

701-A

1976

MINUTES OF THE JOINT MEETING
 HELD ON JUNE 9, 1975
 10:00 a.m. AT THE
 QUALITY INN WESTON
 PHOENIX, ARIZONA

PRESENT WERE Simpkin, Johnston. For the Navajos: Howard Gorman, Mary Lue White, Sam Pete, Ray Gilmer, and Wilson Skeet. For the Hopis: Abbott Sekaquaptewa, Kennedy, Nathan Begay, Emory Sekaquaptewa, and Stanley Honani. The Mediator opened the session by reporting on some of his telephone conversations that he had with Washington, D.C. He says that over the last few weeks they have run up quite a large phone bill, but they did not feel that they had very many results. He said the Navajo-Hopi Land Relocation Commission had finally been appointed. They are ^{HAWLEY} ~~Holly~~ Atkinson, who lives in Sun City; Paul Urbano, who is a Episcopalian Minister in Phoenix; and then Robert Lewis, former Governor of the Zuni. He said that the Negotiation Committee would probably want to meet with this Commission and they have asked the Secretary's office in Washington to be notified when the Commission has met and who is designated as the Chairman. We discussed this somemore and I think the Mediator is about to contact them to try to get somebody from this Commission in to talk to us, this session if possible. They also reported on the requests for the supplemental budget and he says the Department of Interior has submitted a supplemental request to the office of management and budget. They have asked for 31.5 million dollars for moving expenses, 5.5 million dollars in bonus, and \$500,000.00 for expenses of operating this Relocation Commission. He says the paper work has not yet

been done by the BIA for the restoration of the land and as soon as that is done then they will submit it as well. He did not have a report on any of the other monies that were available or supposedly available under the Act. He then reported on this House Rock Land (the Lue Land up in the northern part of the state over by the Vermillion Cliffs). He said that they had received an unofficial report from the Solicitor that they did not expect any problem with that land from the standpoint that it was not continuous or adjacent. They felt that it may not be continuous, but that it is adjacent. He said that they have also seemed to recognize that the Government has a strong obligation to provide the 250,000 acres to the Navajos and as of yet, they do not have a report on the environmental impact whether or not that would be required. After some discussion Simpkin and Johnston indicated that they planned to go back to Washington to talk to OMB to try to encourage the Department to get that money available. Wilson Skeet commented on OMB and said that it was like any other agency and he was afraid that they would consider this project a new project and that under Ford's instructions all new projects are to be temporarily shelved. He said that we needed to have some pressure to get that money available. The Mediator then suggested that the negotiating team should also talk to the House and the Senate people to try to encourage them to put pressure on for this particular appropriation. Skeet said that he had talked with Lyons on Friday, last week and Lyons said the solicitor's opinion had been written and was in the mail. Then Sam Pete asked about the technical assistance grant request and wondered whether any progress had been made on those funds. The Mediator said that he really had not done anything and we asked the Mediator if he couldn't just

take the money out of his allotment. He said if he could get the people to send the bills directly to him and if he could get a copy of whatever was done then he might be able to pay for them, otherwise he felt that there might be a problem. Sam Pete said that the Navajos wanted to hire some firms to make some economic studies and some social impact studies. He wondered if they could get about \$40,000.00 from the Mediator to make the studies. He said that they would look at school problems, breaking up of families, the lack of farming, economic dislocation, and so forth. The Mediator said he would think about that. Then parenthetically after the meeting was over we talked to the Mediator and said that we felt he should not provide that kind of money because it might be used for their litigation purposes later and we have some real concern about that. Then the Mediator asked if there were any other matters we wanted to bring up and at that point I mentioned the fact that there had been 15 cuts in the Joint Use Area fence and that the Navasies had a fire next to their home that had been started by some Navajos and the Joint Use Area field-office police were doing nothing to enforce the law. Samuel Pete said that he felt that this violence came from the Unity Committee and said we should get some joint press releases to try to counteract the Unity Committee. Emory said that he was concerned about getting embroiled with them and that all we would be doing is getting the Unity Committee recognition. The Mediator said that as far as this request for the \$40,000.00 that he would do some further checking on that. He said that Professor Hector of the Geography Department of the University of Arizona had been approached by him.

