

THE EFFECTS OF COALITION BUILDING ON PUBLIC LAW 93-531:  
THE NAVAJO AND HOPI LAND SETTLEMENT ACT OF 1974

by

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## ABSTRACT

This dissertation presents a case study of policy formation this is intended to illuminate certain key features of the Federal-Tribal relationship. The federal law under examination is Public Law 93-531: The Navajo and Hopi Land Settlement Act of 1974. The federal law represents an effort to resolve a long-standing land dispute between members of the Navajo and Hopi Tribes. Federal intervention was viewed necessary by some people/groups since the tribal governments could not come to a resolution about land possession, surface/subsurface rights, and general land usage of the disputed area. Case study research is used to frame the study, while coalition politics explores and analyzes the issues of policy formation and policy resolution.

I conclude that coalition politics occurred at different levels in the policy environment, while effecting each coalition partner differently. The study provides a multi-level analysis, which considers the involvement of Federal and Tribal governments.

## CHAPTER 1

### INTRODUCTION

This dissertation presents a case study of policy formation that is intended to illuminate certain key features of the Federal-Tribal relationship. The federal law under examination is **Public Law 93-531: the Navajo and Hopi Land Settlement Act of 1974**. The federal law represents an effort to resolve a long-standing land dispute between members of the Navajo and Hopi Tribes. Federal intervention was viewed necessary by some people/groups since the tribal governments could not come to an agreement about land possession, surface/subsurface rights, and general land usage of the disputed area. Case study research is used to frame the study, while coalition politics explores and analyzes the issues of policy formation and policy resolution.

#### The Federal-Tribal Relationship

The Federal-Tribal relationship is unique. This relationship has evolved over the course of time, and its future path is difficult to predict due to the unstable socio-political factors affecting it, such as the legal jurisdiction of the state and federal governments. At any time, one of these entities--state or federal governments--can exercise their jurisdictional authority and create a disturbance to an existing relationship(s). Today, the Federal-Tribal relationship is governed by treaties, statutes, administrative laws, congressional acts, judicial decisions, and executive orders that overlap and can have little or no consistency. Each legal relationship is governed by their own set of rules and jurisdictions that compete with the authority of tribal governments. This legalistic

quagmire is a product of more than four centuries of European, American, and Native American interactions.<sup>1</sup> This relationship, according to Natives and non-Natives can be elusive, lacking in purpose and substance, and seemingly drifts along unabated. At times, it moves forward assuming a forceful presence sustained by persistent ambitions and reinforced with an irrepressible policy design. These contrasting approaches make it difficult for those involved in the legislative process to plan and to execute a comprehensive policy strategy. Collectively, these unique features make-up the character of the relationship and they invariably influence the federal policies involving Native Americans. Because of this uncertainty, the Federal-Tribal relationship is unstable.

Unpredictability is the hallmark characteristic of the Federal-Tribal government relationship. As a result, the history between the two parties chronicles conflicting Federal-Indian policies.<sup>2</sup> This study, however, examines a specific legislation authored in the mid-1970s which documents the political participation of two Native American tribes. Unlike the preceding decades, the 1970s witnessed an abundance of political events directly involving Native people such as partisan recruitment, the election of Native leaders to local and national offices, and the targeting of Native American voters for their support. These acts represent, “a [sovereign] relationship, essentially intangible, between human groups and their environment, a measure of a people’s claimed and recognized

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<sup>2</sup> Federal Indian policy is divided into the following eras: 1492-1816, the Indian-U.S. relationship has featured Indian tribes as sovereign powers who made treaties with individual states, the federal government, and foreign nations. 1828-1887, Federal-Tribe policy was marked by the relocation of eastern tribes from their homelands to areas west of the Mississippi River. Treaty making between the U.S. and Indian tribes ended in 1871 pursuant to a congressional law (25 U.S.C.: 71) that abolished this practice between the two parties (Pevar, 1983: 34). 1887-1934, the period of Indian removal was succeeded by U.S. Indian policy intended to assimilate Native people into the larger society by allotting Indian reservation lands. 1934-53, marked Federal Indian policy aimed to stimulate tribal economies, renew tribal cultures, and secure land for Indian tribes. This policy approach was completely opposite from the previous period of assimilation. It was then followed by another anti-Indian policy that sought to “terminate” the benefits and legal standing of tribal governments. This period of tribal “termination” ended in 1968. The most recent Indian policy in practice is noted for its strengthening of tribal governments and acknowledgment of Indian self-determination (Note: these periods of Federal Indian policy were taken from Pevar, 1983).

right to think, organize, and act freely to meet their own needs as they see them” (Cornell 1988: 45). It was an encouraging time for Native people to exercise their constitutional rights and actively participate in the politics of the larger society.

