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**Socioeconomic response variation of Navajo to relocation from
Hopi Partition Land**

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SOCIOECONOMIC RESPONSE VARIATION OF NAVAJO
TO RELOCATION FROM HOPI PARTITION LAND

by

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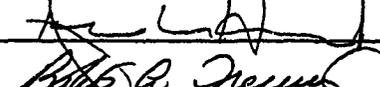
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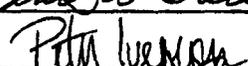
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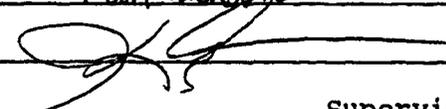
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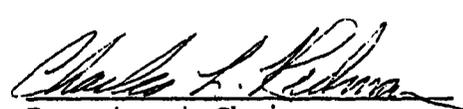







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ABSTRACT

This dissertation describes how the Navajo-Hopi land dispute has affected the economy and society of Pinon Chapter on the Navajo reservation. It concerns the relocation of Navajo households, singles and groups, off of Hopi Partition and in the former Joint Use Area and onto land in Pinon already occupied by other Navajos. The focus is on explaining variation in the social and economic responses to relocation by both the relocatees and their Navajo hosts, and on modeling that variation. The dissertation also evaluates Navajo relocation according to the World Bank's guidelines for planned relocation projects and refines Scudder's four-stage relocation model. Significant differences were found in the socioeconomic responses of relocatee households to forced relocation from Hopi Partition Land, and considerable post-relocation variation was observed in host-relocatee relations in Pinon.

Generally, "group move" relocatees were better able and quicker to adjust to their new locations than were individual households, because they were able to maintain pre-existing residence groups. More specifically, Navajo households that relocated into replacement homes on their own customary land use areas on Navajo Partition Land experienced few land disputes with their hosts, and some were able to restore at least portions of their preexisting traditional economic activities. Their production autonomy

was hence minimally disrupted. In contrast, households whose entire customary land use area was lost, and households who relocated individually from other communities to Pinon, generally experienced varying degrees of animosity with their hosts. Such households also lost their entire traditional production base and, with it, their economic self-sufficiency.

Such differences, in the economic circumstances surrounding the resettlement of particular households or groups of households, significantly affect the relative success and failure of forced relocation projects. Relocation can be considered relatively successful only for those relocatee households that retain the capacity to restore or expand their economic production capabilities. Project planners must hence provide for more than new homes, cash bonuses, and the like; they must aim either to restore the traditional livelihood of relocatees or help develop meaningful alternatives. Project planners must also incorporate both relocatees and their future hosts in the planning and implementation process.

Before the exile the Navajo were a free and self-sufficient people, organized in autonomous bands led by headmen. Navajo raids on Pueblo Indians and Rio Grande settlers, and *vis versa*, were as common as were trade relations amongst the same parties. The years in Fort Sumner had a profound impact on the Navajo. They passed from relative prosperity and independence through the uncomfortable, famished, and ailing conditions of Bosque Redondo, to the privation and restricted freedom of their reservation.

The Formation of the Executive Order Area

Upon their return from exile, the Navajo resumed their former lives. Their numbers were increasing steadily and once again they took up farming and livestock husbandry. Their new reservation, however, was too small to accommodate their growing population (Table 2). Due to this growth, and because they did not know the precise reservation boundaries, many Navajos started moving beyond the treaty reservation boundaries back to their traditional land use areas. General Sherman recognized that the treaty reservation was too small if Navajos were to re-establish their herds and farms and told Navajo leaders that their people would be allowed to use any off- reservation areas not occupied by white settlers (Brugge 1980:49). Since, there were no white settlers in northern Arizona and New

Table 2
Navajo Population Growth 1850-1960

Year	Population
1850	5,000
1855	8,000
1859	12,000
1861	9,000
1870	10,000
1875	11,768
1881	16,000
1885	13,003
1890	17,604
1894	20,500
1910	26,624
1930	40,585
1950	69,176
1960	83,116

Source: Young 1961:331-326

Mexico in the 1980s, except for Mormons, Sherman's statement implied that most Navajo households could return to their former homes (Bailey and Bailey 1986:26).

Because they were self supporting and expanding, the federal government started (in 1878) to expand the original reservation (Figure 2). Simultaneously, the United States Indian Inspector and the BIA also attempted to create a reservation for the Hopi. The declared goal was to protect the Hopi from Anglo and Navajo intruders (U.S. Congress, Senate 1973:219-222). On December 16, 1882, President Chester A. Arthur authorized an Executive Order Area (EOA) "for the use and occupancy of the Moqui (Hopi), and other such Indians as the Secretary of the Interior see fit to settle thereon" (U.S. Congress, Senate 1973:200).

The EOA was a rectangular area measuring about fifty-five by sixty-eight miles. It contained 2,393,600 acres, and was immediately adjacent to the Navajo reservation (See "Q" in Figure 2). The creators of the EOA, however, were not concerned with Hopi population concentrations or cultural considerations: although the EOA contained twelve Hopi villages, it excluded the Hopi village Moenkopi to the west. The Executive Order also did not consider the status of the estimated 300 to 1,000 Navajos (Aberle 1974:334-338) who were living in the EOA. With the 1934 final additions to the Navajo reservation, it completely surrounded the EOA.

