

Shing, Sam, 11-17-1953, Letter to Dow Carnal (Superintendent, Hopi Agency). John S. Boyden Collection, MS# 823, Box 57, folder 5. J. Willard Marriott Library Manuscripts Division. University of Utah, Salt Lake City.

P. O. Box 163
Keams Canyon, Arizona

November 17, 1953

Supt. Dow Carnal
Hopi Indian Agency
Keams Canyon, Arizona

Dear Mr. Carnal:

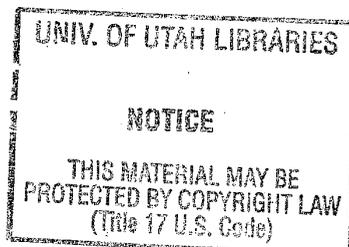
In reference to a letter of Mr. W. Barton Greenwood, Acting Commissioner of Indian Affairs, to Mr. Allan G. Harper, Area Director, Window Rock Arizona, dated October 22, 1953; and a letter of Mr. John H. Carnutte to Senator Barry Goldwater, Washington, D. C, dated October 9, 1953; and also affidavits of Mr. Ned Nayatewa and Mr. Robert Adams, both members of the Hopi Tribe, residing on the Hopi Reservation and Mr. Robert Adams, being an employee of the U. S. Government--affidavits being sworn to before a Notary Public, dated 30th day of September, 1953, these affidavits bear a very serious charge against me. And, I feel it and deem it proper as well as within my constitutional rights under the justice of law to defend my rights as a citizen of this free country.

As you know, I have been for many, many years working very closely toward the assistance of the Indian Service, U. S. Government, and the members of the Hopi Tribe; both through their organization group and with individuals, assisting them to understand the policies and program of our government. Also, I have been a Tribal Secretary and Interpreter for a number of years, and under this privilege I feel I have helped in a number of ways to bring a closer cooperation between my government and the Hopi Tribe.

About five years ago I was chosen and set apart by the Village Leaders of First Mesa to act for them as an interpreter in all their dealings with the government and other agencies in general. Since then, I have been called to sit in on all their meetings and explain to them different things at their request.

Prior to the village meeting of September 23, 1953, two meetings were held by the Hopi Tribal Council, one on August 25, 1953 and the other on September 1, 1953.

As is the usual procedure all village meetings are held after the Council Meeting, and this is usually called by the Chairman of the Village Council, in order that the information may be relayed to the members of the village as to what the Hopi Tribal Council had undertaken and what new business needs to be considered by the village people.



During the Hopi Tribal Council Meetings, as mentioned above, our Hopi Tribal Attorney John S. Boyden of Salt Lake City was present. Therefore, discussions were held on Public Law No. 277, concerning the sale of liquor to Indians; also Public Law No. 280 which gives certain states the right to criminal and civil jurisdiction over the Indian areas, which I shall explain later in this letter.

On September 22, 1953 I was informed by a messenger of First Mesa that a meeting was to be held on the evening of September 23, 1953 and that my presence was requested for the reason that the agenda would cover the things that had been discussed at the previous Hopi Tribal Council Meeting.

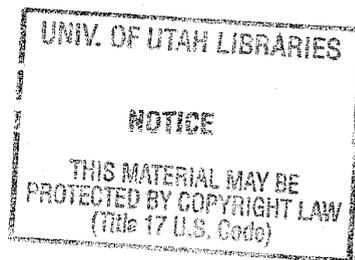
On the evening of September 23, 1953 I attended the meeting held at a kiva, which is an underground chamber built for that purpose as well as being used for other important village Tribal affairs. At this meeting we had about 50 people (men) present, the register being on file by the village council.

The meeting was called to order about 8:00 p.m. by Mr. Andrew Seechoma, Chairman of the First Mesa Council, who also was the presiding officer. Mr. Seechoma made the opening remarks which took some time. After that, Mr. Logan Koopee, Chairman of the Hopi Tribal Council, took the floor. He was followed by Mr. Herbert Seena, Perry Navasie, Bennett C. Cooke, Lawrence Lomavaya and Preston Nakala. These speakers were followed by a general discussion. This of course took several hours, and the meeting is usually carried on in all Hopi language.

