Kyakotsmovi Village Meeting, 9-4-1951, To Discuss Claims filing, and General Contract with John S. Boyden. Copy in Exhibit files (Exhibit 23) to Chambers and Lynch 1985 (q.v.). Copy courtesy Hopi Tribal Chairman's Office.

September 4, 1951.

Meeting in old Community Building. Mr. John S. Boyden, Mr. Dow Carnal, Superintendent, Bridget Whipple, Secretary, Sam Shing, Interpreter, and 45 Hopis present.

Governor Fredericks: Mr. Boyden is here tonight and his friend, Mr. Gunnell, your Superintendent, Mr. Carnal, and Sam Shing. We recently received a letter about hiring an attorney on a general contract. Mr. Boyden is our Claims Attorney, but it would be impossible to work under anything that might come to the tribe in the future under that contract. You know. a [illegible] l Companies were here and they l but nothing happened because we nto any contract. If we had an details, we could safely go ahead. at would come later.

Exhibit 23

n the Reservation. The Governor ke over all the Federal land. That hose dreams might come true. If his thing comes true, we would be torney with us tonight and he will what he has done regarding the the General Contract later.

Mr. Bo very happy to come back tonight remember last May I told you th to file our claim. It had to All of that took place. I [illegible] on the Hopi claim a long time ago. I am very happy to let you know that your claim was filed on August 3rd and was given the Number "196" in the Indian Claims Commission There are quite a few claims that have already been heard and also they will not be heard in order. I intend to go ahead just as rapidly as I can. I can't tell you exactly how long it will take. It is hoped that we can go ahead and get a decision as rapidly as possible. The Indian Claims Commission is working hard trying to get finished with all those claims in five years. If they don't get through in five years, I am sure Congress will extend the time.

Now, I want to tell you about your claim and then I want to show you some evidence. The petition is divided into nine claims. The nine claims are very technical and I am sure you are not interested in all the angles. Really there are three theories in this action although there are actually nine counts in it.

I want you to understand that this doesn't sell any land, it doesn't take any land away from you - it only recognizes a status that is already here. If I tell you that we could take Bolbrook and give it to you I would be misleading you.

REPRODUCED FROM HOLDINGS OF THE NATIONAL ARCHIVES

First: We want to be paid for everything the Government has taken from us.

Second: If we prove that land outside of District 6 belongs to us, and that the Government had allowed the Navajos to use it, we will claim that the Government must pay us rent for all the time the Navajos have been there.

A lot of money has been spent for the Hopi. Maybe some of it might have been misspent. They might have taken coal out of your mines and not accounted to you for it. On page 7 commences a long list of statutes that we want them to give us an accounting on, as well as other things.

Third: We want the General Accounting Office to prepare an account for us on the money that should have been spent on the Hopi. If it has been misspent, we want to get paid for it plus interest. I will leave a copy of this petition with your Governor. I will try to keep you posted from time to time as to what is going on. I want to see you get as much land as you can get. If it has been taken away, we want to get paid for it. I will keep in mind the things you want. In the contract that I sign no compromise will be made with the Government unless I come back to you and tell you what it is.

The Claims Contract doesn't authorize me to talk over oil leases, etc. All those things would come under the General Contract. I want to do everything I can to help you. I want to come down regularly and advise you on all things. We ought to develop things and get money in your Treasury. The Utes feel that it pays them to have an attorney. You should have an Act of Congress establishing the kind of reservation you want. We don't want to do that yet until we get them to say how much land we should have. There are some of the traditional people who desire to have their old shrines in the Hopi name. We could have every one of these shrines surveyed and work to have them given to the Hopis to come and go as they wish.

You had a great smallpox epidemic years ago. At the same time the Navajos were increasing. They started coming into your land then. They are still growing and we don't have enough land to take care of the Hopis. We should try to stop them from coming in. We must protect the land and gain more for the Hopi people, if possible. We want to go to open warfare with the Navajos, we can work things out peaceably. Some similar procedure as the Ute and White reservation controversy might be worked out with the Hopis and Navajos.