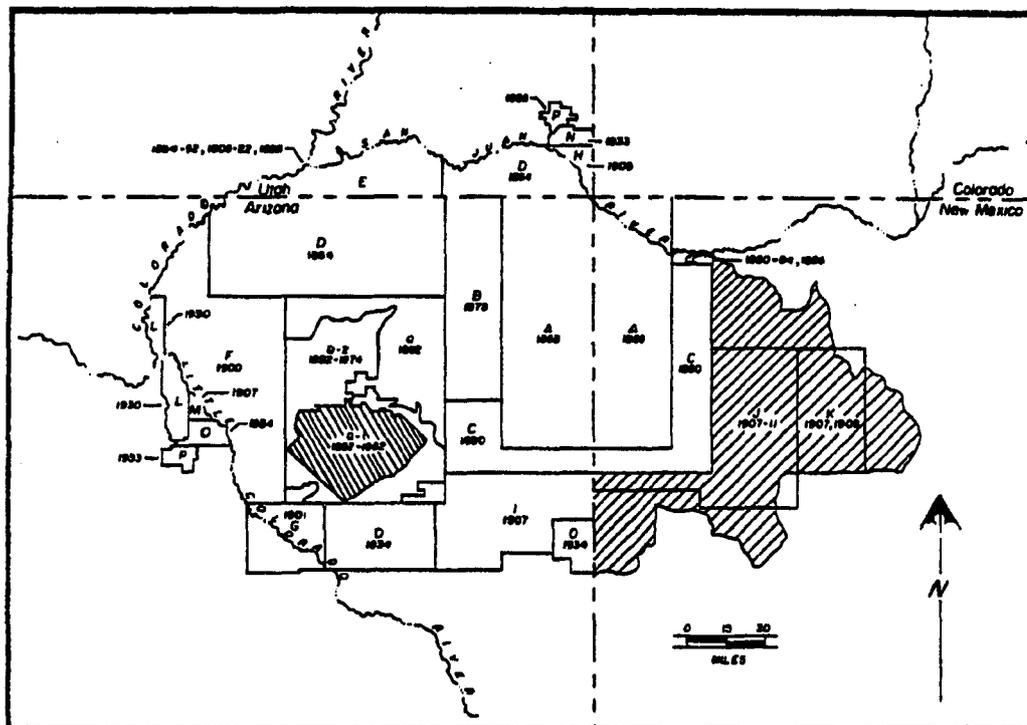


Figure 2

The Evolution Of The Navajo Reservation¹

(After Kelley and Whiteley 1989:46)

¹ The Checkerboard Area lies east and south of the Navajo reservation line. The term "checkerboard" refers to tracts of land ranging in size from one square mile to larger units of land. The tracts may be private land, railroad land, state land, or public land.

Steps Toward Partitioning

After the EOA was established the Secretary of the Interior had two options. One option was to exercise his authority, as permitted by the Executive Order, and "settle" the Navajo living in the EOA. This would have given the Navajos equal land rights with the Hopi, either jointly or by severalty. The Secretary also had the option of removing the Navajo from the EOA. However, until the establishment of Grazing Districts in 1936, neither the Secretary of the Interior nor the BIA did anything to restrain Navajo use and occupancy of the EOA.

The number of Navajos, the size of their flocks, and the extent of their reservation all increased significantly after their return from exile. After the establishment of the Navajo reservation, many changes took place in Navajo social and economic life. Raiding and warfare were over, and by 1869 they had reinstated their pastoral lifestyle with the help of the federal government, which supplied the Navajo with 14,000 sheep and 1,000 goats. They received additional 10,000 sheep and goats in 1872 (White 1983:215). These animals, combined with those of Navajo who had managed to escape the exile, became the core of future Navajo herds. Navajo livestock increased, partly due to management skills, but also due to the encouragement of federal agents (Young 1961). Still, the increase in Navajo herds did not match the growing population. Per capita livestock holdings

declined after the 1880s², and more significantly, the land and the pasture were deteriorating, and the economic value of livestock was declining.

In 1888 there were demands from the Hopi and some Anglo supporters that the Navajo be moved from the EOA. The army did not remove them, but it did order some to move from certain springs the Hopi used. After the army left, the Navajo returned (U.S. Congress, Senate, 1973:330-332). By the turn of the century, 1,826 Navajos resided within the EOA (Wood et. al. 1979:23), compared to 1,832 Hopis (Benedek 1992:121). From 1907 to 1911 a federal program granted land allotments to approximately 300 Navajo families residing there. Except for this program, neither the Department of the Interior nor the BIA officially settled Navajos in the EOA. Beginning in the late 1920s, there were pressures within the BIA to partition the EOA into exclusively Hopi and exclusively Navajo regions. Initial partitioning took place during the 1930s.

The First Partitioning of the EOA

Since 1927 Congress gave itself the power to change the boundaries of the EOA. The first actual partitioning of the EOA was an offshoot of the New Deal era's livestock reduction and range management program of 1936. The New Deal began with President Franklin D. Roosevelt, Secretary of the Interior Harold Ickes, and Commissioner of Indian Affairs John Collier's policy of respect for Indian

cultures. Their policy also encouraged Indian self rule using a non-Indian model, supported Indian land expansion, and promoted economic development of Indian reservations. One portion of the policy, which had an irreversible impact on the Navajo, was the livestock reduction program.

In the early 1930s the BIA reported that Navajo livestock had increased beyond the reservation's carrying capacity and that range land was consequently washing away. This led to the first partitioning of the EOA and to federally directed reduction of Navajo livestock. This livestock reduction became another major trauma in Navajo history.

Between 1933 and 1936 the BIA conducted grazing surveys on the Navajo reservation. These surveys provided the basis for partitioning the Navajo reservation and the EOA into Land Management Grazing Districts, and for determining the livestock carrying capacity for each District. Meantime, Commissioner Collier, with the approval of the Navajo Tribal Council, administered a voluntary livestock reduction program. Chapter officials, local leaders, and traders arranged livestock sales. Government workers, including Navajos engaged in government work programs, rounded up livestock and drove them to delivery centers (Parman 1976:48). This voluntary endeavor, however, did not reduce the livestock by the intended number.

In 1936 the BIA and the Navajo Tribe partitioned the Navajo reservation and the EOA into nineteen Land Management Grazing Districts. All but Land Management District Six were considered Navajo. The 520,727 acres of District Six were set aside for exclusive Hopi use (Figure 3). In 1943, District Six was expanded to 631,194 acres and became identified as the Hopi Reservation. After the expansion District Six still made up about one-fourth of the EOA. Approximately 100 Navajo families who lived in District Six were forced to move, as were some Hopis who had used land outside District Six lines (U.S. Congress, Senate, 1973:401). Thereafter, the BIA considered all other Land Management Districts within the EOA effectively Navajo (NHIRC 1978:7). The partitioning of the EOA had the effect of settling the Navajo there "by implication," as the federal court later decided in *Healing V. Jones* (U.S. Congress, Senate, 1973:242-313).

