

H O P I I N D E P E N D E N T N A T I O N

SHUNGOPAVY VILLAGE
SECOND MESA, ARIZONA
APRIL 25, 1973

WE, THE UNDERSIGNED HOPI TRADITIONAL KIKMONGWIS, OF ORAIBI AND SHUNGOPAVY VILLAGES, AT THE REQUEST OF SEVERAL TRADITIONAL VILLAGE PEOPLE, NOW CALL UPON ALL HOPI STOCKMEN, FARMERS AND RELIGIOUS LEADERS TO COME TO SHUNGOPAVY VILLAGE TO MEET WITH US ON THE NIGHT OF APRIL 27, 1973 AT 7:00 P.M.

THE PURPOSE OF THIS MEETING IS TO CONSIDER SERIOUSLY THE FOLLOWING SUBJECTS:

1. ORDINANCE NO. 19 WHICH THE HOPI COUNCIL HAS PASSED WITHOUT FULLY EXPLAINING TO THE VILLAGE PEOPLE. WHITE STOCKMAN FROM KEARS CANYON AGENCY HAS ALREADY ISSUED A LETTER TO HOPI STOCKMEN NOTIFYING THEM OF THE NEW RULES FOR STOCKMEN WHERE IT SAID BY MAY THE NEW RULING WILL BECOME AFFECTIVE. AS KIKMONGWIS WE DO NOT WANT ANYONE TO HAVE TO PAY ANYTHING TO ANYBODY TO RAISE STOCK.
2. MANY NEW HOUSING PROJECTS ARE BEING PLANNED ON OUR HOPLAND BY SOME OF OUR PEOPLE WITH THE BUREAU OF INDIAN AFFAIRS AND OTHERS WITHOUT THE APPROVAL OR CONSENT OF THE VILLAGE KIKMONGWIS. ANY NEW HOUSING PROJECT INVOLVED OUR SACRED LAND. LET US LOOK INTO THIS CLOSLEY.
3. COUNCIL CHAIRMAN, CLARENCE HAMILTON AND SOME OF THE COUNCIL MEMBERS ARE CONTINUALLY IGNORING THE WISHES AND AUTHORITIES OF THE KIKMONGWIS AND THE TRADITIONAL VILLAGE PEOPLE BY ACCEPTING NEW RESOLUTIONS, ORDINANCES AND BUREAU OF INDIAN AFFAIRS PROGRAMS WITHOUT FULLY EXPLAINING THEM TO THE HOPI PEOPLE THEY CLAIMED TO REPRESENT. AS KIKMONGWIS WE HAVE NEVER GAVE THEM SUCH AUTHORITY OR POWER, THEREFORE IT IS TIME WE QUESTION THEM INDIVIDUALLY AS HOPI PEOPLE AND FOR THE WELFARE OF OUR PEOPLE PUT A STOP TO THESE ILLEGAL ACTIONS OF THE COUNCIL. WE MUST DO THIS NOW IN ORDER TO PROTECT OUR WAY OF LIFE, RELIGION AND LAND.

KIKMONGWI

Claude Kewamjama
SHUNGOPAVY

CLAUDE KEWAMJAMA

KIKMONGWI

Mina Lansa
ORAIBI

MINA LANSA, ORAIBI

EXHIBIT 126 a

Date 12/13/71

At Black Mesa we Hopi people have some ruins being desecrated and we are afraid this might happen to our shrines in the sacred San Francisco Mountains as well.

The Hopis put their markings in those places in order to hold that land. We were told in our prophecies that whenever some other people come upon this land, they might claim it but our clan markings would be there to show that we have the deed to this country. This land was given to the Hopi people by the Great Spirit in order to hold it in common for all people. So now we are against this strip-mining and I will say too that we never did have any war with any other nation because Hopi means peace. At the same time, we do not have any treaty with the government so therefore we are still a sovereign nation and we should be left alone to do things in our own way and live the way we're supposed to live, which was instructed to the people by the Great Spirit.

We have the deed to this country. I must repeat this again because I would like the people to hear about it, that this land really belongs to the Hopi people and other Indians because we were the first people planted on this land by the Great Spirit and this land was given to the Indian people.

The Indian Bureau has no right to claim our land anywhere around here. The Hopi Tribal Council is just an instrument of the Bureau. They are not working for their people, they are working for the Bureau. We were told they would put our own men in office so when they defeat us the BIA (Bureau of Indian Affairs) will say "It's not our fault, your own people did it."

If they go ahead with the strip-mining they might set off an underground blast that would break up the earth under our feet and that would draw our water from under our feet. There'll be no water for the Indian people up in Hopi country and no water for animals and birds and other living things. We have springs around but they'll all dry up so there'll be no spring water left for human beings, Hopis and other animals too. We would like to have that mining completely come to a halt and not have anything more to do with it.

