

## **Court Cases resulting from Navajo-Hopi Dispute**

The following is from page 6 of a written testimony before the Senate Committee on Indian Affairs by Assistant U.S. Attorney General Lois J. Schiffer, Environment and Natural Resources Division, in which she footnotes the legal battles arising over claims by both Navajo and Hopi Tribes to the 1882 and 1934 Reservations in northern Arizona.

She writes:

“This controversy has generated more than 35 years of continuous legal battles involving the Tribes and the United States. The following, while not exhaustive, lists litigation spawned by disputes over the 1882 Reservation since 1958:

Peabody Coal Company v. Navajo Nation, 75 F.3d 457 (9th Cir. 1996);

Hopi Tribe v. Navajo Tribe, 46 F.3d 908 (9th Cir. 1995) (BIA's homesite and grazing rental determinations);

Attakai v. United States, 21 F.3d 1111 (9th Cir. 1994);

Masayesva v. Zah, 816 F. Supp. 1387 (D. Ariz. 1992);

Benally v. Hodel, 940 F.2d 1994 (9th Cir. 1991);

Manygoats v. Office of Navajo and Hopi Indian Relocation, 735 F. Supp. 949 (D. Ariz. 1990);

Bedoni v. Navajo-Hopi Relocation Commission, 878 F.2d 1119 (9th Cir. 1989);

Begay v. United States, 865 F.2d 230 (Fed. Cir. 1989);

Manybeads v. United States, 730 F. Supp. 1515 (D. Ariz. 1989), 9th Cir. No. 90-15003 (appeal pending) (First Amendment suit by Navajo residents of HPL challenging the relocation requirement as unconstitutional);

Masayesva v. Zah, No. 58-579 PCT ECH (D. Ariz. 1993), 9th Cir. No. 90-15304 (appeal pending) (contempt action for illegal construction by Navajo residents); Secakuku v. Hale, No. 76-934 (D. Ariz. 1993), 9th Cir. Nos. 94-

17032, 95-15029 (damages to HPL range from overgrazing by Navajo livestock prior to partitioning);

Masayesva v. Hale, No. 76-936 PCT ECH (D. Ariz. 1993), 9th Cir. No. 94-17022 (appeal pending) (damages for use of Hopi Tribe's share of the Joint Use Area by Navajo livestock from 1962-1979);

Secakuku v. Hale, No. 58-579 (D. Ariz. 1993), 9th Cir. Nos. 94-17031, 95-15015, (appeal pending) (owelty for difference in value of the divided Joint Use Area);

Hopi Tribe v. Navajo Nation, Nos. 85-801 PHX and 87-1966 PHX (D. Ariz.) (ongoing challenges to various annual BIA rental determinations);

Hopi Tribe v. United States, Nos. 319-84-L, 320-84-L, 321-84-L, 651-89L (Ct. Fed. Cl., pending) (penalties and damages for unpermitted Navajo livestock use of the HPL);

Zee v. Watt, Civ. 83-200 PCT EHC (D. Ariz.) (dismissed March 29, 1985);

Walker v. Navajo-Hopi Indian Relocation Commission, 728 F.2d 1276 (9th Cir. 1984), cert. denied, 469 U.S. 918 (1984);

Hopi v. Watt, 719 F.2d 314 (9th Cir. 1983);

Sidney v. Zah, 718 F.2d 1453 (9th Cir. 1983);

Zah v. Clark, Civ. No. 83-1753 BB (D. N.M., filed Nov. 27, 1983);

Sekaquaptewa v. MacDonald, 626 F.2d 113 (9th Cir. 1980);

Sekaquaptewa v. MacDonald, 619 F.2d 801 (9th Cir.), cert. denied, 449 U.S. 1010 (1980);

Sekaquaptewa v. MacDonald, 591 F.2d 1289 (9th Cir. 1979);

Sekaquaptewa v. MacDonald, 575 F.2d 239 (9th Cir. 1978);

Sekaquaptewa v. MacDonald, 544 F.2d 396 (9th Cir. 1976), cert. denied, 430 U.S. 931 (1977);

Hamilton v. MacDonald, 503 F.2d 1138 (9th Cir. 1974);

United States v. Kabinto, 456 F.2d 1087 (9th Cir.), cert. denied, 409 U.S. 842 (1972);

Hamilton v. Nakai, 453 F.2d 152 (9th Cir.), cert. denied, 406 U.S. 945 (1972);

Sidney v. Navajo Tribe, Nos. 76-934, 935, 936 PHX EHC (D. Ariz., filed Dec. 15, 1976);

Healing v. Jones (II), 210 F. Supp. 125 (D. Ariz. 1962), aff'd, 373 U.S. 758 (1963);

Healing v. Jones (I), 174 F. Supp. 211 (D. Ariz. 1959), aff'd, 373 U.S. 758 (1963)."