

## BEFORE THE INDIAN CLAIMS COMMISSION

THE HOPI TRIBE, an Indian Reorganization Act	)	
Corporation, suing on its own behalf and as	)	
a representative of the Hopi Indians and the	)	
Villages of FIRST MESA (consolidated Villages	)	
of Walpi, Shitchumovi and Tewa), MISHONGNOVI,	)	
SIPPAULAVI, SHUNGOPAIVI, ORAIBI, KYAKOTSMOVI,	)	
BAKABI, HOTEVILLA and MOENKOPI,	)	
	)	
	)	
Plaintiff,	)	Docket No. 196
	)	
THE NAVAJO TRIBE OF INDIANS,	)	
	)	
Plaintiff,	)	Docket No. 229
	)	
v.	)	
	)	
THE UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

Decided: June 29, 1970

## Appearances:

John S. Boyden, Attorney for Plaintiff in Docket No. 196; Wilkinson, Cragun & Barker, of Counsel; Don A. Stringham on the Brief.

Norman M. Littell, Attorney for Plaintiff in Docket No. 229; Joseph F. McPherson and Charles J. Alexander, of Counsel; Leland O. Graham, on Briefs; Harold E. Mott entered Appearance.

Walter A. Rochow and William H. Lundin, with whom were Assistant Attorneys General Edwin L. Weisl, Jr., and Ramsey Clark, Attorneys for Defendant.

OPINION ON TITLE

Chairman Kuykendall delivered the Opinion of the Commission.

This consolidated case involves the overlapping aboriginal title claims of the Hopi Tribe, the plaintiff in Docket No. 196, and the Navajo Tribe of Indians, the plaintiff in Docket No. 229, to a large tract of land in northeastern Arizona and southern Utah.

The Hopi plaintiff contends that, following the attachment of American sovereignty over the area in suit in 1848 by virtue of the Treaty of Guadalupe Hidalgo (9 Stat. 922), the United States thereafter by a series of Presidential executive orders, administrative actions, and the enactment of certain legislation, deprived the Hopi Tribe step by step of all its aboriginal lands without the payment of any compensation. Recovery is sought under Section (2)(4) of the Indian Claims Commission Act. On the other hand the Navajo plaintiff alleges that by virtue of the Navajo Treaty of July 1, 1868 (15 Stat. 667) the Navajo Tribe ceded to the United States its aboriginal rights to the Hopi-Navajo claimed area for an unconscionable consideration for which additional compensation is sought under Sec. 2(3) of the Act. The contested area in this law suit represents the totality of Hopi aboriginal land claims in Docket No. 196, which area is located within and consists of about one-third of a much larger area that is the subject matter of the claims asserted by the Navajo plaintiff in Docket No. 229.

The Hopi or "Moqui" Indians belong to the Pueblo culture, speak a Shoshonean dialect, and are one of the few American Indian tribes still residing in a major portion of their ancestral home. The Hopi origins are lost in antiquity, and their first recorded contact with the white man occurred in 1541, when a Spanish detachment stationed at

Zuni east of the Hopi Tribe was sent by Coronado to visit the province of Tusayan as the Hopi country was referred to. Upon their arrival the Spaniards found the Hopis gathered in permanent villages on three principal mesa tops. These Hopi mesas are situated in the center of the overlap area, and extend upward six hundred feet above the surrounding valleys and range lands. Throughout the period of Spanish rule over the southwestern part of the country, the Mexican period (1821-1848), and even after American sovereignty attached under the provisions of the 1848 Treaty of Guadalupe Hidalgo, the Hopi Indians have been pictured as a relatively inoffensive and timid people, living in six or seven permanent village sites on the Pueblo mesas in the heart of their country. Their agricultural subsistence was supplemented by cattle and sheep raising in the nearby valleys, with some hunting and food gathering in the outer or peripheral areas away from the village sites. While the Hopi were a religious tribe, they resisted to a marked degree the efforts of the Spanish missionaries to convert them to the tenets of Christianity. The focal point of Hopi worship was the eagle, considered the most sacred of birds and a sun symbol. The Hopis had numerous eagle shrines which they visited periodically. Many of these shrines were located at great distances from their village sites, some being located as far west as the San Francisco Mountains and as far south as Chevelon Creek southeast of Winslow, Arizona, both sites being well beyond the boundaries of the area in suit. Many of the outlying shrine areas were also visited by the Navajo, Zunis, Acomas



