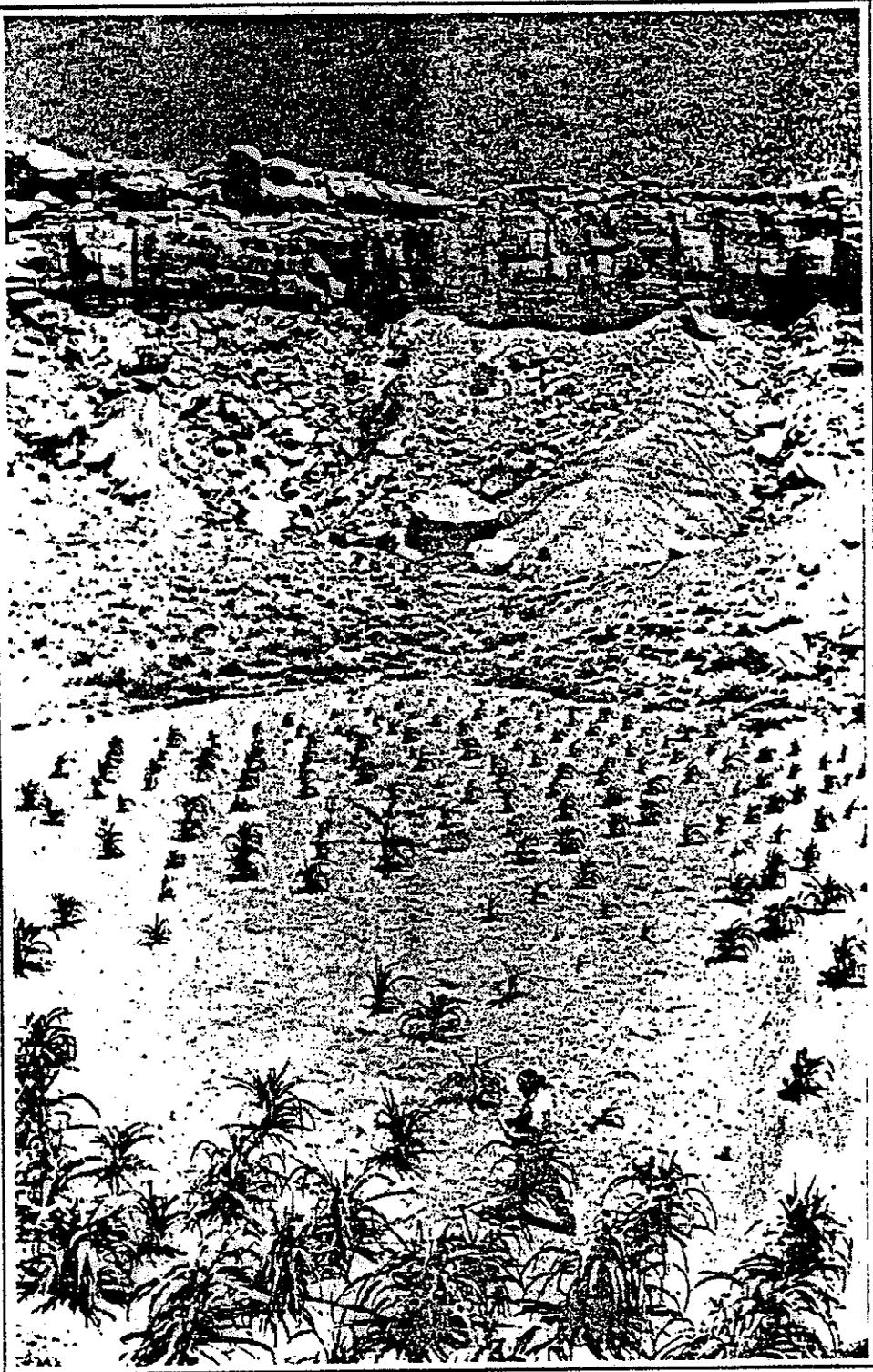
We are also very much concerned about the proposed development of our sacred mountains, the San Francisco Peaks. On our way to Old Oraibi, the Kachina and Parrot clans stopped in those mountains for awhile. They built houses of rock and when they moved on, they left their clan markings. In the middle of the summer, during the Home Dance, we take our prayer feathers over there. At harvest time in November, we watch the peaks for the first snow, then we start gathering wood. During mid-winter we make prayer feathers and set them out and think of the place where the prayer feathers would go, because each clan knows where they came from. We are looking upon all the people and praying for all the people and all living things. In June the Kachina and Parrot clans go to the peaks to gather eagles. These mountains are very, very sacred to the Hopi and Navajo people and their beauty would be destroyed if the plans to develop them are not stopped.

David Monongye
David Monongye, religious leader
Hotevilla Village, Hopi Nation

EXHIBIT 126b

Virgil Moreno

Traditional Hopi Speak for Themselves



Throughout the history of the new world, the white man has casually destroyed Indian lands and culture without ever bothering to really know them. This is as true on Black Mesa today as it was when the first \$24 bargain was made on Manhattan. Because of our indifference, Mina Lansa and Thomas Banyacya have made the long cultural journey from their world to ours to explain what the strip mining and power plants are doing to the Hopi. For many years Thomas Banyacya has served as the interpreter for the traditional Hopi people. Last summer many Hopi gathered to discuss the strip mining on their land and Thomas Banyacya made the following statement.

by Thomas Banyaca & Mina Lansa

Now, I want to make this statement to my people here, to consider very seriously that this menace is going to involve all of our people, throughout these villages, and other people in this area. It has been decided by our leaders that we must not allow the strip mining, or anyone disturbing our land at this time. We know that our old people have warned us against white

men who are only looking for material things, and who would do anything to get hold of our land and the resources that may be in it. And we know that he will use whatever means he needs to get it. He will offer us many things. We are warned not to be tempted, not to fall for it. Now the time has come for us to consider whether you are going to follow other leaders or follow us, who are

leaders. If you really are Hopi, you really want to preserve this land and life and look to the future welfare of all our people throughout this land. We as leaders are praying everyday so that there will be continued life for all people as was intended by the Great Spirit and Nature. We pray that all people have plenty of food to eat, that there be long life for our people. This is our daily prayer and this is the Hopi life that we are holding onto for all people in this land.

Now if you want to remain true to the Great Spirit's instructions and teachings, and to go forth and follow the leaders, you will have to decide now to come and help us in any way you can. Many of you can speak English now; many of you have good minds, and are able to do things that could help other people. And it is also known in our prophecy that if our people turn away like some have done in the past—they've learned the white man's language, they learned to look for material things—then they have no time to help us. They turn against us. We will search for people who may help us. It may come from other tribes; we know that. It is anyone who has been inspired, who has some knowledge and ability, and is willing, and has the courage and conviction, to do all they can to help us. We look to all people, no matter what race they may be. He may be a common person, but each one is expected to help at this time.

So, I want all of us to unite together and help one another. And support our leaders so that we may stop this. And I want to ask also, whether any of you—my people and others—can find a way, or do something to stop this tribal council or investigate it thoroughly. Call a meeting and look into their work. If there is any attorney or lawyer who has the ability, who is willing to do that, we will welcome him. We want them to be thoroughly investigated because it is the tribal council that is causing all this trouble for us. A handful of them, being backed by the Bureau of Indian Affairs, are doing it to us, and we need to look into them. We need to investigate both of them. Because we have never given them the authority, any place, to do this for us. We have never sent representatives to them because we do not recognize that body. It is not the Hopi way of self-government. So I hope that some of you will do something to help and really investigate this.

We know in our prophecy that we're going to come to that sooner or later: that someone is going to come and really look into this and it may be very severe on all of us. But this is part of the knowledge that we have. And if we, as a people, can not do it, someone is going to do it anyway. So we're giving everybody a chance to do something now to stop this strip mining at this time.

