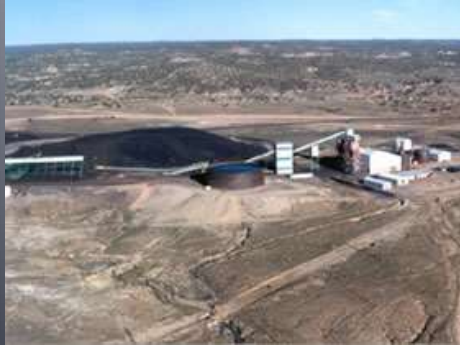


History of Black Mesa Leases Between Hopi Tribe and Peabody Coal Company

Presented at the H.O.P.I. Forum On Water & Energy
Hopi Veterans Memorial Center
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By: Benjamin H. Nuvamsa, Former Hopi Tribal Chairman



*"If you do not know
your history....
you are doomed to
repeat it."*

Photo taken from www.sourcewatch.org

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Objectives



- To let people know of the history of Peabody Coal Company on Black Mesa
- To tell people of the role of John Boyden, the Federal Government and Tribal Council in the sale of our water and coal
- To educate people of the roles of Peabody Coal, Sentry Coal and Kennecott Copper in the Black Mesa coal lease
- To educate people so that we avoid the repeat of unfortunate history

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Coal Discovered on Black Mesa

- In 1911, geologists discovered coal on Black Mesa
- Believed to be the most extensive deposits of coal known in the world
 - Soft bituminous, low sulfur coal - worth millions
 - Coal seams were located close to the surface - good for strip mining

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Situation in the 1940's

- Considerable interest in mineral development on the Hopi Reservation (1882 Reservation)
- But there were obstacles standing in the way that prevented mineral development
- Because of questions and obstacles there was no real expression of interest until 1962 by Peabody Coal Company

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Obstacles to Leases

- Before any Mineral leases can be made for leasing of Hopi, there were 3 main questions :
 1. No functioning tribal council
 2. Title to the 1882 Reservation was not clear
 3. Question as to Tribal Council's constitutional authority to lease lands

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Hopi Tribal Constitution

- Section VI, Powers of the Tribal Council, of Tribal Constitution, at Section 1.c, states...the Hopi Tribal Council shall have the following powers... subject to the terms of this Constitution....
 - (c). “to prevent the sale, disposition, lease or encumbrance of tribal lands, or other tribal property”

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Peabody's Interests

- Peabody wanted coal to fuel two power plants in the Four Corners area
 - Mohave Generating Station
 - Navajo Generating Station
 - The plants were a part of a power consortium of 23 semi-private, state, municipal and federal companies called WEST (Western Supply and Supply Associates)
 - Six plants in WEST grid will supply electricity to Southern California, Tucson, Phoenix, Central Arizona, Las Vegas areas in New Mexico, Utah and Colorado

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Controversies

- But there were controversies
 - Lease alone was very controversial among Hopi – Tewa people
 - Coal prices paid by Peabody in the 1960's were well below market price
 - Water prices paid by Peabody were well below market price

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Controversies

- Actions were taken by BIA and Boyden to establish a tribal council for the sake of approving the coal lease
- Clearing land title was controversial – and the way it was done
- Council authority to lease lands was questioned

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Questions

- Should Hopi Tribe have approved the assignment of the lease from Sentry to Peabody and to Kennecott without payment?
- Should the Hopi Tribe have agreed to not sue Peabody for lands outside the 1882 Reservation?
- Should the lease have been signed at all?

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Peabody Lease

- As a result of the lease signed by BIA on behalf of Hopi Tribe
 - Peabody Coal company opened the largest coal strip mine in the United States
 - First 15 years, Peabody mined over **200,000,000** tons of coal and still wanted more

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The Issue of ...

