

Washington than have the traditional Hopi, and for this reason the former have enjoyed preferential treatment by Indian Bureau officials. Navajo encroachments on Hopi lands were given scant attention in Washington. It was, therefore, natural for the Hopi to consider that the bureau's action in restricting them to "Land Management District Number Six" was a measure to favor permanent occupancy by the Navajo of three-fourths of the reservation to which they felt they should have exclusive ownership.

On August 1, 1958, Willard Sakiestewa, then Chairman of the Hopi Tribal Council, initiated legal action to regain ownership of lands which had been taken from them by the encroaching Navajo as well as by the Bureau of Indian Affairs by its establishment of "Land Management District Number Six." The Navajo entered a counter suit. The suit of the two plaintiffs, named as the Hopi Tribe and the Navajo Tribe, eventually were merged in a joint action against the United States of America as defendant and placed before the Indian Claims Commission.

Preliminary to making any decision, the commission reviewed in detail the extensive area of the Hopi Tusqua and the history of the Hopi, especially as it related to their early contacts with the whites in relationship to land use. The Navajo presented archaeological data comprising twenty-three volumes of site-sheet reports in an attempt to prove the antiquity of Navajo occupation of much of the land in controversy.

As to the Navajo contention that tree-ring and other archaeological data proved their long-time occupancy, the commission "found after careful consideration of all such evidence that the identity as well as the date of construction and date of actual use of many of the abandoned Indian sites within the subject tract was still a matter of conjecture" and "concluded that the weight of this archaeological evidence failed to overcome the many historical accounts written during this early American period which do not show any substantial Navajo tribal movement into the overlap area prior to the establishment of the 1868 Navajo Treaty Reservation."

On June 29, 1970, the Indian Claims Commission signed the following "Interlocutory Order" in Washington, D.C.:

Based upon the Findings of Fact and Opinion this day entered herein, which Findings of Fact and Opinion are hereby made a part of this order, the Commission concludes as a matter of law that,

1. The Hopi Tribe and the Navajo Tribe of Indians have the right and capacity to bring and maintain the respective claims herein.
2. As of December 16, 1882, the Hopi Tribe had Indian title to that tract of land described in the Commission's finding of Fact 20.
3. On December 16, 1882, the United States without the payment of any compensation, extinguished the Hopi Indian title to all lands within