This is what I would press upon each one of you to start thinking: If there is an attorney willing to take this up, we want to talk with him. We want to find out more about how we're going to do it, what is to be done.

I just want to impress upon all of you that the time is now. We must act, everyone of us, so that we do not make a mistake of ripping our land. Because if we fall into it, if we let them go on doing this, and if we allow them to do this, it would involve all of our own children, our people. We are praying and working everyday throughout this land, that all people will have the chance to live in peace in harmony with nature and enjoy things that were given

to us by the Great Spirit. And I look to all people as my children and still hold them in my hand. I'm looking upon all of you to do something to stop this in any way you see fit. I will welcome anyone to come and talk with us, and I hope that something will come out of this meeting that will be of benefit to all of us. Thank you very much.

Earlier this year, Mina Lansa, Kikmongwi, made the following statement before the Senate Subcommittee on Administrative Practices and Procedures which is chaired by Senator Edward Kennedy.

I am Mina Lansa, Kikmongwi of the Hopi Village of Old Oraibi. I am one of four Kikmongwi, who together are the authority over all Hopi lands and life.

Like Mr. Nayatewa from First Mesa, I have been the subject of much bad treatment by Hopi Bureau of Indian Affairs Agency officials. They tell me over and over I have no authority. Instead, they chose to recognize someone else as Kikmongwi. The leadership of the village is something for the village to decide, not the Bureau of Indian Affairs. It is just convenient for the Bureau of Indian Affairs to recognize someone else who agrees with their policies, which is what they have allowed to happen.

Anyway, I hear you are interested in the Central Arizona Project because of its effect on Indian land and water. You should be interested in the situation of the Hopi then. Hopi Land was leased out by the Hopi Tribal Council for a coal mine. It is on Black Mesa (*Tukunavi*). The Tribal Council did not consult the Kikmongwi, the holders of the land, as they are supposed to do. We oppose this coal lease because it violates our Hopi beliefs. That is why we have brought a lawsuit to stop this lease. The suit, which is against the Secretary of Interior and the coal company, is pending in Washington, D.C., where it should be heard. The Secretary should not have approved the lease because the Tribal Council acted illegally in passing the lease.

Part of the coal from the Black Mesa mine goes to the Navaho Power Plant which is being built. The Bureau of Reclamation will be getting almost 25 per cent of the electricity produced for use on the Central Arizona Project. The electricity will work the pumps to get the water from the Colorado River to Phoenix.

The Interior Department through the Bureau of Indian Affairs is supposed to help us protect our lands, but in this case, they needed *our lands for their own* Central Arizona Project. This is a conflict of interest which they talk about.

The Interior Department says the Hopi got a good deal because they got money for the lease. We don't want the money—we want *our land*. Our land is now being torn up by strip mining and it threatens Hopi Life. This kind of thing leads us to destruction. Land, water is precious to our physical and spiritual life. We depend on our Mother Earth for our existence. The government will not provide our physical and spiritual needs after you have taken all from us. We, the Hopi, were the first who step on this continent, it is Hopi Land. The Land was given to us directly from the Supreme Power and it does not belong to the government.

I appreciate your concern and interest and I earnestly hope you will begin to work towards resolving the many wrongs done us.



HOPI INDEPENDENT NATION
P.O. BOX 156
ORAIBI, VIA, ARIZONA 86039

JANUARY 23, 1974

CHIEF JUDGE ARMSTRONG
Trial Court
Beans Canyon, Arizona

ATTENTION: JOHN S. BOYDEN

Dear Sir:

Due to recent outcome of a trial in the case of Mr. Bernard Dawahoya versus Mr. Wayne Taylor both of Shungopavy village where you had presided in Hopi Court and fined Mr. Dawahoya a heavy fine of \$500.00 or more with seemingly no regards for the Hopi's feeling about their cornfield which has been for a numbers of years continue to be destroyed by Hopi cattle whose owners has refused to pay for damages. This has now alarmed our Hopi farmers and people to the fact that here in Beans Canyon Court no help or justice is found for the farmers as well as others.

Therefore upon the requests of many Hopi Traditional Leaders and people we as traditional Limongwis called a village meeting to consider these and other issues now confronting our vil-

lage people. At our meeting yesterday in Shungopavy Miva meeting where many Hopi religious Headmen, Associate Judge Harry Chace, Alvin Dashee, Vice Chairman of the Hopi Council, Representatives from DNA in Tuba City and many village people were present and strongly demanded that another meeting be held on this and other cases.

Because we all feel that our traditions, religion and way of life and land are now threatened by your action or others we have urgently request that you, your Associate Judge Harry Chace, Attorney John S. Boyden, Council Chairman Abbott Sekaquaptewa, Hopi Stockman and Beans Canyon Range-Rider meet with us in Shungopavy on January 26, 1974, Saturday at 10:00 A.M. to seriously consider our way of life, land and stock. We want to know why you, a white judge now presiding in a supposedly a Hopi Court; what is Ordinance 21, who has initiated it and what it contains and future meaning to the Hopi people. These and many other vital issues were not fully explained to our Hopi people yet they are being approved by the Council.

We call upon all Hopi people to come and participate in our meeting. This will be again held in one of the Mivas. We urged upon you to call the attention of above named to this meeting

SHUNGOPAVY LIMONGWIS

ORAIBI, LIMONGWI

RELIGIOUS HEADMEN:

EXHIBIT 126e

H O P I I N D E P E N D E N T N A T I O N

SHUNGOPAVY PUEBLO
SECOND MESA, VIA, ARIZONA 86045

MR. CARLTON R. STOIBER
Director
Office of Indian Rights
Civil Rights Division
Justice Department
Washington, D.C. 20550

June 11, 1974

Dear Sir:

Thank you for your letter and a copy of a letter to Honorable James Abourezk dated May 9, 1974 relative to the recent desecration and destruction of our Ancient and most sacred Kivas in Shungopavy Pueblo on Second Mesa in Hopiland. We deeply appreciate your interest and offer of help. Due to several religious ceremonies being held the past three weeks we were unable to meet and to send you further information on this vital matter. We had finally held our meeting on this date so we are now presenting to you and others the following facts and truths discussed at our meeting.

1. Claude Kenwanyama is a fully recognized and properly installed by our Religious Society as Hereditary KIMONGWI and is of the Black Bear Clan. No one can ever take his place or take his power and authority away. Religious Headmen can only relieve him of his religious duties when their sacred ceremonies come along during the year.

