that was referred to in the letter. We did find the map and that is the one I have in my hand now.

This is a map of the Moqui Pueblo Indian Agency in Arizona and showing the proposed Reservation. It is signed by Wm. R. Matur, U.S. Indian Agent. This heavy line shows the boundary of the Moqui claim, he says. You will notice that it draws a straight line south of and parallel to the San Juan River which runs over to the Moen Copie Wash and down to the Little Colorado River. Then it follows the Little Colorado River southeasterly to a point known as Sunset Crossing near Brigham City and I have learned just this morning that Brigham City was about five miles north of Winslow. Then it follows the Little Colorado over to the Zuni River. It might follow the Zuni up a little way, but not very much. Then it goes directly north to White Rock Springs, which is about twelve miles west of Fort Defiance and then straight up to where it started. The boundary of the Moqui farming and grazing land is set off by these checks. It includes all of the Villages here. There are Navajos living within this area so it shows that even then there were Navajos living on the Hopi claim. These little round dots are Navajo hogans.

This does not give away any of our land. The land taken away which we know we cannot get back are areas like Winslow and Holbrook where the deeds have been given to the people, and we can be sure that this part of the land has been taken away definitely.

The Petition filed in brief does three things:

First: It says if there has been a taking of our land or any of it has been assigned to the white man without our permission, we want to be paid for it.

Second: If there hasn't been a taking and there has been a trespass all these years, we want to be paid rent for its use.

STANDARD CONTRACT OF THE GOVERNMENT OF THE STATE OF COLORADO
ALTHOUGH PART OF THE CONTRACT IS NOT PRINTED ON THIS PAGE
THE PART WHICH IS NOT PRINTED ON THIS PAGE IS TO BE FOUND
IN THE STANDARD CONTRACT OF THE STATE OF COLORADO
PRINTED IN 1922 - 22 Pages etc. It does not show any change

Third: We want the Government to give us an accurate accounting of our money. We want to know where this money has gone. If the Government has sold some of our coal or other resources, we want to be paid for that also. That is why we are asking for an accurate accounting of these funds.

Your claim that was filed is No. 196. It may not be tried in the next five years. Some of the claims have been disposed of very rapidly. Approximately 50 have already been decided. Our claim had to be drafted 7 times in our office and has been gone over by seven different lawyers before it was finally drafted into its present form. It has also been taken up with the Commissioner and Indian Service lawyers. That is what has been done on your claim to this time.

Recently a delegation of Hopi people came to my office in Salt Lake City and talked to me about the possibility of hiring me as General Counsel to represent the Hopi people. As you know, the other contract you signed with me was just for the filing of your claims. There are other things upon which you need advice. Apparently, there is oil on your lands and possibly other minerals and natural resources. To develop these means that you will have to have legal advice. I went to Washington and proposed a three year contract. This contract was drawn up tentatively, provided it is approved by the majority of the Hopi people. If you don't get money in the Treasury, I would not be paid. After the work was done the Hopi Council would discuss the fee with me. However, the money would have to be in the Treasury before I could be paid. I feel that I can help you develop your resources and other tribal enterprises wherein you would have the money to pay me. Then, at that time, the fee could be decided on by the Council with the approval of the Commissioner. If you want me under these circumstances, I would be willing to accept the contract and do the best I could for you.

The contract is also drawn up in case you become dissatisfied with my services or feel that I am not working to your best interests, you could notify me in writing and the contract could be broken in 30 days. On the other hand, if I felt that you were not treating me right or I was not able to do what I should for you, I could also break the contract by notifying you in writing and giving you 30 days notice. I know that is a loose arrangement, but I'll make a living anyway, and I would like to have the opportunity of working for the Hopi people and help them any way that I can. If you get the money, I would be paid what I am worth to you. I would appear before Congress on your behalf when necessary. Most of your business will be within the Department. If a suit should come up, we could make special arrangements on that. I could meet with the Council and work out the arrangements. If you want to hire me, we will use the same arrangements as before. If the majority of the Villages want me I would work to serve you. If this same

TO THE GOVERNMENT OF THE UNITED STATES OF AMERICA
OFFICE OF THE SHERIFF, BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C.

procedure is decided upon, it would be necessary for you to select two men to sign the contracts for your Villages. We want to see if we can stop the Navajos from coming in on what land you have left. I want to also protect you in the Rehabilitation Bill. As you know, you are under this the same as the Navajo people are. I would work with your Superintendent and help him all I could. It has worked out this way in other areas where I have worked.