Non-Functioning Tribal Council

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Status of Tribal Council in 1950's

- There was no functioning tribal council in the 1950's
- Later a council was organized and recognized much later by the BIA as governing body of the tribe
 - BIA pushed for a governing body
- Hopi Tribe brought suit in 1963 against Navajo Tribe to quiet title to lands in the 1882 Reservation
 - Council sued to confirm its constitutional authority to lease tribal lands

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Interest in Mineral Development

- October 1942 – a lawyer wrote to Commissioner of Indian Affairs expressing interest in oil and gas lease on Hopi lands
- 1944 – More interest in mineral development by other companies
- February 1944 – BIA Superintendent Ladd letter to Commissioner advising of Standard Oil Company geologists prospecting for oil on Hopi lands
- By 1948 there was increased interest in minerals development on Hopi lands

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Interest in Mineral Development

- Oklahoma lawyer wrote (1944):
 - “my client advised there is no tribal council and there is very little self-government...”
 - “my client has also been informed...that some of the lands... are in fact in dispute between” ... the tribes (Hopi and Navajo)

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BIA Superintendent's Questions

- What leasing procedures should be followed?
- Should the entire Hopi Executive Order Reservation be leased?
- To which “Indians” would the mineral rights belong?

These questions would haunt the BIA for many years.

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BIA Establishes Tribal Council

- Originally the tribal council was established as result of new Tribal Constitution in 1936
- 1942 – council member terms expired and were not renewed – some members installed but there was no quorum. Council was non-functional for over 2 years
- Handful of council representatives met sporadically, called themselves “tribal council” through 1940’s but were not supported by Federal government and Hopi people

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BIA Establishes Tribal Council

- BIA Superintendent McNickle offered solutions to the lease issue:
 - Have Congress pass a law to authorize Secretary of Interior to lease Hopi minerals without tribal consent
 - Have some form of tribal consent – have villages consent
 - Have Interior Secretary approve the lease if consent could not be obtained in 60 days

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BIA Establishes Tribal Council

- June 1948 - Acting Commissioner Zimmerman wrote to Superintendent McNickel suggesting a “tribal council be elected for the primary purpose of considering certain well-known and pressing tribal problems” and limiting itself to these purposes
- In other words, Zimmerman wanted a tribal council formed to do mineral leasing and for no other purpose

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BIA Establishes Tribal Council

- Zimmerman warned if council was not established, then only recourse would be legislation by Congress to authorize Secretary of Interior to negotiate oil and gas leases on behalf of the majority of the Hopi people
- This threat of Congressional legislation was never carried out but Hopi people were pressured to reactivate the tribal council
- BIA was under considerable pressure to lease lands

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BIA Establishes Tribal Council

- For example, a meeting was held at Shungopavi Village. Minutes show
 - the Superintendent “told us if we didn’t act and get together the oil companies might send lawyers to Washington and laws would be changed and oil would be drilled. Again he told us to get together, old men, young men, to get organized and to have ready the next time. **So we did not get a chance to talk about land, he was thinking about oil”**”.

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BIA Establishes Tribal Council

- January 1950 – a formal reorganization meeting was held to get the tribal council going again
 - Only 4 villages sent representatives
- February 9, 1950 – “new” council met and again on March 1, 1950
 - BIA Superintendent Crawford informed oil companies of the reorganization (council is in place) but needed Commissioner’s approval
 - But Commissioner appeared to be backing off – did not formally recognize tribal council for 5 next years

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Land Claims Must be Filed

- 1946 - Indian Land Claims Commission allows certain claims to be filed by tribes against the United States for wrongs committed by the Federal government
- Deadline for filing claims was nearing (August 11, 1951)
- Land claims were foremost concern, more so than the leasing problem – a claim must be filed

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Hopi Tribe Hires Boyden

- New tribal council considers hiring an attorney to file land claims against the Federal government. Choices were:
 - Felix H. Cohen – author of Handbook on Federal Indian Law
 - Theodore Haas – formerly of Interior Solicitor's Office
 - John S. Boyden – recommended by some Hopi people