2. The oldest and most sacred Kivas, one of which belong to Shungopavy Kikmongwi, were totally destroyed by some of our young men in our village without permission from our highest Kikmongwi and his religious Headmen. They have met with them several times and told them that these Kivas must be repaired using only native stone and adobe for mortar in keeping with the traditional way of constructing Hopi Kiva. It must be built without payment to anyone. Our Kikmongwi do not want the cinder blocks or cement to be used. It must be rebuilt without destroying sacred shrines planted inside of Kivas as well as outside. All this protest was totally ignored by these men some of whom are employed by the Bureau of Indian Affairs and Hopi Tribal Council. They have used the BIA's heavy equipment and have pushed out everything and scattered sacred dirt on our streets. Our Kikmongwi and Religious Headmen want this to be fully investigated.

EXHIBIT 126f

again here or elsewhere on Hopiland. We look to these Kivas as our Spiritual Center just the same way you look to your Church for spiritual teachings. Kilmongwi's Kiva contained many sacred and religious objects, shrines and Alters. These Kivas were built by our ancestors with ancient rituals and songs. We are very con- cerned and unhappy that today it is doubted that anyone now living among our highest religious headmen know these ancient sacred songs to rebuild these Kivas in the proper manner. All of our ceremonies, initiations, imparting of our sacred songs, rituals to a new initi- ates takes place in Kilmongwi's Kiva. All Hopi way of life is root- ed in this Kiva. To desecrate, destroy or even moving any sacred objects in or around this Kiva involved danger to the life of any- one doing so. It could cause severe windstorm, hail, flood, earth- quake, drought and sickness to mankind. For these reasons we who fully understand this fact now urgently call upon your office to bring about an immediate investigation and punishment if necessary according to your laws. We are aware of your laws concerning re- ligious rights, property rights, civil rights and antiquity law. Our highest Kilmongwi and our official Interpreter, Thomas Banyacya has been totally ignored by both the employees of the BIA and the so-called Hopi Tribal Council. They have certain rules or laws to follow but they both have violated them in this case. This must stop.

The following men have become involved in this destruction of our sacred Kiva. Fred Kabotie, George Nasafte, Peter Nuvansa, Jr. Saul from Hotevilla, Herman L. from Bacobi, Louis Finto, and others we will name when your investigators comes out and meet with us. This must be done as soon as possible as these young men continue to construct a Cinderblock and Cement Kiva against the wishes and pro- test of our Highest Kilmongwi.

Sincerely yours,

KILMONGWI Claude Kewanyama
 CLAUDE KEWANYAMA

RELIGIOUS HEADMEN:

Otis Polelomena
Harold Kouch
Herbert Talahoflawo

Lawrence Kewanyama
Augustine Mowa
Richard A. ...

EXHIBIT 1269

H O P I I N D E P E N D E N T N A T I O N

KIKMONGWI OF SHUNGOPAVI
SECOND MESA, VIA, ARIZONA 86043

December 19, 1974

MR. ABBOTT SEQUAPTEWA
Chairman, Hopi Council

MR. ALF SEKAKUKU
Hopi Superintendent
Keams Canyon, Arizona

A report of the meeting in your Council Hall which was held yesterday over our strong opposition of housing project now taking place below our Second Mesa Pueblos on the area always considered sacred and has been used for religious purposes by our Antelope and Snake and other Religious Societies on Second Mesa.

Upon hearing the outcome of the meeting where you suggested that a free and informal discussion on this housing project by those present then walked out with all your councilmen giving no chance to question you and your councilmen by the Attorneys representing the Traditional people and by my Religious and Clan Leaders who are very concerned about this project on religious grounds, my Religious Headmen and I became very concerned for the future of our Hopi people.

We became concerned because you are suppose to be Hopi people, working for the Hopis, educated and claiming to represent the Hopi people yet continue to avoiding the Hopi people by walking out on them. Instead you allowed your interpreter Samuel Shing from Upper Moencopi to disturbed the free assembly by self-appointed way started to instructed the Shipaulovi women to insist on moving out of the room all those who did not belong to Shipaulovi and Shungopavy and not to speak unless all none members of these two Pueblos are evicted. This was done by our Sargeant-at-Arms Thornton Maho from First Mesa who seemed to enjoyed pushing the Hopi people around.

By this action all Council members have again violated your Constitution and By-Laws which all Councilmen are strickly required to follow. It has been showned to me that in ARTICLE III Sec. 3. it read: "Each village shall decide for itself how it shall be organized. Until a village shall decide to organize in another manner, it shall be considered as being under the traditional Hopi Organization, and the Kikmongwi of such village shall be recognized as its leader." In ARTICLE VI Sec. (c) "To prevent the sale, disposition, lease or encumbrance of tribal lands, or other tribal property." Sec. (k) "To protect the arts, traditions, and ceremonies of the Hopi Indians."

By your continued disregarding of the wishes of the majority of our Hopi people and by suppressing their free expression of their opinions your Councilmen seriously threatened the very land, life and religion of the entire Hopi Nation. We as Kikmongwis and Religious Headmen will no longer tolerate your dictatorial rule. This must stop. Therefore, I, CLAUDE KEMANYAWA, traditionally Initiated and Installed as Hereditary KIKMONGWI of Shungopavy by our highest religious Society where a symbol of Power and Authority, TIPONI, placed in my hands, now ORDERED that you both act immediately and stop all housing projects, water and sewer lines in the area now being constructed against my wishes and consent and that of those Bear Strap Clan members. I now call upon all Hopis and others to help us stop this and bring about full investigation of each Council members and workers as soon as possible.

RELIGIOUS LEADER:

Charles T. Kewanyawa
LOLAPEWA
- Kewanyawa

KIKMONGWI Claude Kewanyawa
CLAUDE KEMANYAWA, SHUNGOPAVI

EXHIBIT 126h

The Committee of Concern for the
Traditional Indian (CC/TI)
P.O. Box 5167
San Francisco, California 94101

December 12, 1975

Mr. William E. Simkin
Special Mediator
Federal Mediation and Conciliation Service
5210 North Nina Drive
Tucson, Arizona 85704

Dear Mr. Simkin,

Following up our letter to you of October 29, 1975, we again urge you to consult with the Navajo-Hopi Unity Committee before you formulate a decision pursuant to Public Law 93-531, the "Owens Bill." In accordance with our analysis, we respectfully urge you to formulate a decision which completely and categorically prohibits the partitioning of the lands which are the subject matter of that Law. With all due respect and with awareness of the complexity of United States government/Navajo/Hopi relations, P.L. 93-531 should never have been passed in the first place. As concerned citizens we are writing you in the hopes of preventing a great misdeed from being perpetrated by our government.