The Grazing Districts were administrative units for the new compulsory livestock regulation program (Parman 1976:112). From 1937 to 1941 Collier set up a systematic forced livestock reduction. Grazing census was taken in 1933-1936, 1937, and 1939, and was the basis for establishing the carrying capacity for each district. The BIA calculated the actual livestock and individual holdings in "sheep units." One sheep or goat equaled one sheep unit. One head of cattle equaled four sheep units. One

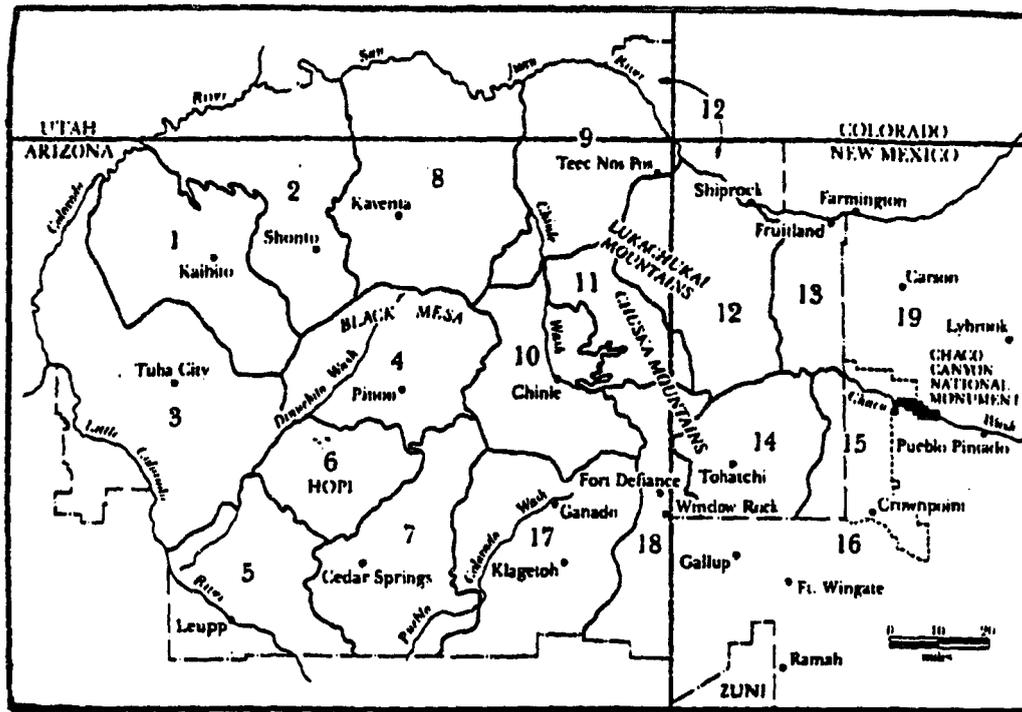


Figure 3
Land Management Grazing Districts
 (After Bailey and Bailey 1986:189)

horse equaled five sheep units. Based on this principle, the BIA issued maximum permits, and ordered livestock owners to adjust their herds to their permits³.

The effects of the livestock reduction on the Navajo were dramatic (Reichard 1939; Parman 1976; Philp 1977; Aberle 1978, 1982 xxxiii-xxxvii, 52-90, 252-278). One unique outcome was demonstrated by Aberle, who links the loss of livestock and subsequent economic deprivation to the spread of the peyote religion (Aberle 1982:252-277). Another significant consequence was the destruction of Navajo social order, which was based on a livestock economy that existed prior to the 1930s (Kelley 1986:205; Henderson 1989:339). In terms of per-capita holdings, the reduction devastated the Navajo subsistence economy. According to Aberle, per-capita holdings in mature sheep and goats declined from twenty in 1930 to fourteen in 1935 to eight in 1940, when the BIA issued grazing permits, and to five in 1951 (Aberle 1982:72). Throughout the reservation livestock holdings decreased dramatically from 1937 throughout the war years, and reached a record low in 1954. In that year the Navajo had only twenty-seven per cent of their 1930 livestock holdings (Aberle 1982:70).

The steady growth of Navajo population against a fixed land base, together with the drastic livestock reduction, rendered economic self-sufficiency difficult for many Navajos. Most households were forced to diversify their

income sources. Collier expected that wage work would make up for Navajo loss of income at least threefold (Parman 1976:44). This did not happen, however, because there were only a limited number of government employment opportunities on the reservation between 1936 and 1940. Job opportunities were primarily in railroad, forestry, irrigation, road construction, and school construction. Jobs provided economic production alternatives to Navajo men, but not to Navajo women (Shepardson 1984:151). Only a few employment opportunities for Navajo women in federal institutions such as schools and hospitals were available (Hamamsy 1957:104).

More Navajo Relocation

During World War II the government started recruiting Navajos in the armed forces and as laborers filling off-reservation jobs made vacant by the draft.

An estimated 10,000 wartime jobs were filled with Navajo workers. Big stake-body trucks stopped at trading posts all over the reservation. Drivers offered the few English speaking Navajos a dollar a head or two dollars a head to gather up a truckload of workers to haul away. Navajo men were packed in trucks to standing room only. They were headed for Texas cotton fields, for Arizona lettuce and bean farms, for work on Santa Fe Railroad gangs, and up into Idaho on the Northern Pacific Railroad. They went to sugar beet fields in Colorado and Utah, "addresses unknown." [Boyce 1974:130]

In essence, during World War II the Navajo concluded their transformation from small-scale pastoralists to wage laborers in public and private sectors (Weiss 1979:212). In addition, the need for Navajo labor in the defense

industries led to federal programs whose aim was to move Navajos to new locations. Many moved to the nearby Fort Wingate Ordnance Depot near Gallup, New Mexico, but others went to the distant west coast (Brugge 1985:13). These relocations were not permanent, and the cash payments were abundant only while the war lasted.