On another front, Native Americans engaged in protest politics to elevate the awareness of Indian issues to the larger community, such as treaty rights, poverty, diseases that crippled Indian country, and the exploitation of Indian-owned natural resources by American multinational corporations and the U.S. Government.<sup>3</sup> These Native activists sought to redress particular problems and lessen the painful sting felt in Indian country. It was a moment in which Natives were striving to regain some control over their lives, their future, and their place in America. This need to command their future is the most basic part of their **sovereignty**. One form of political activity saw tribal people reach out beyond their territorial borders to engage and involve others whom shared similar political beliefs. In the case of the Navajo and Hopi Tribes, these tribal members actively sought the aid and the support of non-Natives to advance their particular points of view. It was a refreshing approach that indicated the Natives understanding of American politics and their way of coping with economic and social concerns.

As such, this study will focus on how the Navajo and Hopi Tribes linked themselves with groups outside their native country to influence the creation of a federal law. Specifically, this study examines the policy formation of Public Law 93-531, otherwise known as the Navajo and Hopi Land Settlement Act of 1974. Public Law 93-531 authorized the U.S. District Court to equally divide land in northeastern Arizona that was previously used by both the Navajo and Hopi Tribes (Locke, 1986: 466-471).

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<sup>3</sup> For details see: The Navajo Nation: An American Colony. A Report to the U.S. Commission on Civil Rights. September, 1975.

### The Relocation Law

For three centuries, the Navajo and Hopi people have jointly occupied the area in question and have repeatedly experienced conflict over its usage and ownership. The final decision of land ownership eventually required the legislative intervention of the federal government in 1974. The result was the Land Settlement Act of 1974, which established the property rights over the intertribal disputed area, since both tribal governments sought ownership of the land and were unable to draft a satisfactory resolution. Before the District Court's intervention, the Relocation law, as it was later known, provided the Navajo and Hopi tribal governments an opportunity to establish an acceptable boundary line over the contested area. The Relocation law stipulated that representatives of the two tribes would meet and negotiate a partition line for a 180-day period. These tribal negotiations were unsuccessful in producing an acceptable solution for either tribe. In the end, the court fulfilled its legislative mandate by ordering the final partitioning of the land on February 10, 1977.

As a consequence, the Navajos and Hopis residing on the "wrong" side of the court-ordered partition line were required by the Relocation law to permanently move to other areas. This judicial action resulted in the compulsory relocation of approximately 2,700 Navajo families (some 10,800 persons) and approximately 25 Hopi families (some 100 persons) from their traditional homelands (Billings and Shaw-Seder, 1989: 45). The Relocation law stipulated that in exchange for their former homelands, all eligible relocatees were to receive a determined amount of monetary compensation and newly built replacement homes located on or off their respective reservations. These benefits would be restricted to Navajos and Hopis that were determined eligible for relocation benefits. Each prospective relocatee was required to meet and to satisfy eligibility criteria

that were established by the Navajo and Hopi Indian Relocation Commission (hereafter called NHIRC).<sup>4</sup>

NHIRC is the federal agency established by Public Law 93-531 to facilitate the removal and relocation of all Navajo and Hopi relocatees. Presiding over NHIRC in the beginning were three commissioners appointed by the Secretary of Interior to develop and to implement the overall relocation plan. To ease the painstaking hardships caused by relocation, the commissioners disclosed their written plans to both tribal governments and took measures to specifically involve those affected by the relocation policy by inviting them to NHIRC meetings and planning sessions. These meetings led to the formation of a plan that guided the relocation process, the plan was entitled the Report and Plan: Navajo and Indian Relocation Commission. This document outlined in detail the removal process of potential relocatees from their disputed lands to new lands and specified the acquisition of replacement homes for them. In accordance to Public Law 93-531, the Report and Plan was submitted to Congress in July, 1981.