Public Law 93-531, while no doubt intended to benefit both the Navajo and Hopi peoples, presents an extreme danger to those peoples. The danger is implicit in the fact that the legislative and executive branches of the U.S. government as well as the U.S. judicial system have assumed the rights and powers to divide and distribute tribal lands.

The Hopi and Navajo peoples hold their lands on several grounds and their title to the lands are recognized by several instruments. They hold their lands religiously and by aboriginal, traditional and ancestral use and occupancy title. These proprietary titles and claims were recognized in the Treaty of Guadalupe Hidalgo by which the United States took control of the Southwest. Thus, the various U.S. executive orders and documents relating to the Navajo and Hopi peoples which secured to them their lands, were, in effect, recognition of those ancient aboriginal and legal claims. It is in these general terms, then, that the complex situation of today must be cast.

One cannot escape the fact that P.L. 93-531 is essentially a vehicle for violation of the sovereignty, self-determination, integrity, self-sufficiency and rights to self-governance of the Hopi and Navajo peoples. That this broad analysis is correct is verified by the fact that, pursuant to passage of P.L. 93-531, both the Hopi and Navajo tribal police forces were denied jurisdiction and ordered out of the so-called "joint-use" sector of the Hopi Reservation. The tribal police were replaced by Bureau of Indian Affairs police at the instance of the B.I.A. Few actions could more clearly indicate the basic

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implications of P.L. 93-531: that is, giving control of Hopi and Navajo lands into the hands of the U.S. government.

The usurpation of Indian control over their own lands affects not only the socio-economic and political realities of the Indian nations, but also violates their religion and the deep religious principles which underlie their very identity. The most essential spiritual and religious nature of Hopi and Navajo relationships and duties and responsibilities to their lands is clearly at stake. In this sense, P.L. 93-531 harkens back to early United States' policies which called for extinction of Indian peoples through physical means and through forced acculturation.

In a very real sense, with P.L. 93-531 as a precedent, no reservation lands will be safe from partition or other proceedings originating in the various branches of the U.S. government.

The Hopi and Navajo Nations are just that, they are nations. They not only have the right but also the ability to handle their own affairs. As the facts show, the so-called "Navajo and Hopi land dispute" was exacerbated and formalized by U.S. government action. Governmental action in the form of P.L. 93-531 merely continues that interference--an interference that has already wrought and will continue to bring unmeasurable suffering to the people whose lives are thus manipulated. As neighbors for nearly 500 years, the Hopi and Navajo have well-established, complex intertribal relationships. Governmental actions have served to subvert those relationships. In the process, these actions have clearly shifted intratribal and intertribal powers away from the Hopi and Navajo, placing them instead within the agencies and branches of the U.S. government. We urge you not to be a party to this process; we urge you not to partition the lands which are the subject of P.L. 93-531.

With all due respect, we urge you to consider the following facts.

1. The Executive Order of 1882, while allowing the Secretary of the Interior to settle other Indians thereon, provided, in fact, a tract of land for the exclusive use and ownership of the Hopi. It recognized a portion of the aboriginal, ancestral and traditional claims of the Hopi and it followed previous legal recognition of that claim. The intent of the "Executive Order which established the Hopi Reservation is carefully examined by John Boyden in his letter of April 12, 1973 which was incorporated into the Congressional Record of the Senate hearings on P.L. 93-531. That letter clearly and adequately makes the case that the intent of the 1882 Executive Order was to grant the Hopi an exclusive jurisdiction. The letter demonstrates that all earlier and later documents securing lands to the Navajo respected the boundaries of the 1882 Hopi Reservation. Thus, Navajo lands completely encircle but do not intrude upon the Hopi Reservation. The implication is inescapable that exclusive Hopi jurisdiction (or at least non-Navajo jurisdiction) was intended in all actions securing lands to the Hopi and Navajo up until the present. The Executive Order of 1882 does not bear interpretation as providing for Navajo use and ownership.

2. The history of the so-called "Hopi-Navajo land dispute" extends informally throughout most of Hopi-Navajo history. However, the issue was singularly formalized and exacerbated in the 1940's with the creation of Grazing Districts. One must note two points of importance regarding the Grazing Districts:

EXHIBIT 127b

A) the Grazing Districts were imposed as "land use" or "land management" districts (the Hopi, of course, protested that land "use" would soon be interpreted as land "ownership"); and B) the Secretary of the Interior did not settle the Navajo upon the 1882 Executive Order Hopi jurisdiction lands, the B.I.A. and the Department of Land Management did it through the Range Management Program--a process which circumvented the formality of the 1882 Executive Order. Of course, as well known, the grazing district units have since become the subject of legal and legislative dispute, culminating in P.L. 93-531. The force of governmental influence on the so-called "land dispute" cannot be stressed enough. Even the Bureau of Indian Affairs recognizes its own role (obliquely, perhaps) when it says: "The Navajos, with the approval of the Bureau of Indian Affairs, moved into most of the Joint Use Area in the 1930's and are still there" (Department of Interior News Release, June 5, 1975, page 1). One must remember that in the 1930's there was no "joint-use" land, only the 1882 Executive Order Hopi Reservation and the surrounding Navajo Reservation. Thus the U.S. government played a major role in instigating the "land dispute" and has thereby promulgated enmity between the Navajo and Hopi. The Hopi and Navajo had effectively dealt with each other for centuries. The crux of the dispute seems to lie upon governmental interference. While the Navajo-Hopi Unity Committee claims that the dispute can still be effectively resolved between Navajos and Hopis--directly--they have been ignored during the whole process giving rise to P.L. 93-531. We believe they are correct in their assessment of the situation.

3. There is reason to believe that Healing v. Jones, which is the basis for P.L. 93-531, is of no legal force and effect. The history of the Hopi Tribal Council is surrounded with controversy. One thing is clear however: if the Tribal Council lacked a properly certified working majority at the time of certain important actions, those actions become void and are without legal basis. Research indicates that the Hopi Tribal Council has been functioning illegally (by its own Constitution and By-Laws) since the early 1950's until within one or two years of today. Therefore, Healing v. Jones, brought by the Hopi Tribal Council chairman on behalf of the Hopi people as against the Navajo Tribal Council chairman and the Navajo people, is not a legal or binding case.

