Meeting Held at Lower Moencopi, 5-11-1951. Bennett Cooka, interpreter. John S. Boyden Collection, MS# 823, Box 37, folder 7. J. Willard Marriott Library Manuscripts Division. University of Utah, Salt Lake City.

MEETING HELD AT LOWER MOENCOPI VILLAGE
May 11, 1951.

(Interpretation by Bennett Coaka)

Supt. Carnal: I wanted to meet with you Sahmetewa and some of your people and talk over a few problems with you. As I said, I wanted to meet with you and talk about a few problems and I realize that to get a group of people together in the day time is a pretty bad time to meet because so many of the people are working in their fields and gardens but the time is short and we wanted to talk with you people. For some time, four or five years, there has been some talk about placing a claim before the Indian Claims Commission in Washington. That five-year period set aside to file a claim is about up. Time is short and if anything is to be done it better be done pretty quick. A large number of Hopi people felt that if they should file a claim they should hire an attorney to file the claim and fight it through the court. Some of the people learned of an attorney in Salt Lake City that had a fine reputation as an attorney and had a very fine record in working with other Indian tribes. Now, Mr. Boyden came over to Keams Canyon Tuesday of this week and we have been meeting with all the villages along down the line and he thought he would like to meet with the individual villages to talk with the people to see what they thought about and see if they had any questions to ask him. Now, Mr. Boyden is with us and he will talk with you and explain some of the terms of the contract that he has proposed for the Hopi Tribe and also give you an opportunity to ask some questions and he will be glad to answer them for you. So I will now present to you, Mr. John S. Boyden.

Mr. Boyden: Now before I explain this I would like to know,if they don't mind telling me, whether they have heard anything about it, - if Thomas Jenkins has been over here to talk to them about it?

Sahmetewa: In answer to your question, he said that they did. They have heard about this. Thomas came over and talked to them about it, and, of course, he said they have nothing to hide. He did show those papers, your contract which he brought to the Upper Village to certain men, and then they brought it down here. They went over it, but there was no one present to really explain the contract, and, of course, he said Sam Shing, Homer Homewytewa and other man from First Mesa had gone to Salt Lake for that purpose, and there is quite a bit of talk on that and that is about all he recalls about it. We heard these contracts were taken back to Oraibi. I do not know whether you have contacted that old man, Tawaquaptewa, in Oraibi.

Mr. Boyden: Well, before I start to explain, of course, I know that Thomas has been saying some things about the contract that have raised questions in their minds. If they have any questions that they want answered -- things that are wrong with the contract, I wish they would tell me so that I could explain that.

Sahmetewa: According to his statement he said there was no official meeting concerning this -- about going over this contract, therefore, I am not in position to give you any full details on what was said. There was no special meeting on that so I could not tell you -- it was just rumors.

Mr. Boyden: Well, are there any rumors they want me to discuss or that they want to ask questions about?

Sahmetewa: There is a question he wants to ask. He wants to know and find out who is the person that took the land away from the Hopi. Why is it that you have to repay us back? How was it taken away?

Mr. Boyden: I will try to answer that as I go along. That will come later. Now about four and a half years ago Congress passed what is known as the Indian Claims Commission Act so that any Indian tribes having grievances might file a claim against the Government. They were allowed to file a claim provided it was within five years. Now that date will come in August. I have been interested in the Hopi people for a long time, and have been down here quite a few times. The first time I ever talked about the Hopi claim, I do not remember the name of the Indian, but it was when Supt. Ladd was here, and several Indians were interested in studying their claim to see if they had a good claim against the Government. Mr. Ladd wrote me a letter in 1947 and told me that he had not been able to get all the villages together so nothing more was done about it until last year when I got a telegram from Sam Shing as a member of a committee asking me if I would be interested in representing the Hopi people. I said that I would be, if proper arrangements could be worked out,so I came down here to talk to them over at Polacca on December 16 last year. At the meeting I said that I did not know whether the Hopis had any real grievance with the Government, and before I would want to say that I would represent them I would like to find out for sure if anything had been done to wrong them, or if anything had been taken away from them. So I would know about the Hopi history

I then went home to my office and started to work; that is what I did and I had help to look up old maps, documents, and papers that were written at the time this country became a part of the United States at the time of the Guadelupe-Hidalgo Treaty, and I got all those papers together and brought them with me. I then convinced myself that there were wrongs that had been committed against the Hopi people and I thought they should be represented by counsel and their claims properly presented to the Indian Claims Commission. This is some of the work I did, and it is all about the Hopi people, so I then decided to prepare a contract. I felt that the success of presenting that claim might largely depend upon cooperation of all the Hopi people. So with that in mind I came down here with the contract to explain it to the Hopi people and see if we could agree upon an attorney contract for presentation of the claim for you.