However, despite NHIRC's efforts, not every eligible person chose to move off the land and relocate to an unfamiliar physical and cultural environment. It soon became clear that this group of Native Americans who were considered the "resisters" of relocation were most offended by the law. The Relocation law severely cut across their lives and thus disrupted their existence (see Parlow, 1988). Not to be defeated by the Relocation law, these resisters organized themselves into local support groups and sought the aid of non-Natives who agreed with their opposition of Public Law 93-531. These

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<sup>4</sup> NHIRC developed and administered its own rules and regulations for relocation benefits. NHIRC defined a relocatee as: 1) A person that physically resided on the partitioned land, or 2) A person who was "temporarily away" from the partitioned land, but maintained reoccurring contact with the homesite (Aberle, 1993: 167). In both instances, the person was required to demonstrate economic self-sufficiency prior to receiving relocation benefits. 1974 housing benefits were determined at \$17,000 for a household of three or less; \$25,000 for a household of four persons or more. A 1980 amendment increased the housing benefits to \$55,000-\$66,000 per household.

resisters viewed the Relocation law as a detrimental policy, which was inconsistent with their traditional Native way of life, and their tribal culture. Together these resisters established an elaborate network of national- and international-based support groups that disseminated information, lobbied congressional members, and secured financial backing to maintain the resistance and prevent the relocation from their Native homeland.

Of great importance was the group's primary criticism of Public Law 93-531 because of its violation of the tribal sovereign rights of the traditional Navajo and Hopi people<sup>5</sup>. By violating tribal sovereignty, the Natives affected by forced relocation could be detached and removed from their homeland permanently. These Native resisters specifically called attention to this fact, but they were unsuccessful in convincing congressional members to support their cause and claim of violation to their human rights. However, they were able to further publicize certain shortcomings of the Relocation law, and thus ease particular aspects of the original law with subsequent amendments that were enacted in 1980 (Public Law 96-305); 1985 (Public Law 99-190); and, 1988 (Public Law 100-666). Relocation as an Indian policy remained firmly in place, however. The established deadline for full Indian removal was set for March, 1983--but was never met. By autumn of 1988, after numerous internal problems coupled with external political pressures, the agency's panel of commissioners was eliminated and replaced by a single commissioner authorized to serve a two-year term. Since then, NHIRC has changed by downsizing their organization considerably and have implemented a new administrative structure. At present, NHIRC continues to still provide

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<sup>5</sup> The resisters of federal relocation policy were predominately traditional Navajos, although some Hopis joined the Navajos in protest. The term "traditional" Navajo or Hopi refers to a person that continues to practice their religious ceremonies, speak their native language, and have little or nothing to do with progressive members of their respective tribe. A "progressive" Indian is someone that is urbanized, educated Christian who knows little or nothing about their tribal history or culture (Mihsuah, 1996: 24). These types of Indians differ in the way they see the tribe and the direction the tribe should take. As of 1997, 99 percent of those removed from the disputed area were members of the Navajo tribe (Joe, 1998: 132).

relocation services to qualified Navajo and Hopi relocatees. As of 1997, NHIRC reported that 528 Indian families await relocation to the lands approved for their settlement (Joe, 1998: 132).

### The Research Question

The research question posed by this study asks whether or not coalition politics of Indians and non-Indians affected the legislative outcome of Public Law 93-531? The focus of the study will be towards policy formation of Public Law 93-531. The nature of American Indian politics is expanded through the use of coalition formation and its relevant strategies, resource development and impact on the policy making process.

### Conceptual Framework

Case study is a nonexperimental research methodology that organizes and analyzes information of a particular political event.<sup>6</sup> A single case study can be exploratory in purpose, while attending to explanatory or descriptive needs. As such, relevant data are sought and collected by the researcher; this gathered information might be descriptive in nature. Since case study is a nonexperimental research method, the researcher can examine the historical record and interpret these past events. Thus, the methodology provides the examiner an opportunity to reinterpret an event that does not agree with conventional theories, and thereby exposing the subject matter to a new context of

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<sup>6</sup> Case study research operates under several guiding principles and criteria. Among these are: a) Information can be derived by observing a particular phenomenon; b) Several case observations may identify a trend regarding the phenomenon; c) Gathered information can be collected by open-ended basis and flexible. The researcher has little control over the events under observation and cannot assign subjects or case to experimental and control groups, manipulate the variables, or control contextual or extraneous factors (Johnson and Joselyn, 1986: 112).

analysis. In doing so, old positions and beliefs are challenged, and a new understanding can emerge.