At this point, I was then called upon by the presiding officer to explain to the group the recent enactment of Congress, which President Eisenhower has signed and which involves two important pieces of Indian legislation. First, I explained Public Law No. 277 which removes the old prohibition against the purchase of liquor outside of "Indian Country" by Indians and which enables the Indians to act in this respect as any other citizen may act under state law.

I also explained to them Section 3 of the Act, that in order that the Indians of New Mexico and Arizona might legally purchase the liquor, these states must first adopt constitutional amendments to accomplish such a repeal. I also explained that as far as "Indian Country" is concerned, the law provides essentially for local option. If the Indians wish to sell liquor within "Indian Country", they may do so then by simply adopting an appropriate tribal ordinance. I also told the people what our attorney had said pertaining to the enactment of this law at our August 25th meeting.

Next, I was asked to explain Public Law No. 280, which gives certain states the right to apply criminal and civil jurisdiction over Indian areas. I especially took great pains in explaining Section 6 and 7 of the act which read--



Section 6, "Notwithstanding the provision of any enabling act for the admission of a state, the consent of the United States is hereby given to the people of any state to amend, where necessary, their State Constitution or existing statutes, as the case may be, to remove any legal impediment to the assumption of civil and criminal jurisdiction in accordance with the provision of this act: Provided, that the provision of this Act shall not become effective with the aspect to such assumption of jurisdiction by any such State until the people thereof have appropriately amended their State Constitution or Statutes as the case may be."

Section 7, "The consent of the United States is hereby given to any other State not having jurisdiction with respect to criminal offenses or civil cases of Action, or with respect to both, as provided for in this Act, to assume jurisdiction at such time and in such manner as the people of the State shall, by affirmative legislative action, obligate and bind the State to assumption thereof."

These two sections were previously considered at the Hopi Tribal Council meeting on August 25, 1953. And as I explained at that meeting, the Council becomes very much concerned (see minutes, Hopi Tribal Council, August 25, 1953), because the bill went through without amendment to Section 6 and 7.

At this point I read and explained the statement by the President which was delivered from Lowry Air Force Base, Denver, Colorado, pertaining to Section 6 and 7 of the Act. I also explained Mr. Boyden's statement to the Council, concerning the Act and the Council's decision to go on record as asking Congress to amend the bill at their next session. I then told the Hopi people that we must prepare ourselves and our young people because the time is coming when we will be classed as any other people in the United States, and that education was the only solution and that higher learning was very essential for the survival of our future generations; that it is time that we must know the facts, even though it may hurt some of us, but we had better be prepared, because that is the policy of our government and the Bureau of Indian Affairs that "All Indians are citizens of the United States and no longer should be denied full enjoyment of their rights of citizenship."

I then read and explained an address by Orme Lewis, Assistant Secretary of the Department of the Interior, at a Seminar in Connection with the Intertribal Ceremonial, Gallup, New Mexico, August 13, 1953. In that address he expressed the key paragraph of his letter as follows:

"Federal responsibility for administering the affairs of individual Indian Tribes should be terminated as rapidly as the circumstances of each tribe will permit. This should be accomplished by arrangements with the proper public bodies of the political subdivisions for assuming responsibility for the services customarily enjoyed by Non-Indians--

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residents of such political subdivisions and by distribution of tribal assets to the tribes as a unit or by division of tribal assets among individual members, whichever may appear to be the better plan in each case. In addition, responsibility for trust properties should be transferred to the Indians themselves, either as groups or individuals as soon as feasible."