HP017909

REPRODUCED FROM HOLDINGS OF THE NATIONAL ARCHIVES

All these things come to my mind because I have listened to your traditions. I have listened to the hopes of your young people, and I have read considerably about the Hopis. We had seven attorneys working on your petition. Some of these same men worked on the Ute case.

These maps are not the same ones I showed you when I was here before. We found these in the Archives in Washington. This is a composite map. It wasn't drawn up by one single person. It was done by a group in the War Department that explored the frontiers of Arkansas and New Mexico. It started in 1849, and their studies went up to 1852. This shows that part of Utah and Colorado as "unexplored". (indicating) It shows the Little Colorado River and Fort Defiance, and then you will notice that it marks where the Navajos are and places the Navajos all east of Fort Defiance, and the Moquis west of Fort Defiance. This map is carefully prepared although it is very old.

The second map is not nearly so accurate. This was prepared 100 years ago in 1851. All these maps are photographs of the original maps on file in the Archives in Washington. The thing that is inaccurate on this map is that the Little Colorado River runs straight out to California. We know that isn't the way the river runs. Even at that time the Moqui Indians were right in here. (indicating) It shows Navajos a little north and west of Fort Defiance. Perhaps there were some Navajos around Shiprock at that time.

The third map was also made in 1851. The Little Colorado River is still not corrected. It outlines the 7 Pueblos of the Moqui. It puts the Navajo claim clear out in California and south and west of us. I think that is probably an error. This map gives a little bit more detail than the others.

The next map is of Arizona and New Mexico in 1866. It still puts the Moqui Pueblos as it did in the other. It shows the Little Colorado River running where it is today. It shows as unexplored south of the San Juan River and the White Mesa country. In our petition we do claim that territory. It shows the Navajos are north of Fort Defiance and west of Shiprock. It doesn't show Navajos in this part of California and between the Little Colorado River and the Zuni River down here. (indicating)

Here is another important map. It was 1880 when the proposed Executive Order Reservation was set up. At that time the Indian Agent was William R. Matur. He had written to Washington and told them that he was sending them a map of the proposed Executive Order Reservation. It is not quite clear to me what he meant by "proposed" reservation, but

HP017910

maybe when I get some more correspondence about it, it will be. It goes east and west in a line south of the San Juan River and runs over to the Moen Copi Wash and down to the Little Colorado River. Then it follows the Little Colorado River directly east to a place called Brigham City, which is no longer in existence, but was about five miles north and east of Winslow. Then it goes over to the Zuni River, then to White Rock Springs which is about twelve miles west of Fort Defiance and then back where it started. That is what he said the Moqui claimed. The dotted area shows the boundary of the Moqui farming and grazing lands.

There is quite an old story of the time that this reservation was set up. There were military men who had two flags and they said they would set up your Reservation by marching around it. I have not been able to find anything about this in the military records. Over at Sipaulavi, Charlie said that he has several things that he wants to show me, and that he has names of some of the men who were there at that time.

I have done most of my work from 1848 to 1951. We must prove that this land was yours exclusively before the United States took it. So then I must go into the Spanish records. We will send a man to Santa Fe to photograph all their records. We have to prove exclusive possession from time immemorial. We want to get paid for what was taken away from us or get rent for what has been used.

I am thoroughly convinced that you should have general legal help. I hope that we will build up an enduring friendship and I want to do a really fine job for the Hopi people. I am not discouraged by the action taken by the Shungopavi people. Most everyone else has received me very kindly. I see signs from other Villages of a desire to come along and help us. I see that they are appreciative of what we are doing for them. We will get down to the records and the maps and I believe that all of the Hopis really want to accomplish something for their people. We have a petition that will present a very substantial claim.

Sam Shing: Will you tell them just what area your petition claims?

Mr. Boyden: We cannot claim anything that happened before the United States took this territory over. So I have started with 1848, the year the United States took the land from the Mexican Government by Treaty. In one of the Commissioner's reports I found something interesting. He said that the Navajos were raiding the Hopis. The Hopis reported back that if the Government would give them all the guns and ammunition they needed, they would see that no Navajos came south of the first range of mountains north of the San Juan River.