to do some mapping. Sam Pete said well there were a couple of other problems, this BLM problem--getting more land--was a concern to him. He wanted some publicity on that point as well. Abbott said well we do not want to under-emphasize the Joint Use Area problem and that we ought to get going on that and not worry so much about this Lue Land problem. Simpkin then reported on the May 23, meeting that he and the Navajos had with BLM in Phoenix. He says the meeting was not very productive, except that they have noticed that probably this Pariah Plateau land that the Navajos identified, was really about the only land that was actually available. Sam Pete said well we need some kind of a joint press release that will put some pressure on the government to do this and to counteract their efforts to stir up the public. We said to them that they should draw up some kind of a release and give it to us to look at and we would tell them whether we would go along with it. Wilson Skeet talked about some of the problems he had in the Tolony Lake region trying to get the people down there to agree to give up their land. He mentioned that the unity group had been down trying to stir them up and to oppose partition. Then Abbott said that those people oppose schools, roads, hospitals, and power lines and if they are given enough time the Navajo people will eventually catch on to their real stance. Emory said the real problem with the Unity Committee is that they are not really accountable to anybody and they are not the recognized government. They can do whatever they want to do and don't have to account to anybody. Abbott said it is easy to be against something and its hard to be constructive.

He said that the Hopi people who seen these people in action really do not support them and they have very little support within the Hopi Reservation and he didn't think that they would have very much support in the Navajo Reservation. At that point we discussed possibly getting back in and talking somemore about the map this afternoon. That was the end of the morning session.

The afternoon session commenced about 2:15 and we had the same committees. Johnston was not there at the beginning, but he came in a little later. The Mediator said that they have received a rough draft of the budget submission and he gave both the Navajos and Hopis copies for review and said that it needed strengthening. He said they have also received a letter from Lyons confirming what was reported earlier about this Pariah Plateau property that the Navajos want to get. He then asked if either party had anything further to talk about, no one said anything. He then explained a little more about what the letter from Lyons had said and pointed out that the Secretary, according to the Solicitor, must transfer the 250,000 acres to the Navajos and that the Secretary was responsible for designating which 250,000 acres and that they felt the House Rock Valley area was an adjacent area, even though it was not continuous and, therefore, fell within the definition of the statute. They still do not know whether the Nepa would apply, whether an environmental impact statement had to be prepared. We suggested that maybe the Navajo lawyers ought to look into that and come up with an opinion too. Samuel Pete then gave us a press release here that talked about the House Rock Valley problem and

the Hopis and Navajos joint support for it. We told them we would review the press release and get back to them tomorrow on it. Sam Pete then talked about the problem that they have with burial sites. They say they are worried about various burial sites and they want these protected somehow. We talked about the different types of sites and what could be done. He said specifically they have cemeteries also in Coal Mine, Hard Rock, and the Pinon area that they needed to have protected. Abbott said that we have a antiquities ordinance that does protect these things already and it doesn't matter whether they are Hopi or Navajo that the land was inside the Hopi jurisdiction it would be protected under that ordinance. Also, if we did not reach an agreement with respect to any of these protective places that it would have to take into account future development and if it was necessary to move or relocate a cemetery or a burial plot, that it would be done. Nathan agreed to work with Sam Pete to try to make up a map that would identify some of these burial spots. Abbott said that we had discussed tentative boundary lines in the last meeting and he was wondering whether the Navajos had any kind of reaction. Sam Pete said that they had talked about our last proposal which included that section we call the measles area because we put little dots on it and he said that they had strong objections at the chapter meetings and evidently that is the area that Mary Lue White is from. They are concerned about moving people and he said that is not following the act and it is not avoiding hardships. He says the power line offer where we said we would run a power into White Cone was not acceptable, because it amounted to trading

electricity for homes. They have lived without electricity for a long time and they could keep living without it. We mentioned at that point that there was a problem, that this relocation problem should not be over emphasized and in our proposals that these people who had to be relocated, many of them would only have to move just a few miles and they were not really being uprooted. They would be familiar with the land and they would be close to their friends and so on and so forth. In addition they would get the \$30,000.00. We said that the Hopis were concerned about the quality of the land and having access to it so that it would really be usable. Then Sam Pete said well would the Navajos consider adding lands to 1882 area that we would get what would be outside of the 1882 area, would the Hopis consider that. In other words, suppose we agreed upon some areas within the 1882, but it did not equal half of the total area. They are suggesting that maybe they could give us some lands going toward Moencopi and some other lands going towards Steamboat on the east side of the 1882 area. Abbott said well we would have to consider that, we wouldn't want to jeopardize the 1934 case in any way, but we wouldn't say a flat no to that proposal because we would be interested in what they would have to say about themselves. We then talked about making up a comprehensive proposal so that we could tell the Navajos the area that we had in our mind and they could focus on who would be moved, how many houses and so forth would be involved and the distances. We also would be able to focus on the quality of land, life estates and all of these aspects that are important under the statute. Abbott said that we wanted to get some of the Navajo proposals also. The Mediator said that he felt that a comprehensive proposal

would be help at this point. Abbott repeated that the Navajos have to accept the idea that they are going to be moving some people and that not everyone can be left where they are and minimizing moving does not mean eliminating the moving. We then talked again briefly about meeting in the morning and trying to come up with a meaningful proposal for the Navajos and adjourned for the day.