In this event, the ensuing case study considers a form of pluralism (coalition politics), and its application to Public Law 93-531, the Navajo and Hopi Relocation law. Specifically, this methodology offers a chance to explore certain features of Native politics that do not conform with American politics. Pluralism, the conventional model of analyzing American political activity, would have expected a convincing Navajo victory over the Hopis, based on their larger population size, their political experience, and their access to fluid assets. Pluralism proposes that these resources collectively improve a group's chances of succeeding in the legislative process, although the possessions of these resources do not promise a legislative victory. In the case of the Navajo and Hopi land dispute, this likely aftereffect--a Navajo victory--did not occur. **How does pluralism explain this legislative anomaly and how was the legislative process impacted?** A case study that focuses on policy formation while using coalition politics would help us to better understand these circumstances and acknowledge the force(s) that were at play.

The application of pluralism can help explain some of the events of Public Law 93-531, such as the coordination of groups that influenced the shaping of the legislation. An underlying concept of pluralism is the belief that influence can be shared by many groups and its effect is limited to particular issues and policy areas (Burns, et al., 1994: 463). This type of influence was exercised by Indian tribes, legislators, and interest groups. Furthermore, pluralism suggests that government is open to competitive groups that wield their resources to achieve the advancement of their political preferences. As a result, groups can exercise a varying degree of influence in the policy process due to the possession of dissimilar assets and skills. Generally, those groups who have more assets

and organizational skills tend to be more successful in the legislative process as opposed to groups who do not. (see Lowi, 1979). In addition, individuals that have successfully emerged from the policy process are chosen from the politically active. Pluralism has developed into a fundamental concept for understanding American politics and compliments the American democratic ideology.

### Pluralism and Coalition Politics

Pluralism at its basic level suggest “democracy is competition between a **multitude of groups**, each seeking to assert its influence on public policy” (Harrigan, 1987: 208). Thus, coalition politics is a type of pluralism. According to pluralism, each group has access to government; however, the group(s) can work alone or collectively to obtain favorable treatment from government. It is a process of creating **temporary** working relationships that facilitates the legislation. To this end, policy participants identify their goals, gather their resources, and strategically plan to secure legislative success. Participants agree to work together as group members coordinate their resources to **build solidarity**, while shedding away their individual objectives. Furthermore, coalition members can coordinate actions by **voicing** their political intentions. In so doing, coalition partners minimize confusion and the abuse/waste of valuable resources. Instability is a negative condition that can arise inside and outside the political environment.

Coalition politics is a “process of creating a working relationship between ethnic or racial groups, which seeks to maximize political preferences” and outcomes (Rich, 1996: 6). One noted feature of coalition politics is that it can “involve alterations in the organization of Indian affairs designed to expand Indian participation and strengthen the

tribal government system, coupled with efforts to discredit those political actors who are hostile to the institution and programs of the larger society” (Cornell, 1988: 208). Thus, marginal groups can establish a shared relationship with those of the larger society by engaging in politics. Moreover, coalition politics can be viewed as a form of incorporative politics that guides and manages the political issues of a group’s life.<sup>7</sup> Coalition members can help define the agenda, submit propositions, and decide the allocation of resources. To this end, coalition politics brings into play temporary organizations with a common goal aimed at influencing the legislative process for favorable law by the originators.

This new phase of “incorporation” brings together an array of ethnic and racial groups that are united in a working relationship that seeks to maximize their chosen political preferences (Rich, 1996: 6). The path a group chooses represents a decision made by the members and its’ leadership, and not a judgment imposed on them. No longer are political linkages based on a hierarchical model, instead Native people can explore and secure horizontal linkages that represent alliances with non-Indians who share similar political beliefs/values. Essentially, it’s a model that encourages the notion of freedom of association and the maximization of resources.

Theoretically, an ideal coalition should consist of several key components such as: a) networking, b) communication, c) group cohesion, and d) possession of tangible resources such as people and finances. These resources help coalition members to work independently or together to create, to propose, and to influence the legislative process when they are accompanied with their propositions. Effective communication between coalition members is necessary to make progress toward their common goal(s).

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<sup>7</sup> For example, some contemporary political issues involving Natives are tribal sovereignty, treaty rights, education, and economic development.

Communication allows the members to coordinate their intentions, their actions, and establish anticipated outcomes. Conversely, if communication is ineffective or lacking, then accomplishing the political goal(s) will become a difficult task for all members. In addition, coalition members must rely on the corporate body to build consensus and to implement a plan of action. Thus, group cohesion (or internal unity) is necessary to keep the members focused on the group's objective(s) and to keep them united in purpose. Of course, having possession of the essential resources, such as time, personnel, and financial support help to maintain the group and keeps the goal(s) relevant to the public. Networking with coalition members, recognizing their uniqueness, and allowing them some role and/or authority to chart their progress are essential to effectuate the larger goal.