During the 1940s and 1950s the federal government renewed its efforts to permanently relocate many Navajo away from the reservation. One federal program aimed at relocating Navajo and Hopi families to irrigated farms on the Colorado River Indian reservation near Parker, Arizona. The program was proposed in 1940, and the first Navajo families moved in 1945. By 1951, 119 Navajo families had resettled in an area with drastically different ecological and cultural characteristics than the Navajo reservation. Their adjustment was not easy. At first, the Mohave and Chemehuevi hosts were ambivalent toward the newcomers. But in 1951 they demanded the program's termination. By 1962 only forty-four Navajo families remained in the Colorado River Indian Reservation (Young 1961:204-208).

In 1950 another program, the Navajo-Hopi Long Range Rehabilitation Act, was approved. The program introduced new jobs in construction, soil conservation, education, health, and other services, and provided funds for the construction of chapter houses. An important impact of the program was the construction of roads that skirted the Navajo

reservation and connected Black Mesa with towns in northern Arizona (Kelly and Cramer 1966). In 1952 the program added the Relocation Service Program. This relocation program focused on off-reservation job placement for Navajos and Hopis. It was intended to relieve the pressure on the dwindling reservation resources and to help Navajos and Hopis permanently settle in urban centers. Placement officers, whose duty was to find employers for the relocatees, were assigned to Los Angeles, Phoenix, Denver, and Salt Lake City. By 1960, 3,273 Navajos had relocated, representing 555 families and 1,029 single people (Brugge 1985:14). Within a few years 35 per cent of them returned to the reservation (Young 1961:238). Simultaneously, the economy on the Navajo reservation was changing. Before World War II, most Navajo income derived from livestock and farming and only about one-third from wages. By 1958 more than two-thirds of their income derived from wages, most of it earned off the reservation (Aberle 1982:82).

From Healing V. Jones to the Land Settlement Act

The Navajo-Hopi land dispute was not forgotten. On July 22, 1958, Congress passed Public Law 85-547, entitled "An Act to determine the rights and interests of the Navajo Tribe, the Hopi Tribe, and individual Indians to the area set aside by the Executive Order of December 16, 1882, and for other purposes." The Act allowed the two tribes to litigate the matter in court. The legislation made it

possible for either tribe, or both, to obtain exclusive rights to some portions of the EOA. Congress reserved possible partitioning of the EOA for legislative action. On September 26, 1960, in a special three-judge District Court, the *Healing v. Jones* lawsuit (Deway Healing, Chairman of the Hopi Tribe, Paul Jones, Chairman of the Navajo Tribe) began.

The Navajo based their case on the principle of "exclusive use and occupancy." This principle had historically been the prevalent test of Indian land holdings in courts. Their case focused on the EOA domain outside District Six (Brugge 1990:6). The Hopi, in turn, based their claim on the presence of sacred places in the EOA. "Presence" included visits to shrines, herb and wood gathering, eagle nests, and so on. They also effectively used a common, yet exaggerated, stereotype of the Navajo as the aggressive villains, as opposed to the docile Hopi victims (Brugge 1990:7)⁴.

On September 28, 1962, the court filed its "Opinion, Findings of Fact and Conclusions of Law and Judgment." The court ruled that the Hopi Tribe had exclusive rights to the surface and subsurface of District Six (Figure 2). In the remaining the 1,800,000 EOA acres, the Navajo and the Hopi had "joint undivided and equal rights and interests both as to the surface and subsurface." This area became known as the Joint Use Area (JUA) (Figure 4). The court also ruled

