Secakuku, Alph (as Hopi Agency Superintendent), 11-1-1976, Report of Superintendent of Hopi Agency Concerning Hopi Tribal Acceptance of Proposed Settlement of the Hopi Claims Before the Indian Claims Commission, Docket 196 by entry of Final Judgment in the Sum of $5,000,000.00. Addressed to Secretary of the Interior and Commissioner of Indian Affairs, through Area Director, Phoenix Area Office. Arnold and Porter Hopi Archive Box 336.

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
HOPI AGENCY
P.O. Box 158
Keams Canyon, Arizona 86034

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November 1, 1976

TO: The Secretary of the Interior and the Commissioner of Indian Affairs

THROUGH: Area Director, Phoenix Area Office

FROM: Alph H. Secakuku, Superintendent, Hopi Reservation Keams Canyon, Arizona

REPORT OF SUPERINTENDENT OF HOPI AGENCY CONCERNING HOPI TRIBAL ACCEPTANCE OF PROPOSED SETTLEMENT OF THE HOPI CLAIM BEFORE THE INDIAN CLAIMS COMMISSION, DOCKET 196 BY ENTRY OF A FINAL JUDGMENT IN THE SUM OF $5,000,000.00.

On October 14, and 15, 1976, I attended a regularly called meeting of the Hopi Tribal Council wherein the matter of the settlement of the Hopi claim was duly considered. John S. Boyden, Attorney for the Hopi Tribe in said matter, passed to each member of the Hopi Tribal Council and other interested parties a written report to the Hopi Tribe consisting of Hopi Indians living off and on the Hopi Reservation, including Hopi Indians of the villages of First Mesa (Consolidated villages of Walpi, Shitchumovi and Tewa), Mishongnovi, Sipaulavi, Shungopavi, Oraibi, Kyakotsmovi, Bakabi, Hotevilla and Upper and Lower Moenkopi. A copy of which is attached hereto and marked Exhibit "A". Mr. Boyden referred to the fact that prior to the arrival at a settlement figure, he had discussed the matter in detail with the Hopi Tribal Council at an August 4, 1976 meeting wherein authorization was given to settle the case at a figure not less than $5,000,000.00. Detailed minutes of that meeting were not taken as the authority was considered as a matter of confidential attorney and client relationships not to be disclosed until after negotiations had been completed. I attended the said August 4, 1976 meeting at the invitation of the Chairman of the Hopi Tribe.

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Mr. Boyden further stated that notwithstanding the fact that the matter had been discussed in detail, he wanted to again cover all the matters pertinent to the settlement in order that there may be no question and that each of the council members have a thorough understanding.

The claims case was clearly distinguished from the land recovery cases. Docket 196 was commenced pursuant to Federal Statute 25 U.S.C. §70 et seq. for a money judgment. That statute did not authorize actions for recovery of land. It was observed that a group of Hopi Indians from the village of Shungopavi* had petitioned the Commission for full restoration of land rather than for a money judgment but that they were unable to proceed with that action because it was not authorized under the statute.

As general and claims counsel, Mr. Boyden explained that at the direction of the Tribe, every effort was being made to recover all lands possible. This was the basis for the action of Healing v. Jones and also the action of Sekaquaptewa v. MacDonald now pending in the United States District Court for the District of Arizona pursuant to the Act of December 22, 1974, 88 Stat. 1712.

Mr. Boyden then followed each section of his written report furnishing additional details as to the proposed settlement, the history of the case, the effect of the settlement upon the 1934 Reservation law suit, the additional suits authorized by the Act of December 22, 1974, other than for determination of title to the 1934 Reservation. The method of arriving at the amount of the judgment to be entered under the Stipulation with the United States and considerations with respect to time elements, the Hopi counsel then recommended the proposed settlement as in the best interest of the Hopi Tribe and its membership. Mr. Boyden carefully explained that the government may have used an entirely different basis for arriving at the figure agreed upon and that the settlement for the sum of $5,000,000.00 did not determine the various points raised in the case but simply compromised all claims or demands which the Hopi Tribe presented or could have presented to the Indian Claims Commission pursuant to the Act of August 13, 1946, and also finally settled all rights, claims, demands, payments on claims and counterclaims or offsets which the United States has or could have asserted against the Hopi Tribe under the provisions of the Indian Claims Commission Act from the beginning of time through the end of the accounting period adopted by the government to and including June 30, 1951.

