

Zimmerman, William, Jr. (Acting Commissioner of Indian Affairs), 6-21-1948, Letter to James D. Crawford, Superintendent, Hopi Agency. Copy from Indian Law Resource Center website, Hopi Report, Exhibit 36.  
([http://www.indianlaw.org/en/hopi\\_report](http://www.indianlaw.org/en/hopi_report))

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Mr. James D. Crawford, Superintendent  
Hopi Agency

JUN 21 1948

Dear Mr. Crawford:

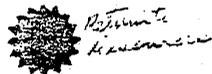
This will refer to your letter of April 30, 1948 concerning the problems that attend the granting of oil leasing privileges on the Hopi Executive Order Reservation. It appears that you have not seen Mr. McNickle's letter of November 5, 1947 which replied to former Superintendent Ladd's letter of July 9, 1947.

Superintendent Ladd in his letter of July 9 states, "The prejudice and opposition to a tribal council are still very strong. As you know, we have had no council for several years and there is still strong opposition to the election of one." In another paragraph of the same letter, Superintendent Ladd wrote, "I believe, however, that most Hopis in a majority of the villages would like to have their lands leased in order to provide an income and that they are in favor of using the tribal fund for general welfare and community improvements."

The dilemma here is a proper way to obtain tribal consent for a proposal which a majority of the people appear to favor.

In accordance with the provisions of the Hopi Constitution, a tribal council is the only mechanism for a legal expression of the will of the Hopi people. A tribal council elected pursuant to this Constitution would legally be endowed with all of the authorities contained therein. But, one of the reasons for the strong opposition of the Hopis, today, to a tribal council is the broad authorities granted the council by the Constitution which they approved on December 19, 1936.

I do not believe, however, that a tribal council elected for the primary purpose of considering certain well known and pressing tribal problems would break faith with the Hopi people by considering other matters affecting their interest and welfare. There are several major problems which need attention at once in the interest of the Hopi people but which can be acted upon only by a tribal council in accordance with the Constitution. Without a council the Hopi people are thus deprived of the means of securing that assistance which is needed to carry out the wishes of the people. All the while the problems become more difficult so that the impasse which has now developed may result in a loss or neglect of very valuable tribal assets and opportunities.



Carbon for Indian Office

EXHIBIT 36a

Three necessary major actions, which can only be taken through a tribal council, are:

1. Amendments to the Constitution.
2. The selection of a lawyer or lawyers to prepare and present the Hopi claims to the Indian Claims Commission.
3. The authority to lease land for oil development purposes.

It may not be timely to discuss all of these matters with the Hopi people, in connection with the election of a tribal council. You, on the ground, are in a better position than I to judge. If you believe that now is the proper time to discuss with the Hopis amendments to their constitution to overcome certain objections to the powers possessed by the tribal council, they should be well formulated and widely understood before the first meeting of a newly elected tribal council is held. Of course, it should be remembered that the initiation of amendments is the constitutional privilege of the tribal council.

The appointment of a tribal attorney is particularly important. Time is running out. Three years remain during which the Hopis must prepare and present their claims, under the provisions of the Indian Claims Commission Act of August 13, 1946. Indian claims are generally very involved and require intensive study and research before presentation. It is therefore of paramount importance that the Hopis act to recommend a tribal attorney for the approval of the Secretary of the Interior. The only way this can be done is through a tribal council elected pursuant to the provisions of the Hopi Constitution.

The Hopi people should elect a tribal council for the consideration of oil leases. If, however, because of internal political considerations they should refrain from the election of a tribal council, the only recourse would appear to be to recommend legislation to the Congress authorizing the Secretary of the Interior to negotiate oil leases in behalf of the majority of Hopis who want to lease the tribal land for this purpose. It is contrary to the national interest and to the interests of the majority of the Hopi people that these resources, if they exist, be locked up particularly when the majority of the people want to see them utilized. We want, however, to avoid if at all possible the presentation of such legislation since it would have the effect of overriding the Hopi Constitution.

I believe the Hopis will elect a tribal council if they fully understand that a council is the only legal device they have given themselves for taking action on those things which they have expressly reserved to the tribal council by the provisions of their Constitution.

I suggest that you study the opinion of the Solicitor dated June 11, 1946 entitled, "Ownership of the mineral estate in the Hopi Executive Order Reservation" that you may be prepared to discuss its implications with the Hopi people.

I shall appreciate being kept informed of the progress you are making in the election of a council.

Sincerely yours,

(Sgd) William Zimmerman, Jr.  
Acting Commissioner

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EXHIBIT 36b