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Hopi Tribe Hires Boyden

- December 16, 1950 – New Council hires Boyden
 - July 17, 1951 – BIA approves Boyden “claims” contract
 - Boyden files Hopi Petition to Indian Claims Commission
 - Seven village representatives signed the Petition
 - Five villages abstained
 - New tribal council signed the Petition although not formally recognized by BIA

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Hopi Tribe Hires Boyden

- September 1951 – Boyden reports to seven villages on status of Petition
 - Proposes to Villages to hire him a General Counsel to deal with oil companies
 - Proposes he would only be paid from revenues he produced for the tribe
 - Fall of 1951 Boyden had seven attorney contracts with separate villages and one with the tribal council

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Hopi Tribe Hires Boyden

- Boyden promised:
 - To establish Hopi title to much of 1882 Reservation
 - Have tribal council recognized by BIA
 - Enter into dealings with minerals development companies to generate tribal revenues and to pay his fees

This he did for the next twenty years

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BIA Questions Boyden's Contract

- BIA Area Director Harper recommended Boyden contract be disapproved
 - Harper thought contract approval implied Federal recognition of new tribal council
 - Harper said "I do not believe that our administrative policy should be changed in order to accommodate Mr. Boyden"
 - Boyden met with BIA in Washington, DC and the contract was approved on May 29, 1952 with the provision that the contract approval did not mean BIA recognition of the new council

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Opposition to Boyden's Contract

- June 1952 – Meeting of Villages where some opposed the BIA approval of Boyden's contract
- Others outside the tribe, who claimed to speak for the tribe, opposed the contract approval
 - Platt Cline, Flagstaff Journalist – He argued the contract was invalid because the new council was not a representative body of the tribe, contract only represented minority of the villages. **Majority of Hopi people did not want money damages but wanted lands restored**

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Interior Recognizes Tribal Council

- July 17, 1953 – Department of Interior recognizes tribal council until such time the council is modified to the wishes of the majority of the Hopi people
 - This decision was based considerably on approval of Boyden's contract by BIA
 - Controversy ensued
 - December 1955 – Commissioner Emmons formally recognized the council as a governing body "so long as the council conducts its business in accordance with the constitution and bylaws"

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The Issue of

Clearing Title to 1882 Reservation Lands

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Clearing Title

- Formal recognition of the council did not lead to execution of leases in the 1950's (not right away)
 - Confusion regarding extent of Navajo and Hopi rights in the 1882 Reservation
 - Acting Interior Solicitor Felix Cohen's 1946 opinion that both tribes had legal claim to the area
 - Boyden convinced Interior Secretary Oscar Chapman to review the Cohen opinion
 - Aboriginal Title argument – that Hopi aboriginal title claim extended throughout the entire Reservation – included exclusive rights to minerals

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Healing v. Jones

- Department of Interior decided not to issue an opinion
- **Instead, Congress authorized two tribes to bring suit to determine the rights and interests in the 1882 Reservation and to quiet title**
- **After 5 years of litigation, ruling said: 1) Hopi had exclusive ownership interests in District Six area; 2) two tribes had "joint" undivided and equal surface and subsurface rights to the remainder of the 1882 Reservation**

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Healing v. Jones

- Council opted to postpone the Peabody proposal to prospect in the Black Mesa area until Healing v. Jones decision was final
- Boyden and council aggressively pursued mineral interests in the District Six area – raised questions as to council's authority to lease lands

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The Issue of

Council's Leasing Authority

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Does Council have leasing authority?

- Language in Hopi Constitution empowers the council to **“prevent the sale, disposition, lease or encumbrance of tribal lands”**
- Department of Interior determined that council does not have authority to lease lands – so:
 - Ordinance 10 was developed for issuing permits for oil and gas prospecting
 - Ordinance 11 later issued to raise funds by charging persons doing business on Reservation lands

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Does Council have leasing authority?