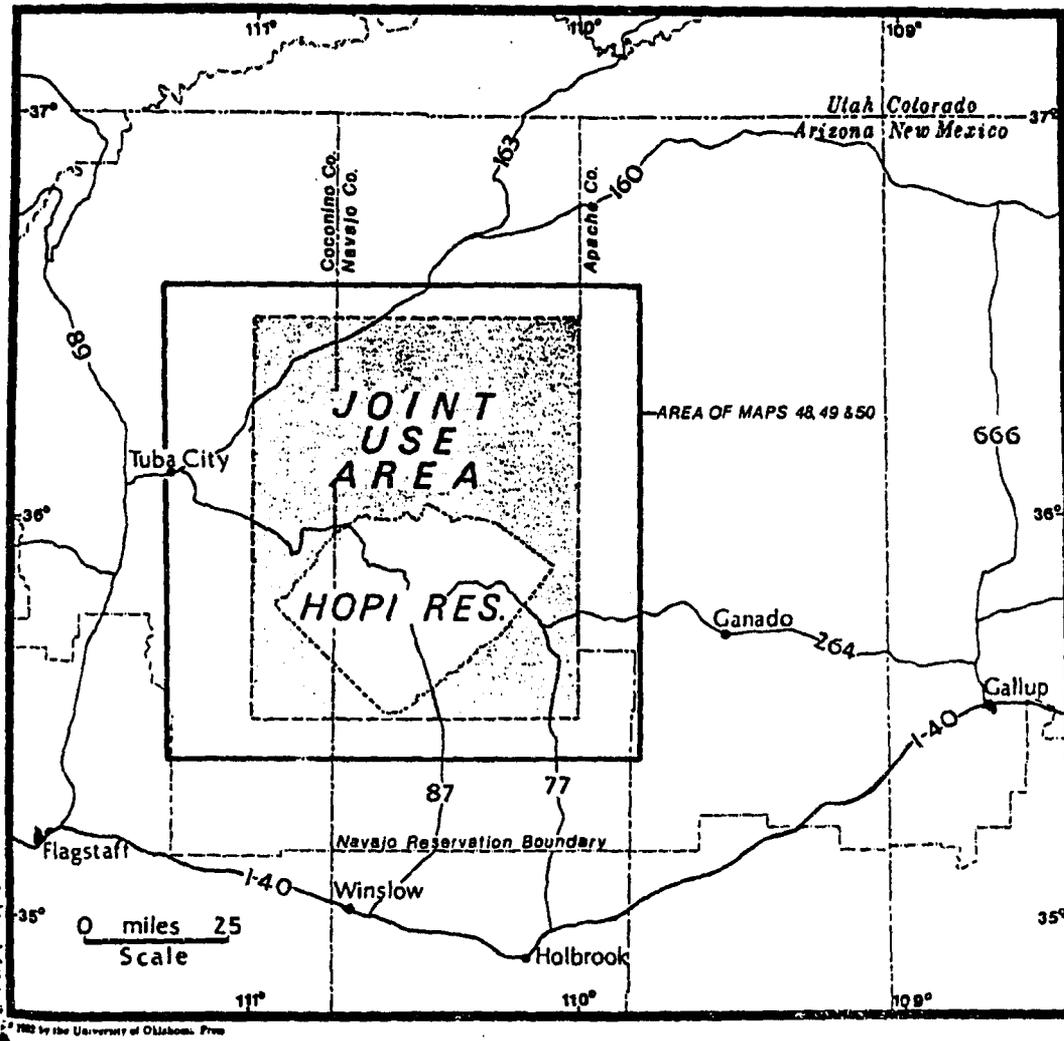


Figure 4
The Joint Use Area
(After the NHIRC 1981:150)

that it had no authority to partition the JUA. The two tribes appealed the *Healing v. Jones* decision to the Supreme Court. On June 3, 1963, the Supreme Court sustained the decision without a hearing.

Neither the Navajo nor the Hopi could accept the 1962 court ruling. The Navajo, who were in the majority in the JUA, wanted a provision that would have allowed any Navajo who already resided there to remain. The Hopi felt cheated because Navajos were already using most of the JUA. The Hopi would not accept monetary or mineral rights as compensation. The Navajo could not face another massive relocation: memories and family stories about the Long Walk were still very vivid.

Following the court decision, the Hopi Tribal Council sought to protect its surface rights from further Navajo encroachments. These initiatives resulted in a series of federal actions that had serious repercussions for the social and economic fabric of Navajos in the JUA. On July 1, 1966, the Commissioner of Indian Affairs froze all significant residential, commercial, and infrastructure developments in the JUA unless they were approved by the Hopi Tribe. The moratorium included mineral exploration and mining right-of-way. It also included any activity involving trading permits, leases, or licenses for home construction, construction of community facilities, schools, clinics, and infrastructure. Although until 1972 Navajos in

the JUA could upgrade their own homes, and a few built new homes, they strongly resented the construction freeze. In the 1972 proceedings, an Arizona District Court mandated a drastic livestock reduction and restricted all construction and infrastructure in the JUA to improvements authorized by both Tribes. The impact of these restrictions on the Navajo was profound, because they occupied most of the JUA, and because Hopi approval was rare. The construction freeze had effectively halted development in one of the poorest areas of the Navajo reservation.

Steps Toward Navajo Relocation

The *Healing v. Jones* court ruling was the basis for five congressional attempts to partition the JUA. The partition bill that was approved, H.R. 10377, was introduced by Representative Wayne Owens of Utah. On December 22, 1974, Congress passed the bill known as the Navajo-Hopi Land Settlement Act, and enacted it into law as Public Law 93-531. The Act provided for a final partitioning of the JUA between the Navajo and the Hopi Tribes, and required that the two tribes negotiate boundaries. This partitioning led to the relocation of approximately 10,000 Navajos and about 100 Hopis who lived on lands partitioned to the other tribe. The Act also established a federal agency, the Navajo and Hopi Indian Relocation Commission (NHIRC) to facilitate the relocation.

The massive forced relocation of more than 10,000 Navajos instituted by the Land Settlement Act was the single most profound social, cultural, and economic consequence of the Navajo-Hopi land dispute. Scudder explains:

For the majority of those who have been moved, the profound shock of compulsory relocation is much like the bereavement caused by the death of a parent, a spouse, a child... Relocation undermines a people's faith in themselves - they learn, to their humiliation, that they are unable to protect their most fundamental interests. In the Navajo case, these interests include the preservation of their land (both for themselves and, of great importance, for their children), their homes, their system of livestock management with its associated lifestyle, and their links with the environment they were born to. [Scudder 1982:10]

The effects of relocation and the general fate of the relocatees were predictably severe. Nevertheless, the Land Settlement Act treated the massive relocation of Navajo people as a minor problem. There was no general relocation policy for reservation Indians, and there was little planning for this particular relocation. The Act grossly underestimated both the number of potential relocatees and the cost of relocating them. Finally, the human rights of Navajo people, especially generations of familial customary land use rights were disregarded.

Public Law 93-531

Public Law 93-531 mandated the partitioning of the JUA. It designated both surface and subsurface of District Six to the Hopi Tribe. The rest of the JUA was to be divided

equally between the two Tribes into Hopi Partitioned Land (HPL) and Navajo Partitioned Land (NPL). HPL and NPL were to be incorporated into the Hopi and the Navajo reservations respectively. The Land Settlement Act also ordered the two tribes to begin a six-month negotiation period for partitioning the former JUA. If after six months the two tribes did not agree on partitioning, a federally appointed mediator was to be assigned. The latter would provide the Federal District Court of Arizona with suggested partition boundaries. Certain partitioning guidelines were applied:

The boundary lines resulted from any partitioning of the Joint Use Area shall be established so as to include the higher density population areas of each tribe within the portion of the lands partitioned to such tribe to minimize and avoid undue social, economic, and cultural disruption in so far as practicable. [25 USC 640d-5. Sec. 6b]

Public Law 93-531 also included a provision permitting members of both Tribes free access to religious sites on lands partitioned to the other tribe.

In any division of the surface rights of the joint use area provision shall be made for the use and right of access to identified religious shrines for the members of each tribe where such use and access are for religious purposes. [25 USC 640d-5. Sec. 6c]

It further specified that the surface of the JUA was to be divided equally between the Navajo and the Hopi Tribes. The subsurface of the JUA was not to be partitioned.