In a way, coalition politics is a means of collectively owning a part of the larger mission and having the ability to take some action to make the group's goal(s) a reality. Consequently, coalition members belong to a greater political presence, can exert political pressure from their respective locations, while independently using their own resources. This independence can cause some concern for the coalition, however. During the life span of the coalition, several factors can impair the effectiveness of the group such as inadequate bargaining resources, insufficient money, poor group support, divisive leadership and/or fragmented membership. Because of the influx of actors and the changing political environments, political coalitions can become unstable social entities. This instability can either temporary stall the coalition's proposals or completely derail the plan.

To a large extent, these shortcomings are contingent on the make-up of the coalition members, and how each group is internally unified and outwardly committed to accomplish their particular objectives. In the words of Wilbur Rich (1996), "less visible

minorities must speak the language of politics”, which is articulating a political agenda and reconciling their ethnic political group culture with the majority political culture (Ibid., p. 8). As such, some coalition members may require an incentive to reinforce or maintain their loyalty to the whole organization. Coalition leaders confer incentives such as preferential treatment or an extra benefit when needed. These circumstances and resources help the “shaping of action by structure and transforming of structure by action” (Cornell, 1988: 8). This study makes use of a model to analyze some issues as it relates to a coalition comprised of Natives and non-Natives.

Stephen Cornell (1988) offers an excellent description of Native American coalition politics via incorporation into American political life. Cornell has developed a perspective that takes into account the historical evolution of contemporary Indian political resurgence. His incorporation model puts into context a political relationship that links a group to the larger American political system, while at the same time recognizing the group’s independence and discretion in decision-making. The emphasis, according to Cornell, is not on the degree of group participation or the responsiveness of the political structures to group demands, but the political relationships that tribes have built with others (Cornell, 1988: 88). This political relationship is a loose and inter-linked social structure that can encourage Native participation and strengthen the tribal government system. To Cornell, the focus should be centered on mechanisms of tribal survival. Because of this pro-active feature, Native tribes and their tribal members have been able to survive as distinct and autonomous people over the course of this century, despite the larger society’s effort to assimilate them into its world. Cornell calls this political awareness “tribalization.”<sup>8</sup> Accordingly, Native Americans are not mere victims of the host government’s decisions, instead Natives are self-governing and independent persons

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<sup>8</sup> Cornell writes tribalization is “a process which tribes come to be what they are today as political organisms and as focal points of Indian identities” (p. 72).

that can chose to engage in politics at the local and national levels.

To this end, Cornell contends that Native Americans should strive to become more active citizens in their own tribal governments, while at the same time linking themselves with non-Indians that can help with their current problems or future concerns. He states, “People act within the limits of particular situations, but in so doing they may transform both themselves and the conditions under which they act” (Cornell, 1988: 218). Moreover, this form of selective alliance making can greatly improve their chances of influencing the legislative process. This new socio-political arrangement is known for group cooperation and dealings of reciprocation.

#### Significance of the Study

The intention of this study is to analyze the formation of the Relocation law through an established social science framework and to better understand the decisions made. To this end, coalition formation and political engagement will be used to examine the participants, their purposes, and the intricacies of the law itself. Thus, the theory will draw attention toward studying the efforts of coalition building by interested parties during the authorship of Public Law 93-531. Importantly, the application of coalition politics has not been used on Public Law 93-531. Some fundamental questions to ask are: Who were the participants? What did these individuals and groups bring to the process? Were their policy solutions adopted and/or incorporated into the final version of the law? To answer these questions, all identifiable coalition participants, their organizational goals, and their reasons for coalition building--collectively and individually--will be considered. Furthermore, the resources used in coalition politics will be identified with attention to how these resources were used to advance the goal(s) of

both tribes. The scope of the study has been restricted to a period of one year, which begins and ends with the formation of Public Law 93-531. Thus, the intent of the dissertation looks at the legislative process and focuses on individuals that participated in the support and the implementation of the relocation policy. The relocation of Native people is an ongoing process and has continued beyond the projected year of closure.

In summary, the purposes of this dissertation are:

1. Identify the major principals of the legislative process.
2. Identify the participants' motives and their legislative strategies.
3. Identify the type of information disseminated and determine the impact of these data on congressional people and the American public.
4. Determine if coalition politics was utilized by the participants and its effectiveness.