- November 16, 1959 - Associate Solicitor Salisbury's opinion said
"we find no power in the tribal council to convey real property or to authorize prospecting permits for oil and gas exploration...the Hopi Indians have expressly limited their Tribal Council to powers expressly mentioned in the Constitution. Until the members of the Hopi Tribe have exercised the right to adopt an appropriate constitutional amendment, the Tribal Council is without power in the premises".

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Does Council have leasing authority?

- Ordinance 11 was sent to Assistant Solicitor Salisbury as second attempt to resolve the leasing authority question. Solicitor Salisbury said:
"It appears from the Hopi Tribal Constitution that the Hopi Tribe intended to restrict the powers delegated to the tribal council, and to retain in the Tribe all powers not specifically delegated".

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BIA Pressures to Amend Constitution

- April 1960 – Commissioner Emmons advised Agency Superintendent that the only solution to the dilemma was to amend the tribal constitution.
 - BIA Phoenix Area Director Haverland also urged the council but council decided to await the final decision on the land dispute with the Navajo Tribe.
- Another approach – follow the precedent set in the Papago Tribe (now Tohono O’odham Nation)
 - Delegate mineral leasing authority to the tribe

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BIA Pressures to Amend Constitution

- March 1961 - Boyden requested Interior Secretary Morris Udall to delegate mineral leasing authority to Hopi Tribe
 - Council passed Resolution H-4-61 requesting this authority
- May 1961 – Assistant Secretary Holm delegated to Hopi Tribal Council mineral leasing authority but said
 - “...this authority...does not apply to any lands which are embraced in the claims of the Navajos in ...Healing v. Jones”

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BIA Pressures to Amend Constitution

- Still the BIA was pressuring the tribe to amend its constitution
 - Boyden said the tribe would await the conclusion of *Healing v. Jones*
- Leasing authority by the Interior Secretary was amended twice
 - November 1964 – authority was expanded to include all lands in which *Healing v. Jones* declared the tribe had an interest (Black Mesa Area)
 - September 1965 – authority to enter into subsurface leases and to consent to rights-of-way

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Question as to Legality of BIA's Delegation

- But there was still a question as to the legality of the BIA's delegation to the Hopi Tribal Council. Consider:
 - Does the BIA have the authority to enter into mineral leases of Hopi lands?
 - 1938 Indian Minerals Leasing Act states leases may be made only "by authority of the tribal council or other authorized spokesman for such Indians" – therefore, the Interior Secretary did not have the authority himself to delegate to the tribal council the authority that he does not have
 - 1919 Statute (amended 1926) does not specifically apply to Black Mesa leases

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Congressional Authority to Lease Lands

- In 1966, the council did not have the authority to enter into the Black Mesa lease – so...
- Congress in 1970 passed a statute empowering the Hopi Tribal Council “to lease lands within the Hopi Industrial Park, and any other tribal lands...and improvements thereon
 - After May 1970 Hopi Tribal Council obtained leasing authority despite the constitutional restriction
 - On June 1, 1971, Hopi Tribal Council passed a resolution to ratify the Peabody-Black Mesa lease

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The Issue of

Mineral Leases by the Council

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Mineral Leases by Council

- First lease by council was with Fisher Construction Company to prospect for coal on 36,500 acres for \$10,000
- Ordinance 14 was passed to set procedures and license fees for oil and gas prospecting
- Fall 1964 – Tribe held oil and gas lease sales

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Mineral Leases by Council

Leases entered:

- Kerr-McGee
- Penzoil
- Tennecco
- Aztec
- El Paso Natural Gas
- Kewane Oil
- Gulf Oil
- Edwin M. WaverShamrock Oil & Gas
- Texaco
- Amerada Petroleum

How much money was made?