Briefly the documented Hopi Tribal Council history is as follows. Because the kikmongwi refused to certify representatives to the Council in the late 1930's, the Tribal Council became defunct. Pursuant to the Hopi Constitution and By-Laws, the B.I.A. recognized that the Tribal Council was defunct and refused to work through it. Although there were Hopi individuals who wished to continue functioning as a Tribal Council, the B.I.A. continued to withhold recognition because these wellwishing individuals were not properly certified. This situation lasted throughout the 1940's until the early 1950's. However, during this period, the B.I.A. kept attempting to secure representatives and to re-establish the Hopi Council. Finally, in late 1951 or early 1952 a fiat was handed down which created a Tribal Council around those individuals who had been previously recruited. In effect, since the Tribal Council could not be revived legally, in conformance with the Hopi Constitution and By-Laws, it was to be created ("reorganized") anew by the B.I.A. Acting Commissioner of Indian Affairs W. Barton Greenwood wrote:

EXHIBIT 127c

"We will recognize the Hopi Council as the governing body of the tribe as a whole until such time as that body is modified or changed through the wishes of a majority of the Hopi people from the different villages . . . (Hopi Hearings 1955:183).

The Tribal Council, thus revived, began functioning despite the lack of a properly certified working majority. During and after the Hopi Hearings of 1955 the government reasserted its recognition of the Council despite the fact that during the course of those Hearings many Tribal Council members revealed that they voluntarily served on the Council without proper certification from the village kikmongwi because of their belief that the Council organization was beneficial to their people. (For example, see Bakabi meetings, Hopi Hearings 1955:215-234) Thus the constitutionally required working majority of legal (i.e., "certified") members was absent in the 1950's. The Native American Rights Fund in 1971 also studied the legal position of the Hopi Tribal Council and found that as of 1966 the Council continued to lack a legally constituted working majority (see Lomayaktewa et al. v. Morton et al., 1971).

The implications of this documented history are clear. With the Tribal Council illegally composed and non-functional according to the Hopi Constitution and By-Laws, governance of the Hopi falls to the traditional village kikmongwi and other village leaders. Yet the traditional leaders have been systematically ignored throughout the entire period when important land questions have been considered by the U.S. judiciary and the U.S. legislature. The traditional Hopi leaders are, in effect, neglected but rightful and indispensable parties to such actions as Healing and to P.L. 93-531. (This is an additional reason why we have urged you to consult with the Navajo-Hopi Unity Committee.)

Thus we see that if the Hopi Tribal Council is illegal, it does not represent the Hopi. Since a court has to have jurisdiction over a case before it can decide the issues, the proper parties or claimants must appear before the court to give it that jurisdiction. If the Hopi Council did not represent the Hopi as a legally constituted body, the court had no jurisdiction in Healing. Moreover, while the U.S. government has the role of arbiter of potentially violent and/or irreconcilable disputes (which is not the case with the Hopi-Navajo "land dispute" despite publicity generated by public relations firms), the government can only act when it is called in by the parties to that dispute. Its right to act derives from a request by the parties. If the Hopi Council was illegally composed, then the U.S. legislature has no jurisdiction and no right to pass P.L. 93-531.

We realize this letter comes to you in the eleventh hour, but we sincerely hope you will consider the points raised. Partitioning the lands under question will cause extreme personal suffering because of relocation as well as undermine the well-being of both the Hopi and Navajo nations.

Very truly yours,

Carol Grenall

Carol Grenall

For the Committee of Concern for the
Traditional Indian

cc: Navajo-Hopi Unity Committee

EXHIBIT 127d



Qua

TOQTI

OPINION

2-QUA'TOQTI, Oraibi, Arizona November 29, 1973

Time is running out on Hopi Traditionalists

During the election just past, in the midst of all the campaigning, there was another campaign, of sorts going on.

A notice of a meeting was circulated over the signature of Mina Lansa of Old Oraibi. This meeting was held at Hotevilla at Howiovi, the north kiva, on Sunday, November 18.

The purpose of the meeting, as stated in the notice, was to suspend the general election until all the candidates were investigated.

Scheduled for 9 a.m., the meeting didn't get under way all morning as the half dozen or so elders sans Mrs. Lansa sat and listened to their interpreter-advisor read various newspaper items and stories pertaining to their interest, as the small group waited for people to come.

By noon the expected crowd did not materialize. The group broke for lunch. The gathering resumed about 1:30 p.m. but the expected crowd did not show.

Several times an attempt was made to broach the subject at hand but each time it failed. This went on until late in the evening.

This group of men are usually referred to as the Third Mesa Traditionalists, who call themselves the Hopi Independent Nation.

This Editor last attended a meeting of this group about twenty five years ago. The theme of the talks has not changed: The Hopi Tribal Council is a lackey of the BIA, and does not represent the Hopi people "We are the true leaders," they said back then, and they imply it now. But there are some changes. These men are now old, every one of them except their interpreter-advisor-spokesman. They are all at least 70 years old.

There is another change---they no longer have a following.

In this meeting they lamented the fact that they have lost control and influence over the young people. They reasoned that money and "the good life" was too much for the young people and lured them away. The people who have been "lured away" can give several other reasons.

This group has literally gone all over the world asserting its right to lead the Hopi people.

However, they didn't do any "home-work." They did not take their case to the Hopi people. Instead, they chose to use scorn and ridicule against the Tribal Council, which, while it has not always smelled like a rose in the past, it successfully ignored them and went on without them after making futile attempts to reach some sort of a consiliation with them.

Their dedication to "Hopi-ism" was legitimate enough in the beginning. Their fathers were the conservatives who split from Old Oraibi in that famed event shortly after the first of the century. Their forebears were the defenders of Hopi life, who chose to be evicted from Oraibi rather than to "give in" to the whiteman. Most of this group of elders participated in that event as children.

But sometime between 1906 and today, something happened. Somewhere along

While their rhetoric continued to be filled with noble ideas and beautiful words, their actions belied it all. People who wanted to follow them in the "true Hopi way" began to turn away when they couldn't reconcile the words and deeds of these men.