Mr. Carnal: Are there any more questions anyone would like to ask or any suggestions you would like to make?

Robert Adams: I would like to know what Mr. Boyden means by selecting two people to sign the contract.

Mr. Boyden: You will remember in the claims contract you appointed two men to sign for you to enter into the contract with me on your behalf. That is what I mean.

Andrew Seechoma: I can see now that you fellows do not understand. Ned and I were appointed to sign the contract, and we went to Salt Lake to execute that contract.

Logan Koopee: There is one question I would like to clarify. Would we have to go before a District Court as we did before?

Mr. Boyden: Yes, you do have to go before a District Court. That could be done in any District Court.

Logan Koopee: That answers my question. We went to Salt Lake City because the time was short.

Dewey Healing: I want to ask one question. We want to understand this. Last time we had a hard time selecting two men. Could the same two men serve again?

Mr. Boyden: It wouldn't make any difference. Select anyone you wish.

George Chochise: I don't know whether the meeting is open or who should speak. In the past we have had a hard time to determine our aims. The time is coming that we have been looking forward to when we were told a white man would come to help us. I think we should have this man go on and work in our behalf and help us accomplish what we have been looking forward to for many years.

Lawrence Tomavaya: I want to ask one particular question. I don't quite understand about our claims. We have always talked about our land. We have had you in mind for a long time. As I listen it is not what I thought it would be. He said it would be impossible to get our lands where towns are. Will Mr. Boyden determine the boundary for Hopi people or will someone else be with him? We want some executive land for ourselves. That is why I asked that question.

THEY WILL NOT BE ABLE TO... THE COMMISSION... THE INDIAN CLAIMS... THE GENERAL CONTRACT... I WILL GET ALL I CAN FOR YOU.

Mr. Boyden: I will answer that in two parts. The Indian Claims Commission cannot determine this. All they can do is give money. They cannot give you your land back. In the general contract I would not decide what you would get. I will get all I can for you.

Mr. Carnal: Are there any more questions?

Andrew Seechomovi: Now we have arrived at the conclusion as to what our opinions may be. George has stated his views as he sees it. George says it is very favorable with him to hire Mr. Boyden.

Dewey Healing: There may be others who may want to ask questions, but it will take a lot of time so I think we should take a vote instead to know what the feeling is.

Mr. Carnal: We might ask for a motion that the Resolution be adopted.

Dennis Siquah: I think we should have the opinions of our people who are present - Maho, Steven, and Ned, who are our old people who are present, before voting.

Navasie: I want to vouch for what George has said. It is true some of us do know all of our prophecies. I have had quite an experience with the Navajo. They are powerful because they are financially able. I want it should be Navajo to pay for the land, but I see it is Hopi. This man will work for us. We have had numerous meetings with our Council and as I see it they have not made any headway. It is our elders knowledge since the time of Santa Fe and Fort Defiance. I appreciate what the elders have told us, and at the time the agents of government come among us why have our lands been taken away? It is because undesirable people have been encroaching upon us.

Maho: Yes, my son, my father, and my friend, I am glad you have come to our aid. I have submitted many complaints to the office. When you first came you told us you would represent us. I think there is something that can be done. I am old myself, but I am thinking of my children. We are told when the time comes an honest man will come who will be honest and righteous. I want to encourage you that you go about your work and be honest. When education came to our children they were helped. I cannot step forward and deal with the white man due to lack of knowledge and English. Work and recover as much as we are entitled to. Do the same for the other Villages. I do not know why some act as they do. In the past the Villages they all worked together. A delegate went to Washington and they knew the wishes of the people, but I do not know why they act as they do. Do not have fear. Represent us and do the work you have to do for our people.