The boundary of the claim begins at the junction of the Colorado and Little Colorado Rivers, then down the Little Colorado River to the Zuni River, then along the Zuni River to a point where the same now intersects the State line between Arizona and New Mexico. Then north along the State line until it intersects the San Juan River, then along the San Juan River west to its junction with the Colorado River, and then southwest along the Colorado River to the point of beginning. The Navajos are claiming the four corners, but I have also laid claim to that because of certain documentary evidence.

As to the general contract, I would like you people to know that I think it is a splendid opportunity for me to do something. Your Tribal Government does not have any money. They need all they have. You need a General Counsel who will go out and get some money for you, if he wants to get paid. It will not obligate anyone of you personally. There are two ways that this money could come. The Congress may give you an appropriation or you can develop your resources. If I can do something with your resources, I will get paid. That is the chance that I am willing to take. When you get the money I will come to the Tribal Council and we will see what I have done. The Tribe will decide what will be paid. We will agree and then it is sent to the Commissioner for his approval. In no event should it be more than $5,000.00 per year. If we can't agree, the Commissioner will decide what is fair.

I don't think I can complete your work in three years, but we can do a lot of things in that time. The Commissioner doesn't want a contract for more than three years. So I am willing that it should be for three years, and if we are both satisfied, you can renew the contract. If this contract does not work out for either side, we can get out of it by giving 30 days notice to the other with notification also to the Commissioner. That is what the General Contract is. In addition to my salary you will pay my actual expenses, not my office in Salt Lake, but my travel down here, and if I have to photograph maps or print briefs and that sort of thing. This contract has been read by the Commissioner. I propose to make no changes in the contract. It was also sent to the Superintendent and the Area Director, so if you have read that one over that is the way the General Contract is made up. I would be very happy to answer any questions. I have prepared a Resolution that you will pass, if you want to hire me, and it will appoint two representatives to represent your Village in signing the contract.

Governor Fredericks: I am quite sure we have listened to Mr. Boyden in this matter. I know it seems complicated to some of us and it is complicated when you are not versed in anything that deals with law. Now, Mr. Boyden's contract is before us. Most lawyers when they go into a contract require a

retainer. He has not asked for a retainer fee. He is taking a chance just as much as we are. A chance that we can get some part of our land. That is the same as we have to take. It is already late. Just like I told you awhile back.

The Government dreams of taking all our land. This is why I think it is your last opportunity to take action. We have started the thing running, it is a very big thing, and if we don't ride that thing that is now running, we will not recover. Now, I wish you to think about this Resolution and pass on it for something for our people. He will look into all business matters that will come to the Tribe and advise us. I read the contract through. I am not versed in law, but I see no reason why we should not be able to approve it. He said that the Commissioner had read it. That means that he can't put anything in there that he thinks he can get away with. The contract runs similar to the first contract and the pay runs about the same. We have no money in the Treasury. That is the chance he is taking. The contract runs for three years. In three years time we can see a lot of things happen. So, if we hire him for the next three years we will know what progress he is making and we can judge from that progress and we can act accordingly when it comes up for renewal. If we don't like what he is doing, give 30 days notice to the Commissioner and we can get him out. If he doesn't like what we are doing, he can give us 30 days notice. So you see, we both have to have trust in each other. We have something big started now. There is no stopping. From that we will know just about how we are going about our business. Otherwise, we will always be in a muddle like we are now. Always afraid to make a step. Any questions you want to ask, the time to do it is now. Anything that you do not understand.

Fred Johnson: What percent of all the Hopis approve of what he is talking about?

Governor Fredericks: He asks what percent of the people are willing to approve the contract. I have had meetings with you people and anything comes up like this I ask if there are any questions and then it always comes out that I always have to ask the questions. The decision rests upon you. I can't tell what percent of the people are for it. Do you have to decide 100% or not agree at all? You make up your own mind. That is the thing we are going to ask tonight. The Resolution from you people.

Mr. Boyden: I would be glad to report what has happened up to now. We have held meetings in every Village and talked to the Chiefs so that we have arranged with the proper authority. We have talked with everyone. The Town Crier has called

REPRODUCED FROM HOLDINGS OF THE NATIONAL ARCHIVES

the meetings. You are no different from any other people. When we have elections not everyone votes. I believe that in every meeting there was a pretty good cross-section of the Village present.