When their ceremonial activities became erratic and the Tribal Initiations were not held, the ceremonies began to break down and the young men did not learn the priesthood and the "generation gap" became a reality.

It is a sad thing. Many of these elders in their younger days were proud men, with dignity and respect in the community, dedicated to a noble cause. Possibly they were misled by one or two among them.

But they have lost. No one is ready or willing to take up their cause when they are gone. They didn't lose to the whiteman. Their children only indirectly overcame them. They have worn out. Time has run out on them.

They will continue to struggle for their cause, but they no longer have the courage nor the strength. Soon they must leave, one by one. But life will go on, it will be different from what they fought for; hopefully it will be better for those who will live in it.

Ironically, if these men understood Hopi prophecy, which they surely did, they knew from the beginning that this struggle would end up as it did.

Possibly they knew they had to act out their part in this drama of Hopi life. If this is so, it is for ourselves we must be sad for not understanding their role in our life.

As for the results of that Sunday meeting, this group, late in the evening, after the QUA'TOQTI reporter left, put together a letter in which they charged three of the four candidates in the general election with things that come so close to libel that no newspaper would dare publish it. This letter was mailed to newspapers, QUA'TOQTI among them.

While their letter "to all Hopi people" states that "we have never voted on anything in our village," the Hopi Independent Nation chose to become directly involved in the Tribal Elections by its demands to investigate the Candidates' background and personal life, before they are voted upon.

It thereby acknowledged that the "so-called Tribal Council" (quotation theirs) does exist and has elections.

It is possible that they see the handwriting on the wall. They are now saying that they have their feet planted on both sides of the "fence," that they will follow the lead of which-ever side wins out.

Such a position was unthinkable only a few years back. It is an untenable position for them since it implies a compromise of their oft stated claim that they are the only true leaders of the people, that maybe it is possible that the Tribal Council could provide leadership.

However, compromise is a key to progress and while it may be wishful thinking, it would be the greatest happening in our Hopi World if we could



EXHIBIT 128

INDEPENDENT NATION

P.O. BOX 156
ORAIBI, VIA, ARIZONA 86039

November 19, 1973

TO ALL HOPI PEOPLE:

A great demand has been expressed by our traditional Kikmongwis and their representatives at a three meetings held during the past two weeks that there be no Election held at this time as hardly anyone know the backgrounds or past and present records of each individuals now running for Chairman or Vice Chairman. As Hopi Traditional Kikmongwis and Religious Headmen we are very much concerned for our Hopi way of life, religion and homeland as they are now threatened by illegal activities of the so-called Hopi Tribal Council since it was started. In order to preserve and maintain our long established form of traditional self-government which is based on religious principle we have never voted on anything in our villages.

Instead of voting we should bring about a full investigation of all activities of the Council, Tribal money, and look into the backgrounds or records of each Council members as well as all Tribal workers. Are they following their established Rules and Regulations, Constitution and By-Laws? If not, they should be removed immediately and punished if found guilty of violating our rights and authority over our land.

In order that all Hopi people know the following candidates now running for Chairman and Vice Chairman the following informations were presented at our meetings.

Clarence Hamilton is a member of a Tewa people. He has held the Chairmanship illegally. He has been relocated to Parker, Arizona some years ago and by signing away his full rights and interests on Hopiland he was given a land at Parker and officially accepted into the tribe in Parker, Arizona. He is now married to a Navajo woman. He was found drunk on Hopiland by Hopi police. He threatened to fire the policeman if he arrest him. He is a member of a Christian Church. He is found to be very prejudice especially towards the traditional Hopi leaders and people. He has struck our interpreter in a face with his bare fist and attempted to choke him in from of

EXHIBIT 129a

Page 2.

his entire police force and Hopi and other Indian people. He has signed many Ordinances without fully explaining them to the people he claimed to represent such as Ordinance No. 21. This was never shown to the Hopi people. By doing so he has obliterated the Code of Federal Regulations which was provided by the Federal Government for the protection of the Hopi's interest. He then placed a white man in Tribal Court as Chief Judge. Recently when he was asked by someone at the Hopi Culture Center if he will run for Chairman seat again Clarence Hamilton said, "Hell no! Hopis don't want anything. I have nothing to do with the Hopis."

Abbott Sekaquaptewa has been known to be very prejudice towards traditional Kikmongwis, religious Headman and people. He has leased a large area of Hopiland to Oil Companies for oil prospecting without knowledge or consent of the Hopi Kikmongwis and village people. He refused to meet the people over this matter instead barricaded himself at his home and protected by Hopi police. He has become involved with a teenage girl then later married another woman. He has children but recently left them and ran around with a white girl who was working in the Oraibi area. He has supported a Bill which set up Federal Court in Prescott, Arizona where a decision was made creating District 6 as a Hopi Reservation and the rest of the reservation outside of Dist. 6 was to be shared by the Navajos within the Hopi Executive Order Reservation of 1882. He was supporting a Bill introduced by Sam Steiger by instigating an incident in his attempt to get congressional support by provoking the Navajo Stockmen. He torched down their fence and ran to Governor Williams for protection. He published a propaganda to the general public that there was a war going on between the Navajos and Hopis. Later he took some singers to Washington, D. C. and picketed the Bureau of Indian Affairs Building.

Samule P. Shing. He is also very prejudice, arrogant and show little respect for the traditional people. He was involved with a woman while employed in Keams Canyon Agency and was later transferred to Salt Lake City, Utah. He is a member of Mormon Church and while an employee in Keams Canyon Agency brought great pressure on the Hopi people to hire John S. Boyden as an attorney for the Council. Boyden has cut up our land into a very small area and is about to give most of it to the Navajos. By doing so he become a millionaire while Hopi people ^{are} near bankruptcy.

EXHIBIT 129b

Alvin Ami is from Polacca and is new in Hopi political scene, a young man inexperienced as far as traditional Hopi religious knowledge is concerned. He is not too well known among most of the Hopi people.

We have brought about these meetings with the help of other traditional leaders and people in order that we know what is happening to all of our Hopi people. As Hopi leaders we are really concerned for the future of our children. So-called Hopi Tribal Council by hiring John S. Boyden as their attorney have filed a suit against the U. S. Government for lands that were taken away from the Hopis without compensation. That means selling our sacred homeland to the U.S. Government for a few pieces of dollars.