All such coal, oil, gas, and other minerals within or underlying such lands shall be managed jointly by the two tribes. [25 USC 640d-6 Section 7]

Negotiating the partitioning of the JUA was more important to the Navajo than to the Hopi as Navajos were residing throughout the entire JUA. They had everything to gain by trying to negotiate for more than their half of the JUA surface rights. Their determination to secure land use rights in the JUA was founded in their long-standing occupancy of the area and from traumas of past relocations, particularly the Long Walk. The Hopis, on the other hand, had nothing to gain from negotiation. They had sole grazing rights in District Six. The worst that could happen to them was the acquisition of half of the JUA where only few Hopis then lived. As far as the Hopi were concerned, the Land Settlement Act ordered the Navajo off HPL, and the Hopi wanted the law carried out. Due to these differences, the two Tribes could not agree upon partition boundaries. A federal Mediator, William Simkin, was appointed. On February 10, 1977, Simkin submitted his suggested partition boundaries. A court ruling later declared the boundaries unworkable and regarded them as temporary. It took a series of court orders issued between 1977 and 1979 to divide the former JUA between the Navajo and the Hopi tribes. The final partition boundaries were approved on April 18, 1979 (Figure 5).

The Land Settlement Act also authorized the sale, at an acceptable market rate, of 250,000 acres of Bureau of Land Management (BLM) land within the states of New Mexico and

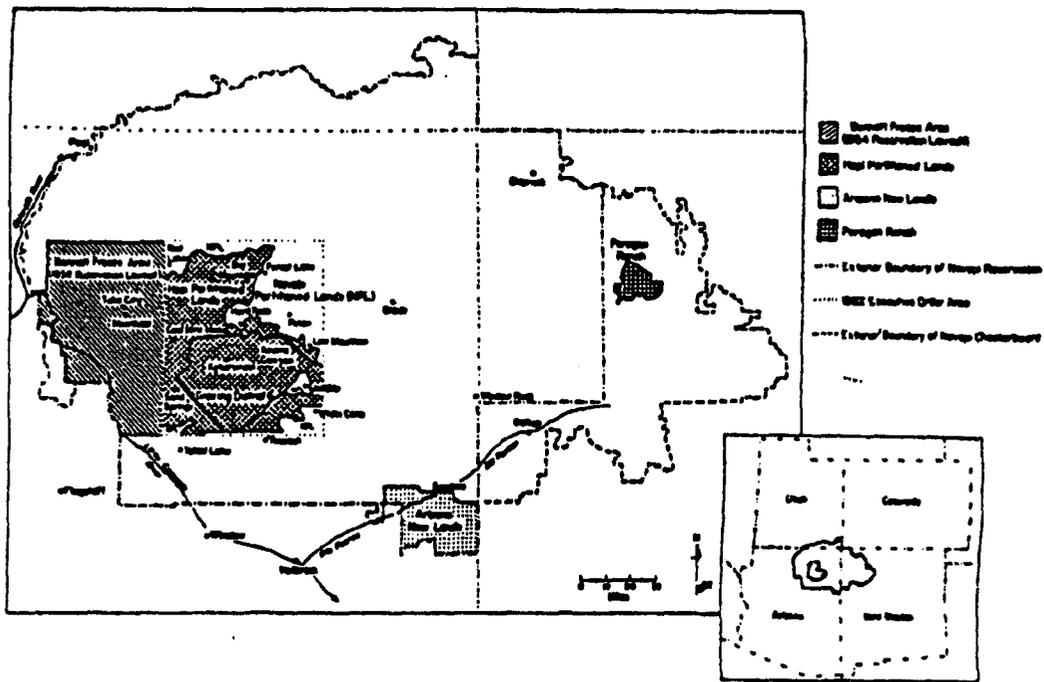


Figure 5
The Relocation Program Area
 (After the NHIRC 1988)

Arizona to the Navajo Tribe. This land parcel was to be adjacent to the reservation and put in trust for the Navajo Tribe as an act of good will (25 USC 640d-10. Sec. 11). Later, on July 8, 1980 the Land Settlement Act was amended by Public Law 96-305. This law endorsed the transfer of 250,000 acres of BLM land to the Navajo Tribe without payment. It also authorized the incorporation of 150,000 acres already purchased by the tribe⁵. The initial portion of BLM land was obtained in October 1984 (NHIRC October 1984). The rest of BLM lands acquisition was completed in December, 1985 (NHIRC December 1985). The private land parcel that was purchased by the Navajo Nation became trust land only a year later (NHIRC October 1986), four months after the original deadline for completing the relocation process. Portions of these newly acquired lands, the so-called New Lands⁶, were set aside for Navajo relocatees from HPL. The delays in land acquisition slowed down the relocation process. It also meant that Navajos who relocated before 1986 lacked the option of relocating to the New Lands.

Report And Plan

Section 12 of Public Law 93-531 had established the NHIRC as an independent entity within the executive branch of the federal government. Three commissioners were appointed by the Secretary of the Interior, appointments not subject to Senate confirmation⁷. Operationally, the

NHIRC was independent of the Secretary of the Interior and of the BIA, and answered directly to its congressional Committees. In 1990, the three NHIRC commissioners were replaced by one commissioner, Carl J. Kunasek. The commission is now called the Office of Navajo and Hopi Indian Relocation. As of June 1, 1990, it reports directly to the President of the United States. In addition to its administrative and planning functions, the commission manages a program of direct client services. It takes applications for relocation benefits, determines eligibility, acquires replacement homes, disburses cash payments, and maintains a two-year post move contact with relocatee households. The law required the NHIRC to submit a report "concerning the relocation of households and members thereof of each tribe, and their personal property, including livestock, from lands partitioned to the other tribe" (25 USC 640d-12. Sec. 13). The report was due within two years after finalizing partitioning of the JUA. The partitioning was concluded on April 18, 1979. On April 13, 1981 the NHIRC submitted its Report and Plan to Congress. Thirty days later a five year period began, during which relocation was to be completed.