• Our meeting on June 10, 1975, started this morning with Simpkin, Johnston, and Harmen. Paul Urbano of the Relocation Commission was there and both negotiating teams of their alternates were there. Abbott asked if Urbano had any knowledge regarding Indian matters. Urbano said no, he had no prior experience. He said that there were no meetings scheduled and no meetings had been held as of this point. Then the alternates left. The Mediator handed out copies of the budget and the Solicitor's opinion and then we recessed. After we reconvened Harry was there instead of Nathan. The Navajo team had Larry Russo instead of Wilson Skeet, otherwise the committees were the same. We questioned whether Russo was a designated alternate and they said yes he had been officially designated. Then Abbott said that we thought Roy Harmen could probably come into the meetings and Sam Pete said that they didn't have any objection.

Sam Pete then said that they had a map relating to the possible land outside of the JUA which is little populated, good quality, and would be meant to replace land inside the Joint Use Area. He said before they could agree on anything like that we still had to discuss other matters such as this press release that they had presented to us yesterday. The

Pinon propo which involved the const of schools, housing, electricity, water, sewer, and a clinic all which are needed immediately. He said the school was needed for the coming winter. Then Sam Pete said that the Hopis should demonstrate by allowing the Navajos to start building up there in the Pinon area. We said what do you mean good faith.

They tried to explain that because the Hopis did not plan to have that area, including in any proposals that we presented, that we should give them permission to start building up there because it is eventually going to be Navajo. We challenged that statement and a rather lengthy discussion about good faith was held. Emory said that we were dealing with a problem of encroachment and by allowing to let them build up there it would just increase that problem. I said that this was the Navajo negotiations and the Navajos controlled the times that they should move forward quickly and get the thing settled so they can start building a new school if they really need it.

Abbott said what are we getting in exchange for giving this up. He said that we can trade peaches for mutton, but it doesn't make since to trade peaches for nothing. That we should consider the area up there as an negotiable item and that we can work that out.

Sam Pete said, that if the Hopis would let the Navajos build in the Pinon area they would have space for people to move in and this would allow some of the people to move off of the Hopi land and would facilitate this land transfer. He then presented a proposal which at 26,400 miles more or less on a map lying immediately east of the joint use area, north of Highway 264, and south from the dirt road coming out of Lew Mountain. They said that this land would be given in

exchange for land along the bottom of the Joint Use Area, which is what they call a saw-tooth border. Some of which is allotment land they claim and also some other allotments or assignments over by White Cone. He said that Reed Chambers had written a letter agreeing with the Navajo position with respect to the Joint Use Area. We asked for a copy of the letter and they said they would give one to us. They said they also need a water development authority agreement on sacred sites, life estates for Navajo families and that they did not have any guidelines to suggest. Except, that they were looking at people who were in their late 60's on up. Larry Russo mentioned a problem with a few 70 and 80 year old people who needed some help and at that point that we wanted a caucus. They asked us if we had proposal. We said we did, but we wanted to review this proposal with our committee before we presented our proposal and then we caucused.

We reconvened and commented to them that we consider that their proposal of land outside the Joint Use Area was a step backward and that it departed from the concept that we were to have equal division of the Joint Use Area. We then presented our proposal and pointed out to them that if provided for relocating 1,702 dwellings which amounted to about 660 families or about 37 percent. We said to them that the Navajos would have the immediate right to commence building and development in their side, except that there would be no development within a 10 mile radius of District 6 along the northeast boundary until all people were relocated. An exception from that, would be housing within a one mile radius of Pinon would be permitted together with the electricity, water, and sewer. We said that all the moving would be accomplished

within thirty months, that the estates for residential purposes would be available for people 80 years of age and older, who have lived for 50 years in the area.

Concerning water, we said that there would be a water development commission which would approve all development under the principle that it was (the water) jointly owned with an arbitrator to resolve any deadlocks.

