Summary of Negotiating Committees meetings and other conferences on Navajo-Hopi land dispute - - by Albert H. Purchase

Nov. 6, 1930 Flagstaff	Conference of Navajos and Hopis, called by H. J. Hagerman, Special Commissioner, to discuss common land problems. Hagerman was employed by the Commissioner to make recommendations for an exclusive Hopi Reservation in both Moencopi and Joint-Use Area. Nothing concrete came of this except that both parties were made aware of the position of the other and the Government (thru Hagerman).
Aug. 6-7, 1963 Scotsdale	Navajos offered to negotiate on sale of Hopi surface acres, or everybody pay grazing rental and divide income.

Hopis proposed:

(1) Immediate stock reduction.

(2) Payment of grazing fees from 9/28/62.

(3) Plan with realistic deadlines, for relinquishment of Hopi interest by Navajo Tribe.

(4) Partition of surface.

(5) Full accounting of income and payments of 1/2 to Hopi Tribe.

(6) Removal of 1882 reservation from Navajo jurisdiction (BIA).

(7) Recognition of Hopi rights in Western Navajo:

a. Removal of sewer ponds near Moencopi Village.

b. Pasture Canyon water confirmed for Hopi use.

c. Partition of Moencopi lands.

(8) Redefine boundaries of Hopi and Navajo Reservation by Congress.

(9) Immediate development of mineral resources of joint reservation.

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After long discussion of both proposals the Commissioner agreed to:

(1) Set up a Special Agent, within 60 days, reporting direct to Washington.

(2) A Secretary's Court of Indian Offenses at Pinon, with Butler Bldg. for office and staff.

(3) Leave as is:

a. Welfare

b. Schools

c. Employment Assistance

d. Roads

e. Credit

f. Mineral Leasing

(4) Make a human resource survey.

(5) Make a crash boundary survey.

(6) Make a soil, range and livestock survey.

(7) Move with "deliberate speed" to bring livestock in balance with capacity.

(8) Continue Tribal programs as is.

(9) Appointed a committee of five Navajos and five Hopis to negotiate using the sentence from the Conclusion of the Court,

> "It will now be for the two Tribes and Government officials to determine whether, with these basic issues resolved, the area lying outside District 6 can and should be fairly administered as a joint reservation. If this proves impracticable or undesirable, any future effort to partition the jointly held area, by agreement, subsequently-authorized suit, or otherwise, will be aided by the determination in this action of the present legal rights and interests of the respective Tribes."

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(10) Asked each delegation to prepare an outline presentation.

(11) Set September 16 thru the 19th for the next meeting without attorneys or BIA people at Flagstaff.

(12) Agreed to prepare legislation authorizing partition.

(13) Review system of range permitting and take no action on White Cone School site.

Meeting ended on a spirit of cooperation

(Of these proposals requiring action only #5 and the soil and range inventory part of #6 were done)

Sept. 16, 1963
Flagstaff

No attorneys present but Superintendents were.
Hopi Agenda:

(1) Partition of Joint-Use Area.

(2) Establish a grazing fee.

(3) Recognize Hopi rights in Western Navajo

Navajo Agenda:

(1) Subsurface minerals

(2) Surface use (fencing District 6; School Construction; grazing; leasing or buying)

(3) Moencopi.

Agreed on leasing of minerals - Navajos offered to pay a grazing fee or lease or buy - Hopis want partition.

No other agreement except to meet again October 12, 1963 with Navajo Tribe to select place. (they never did)

March 24, 1966
Holbrook

Negotiating committee from both Tribes - no attorneys or BIA advisors.

Navajos want District 6 fenced - stated that they have exclusive use of 1882 Reservation, outside District 6 on account of grazing permits. Navajo Tribal Council had instructed negotiating committee to discuss fencing of District 6 and establishment of a separate Court of Indian Offenses.

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Hopis brought up removal of Navajos from District 6 by April 1, 1966. Navajos wanted an extension of time. Hopis cool to fencing District 6.

Nothing was agreed upon - not even a new meeting date.

Aug. 16, 1967
Albuquerque

Negotiating committees of Navajo and Hopi without tribal attorneys. Commissioner Bennett, Assistant Commissioner Massey, both Area Directors and Superintendent (Hopi) present. About 12 items were discussed - from Tuba City Moencopi to Joint-Use Area. The Hopis marked an area on a map that they wanted reserved for Hopi use by administrative action without prejudice (there is no record of this but Navajos remember it was done but not the exact boundaries). Each Tribe indicated a desire to deal jointly with mutual problems.