*The report erroneously referred to the Village of Shitchumovi but the Council was orally informed that the group was from Shungopavi.

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In addition to questions that were interposed during the course of the attorneys' presentation, the matter was then discussed in detail with council members participating. Various questions were asked and answered pertaining to the settlement and a free discussion was had by all concerned.

Mr. Boyden concluded with the following statement:

> And now, members of the Council, I want to say that I truly appreciate the patience, the sincere and inquiring manner in which you have approached this very important problem. Now, after you deliberate your readings and investigation on your own part, all the explanation we have had if you sincerely believe that this is in the best interest of the Hopi Tribe to settle this case you should vote for this resolution. On the other hand if you are not satisfied and you do not believe it's to the best interest of the Hopi Tribe to pass this resolution, no matter what I say, it is your responsibility to do what you think is right under these circumstances. I have given you my opinion as your Counsel. I've tried to look at it objectively, I haven't tried to sell you a bill of goods on it. I have tried to explain to you the manner in which I reached my conclusion and the reason why I think it is to your best interest to do it. And now, the hour of decision is here and its up to you and I shall not in any way interfere with those deliberations unless you care to ask me further questions. Now, Mr. Superintendent, I believe that we have been pretty meticulous about how we have gone through all of these documents in addition to what private inquiries have been made by members outside this room. If there is anything we haven't covered that you think should be covered, I appreciate hearing that. Otherwise, I think my presentation of this matter is through.

Thereafter, Mr. Alvin Dashee, Vice-Chairman of the Hopi Tribal Council asked each individual member of the Tribal Council to express his views concerning the settlement. Each councilman thereupon made a statement concerning the settlement, each expressing a favorable point of view. All proceedings were held in both English and the Hopi languages. The matter was then submitted

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to a vote for the adoption of a resolution, a copy of which is attached hereto and marked Exhibit "B". The resolution was adopted by a vote of 16 in favor, 0 opposed and 0 abstaining.

GENERAL MEETING OF MEMBERS OF THE HOPI TRIBE

A. Notice of Meeting

At the request of legal counsel for the Hopi Tribe and with the consent of the Hopi Tribal Council, I then issued a call for a general meeting to be held on October 30, 1976, a copy of the Notice is attached hereto and marked Exhibit "C". At my direction on the 14th day of October, 1976, copies of the Notice were duly posted at 23 public places upon the Reservation as evidenced by the Certificate of Proof of Posting of Notice attached hereto and marked Exhibit "D". Since some Hopi Indians were attending school at the Phoenix College in Phoenix, Arizona and the Maricopa Technical College in Phoenix, Arizona, Notices were posted at said colleg as evidenced by the Certificate of Proof of Posting attached hereto and marked Exhibit "E". The Hopi Indians have a publication called Qua'Toqti, a weekly publication serving the Hopi people and of general circulation, both on and off the reservation. I caused the Notice of the meeting to be published therein for three successive weeks commencing on the 14th day of October, 1976 and ending on the 28th day of October, 1976, a copy of the Proof of Publication is attached hereto and marked Exhibit "F". It was felt that publication in the Arizona Republic, a newspaper of general circulation in the State of Arizona would also be helpful. Publication was had therein on October 18 and 19, 1976, as evidenced by the Affidavit of Publication attached hereto and marked Exhibit "G". The Hopi paper, Qua'Toqti also carried news articles in the issues of October 14, 21 and 28, 1976, copies of which are attached hereto and marked Exhibits "H", "I" and "J". Radio station KINO in Winslow, Arizona on October 21, 1976, which is generally heard throughout the Reservation as well as in the Winslow, Holbrook, Flagstaff, areas, gave an announcement of the meeting. Television station KOAI, Channel 2, carried two full one-hour programs on October 21 and 29, 1976. On October 21, statements were made in Hopi language by Abbott Sekaquaptewa on behalf of the Hopi Tribal Council and opposition statements were made by Caleb Johnson and others who represent a political faction who consider themselves to be the Hopi Traditional Leaders. On October 29, a debate was conducte between Abbott Sekaquaptewa and Thomas Banyacya, with Caleb Johnson and Alvin Dashee, Hopi Tribal Vice-Chairman, posing questions to the debators. Station KOAI is heard throughout

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the Reservation without necessity of cable and is generally heard throughout all of the villages. The same station has a wide listening audience outside of the Reservation.

In my opinion, the Notice given was fair and adequate to inform the tribal members of the place and purpose of the meeting to be held.