I did not and do not intend to do anything that the Hopi people would not want me to do, so I put in the contract that the performance of the duties required of me in the contract would be under the supervision and direction of the Hopi Tribe, and that I would not make any compromise with the Government without the consent of the Hopi tribe. I know that the Hopi people do not want to go into debt so instead of just having you pay me for this work, this contract provides that the only pay I will get for this work will be taken out of what I am able to recover for you. And if I do not recover anything, I will not get paid for the work. Now, if I should win and recover anything, then I would be paid according to the amount of work I have done, but in no event would I get more than ten

per cent of what I have recovered for you. Now, there are certain costs that would have to be incurred such as printing and preparing briefs, getting maps photographed and things of that kind under this contract that the Hopi Tribe would agree to pay for, if they had anything in the U.S. Treasury they would pay that. But, if there is no money, they would not have to pay the expenses. If there is, then I would use that money to pay necessary expenses. That doesn't mean that I just take the money and spend it as I please. I would have to spend it for just the things that are required and those vouchers would have to be approved by the Commissioner of Indian Affairs. But if there was $500.00 or less, in the Treasury in Washington, or in your Tribal Fund, I would have to come back and get your approval before I could use it. And, if I spent more than $2,000.00 out of your funds in any one year, I would have to come back and ask you first. Now the individual members, you people, would never have to pay anything. If there was no money in the Treasury, or enough to pay these costs, during the term of the contract, which is for ten years, then I cannot collect it after the contract is through. Now, if I won the suit and recovered for them, then the cost would be paid out of the judgment and I would get paid for the work done. I never tell people that might hire me that I am going to do certain things and that I will win, because I do not always know those things. I would assure you that I would do my best and I know that there is a lot that can be done for the Hopi people. I am not pleading with you to have you let me help you, I am only saying that if you

would like me to help you, I would be glad to do so under these terms. I know that things have been said about this contract that are not true. If anyone has any ideas on what was said,I wish you would tell me now so I can explain.

Sahmetewa: His statement, since you asked for it, I will do what I can to explain. Of course, you know us - we are not all together here - us in the Lower Village rely on the Old Chief at Oraibi. He has all the necessary dope, documents, things that he has together over there concerning the land, but these younger people which have been with the Council he thought that he still possesses that it just taken away, but still he relies on the old Chief. He relies on him.

Mr. Boyden: I know about that from studying their traditions. I met the old Oraibi Chief about five years ago, and we are going to see him before I leave. I am really wondering about them taking care of their interests. As a lawyer I know they can't wait, and that is why I do not want them to lose their claim by failing to file it. I am afraid that some of the villages are going to be like the farmer who had two patches, one of corn and one of melons, and he had only enough water to water one of the patches. He sat around day after day wondering which patch he should water and so because he couldn't make up his mind which to water, he let them go and didn't water either patch. According to my idea that is just what is going to happen to the Oraibi Chief. That is why I am afraid.

Sahmetewa: Well, he just referred to what might happen if the people made a decision because they rely on their old tradition and those things.

Mr. Boyden: I want to leave here with this message. If you would like me to work for you, I would like to work with the responsible authorities, your leaders, and, of course, with you people. I would not only do the work, but I would want you to work with me and I would be glad to arrange that.

Sahmetewa: He said that they were pretty well organized under the old Chief at Oraibi and they have things drawn up. According to the Chief, they had met with Mr. Cummings in Tucson and when they brought up a question about land he designated a certain area. He mentioned that there was a coal mine. There is supposed to be a line there between here and other villages so there is a certain area designated by someone - they do not know who made the boundary, whether it was you or the Navajos, so he searched for another paper and he mentioned a map. It was a larger area and those men said that is the one that we are to claim. We do not know anything about this so we are relying on that larger area; therefore, we are still in line with the old Chief.

Shing: That must be something similar with that map there. What he has reference to is the Executive Order.

Mr. Boyden: Was it anything similar to this? This is bigger than the Executive Order. This is the Little Colorado running down here and this is Fort Defiance over here. This was made in 1851. Of course, I would claim the most that I could claim and could prove in court. Now, all of you people here have a right to look to your Chief for leadership to protect you in your claim. All I have to do is warn you that this has to be filed by August and that I want to help you. The decision for you to make is whether you want me to help you.

Sahmetewa: He said that he realizes from your side of view that this claim would have to be made because they have had the same encouragement from Mr. Cummings because they are supposed to give that authority to someone among their people so that they can work that out, so it is up to them. So, if they do not act now, they do not know what to do, but he said that they relied upon the promise of the people in Tucson, if they would make an effort and they would file a suit to accomplish the biggest area which had already been determined and set aside for them. That is supposed to have been set apart for them a long time.

Mr. Boyden: Under the law we are not going to be able to claim any land before this became United States territory in 1848. We must prove what territory the United States has taken. You cannot claim anything before that time because it did not belong to the United States. The land before that belonged to Mexico.

Sahmetewa: Well, he just repeated what he said before.

Melvin: We will have to rely on the decision of the old Chief and we will follow him.

Mr. Boyden: Well, that is the message I bring you today.

CERTIFICATE

I hereby certify that the attached record of the proceedings of the Minutes of the Lower Moencopi Village, Arizona, was transcribed from stenographic notes taken at said meeting on the 11th day of May, 1951, at a meeting which I personally attended, and in my opinion said transcript is correct.

Dated: 9/5/51

Don Carnal
Superintendent