Aug. 30-31, 1967
Tuba City

Hopi and Navajo Negotiating Committee with advisors - no other BIA people. Talked 1/2 time - in field other half. Hopis had map on wall (almost the Walker-Dalton Area of 1933). Hopis showed Navajos an area on the ground (the O'Neil-Honahni Area). The Navajos thought this was what the Hopis were asking for but the Hopis were just showing their "exclusive range" area of 1937.

Atmosphere good until end when Navajos would not even promise to meet again - were asked 3 times "are you willing to negotiate?" "Have to report to people, talk it over, report to main negotiating committee - etc., etc., etc. - ad nauseum.

Oct. 17, 1967
Flagstaff

Commissioner Bennett, Assistant Commissioner Massey, both Superintendents but no attorneys present. Reports of efforts made a t Tuba City. Navajo Chairman said they were showed Hopi area but there were no monuments, markers, etc. Antagonistic tone of conference was set by reading a statement of Navajo Council Chairman Nakai (who was not present) . . . Navajos meeting under "severe coersion" by reason of "freeze order" of July 8, 1966 and the fact that the Commissioner had not approved a Navajo Tribal attorney contract. Said Hopis were the aggressors and that he looked on this negotiation with suspicion. Other Navajo speakers kept this up and said they would not negotiate until freeze was lifted. Both sides aired their feelings. Hopis tried to point up advantage of negotiation over court or Bureau action. Bennett took a <u>lot of criticism</u> from the Navajos . . . set the next meeting for November 27, 28 & 29 at Casa Grande (it was not held) - promised to lift the restrictions in the July 8 letter to the extent of permitting construction of public works (hospital, school, and El Paso Plant lease).

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Commissioner Bennett asked Mr. Plummer (Navajo) and Mr. Honahni (Hopi) to prepare joint or separate lines for an area for grazing, farming and community.

April 3-4, 1968
Phoenix

Commissioner Bennett, Asst. Commissioner Massey, both attorneys, both superintendents were present.

Only meeting where definite offers were made. Navajos offered the Hopi Allotments, 11 each, containing 220 acres plus Moencopi Village as limited in 1934 (date of the Act), about 75 acres. Hopis rejected this as it was actually taking away and used 1934 as the beginning of Hopi rights. Hopis then outlined 6-1/2 million acres of the Navajo Reservation in which the Hopis have undetermined rights; then made as a counter offer the same area as in the Commissioner's letter of July 8, 1966, deleting 2 areas added to the Navajo Reservation by Act of Congress . . . This rejected by the Navajos who made a counter offer of some 17,000 acres between Moencopi Village and Coal Mine Mesa; this rejected by the Hopis who proposed an area of ~~1,125,000~~ 790,000 acres. Bennett asked Navajos to accept, reject or propose a counter offer within 30 days . . . he appointed a 9-man committee to meet in May to advise him on final action (the committee did not meet). The Navajos rejected the Hopi offer.

June 20, 1968
Albuquerque

Contrary to the official transcript the meeting never convened. The Navajos and Hopis each held separate pre-conference meetings and when the Hopis came out they found the Navajo delegation gone. The Commissioner was detained in Washington at the last minute and the Navajo Attorney was absent (at his own discretion). But the Assistant Commissioner was present (Massey), as were both superintendents and the Hopi attorney.

Sept. 25, 1969
Albuquerque

Assistant Secretary Loesch, attorneys, superintendents, Area Directors, advisors, staff, employees, council members and negotiating committees present . . . no new proposals made. Navajos put up the results of a study of present Navajo use of the Hopi traditional area. It showed Navajos using it all. Each side tried to present and justify to Secretary Loesch its rights to the Western Navajo Reservation. Loesch promised to propose a Hopi exclusive area for study by each Tribe. (This he did, but it turned out to be identical with the area proposed by Bennett in May 1969 with one minor change).

Commissioner Nash - at Scottsdale conference 1963 - repeating what the Yakimas said, "there are four times: there is daylight time, which is fast time; standard time, which is regular time; Indian time, which is slow time; and Commissioner's time, which is never".

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