As Hopi Kikmongwis not all of us have signed the Contract of John S. Boyden and it is true that people in traditionally established villages of Mushongnovi, Shungonavy, Oraibi, Hotevilla and Lower Moencopi have never recognized the so-called Hopi Tribal Council and from the beginning never signed a Contract of John S. Boyden.

So let us all get together and do away with all this illegal activities of the Council and follow our own form of traditional self-government which was here and is still here long before any white man came upon our land. Let us continue to hold all land in common for all of our Indian people by carrying on our religious instructions.

KIKMONGWI

Mina Lansa
MINA LANSA, ORAIBI

WITNESS

David Monongye
DAVID MONONGYE, RELIGIOUS LEADER,
HOTEVILLA



United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
HOPI AGENCY

P. O. Box 158
Keams Canyon, Arizona 86034

IN REPLY REFER TO:

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 PRO-
POSED 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.



EXHIBIT 130a

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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.

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

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 colleges 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 conducted 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

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.

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.

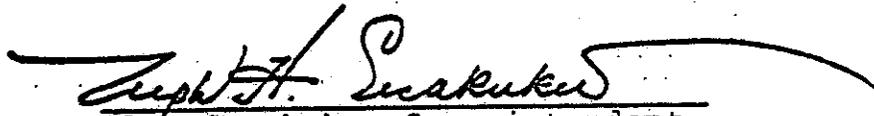
After the report of the attorney had been concluded, members of the Tribe ask specific questions which were answered either by Mr. Boyden or by Mr. Abbott Sekaquaptewa when they pertained to Hopi Tribal Council action.

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.

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, Superintendent

Traditionalists Oppose Payment

KYAKOTSMOVI -- About 85 Hopi traditional leaders gathered here Sunday, Oct. 24 and voiced strong opposition to the proposed \$5 million settlement the Indian Claims Commission has offered the Hopi Tribe.

The meeting was scheduled for the purpose of Hopi Chairman Abbott Sekaquaptewa and Hopi Agency Superintendent Alph Secakuku to explain the issue of why the Hopis were being asked to accept or reject the proposed settlement of the Hopi claims.

However, both officials declined the invitation of the traditionalists in formal letters stating their reasons.

In a letter dated Oct. 24 addressed to both the chairman and superintendent, which was signed by four traditionalist leaders, it stated:

Mr. Sekaquaptewa and Secakuku: We, the undersigned Hopi traditional hereditary Kikmongwis, religious headmen of One-Horn and Two-Horn Soci-

eties and representatives from the majority of traditionally established Hopi Pueblos, have met with our Hopi people in Kyakotsmovi and read your letters.

We all regretted very much that both of you stated in your letters that you would not come and meet with us today. We have given your letters serious consideration.

We found that Supt. Secakuku in his letter of Oct. 23, 1976, stated, "I do not wish to prematurely make my personal views known so as not to unduly influence anyone."

As an official of the Bureau of Indian Affairs (BIA) you have no business meddling with our Hopi affairs.

We have learned that you are not telling the truth in your letter for we now know that you have already held a meeting with government Hopi employees and some people from First Mesa. You have already "unduly influenced"

some of the people you talked to in Kears Canyon.

In a letter by Sekaquaptewa of Oct. 22, 1976, stated, "I feel constrained at this time to respectfully remind you that the harshness of your words and the name calling with which you indulge yourselves are contrary to the dignity and self-respect of true Hopi leaders and disrespectful of the high office that Mr. Kewanyawma holds and that Mrs. Lansa claims."

It is clear to us that Sekaquaptewa's attempt to make the Hopis believe that he does not indulge in harshness of words, name calling and unduly criticizing Kikmongwis and religious leaders or anyone who speaks for them.

He also stated in his letter that, "I offered to publicly debate this question with you or your spokesman on television just in the past few days, and you refused."

On Oct. 21, 1976, some of us spoke on

television with Sekaquaptewa on the issue of the proposed settlement of John S. Boyden who has made a deal with the United States government in offering us \$5,000,000 for lands that U.S. government said he took away from the Hopis and never paid for.

We did not refuse -- we were there on Thursday night. Again Sekaquaptewa is not telling the truth.

Following our serious consideration of the proposed settlement and other related issues, we have been asked by our religious headmen and people that:

1.) As Hopi Kikmongwis, we strongly oppose this proposed settlement of John S. Boyden and that we will never sell our sacred homeland.

2.) Both Hopi Supt. Alph Secakuku and Chairman of the Tribal Council Abbott Sekaquaptewa be informed by letter that there will be no voting by any Hopi on Oct. 30, 1976 on this proposed settlement, as was scheduled.

3.) We have just been informed about this proposed settlement of John S. Boyden's a week ago and since none of the Councilmen have up to the present time, fulfilled their duties by fully

explaining this vital issue, it is too late for any Hopi, especially traditional elders, to fully understand this lawyer's written language within two weeks.

Therefore, there must be no voting on this proposed settlement at this time or in the future.

4.) On Oct. 30, 1976, there will be a Women's Religious Society performing in Shungopavy Pueblo and our religious Hopi leaders all have asked that this Lolicon Ceremony be respected by all Hopi people, by members of the Council and the BIA.

5.) Since the majority of the people in traditionally-established Pueblos have never accepted the Hopi Tribal Council Constitution and By-Laws, never signed a contract or contracts of John S. Boyden's and have never sent anyone to the Tribal Council, we will never accept the \$5,000,000 by voting, as we do not vote.

6.) It is your responsibility as servants to the Hopi people to do what the Hopi people want and not what you want.

Since you both have refused to face our people face to face on this vital issue, we will now take action to have both of you resigned or removed from your

positions.

You have failed to fully inform the Hopi people on things that concern the very land, way of life and religion of our people.

Instead of obtaining the aboriginal land of our people, the Tribal Council and BIA went along with attorney John S. Boyden to make our landbase smaller and smaller.

Both the Hopi Tribal Council and John S. Boyden are getting rich while the Hopi people are becoming very poor, money-wise. This must stop now!

We demand that you both inform all Hopi people everywhere that there will be no voting on this proposed settlement on Oct. 30, 1976. This is our decision and the decision of our One-Horn and Two-Horn Religious Society leaders.

Mrs. Mina Lansa, Kikmongwi of Traibi

Claude Kewanyawma, Kikmongwi of Shungopavy

Ned Nayatewa, Kikmongwi of First Mesa

Guy Kocchaltewa, religious leader, Mishong