Report and Plan is an operational manual for the directed relocation of Navajo and Hopi from the former JUA. On its first page, in the Executive Summary and Tribal Recommendations, an admirable component linking lessons from

federal Indian relocation policies of the past to the case in hand was introduced.

That any such divisions of the lands of the Joint Use Area must be undertaken in conjunction with a thorough and generous relocation program to minimize the adverse social, economic, and cultural impacts of relocation on affected Tribal members and to avoid any repetition of the unfortunate results of a number of early official Indian relocation efforts. [NHIRC 1981:1]

Report and Plan also acknowledged the central role of economic development for the relative success of relocation.

The Commission has long recognized that economic development holds significant promise for amelioration of adverse impacts of relocation. Economic development at the most functional level means training, employment, and jobs for relocatees. [NHIRC 1981:5]

However, the 361 page document devoted only two and a half pages (Report and Plan 1981:265-267) to "economic development." Later, in an update, the NHIRC acknowledged that "economic development in the purest sense has not been accomplished to any great degree" (NHIRC 1983:14).

In addition to relocation goals, Report and Plan presented its guidelines for conducting the relocation from the former JUA. Three principles stand out (NHIRC 1981:29).

1. The NHIRC intended to operate, as much as possible "in consultation with the persons involved in such relocation and appropriate representatives of their tribal councils."
2. The relocation plan was to "take into account the adverse social, economic, cultural, and other impacts of

relocation on persons involved in such relocation and be developed to avoid or minimize, to the extent possible, such impacts."

3. The NHIRC was committed to "assure that housing and related community facilities and services, such as water, sewer, roads, schools, and health facilities, for such households shall be available at their location sites."

Implementing these relocation principles was difficult because there was no actual relocation plan. Only twenty-seven pages of Report and Plan's 361 pages addressed a sketchy relocation program (NHIRC 1981:113-130). In reality, the NHIRC began relocating Navajos in May 1977 with no elementary plan, and without arrangements with the host communities. It began relocation two years before the final partitioning of the former JUA, and four years before Report and Plan was submitted to Congress. Relocation was suspended between May 15, 1977, and August 30, 1978, due to a court battle between the Navajo and the Hopi Tribes over land and grazing rights.

To encourage relocation from the former JUA, benefits and bonuses were offered to eligible relocatees. The general standard that was applied to benefits appropriation was the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894). This Act was designed for urban relocations and was not modified to address relocation of reservation Indians. Benefits in the

Navajo-Hopi case included cash payments for homes and improvements (corrals, sweatlodges, ramadas) owned by heads of households who lived in the partitioned area. Benefits also included the acquisition of replacement homes and a cash bonus of \$2,000 to \$5,000⁸. Eligible Navajo relocatees, however, were not compensated for land losses. From a Navajo perspective land is "owned" only in the sense that it is used. However, the principal employed by the NHIRC was that of ownership in terms of having legal title to the land and, thus, having an exclusive right to dispose of land. Living on an EOA, no Navajo in the JUA had such exclusive right to land.

The Report and Plan specifically recognized the head of the household who resided in HPL as the principal recipient of benefits available under the Land Settlement Act. The Plan also acknowledged that the construction freeze in the former JUA had forced many Navajos to leave. The commission, therefore, extended eligibility for relocation benefits to people who were "temporarily away." These were people who were "not actually living on the partitioned lands but maintain substantial recurring contacts with an identifiable homesite..." (NHIRC 1981:119). This definition was sensitive to Navajo residence patterns. Congress, however, regarded it as too vague. In the end, only Navajos who were actual HPL residents before May 29, 1974 (the date Public Law 93-531 was enacted), and who

became heads of households by July 7, 1986 (the original date for completing the relocation process) were considered eligible for relocation benefits.

Public Law 93-531 required the NHIRC to list in Report and Plan the Hopis and Navajos that were subject to the relocation, but the commission underestimated the number of Navajos residing in HPL. In 1981 the NHIRC estimated that there were about 1,520 Navajo and 20 Hopi households eligible for relocation (NHIRC 1981:105). This figure accounted for only 53 per cent of the 2,882 families the Office of Navajo and Hopi Relocation had certified eligible for relocation by 1991 (ONHIR October 1991). Even the latter figure is likely to increase; due to maturation and marriage, several hundred families appealed the denial of their eligibility between 1981 and 1991.

The Land Settlement Act projected the cost of relocation at \$48,000,000 (calculated from Public Law 93-531 25 USC 640d-24 Sec. 24) with an additional \$500,000 appropriated for the NHIRC annual expenses. According to these figures, the total budget for the five years relocation period would have been \$50,500,000. In 1974, the NHIRC spent between \$17,000 and \$25,000 on each relocation replacement home, (Shaw-Serdar and Yazzie 1986:196), but both the Commission's annual expenses and the cost of replacement homes for relocatees increased several times (See Tables 3 and 4). By 1988 the Commission was

spending between \$65,646 and \$86,077 on each replacement home (NHIRC 1988:23). By the end of 1989 the Commission had spent \$181,599,402 (NHIRC 1988:17), and an additional \$48,000,000 was apportioned to other agencies involved in the relocation, a jump of 450 per cent above the projected 1974 budget.

Livestock Reduction

In order to preserve the land surface of the JUA, a 1972 District Court of Arizona Proceeding ordered the reduction of livestock in the entire JUA to the previously determined carrying capacity. In 1974, section 19 of the Land Settlement Act reiterated the order. However, the BIA goal was to reduce Navajo herds to one-half the carrying capacity in order to preserve that carrying capacity for the Hopi. Because more Navajos resided in the JUA and used the land for grazing, the reduction affected them more than it did the Hopis. After the partitioning, Navajos residing in HPL had to further reduce their livestock to half the carrying capacity. This resulted in a reduction of 90 to 95 per cent in Navajo herds (Colby, Aberle, Clemmer 1990:22).