- Bonus payments were over \$3,000,000
- Council paid Boyden \$1,000,000 (for Healing v. Jones case). Approved by BIA Commissioner Nash in April 1965

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Backlash Against Council

- Hopi and Tewa People were upset with council for entering into these leases
- Starlie Lomayaktewa filed suit against oil companies and tribal council because “tribal council was without jurisdiction, power, right or authority to enter into said agreements and leases”
 - Suit was dismissed on grounds of tribal sovereign immunity

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The Issue of

Hopi – Peabody – Black Mesa Lease

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Peabody Interests

- 1961 – Sentry Royalty Company obtained drilling and exploration permit from Navajo Tribe on 75,000 acres north of the 1882 Reservation with option to lease
 - 1964 - Sentry eventually leased over 24,000 acres (now called Kayenta Mine)
 - 1962 – Ed Phelps of Sentry expressed interest in leasing 1882 Reservation land at meeting with Boyden and Agency Superintendent O’Harra
 - 1962 – Phelps met again with Boyden in Salt Lake City, UT – explained that Sentry was a subsidiary of Peabody Coal Company

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Peabody Interests

- Phelps offers option to Boyden to lease 25,000 acres of Hopi lands – no action taken by council
- May 1963 – Sentry (Phelps) determined there were 60 million tons of coal in the 1962 Navajo prospecting permit
 - Sentry believed it could sell coal in large amounts to electric utilities in Southern California
 - Not enough coal under current lease to build a large power plant
 - Coal extended into the 1882 Reservation area – needed exploration permit immediately

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The 1964 Peabody (Sentry) Permit

- Collins from Navajo Tribe sends a draft drilling and exploration permit to Boyden for review
- August 1963 – Boyden presented a request from Navajo Tribe that a lease be made to Peabody Coal for 58,270 acres on northeastern portion of 1882 Reservation area
 - Council authorized Boyden to negotiate a contract with Navajo Tribe and Peabody
 - Navajo Tribal Attorney Littell objected – that Navajo would surrender one-half of the surface area

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The 1964 Peabody (Sentry) Permit

- Navajo Chairman Raymond Nakai was amenable to the Hopi proposal
 - Chairman Nakai and Navajo Minerals Department negotiated and approved the 1964 permit – sharing revenues jointly with Hopi Tribe
 - **Hopi Tribal Council approved the drilling and exploration permit on June 1, 1964**
- **The 1964 Permit is a critical document. It gives Peabody option to lease Black Mesa on fixed terms and right to construct facilities, rights-of-way, and rights-of-way for transportation of coal over Hopi lands**

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The 1964 Peabody (Sentry) Permit

- **August 1964 - Supplemental Agreement was made with Peabody and approved by Hopi Tribal Council**
 - BIA concerned that unless Black Mesa lease was “unified” with Peabody’s mine (Kayenta Mine) on Navajo Reservation under its 1964 lease it would be possible for Peabody to develop Navajo area first – income to Hopi would be delayed

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The 1966 Peabody (Sentry) Lease

- Navajo Tribal Council adopted Resolution that criticizes prospecting permit worked out by Chairman Nakai
 - Said Navajo Advisory Committee had no authority to deal with tribal lands
 - Navajos to be paid 50% of revenues from coal leasing in the 1882 Reservation and 50% to be held in escrow for Hopi (not paid to Hopi)
 - Resolution passed consenting to lease but under above terms
 - Required separate leases by each tribe with Sentry

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The 1966 Peabody (Sentry) Lease

- May 16, 1966 – Hopi Tribal Council accepted the lease. Lease was signed by Chairman Healing and approved by BIA on June 20, 1966 .
Contract No. 14-20-0450-5743
- Peabody would immediately pay Hopi \$20,000 annually as rental on the leasehold
- Lease provided for use of water to be developed in the leasehold

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The 1966 Lease – Use of Groundwater

- Lease allowed Sentry to develop and utilize water for use in mining operations
- By 1966 Peabody concluded the cheapest way to deliver coal to Mohave Plant was by coal slurry - some 275 miles using water beneath Black Mesa
 - February 1966 - Peabody's General Counsel proposed specific right to transport coal by slurry pipeline
 - Water obtained for use must be from depths greater than 1,000 feet below the surface at \$1.67 per acre foot! (current market rate was \$20.00 per acre foot)

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The 1966 Lease – Use of Groundwater

- BIA Commissioner Bennett reviewed the slurry proposal and in his approval said...