Concerning sacred places, there would be perpetual access to and protection of all sacred places and that the Navajos would be permitted to come to any sacred place inside District 6 where someone might be buried, if they would agree that the Hopis would have perpetual access to anything outside of the Joint-Use Area and the 1934 Reservation. We said that for joint Hopi/Navajo families, if one spouse was an enrolled Hopi as of the date of the Act, then the family would have their choice of whether they would stay or whether they would move out if they were in a Hopi area. We said that with respect to assistance on matters, that we would give them moral support and would also help with Congress of the Department in trying to get the land that they need.

They asked some questions about some of the things that we proposed with respect to the land, the moratorium up around Pinon, and where would people go if they were to move, couldn't they settle in that area, and those kinds of questions were asked. We answered them and then suggested a recess until tomorrow morning.

REPORT OF JOINT MEETING HELD ON JUNE 11, 1975

PRESENT: Simkin, Johnston, Harmon, the Navajo full committees plus their alternates, the Hopi full committees plus their alternates, and Mr. Benjamin and Mr. Montgomery. The Mediator opened the meeting by asking for questions. Sam Pete said that they had received from the Joint Use Area Field Office one-fourth of the Joint Use Area maps on the water. Benjamin said that the rest would be due by fall but that graphs would be given to the people as they were completed. Simkin said that his son was a geologist and said that some water maps in the area were available. Montgomery said that he would make those maps available to both committees; and he thought they were already introduced at hearings and they were probably already available. Sam Pete asked, "How was the second go-around on the enumeration progressing, and which homes are now unoccupied?" And a report was given that they were progressing

Tribes. He feels that Joint Tribal grazing committee would be a good idea.

Montgomery said they are making a current inventory for water and this should be ready for the south half of the JUA in the very near future. At that point, the alternates were dismissed from the meeting and the joint meeting continued.

Sam Pete said they wanted to reserve their comments regarding the map proposal that the Hopis made yesterday. He said the Navajos were disappointed in the Hopis rejection of the outside land and terming it as a backward step. He said he thought it was responsible and reasonable. He said it could be stipulated that it wouldn't affect the 1934 case. They said that the 37 percent of the homes affected by our proposal could be further decreased. We then discussed hardship and we made the point that the Hopis are very much concerned about having a secure boundary that would not perpetuate the encroachment problem. Russo suggested that the Navajos could pay for and maintain the Joint Use fence if the Hopis continued to complain.

The Hopis made the point that they were concerned about the security of the fence line and that maintenance of the fence was just one problem. Cott stated that the time frame that we were dealing in presented a problem that we were not agreed on. I said that we needed to work out answers and get this boundary line settled so that we could look to the greater details that lie ahead of us and that we really don't have three months to resolve this boundary question - there are many, many other problems that we have to solve.

Larry Russo talked about this ten-mile moratorium guarantee and suggested a possibility of having a sliding scale as opposed to a fixed life estate. We said that life estates ~~XXXX~~ had an advantage over the problem of a lease, because at the end of the life estate, the person was dead and there was no problem of requiring him to move. Sam Pete said they were concerned about people who were 65 and over and that our limit of 80 years old was too old. We had an extended discussion about life estates and we made the point that the Hopi Tribe would not accept the possibility of a life estate where a person had stock and that we were talking about only ~~XXX~~ residential life estates and only for the people involved and not for their extended families. They said, The Navajos think that there should be a possibility of having a life estate where a person would be entitled to have livestock and to plant and raise crops and live like they used to live, and we just rejected that. We said under no circumstances could we accept that kind of a proposition. We also said that leasing the property of the Navajos was just, in essence, a way of selling it and that our people would not stand for this. We also discussed the possibility if the land were not evenly divided, whether the Hopis could be paid for the part that they may not get, and we said that our people wouldn't accept that. We had to get it down to the smallest possible area of difference between 50/50. We discussed then, in detail, the realities of a livestock reduction and the fact that the Navajos were going to have their livestock reduced by a factor greater than 10 to 1 and that this would make it very difficult for anybody to continue to earn a living from livestock.

Mary Lou White said that, as far as she was concerned, she needed to know what would happen if she were relocated and that there were a lot of questions that she needed answers to. We said that the only way to get these

~~and then begin to focus on these details.~~

Then they raised question regarding the issue of moral support and whether or not the Hopis would give the Navajos moral support and we said that we would and that the Mediator said, in fact, that we had in Washington given substantial moral support and positive help. We indicated that, as we could move forward on this and got the line decided upon, we would be able to give them even more help. We then discussed the future meetings and they discussed the possibility of meeting in the Apache Mountain Sunrise Resort and also in Salt Lake City. The Mediator said they would check into this. We tentatively agreed to meet at 1:00 p.m. on Monday, June 30 through Noon on July 3. The meeting concluded at that point.

THE END!!