B. General Meeting of Hopi Tribe

On the 30th day of October, 1976, at the Hopi Day School in Oraibi, Arizona, a general meeting of the Hopi Tribe was held. The meeting was called for 10:00 o'clock A.M., but at 10:00 o'clock A.M. many people were still arriving and the proceedings did not commence until approximately 10:30 A.M. Alvin Dashee, Vice-Chairman of the Hopi Tribal Council presided with Abbott Sekaquaptewa acting as interpreter, interpreting from the English language into the Hopi language and from the Hopi language into the English language for the purpose of assisting all present to understand the proceedings.

Copies of the Report of John S. Boyden, claims counsel for the Hopi Indian Tribe to THE HOPI TRIBE CONSISTING OF HOPI INDIANS LIVING ON AND OFF THE HOPI RESERVATION, INCLUDING HOPI INDIANS OF THE VILLAGES OF FIRST MESA (CONSOLIDATED VILLAGES OF WALPI, SHITCHUMOVI AND TEWA), MISHONGNOVI, SIPAULAVI, SHUNGOPAVI, ORAIBI, KYAKOTSMOVI, BAKABI, HOTEVILLA AND UPPER AND LOWER MOENKOPI, were passed out to those present. A copy of the Report as distributed at this meeting is attached hereto and marked Exhibit "K".

A map illustrating the Hopi aboriginal claim, the Claims Commission findings, the Executive Order Reservation of 1882 and the 1934 boundary bill reservation was also distributed to assist in the presentation of the report of the attorney. A copy of the map thus distributed is attached hereto and marked Exhibit "L".

Mr. Boyden also exhibited two large maps with details of the matters to be discussed traced upon them. Additional help was required and furnished to positively identify names on the map that did not correspond with the commonly used Hopi names for the same areas. The maps were discussed with sufficient particularity that those present were easily able to determine the location of the various lines drawn thereon.

Approximately 400 people attended the meeting. However, by the time of voting there was a lesser number because of the length of the meeting which extended over a period of approximately seven hours.

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Mr. Boyden proceeded to explain all of the issues involved in the settlement, much in the same manner as he had presented the matters to the Hopi Tribal Council. Reference was repeatedly made to the written report which was in the hands of the listeners and each topic set out in the attorneys' report was discussed fully.

After the report of the attorney had been concluded, members of the Tribe ask specific questions which were answered either by Mr. Boyden or by Mr. Abbott Sekaquaptewa when they pertained to Hopi Tribal Council action.

One member of the Hopi Tribe inquired as to whether the $5,000,000.00 was net or whether there were expenses and attorneys' fees to be deducted therefrom. Mr. Boyden explained that there were expenses although not as heavy as usually expected in a case of this kind to be paid out of the judgment. He also indicated that the fee of the attorneys would be determined by the Indian Claims Commission but by law, it could not exceed ten percent (10%).

After all questions asked had been answered, various members of the Tribe then expressed their personal views in talks that were limited to five minutes except where extensions were granted. At the conclusion of the talks, Mr. Ronald Moore moved that we proceed to ballot upon the proposition of accepting the offer as had been worked out under the terms of the proposed Stipulation and as had been approved by the Tribal Council. The Motion was seconded by Mr. Raymond Coin and a voice vote taken. The ayes were obviously in the majority and the chair declared that the voting would commence. Provision was made for the registering of each person voting and a record kept. Numbers upon the ballot were clipped before being deposited in the ballot box, keeping the voting secret. All tribal members of the Hopi Tribe 18 years of age or older making application to vote were allowed to do so, with the exception of two or three voters who appeared after the balloting had been completed and the votes counted. An appeal board was provided for any questions raised as to the eligibility of a person to vote. However, all voting decisions in this regard appeared to be satisfactory. The form of the ballot is attached hereto and marked Exhibit "M" and Exhibit "N". The white ballot being for all members 21 years of age and older, the pink ballot for all members 18 years of age and older. Counting was done with ample supervision to assure accuracy resulting in a final vote of 229 voting for the adoption of the settlement and 21 voting against the adoption. Two ballots were spoiled.

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It is my opinion that the discussions were open, free and voluntary with no undue influence. The voting was conducted in a fair and orderly manner. I am also of the opinion that the facts were clearly and fully presented to enable all Hopi members to understand, and the sentiment of the members present was truly expressed. I, therefore, recommend that the settlement be approved.

Respectfully submitted,

Alph Secakuku

Alph Secakuku, Superintendent

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