Upon the condition should the Interior Secretary determine at any time that the operation is endangering the supply of underground water or is so lowering the water table that other users of such water are being damaged, he may (1) require Sentry or Peabody at their sole expense to provide water in quality and quantity equal to that formerly available from such groundwater to the users by deepening the wells or (2) require Sentry or Peabody at their sole expense to obtain water for its mining and pipeline operations from another source that will not significantly affect the groundwater in the vicinity.

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The 1966 Lease – Use of Groundwater

- **October 21, 1966 – Hopi Tribal Council approved Sentry's request for a right-of-way to survey for possible slurry pipeline**
 - Discussions about a possible railway – Council appeared to favor a railway
 - Lunch recess was called. After lunch Council voted unanimously to grant the right-of-way

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The 1966 Lease – Use of Groundwater

- November 27, 1968 – Tribal Council approved a request from Peabody to release 40 acres from its lease to Black Mesa Pipeline for a plant to prepare coal for transport by slurry
 - Business lease was approved with groundwater to be provided from depths of 1,000 feet
 - Council believed the 1966 lease provided for this so all Council could do was to approve the request

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The 1966 Lease – Use of Groundwater

- Black Mesa Pipeline Business Lease at first was not approved by BIA
 - BIA expressed concern about the charge for water at **\$1.67 per acre foot** when Arizona Power Utility was paying Gila River Indian Community **\$20.00 per acre foot**
 - BIA expressed concern over water depletion because a tremendous amount of water would be required for slurry operation
 - Recommended 5-year rental assessments
 - January 7, 1969 – Council voted on Dewey Healing's motion to refer the matter to Boyden

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The 1966 Lease – Use of Groundwater

- March 3, 1969 – Mr. Purchase presented a resolution to tribal council to consent to right-of-way to Black Mesa Pipeline, Inc. from Peabody Coal Company.
 - **Boyden advised tribal council to keep rates the same -**
- at **(\$1.67 per acre foot!)**
 - Water rates for industrial use by Central Arizona Project at that time were over **\$50.00 per acre foot**
 - Central Utah Project proposed to sell industrial water for between **\$24.00 to \$30.00 per acre foot** – Boyden was familiar with this project

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The Issue of

Assignment of Sentry Lease to Peabody

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Merger of Peabody and Kennecott

- 1967 – Kennecott Copper proposed to acquire Peabody but first Sentry must be merged with Peabody
 - Sentry proposed to assign Black Mesa Lease to Peabody then to Kennecott Copper
 - August 2, 1967, Peabody's General Counsel sends draft resolution to Boyden for council consideration. Resolution would provide for various assignments
 - Boyden convinced tribal council that Kennecott was much bigger and is better for Hopi; that Navajo Tribe is aware of the proposed merger
 - **Council passed the Resolution unanimously (H-26-67). Chairman Jean Fredericks signed the assignment**

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Merger of Peabody and Kennecott

- Navajo Tribe requested and received **\$100,000** for its consent to the same assignment
 - BIA Area Director recommended Hopi Tribe receive the same compensation
 - **Boyden opposed the BIA's recommendation and Hopi received no compensation!**

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Sentry Requests Additional Acreage

- July 26, 1967 – Phelps (Sentry) wrote to both tribes wanting a drilling and exploration permit for areas immediately adjacent to southwest corner of present Joint Use Lease area to locate additional coal enough for a **2,000 megawatt power plant**
- Sentry had entered into a contract with Southern California Edison (SCE) dedicating 175 million tons of coal for proposed Mohave Power Plant
- WEST Associates were planning two 1,000 megawatt power plants in the area which would require **230 million tons of coal over a 35 year life**

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Sentry Requests Additional Acreage