Benedek writes:

The reduction proved a tremendous assault on the Navajos' already tenuous attempts to subsist on the land. BIA figures showed that the 1,150 Navajo families on the JUA ran 63,000 sheep and goats, 5,000 horses, and 8,000 cattle, which the BIA calculated to equal 120,036 sheep units. In order to bring their animals to half carrying capacity, the Navajo had to reduce their livestock

Table 3

CHANGES IN STATUARY REPLACEMENT HOME BENEFITS

(after NHIRC 1988:18)

Family of Three or Fewer Persons

<u>12-22-75</u>	<u>3-10-77</u>	<u>3-2-78</u>	<u>3-1-79</u>	<u>12-7-79</u>	<u>12-6-80</u>
\$17,000	\$21,250	\$22,610	\$26,520	\$38,700	\$44,800

<u>4-2-82</u>	<u>4-8-83</u>	<u>3-2-84</u>	<u>5-3-85</u>	<u>5-2-86</u>	<u>87 & 88</u>
\$50,000	\$50,000	\$55,000	\$55,000	\$55,000	(a)

Family of Four or More

<u>12-22-75</u>	<u>3-10-77</u>	<u>3-2-78</u>	<u>3-1-79</u>	<u>12-7-79</u>	<u>12-6-80</u>
\$25,000	\$31,250	\$33,250	\$39,000	\$57,000	\$66,000

<u>4-2-82</u>	<u>4-8-83</u>	<u>3-2-84</u>	<u>5-3-85</u>	<u>5-2-86</u>	<u>87 & 88</u>
\$60,000	\$60,000	\$60,000	\$60,000	\$60,000	(a)

(a) In the spring of 1987 Commission staff determined that the benefit levels were sufficient for acquiring decent, safe, and sanitary homes. The Commission would pay, however, the pro-rated infrastructure costs for replacement homes according to the circumstances at each family's relocation site. The average cost of a replacement home acquired in Fiscal Year 1982 was \$66,017. For 1988 it was \$71,376 (NHIRC 1988:23).

Table 4
NHIRC Budget
 (After NHIRC 1988:17)

Fiscal Year	Bonus Payments	Housing Acquisitions	Discretionary Funds	NHIRC Operations	Total
1976	\$1,800,000	\$10,500,000	-	\$500,000	\$12,800,000
1977	-	-	-	400,000	400,000
1978	450,000	1,100,000	-	623,000	2,173,000
1979	250,000	7,512,000	-	990,000	8,752,999
1980	-	-	-	985,000	985,000
1981	-	1,500,000	-	1,237,000	2,737,000
1982	700,000	6,640,000	\$500,000	2,222,000	10,062,000
1983	470,000	3,889,000	500,000	2,832,000	7,691,000
1984	950,000	13,312,000	1,629,000	2,914,000	18,805,000
1985	980,000	14,700,000	1,645,000	2,996,000	20,321,000
1986	961,000	13,734,000	3,321,000	3,877,823	21,894,403
1987	2,185,000	15,000,000	2,000,000	3,150,000	22,335,000
1988	1,012,000	18,800,000	2,273,000	3,185,000	25,270,000
1989	1,034,000	18,800,000	4,115,000	3,424,000	27,373,000
Sum	10,792,000	125,487,580	15,983,000	29,336,822	181,599,402

by 90 percent, leaving each family with 9.5 sheep units, enough for one cow and one horse, or nine sheep and goats. [Benedek 1992:142]

The livestock reduction altered Navajo subsistence economy throughout the JUA (Wood, Vannette, and Andrews 1979:188-204). Initially, the Navajo Tribe resisted the forced livestock reduction and paid \$250.00 per day for contempt of court. Only later, when the BIA offered a premium price for livestock, did the reduction take place. It began in April, 1976, in White Cone, Arizona (Wood, Vannette, and Andrews 1979:188), three years before the partition boundaries were finalized. The livestock reduction order was amended by Public Law 96-305 on July 8, 1980, instructing that reduction was to be completed within eighteen months (25 USC 640d-3. Sec. 8).

The mandatory reduction in the JUA meant that all Navajo who resided there had to sell most of their livestock. They also had to surrender the grazing permits issued to them during the New Deal era. After partitioning, Navajos residing on NPL were eventually issued new, temporary, grazing permits. By then, however, many NPL Navajos who sold their livestock to the BIA had spent the money, and could not afford to replace their herds when the new permits were issued. Navajos residing in HPL did not qualify for the temporary permits. In 1980, with the passage of Public Law 93-305, grazing control in NPL and HPL was transferred from the two tribes to the BIA. The BIA enforcement of the reduction was sporadic and random (Colby, Aberle, Clemmer 1990:22). The Navajo and the Hopi Tribes resumed control over

grazing in 1989, though the Navajo Nation did not put new grazing regulation into effect.

Summary

During the Spanish and Mexican periods the Navajo moved westward and established their herding and farming lifestyle in the Black Mesa region. Their relations with other Indians were a combination of trade, raids, and local land disputes. Their contacts with non-Indians were sporadic, and they maintained relative isolation from direct non-Indian influence. The arrival of the Americans soon resulted in the forced relocation of Navajo to Fort Sumner. Later, during the New Deal era, the livestock reduction program was another traumatic event in Navajo history. The New Deal also marked the end of Navajo reservation expansion and the establishment of Land Management Grazing Districts throughout the Navajo reservation and the EOA. In the process, the BIA designated District Six for exclusive Hopi use. By then, the Navajo reservation completely surrounded the Hopi Reservation. These later developments had clear ramifications for *Healing v. Jones*. Neither tribe could gain land elsewhere and, thus, the interests they had in the EOA grew.

The 1962 court verdict established the JUA, but the area was occupied almost entirely by Navajos. The Hopi Tribe was not satisfied with the arrangement and continued to litigate in Federal courts. Their efforts resulted in a moratorium on construction and in a drastic livestock reduction throughout the JUA. After years of considerable congressional debate about the

issue, Congress passed in 1974 the Land Settlement Act that mandated the division of the surface rights of the JUA between the two tribes. The partitioning led to the relocation of more than 10,000 Navajos. The following chapters discuss what was and is happening to Navajo victims of relocation.