The three Villages of First Mesa met together. There wasn't a vote against it. On the Second Mesa we went to Sipaulavi and they were very anxious to go ahead. No one voted against it. Then we went to Mishongnovi and there they had quite a long discussion. Some of the headmen were quite favorable. There was one medicine man and one other who felt that they should discuss it further with their people, and then they would report to me later. Starley reported that they were going to have the meeting soon. We than went to Shungopavi and there we met with adverse reaction. They listened, but Andrew said I was there for money and they didn't need my help. Bakabi was very favorable. They decided to go ahead. Hotevilla discussed it last. Chief Dan felt it was contrary to his tradition to work at this time. We also went to the old Chief at Oraibi and left him a copy of the petition. Now we are here. Tomorrow we will go to Moenkopi. By that time we should know what the feeling is over the Reservation. Then we will have another meeting with the Tribal Council. If there is a majority, I am willing to go ahead. We can't tell what percentage want it, all we are doing is telling everybody about it.

(Fred Johnson and Jean Fredericks speak in Hopi - not interpreted)

Governor Fredericks: I would like Sam to read and interpret the Resolution that is now before the meeting.

(Sam Shing reads the Resolution in English)

Governor Fredericks: The Resolution has been read to you, any questions, or any doubts, you have has been opened to you. Before we take action on this Resolution I want to ask again, is there any question?

Alban Mooya: I think this Resolution should be read in Hopi:

(Sam Shing interprets the Resolution in Hopi)

Governor Fredericks: Now you have heard the Resolution in English and Hopi. Any one who wishes to ask a question.

Jimmie Honanie: Is this Resolution before us very urgent? Can it be discussed fully later on? I know the last Resolution was very urgent because we had to get it passed before a certain date. Is this Resolution on that same basis?

HP017914

Governor Fredericks: In order that the Claims Contract will work a lot of work will have to go under a General Contract. Expenses will have to be expended and unless the contract is okeyed his hands will be tied. Therefore, this contract is urgent. Am I right?

Mr. Boyden: If the work is urgent, the contract is urgent.

Jimmie Honanie: This is a separate matter, that is why I asked the question.

Homer Cooyama: I have put before this meeting in both English and Hopi the general idea that according to Jimmie's statement this was urgent. I say it is very urgent. We must consent at this time to accomplish this because our trip to Tuba is for that so we must pass on this before that meeting.

Karl Johnson: We are talking about two contracts. One is a contract that has already been executed in reference to the Claim. The other contract that is just being introduced now is that General Contract. The purpose of this contract is to get Mr. Boyden as our General Counsel. The thing is this. One of our biggest concerns as a Hopi Tribe is our expense. That is the first thing that anybody looks for. Under the first contract the fees are taken care of, but the second contract the expenses must be taken care of by the Tribe if they have money. On this General Contract there is no fee unless we get money but the expenses will still fall back on the Tribe. To be frank with you, Mr. Boyden, Mr. Fredericks and Mr. Carnal, I am going to tell you just how I feel about it. I hope you won't think it is an objection, but rather a word of caution. I find out that I must exercise caution. We are undertaking a new program for the Hopi as a whole, and it is being studied very closely by the thinking people of the Tribe. We are watching our Claims Contract to see the results. We are watching for evidence. Just how much your evidence will bring your objective about remains to be seen. We are looking at the material side of this contract. I will put high hopes in our oil. There is the side of optimism to look at, but at the same time we should be ready for setbacks. Now, this General Contract, is coming up, it is something new. It is going to be weighing upon the Tribe for many years to come. In that time many changes will take place. You probably will have to work with different members of the Tribe. The Tribal Council will change hands. I have all the confidence that you will carry out your part of the contract to the letter. Will we Hopis be able to bear our responsibility? From the past we have known that people have been very enthusiastic in promoting a program. Then they step out and let another man take the wheel. The result is a lot of confusion.

These are things from the Hopi side of it. That is something we must decide. It will not be enough for one Village to say yes and the rest to say no.