- Black Mesa and Kayenta Mines had only 148 million tons after their dedication of 175 million tons to Mohave, there is an **82 million ton deficit**
- August 19, 1969 - Boyden and Phelps met with Tribal Chairman and certain representatives about need for additional land south of lease holding area in Executive Order Reservation. Needed coal in case it runs out before they reach their quota.
 - Plant would be located 15 miles from Page, Arizona.
 - Chairman and representatives favored the recommendation and would present it to tribal council

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Sentry Requests Additional Acreage

- September 2, 1969 – Boyden and Brian Archer of Peabody presented a council resolution to tribal council for leasing of additional lands in Black Mesa area
 - Council authorized Tribal Chairman to negotiate a prospecting permit with Peabody
- November 28, 1969 – drilling and exploration permit for 10,240 additional acres was executed. Gave Peabody exclusive right to drill and explore for coal – and exclusive right to negotiate a coal mining lease
 - Lease was approved on April 9, 1970 by BIA

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Covenant Not to Sue Peabody

- December 2, 1969 – Hopi Tribal Council approved a covenant by a vote of 7-2 not to sue Peabody for its existing 1964 coal lease with the Navajo Tribe of 24,858 acres north of 1882 Reservation
- Peabody offered Hopi Tribe \$35,000 to “remove this cloud on Peabody’s leasehold title” created by the tribe’s land claim to the area

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Covenant Not to Sue Peabody

- Boyden urged the tribal council to approve the covenant saying “that this was a gift of the money” and that accepting it “will not solve the land problems in any way”

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The Issue of ...

Whether Peabody – Black Mesa Lease Violated Acreage Limitation

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Is Black Mesa Lease Valid?

- BIA leasing regulations prior to 1957 limits leasing to 10,240 acres in any one state. Changed to 2,560 acres for any single lease in 1957.
- Limitation was in effect in 1966 and may still be in place today. Regulations provide Commissioner may approve combining leases of more than 2,560 acres.
- No records show that this was the case with Black Mesa Lease. So is Black Mesa Lease valid?

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Other Peabody Leases Challenged

- 1973 - Northern Cheyenne in similar case filed a challenge that Peabody violated leasing regulations. BIA upheld Tribe's claim and voided all Peabody leases.
- 1977 - Same decision concerned the Crow Tribe – that leases exceeded the acreage amounts.
- Hopi could have challenged the Black Mesa Lease on same grounds.

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The Issue of

John Boyden's Conflict of Interest

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Did Boyden Also Represent Peabody Coal?

- December 1967 - Boyden's firm retained by Peabody in a proposed merger between Peabody and Kennecott Copper
 - Boyden signed a merger opinion for Peabody – Kennecott Copper and was paid **\$10,689.58**
 - Peabody and Kennecott denied Boyden ever worked for them
 - But Martindale – Hubbell report in 1966 that Peabody was a client of the Boyden law firm

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Did Boyden Also Represent Peabody Coal?

- December 1967 - Boyden's firm retained by Peabody and Kennecott Copper
 - Kennedy claims Mr. Tibbals did most of work on the merger and was paid – not Boyden
 - Boyden claims Mr. Tibbals did most of work on Healing v. Jones case
 - Kennedy claims the firm informed the council of this conflict and council did not object – although there is no written evidence of this fact
 - Chairman Abbott Sekaquaptewa supposedly signed an affidavit to this effect although no copy was located

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Conclusion

What are the common themes from past history to today?

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What did we learn?

- What are the common themes from what happened from the 1940's to present time?
 - What was the role of John Boyden?
 - What was the role of the BIA and Department of Interior?
 - What was the role of Villages?
 - What was the role of the Tribal Council?
 - What were and are the impacts?

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Conclusion

A Lesson in History

**“If you do not understand your history,
you are doomed to repeat it!”**

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**Thank you for your time and
patience**

Prepared and Presented by:
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Village of Shungopavi
Former Hopi Tribal Chairman
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