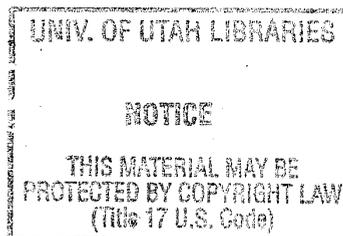
About this time, Mr. Ned Nayatewa jumped up to the floor with a very angry expression on his face and declared that I was directing my talk to him because he was a member of a local Republican Club and who is the present administration. He stated that it was not the Republicans to blame for the withdrawal move, and that the program had started during the Democratic Administration.

I immediately excused myself and said that I was only explaining what I had been asked to do and that I was not denouncing any party. I also agreed with him that the movement had originated in the past. I at no time said that the first major move was a plan to have the Indians of the Nation turned loose by the present government. This ended my talk and explanation of the business, and I then sat down.

At this time Mr. Bert Youvella, Chief of the Tewa Village, took the floor and addressed Ned Nayatewa. He said, "I am very sorry my son for the attitude that you have taken. I am afraid that you have not been working very close to your people and your subjects. I am afraid you have been misled by someone; therefore, you have been submitting certain letters into the Washington Office without the knowledge of our people and of the Council. May I recommend that from this time on all correspondence pertaining to the problems of our people be submitted through our Council, and I want the Council to notify the authorities in Washington that if any writing is forwarded into the office without the knowledge and over the Council Authority, it should be ignored by the Washington Office. Then Bert left the meeting.

Ned again took the floor and said, "Yes, this had been the case when the Republicans came out to our country before the last election, they had promised us many things that they can do for us if we vote for them. With this in mind I worked very hard during the last election, but now I have found out they have been telling us lies; so therefore, Mr. Byron Adams and I had written to them recently criticizing them severely for not keeping their word with us."

This summed up the meeting, except for discussing a few minor subjects.



At this time, Mr. Carnal, I like to add that as far as the Affidavit sworn to by Mr. Adams, it is invalid because about twenty minutes after the meeting was opened, he was called out of the Kiva by someone and had since never again returned to the meeting and he could never have heard me talk. We later found out that his son had been involved in an automobile accident that night and that was the reason he had been called out, and he was 12 miles away from the meeting where the accident occurred. Therefore, he had lied and swore under fraud and false statements which is in violation of 18 ASC 1946 Ed., Supp. LIII, 1913 as provided under Area Order No. 46, May 16, 1952, as a government employee.

As for Ned Nayatewa, I am sorry to say that this man does not have sufficient education to know what the affidavit means, and I don't think that he knowingly and willingly signed this document but is being misled by some individual because of Ned's dignity and that he is only being used as a tool to satisfy this person's self-gain.

And as for Mr. John H. Carnutte, I have never known this man personally, and I'm sure that he doesn't know me either. It was not until November 27, 1953 that I was introduced to and met Mr. Carnutte. This was at the Middle Village of First Mesa, and that was our first meeting.

Now, I would like to add too that I have never been influenced by any democratic politicians, and I am not being encouraged at any time by the Superintendent of this Agency to keep the Indians from voting whichever way they wish. That is their own free agency. In fact, I do not know who the democrats are in this State. I am afraid this is all the result of jealousy on the part of some individual who is trying to undermine my character.

And I am very proud to say that I have been working with these Hopis who have an interest in our government. Now, how could it be possible for me to promote or incite a feeling of hatred against the government and try to get the Hopi people into revolution to overthrow the U. S. Government by force and violence.

I welcome any action or investigation because I do not fear that I have done any wrong, and I do not have any guilty feeling, only I think that I should be given justice and be heard. And if the charges can be substantiated, I would be willing to resign my position as a government employee. If the findings prove to be false, I demand that these individuals be prosecuted and that Robert Adams be fired from the service, and that an investigation be made to find the instigator of this charges, and that he be dealt with justly under the law.

In concluding my statement I would like to confirm the time of adjournment which was at 12:30 midnight and not 3:00 a.m. as stated, which gave me until 1:00 a.m. to reach my home in Keams Canyon. I am very grateful for having the chance to make this answer, and I sincerely hope that I will be given due consideration in all matters and be given justice under the law. Thank you.

Sincerely,

Samuel Shing

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