There is still another point. Many of our young people are in the Indian Service. I have a copy of a letter that was sent to a Government employee who was asked not to help or give any suggestion or advice on this matter of a Claims Contract. There is a heavy penalty, if they do. We find some of our best men with their hands tied already. It finds the rest of the Tribe at a loss to find what to do because the educated element is in the Indian Service. How are we going to work this problem out? Will we be able to find the answer?

You talk about a General Contract. This is the first time I heard the Resolution. I like to study things and think things through. This is a new thing and it must be remembered that it will weigh upon the people for a long time. So I think that my idea is that this thing should be discussed among the people more freely and that it shouldn't be just a matter of saying it is important - let's really have a free discussion. The main thing is, let's show it from both sides. I am telling these people not to go ahead and vote tonight. If they want to go ahead that will be fine with me, I will not interfere.

(Jean Fredericks speaks in Hopi - not interpreted)

Governor Fredericks: Fred Johnson said in reference to the Resolution that not all the people are informed on this matter. He admits that he did not know that we had hired a Claims Attorney. At that meeting at the High School, August 31st, I was there and I made the statement that I always make that it is up to the people to decide. The issue at that time was concerning the Mission School that was requesting a petition. Since we are voting on the school issue tomorrow, if we could get an Election Board tonight, that way we could vote on this General Contract at the same time we vote on the school issue. By tomorrow night we will know how this voting will come out. The people think it is the right thing to do in as much as the other people who are not here have the right to vote too and it gives them a chance in the secret ballot.

Mr. Boyden: I think that it is a good idea to get the best expression for all the people. However, the people who have not attended this meeting will not know what they are voting for. This isn't an easy thing to understand. People that are not here will not know how to exercise an honest judgment. If you want to have a campaign, your election should be put further off. Also, the Tribal Council could not act on this question, if you do not decide tonight. I don't want to rush you at all. I do want to know something so that I can make my own plans. Certainly we don't want you to

act without full knowledge. If you want to go on into the night about this and you might come to a decision. There are two ways you can take. You can set your election a long way off so you can inform all the people, or you can decide right now. Whatever you decide will be perfectly all right.

Governor Fredericks: I might put it before the house and leave the question and you can vote on it now so I will ask you the question. Do you want to vote on this tonight? Then if you do want to you can raise your hand. Then I will ask the question. How many want to vote on it tomorrow.

Roland Nehoitewa: I would like to express my opinion on that Second Contract. The first contract is already executed and has nothing to do with now. The second contract is what we have to decide on now or tomorrow or the next day or some time. If we pass this Resolution, we will lease the land so we can get the money to pay him.

Karl Johnson: Would it be possible to recess?

Governor Fredericks: Lorenzo Voyckie moved that we vote tonight.

Paul Yestewa: I second the motion.

Governor Fredericks: All in favor please raise your hand.

VOTE: In favor - 21. Opposed - 11.

It has been moved and seconded and passed that we vote on the Resolution tonight.

Homer Cooyama: I move that we vote on the Resolution.

Jimmie Honanie: I second the motion.

Governor Fredericks: All in favor of Mr. Boyden being employed to look after the interests of the Hopi Tribe from this date.

VOTE: In favor - 23. Opposed - 2.

It has been moved, seconded and passed that we hire the attorney. We have to have two men to sign for the people of this Village. Do you want the same people who signed before, or do you want some one else?

Jimmie Honanie: I think that the regular representatives should sign the Resolution.

Governor Fredericks: All who favor our regular representatives

to execute this Resolution, will you please raise your right hand.

VOTE: In favor - 17. No opposed.

Those chosen were Homer Cooyama and Homer Homewytewa.

That concludes our regular business on this matter. Now we have before us a local matter.

(Meeting continues on about the School issue)

Bridget Whipple
Bridget Whipple,
Secretary of the Meeting

CERTIFICATE

I hereby certify that the attached record of the proceedings of the Minutes of the Kyakotsmovi Village, Arizona, was transcribed from stenographic notes taken at said meeting on the 4th day of September, 1951, at a meeting which I personally attended, and in my opinion said transcript is correct.

Dated: 9/4/51

Dew Cannal
Superintendent