This research is important for several reasons. First, the existing relocation literature lacks a political analysis regarding Public Law 93-531. The few studies that exist document the event as a narrative story and are not considered credible scholarship by those of the academic community. Essentially, these studies lack a systematic analysis and are seen as opinionated analytical perspectives. Accordingly, critics have classified these works (Brugge, 1994; Feher-Elston, 1988; Parlow, 1988) as advocacy journalism, which have limited academic value.<sup>9</sup> However, I believe these studies have merit by studying the land dispute through social, cultural, and economic frameworks. Other writings, such as Benedek (1999) and Aberle (1993) are exceptional

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<sup>9</sup> Richard O. Clemmer. 1991. "Crying for the Children of Sacred Ground: A Review Article on the Hopi-Navajo Land Dispute" in *American Indian Quarterly*, 15:225-230; Roxanne Dunbar Ortiz. 1990. Review of *Children of Sacred Ground: America's Last Indian War*, by Catherine Feher-Elston, in *American Indian Culture and Research Journal*, 14(4):84-88; Peter Whiteley. 1997. Review of *The Navajo-Hopi Land Dispute: An American Tragedy*, by David M. Brugge, in *Ethnohistory*, Spring Edition: 412-415.

studies and provide a thorough examination of the subject matter through the use of ethnographic or entohistorical models. These interpretations, however, would greatly benefit from the practical and theoretical scrutiny offered by a political science methodology such as coalition politics. To this end, the use of Cornell's (1988) coalition politics is an excellent way to understand the political activities of the Navajo and Hopi Tribes.

Second, this study questions a fundamental premise of a popular American political science model, the pluralist model. Pluralism has been perceived and applied almost exclusively by American political scientists and sociologists (Isaak, 1985: 264). Robert Dahl and other leading American pluralists have characterized the United States as, "a democratic order with a wide dispersion of power and authority among government officials, private individuals, and groups alike" (Chilcote, 1981: 353). Pluralists theorize that power is expressed through organized interest groups, which compete against each other for favorable legislation. Government becomes the structure through which collective groups pursue their public and private interests. As such, interest groups can help mobilize the public, facilitate political discussion, and encourage a multi-level group participation. Importantly, pluralists have characterized the power structure as having multiple points of access, and lacking a hierarchical structure. Thus, group competition is seen as a healthy enterprise since it can reduce or prevent the monopolization of political power in government.

A key feature of pluralism is the belief that government is responsive to those who effectively mobilize themselves for political action. The practice of pluralism represents people in unified groups who are supported with financial resources that are working in unison to influence public elections, and ultimately public policy. Accordingly, it is believed that public policy is derived from democratic means and it produces democratic

outcomes.<sup>10</sup> To this end, politics in the eyes of a pluralist is a dynamic process surrounded by bustling relationships between groups that compete for the values of society. Native political activity can certainly display some traits of pluralism.

During the early years of the land dispute, in an effort to thwart the relocation policy, the Navajos built a temporary support base among Democrat partisans, organized labor, and celebrities (see Casteel, 1973). Their delay tactics, however, were briefly successful, but after the next congressional elections other proposed solutions to the dispute surfaced. During this period, the Navajos made use of their larger population and wealth relative to that of the Hopis to influence the process. For example, the Navajos who resided in Arizona far outnumbered members of the Hopi Tribe; thereby supplying them with a much larger voting bloc at the election polls.<sup>11</sup> This numerical superiority, coordinated by the Office of Navajo Political Affairs, had converted itself into over 28,000 votes by 1976, a bloc of votes largely cast for the Democratic candidates because of ill-feelings toward the Republicans for their support of land partition policies.<sup>12</sup> In fact, one political analyst proclaimed at the time that the Navajos had emerged as an “important political power in local and regional politics” (McCool, 1985: 124). National election returns of 1974 indicated the ratio of Navajo voters to the Hopi voters stood at 20 to 1 (“Sleeping Giant Awakens,” 1974).

Given these tangible assets, pluralism would have us believe that since the Navajos possessed and used these key resources, they should have been the leading recipients of

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<sup>10</sup> This statement characterizes pluralism in theory; however, the actual application of pluralism is imperfect and has numerous structural shortcomings (see Parenti, 1988: 297-300).

<sup>11</sup> The Arizona Statistical Review, September 1975, reported the population figures for on and near reservation Indians at 71,396 Navajos; and 6,567 Hopis.

<sup>12</sup> In 1972, Sam Steiger, a Republican, proposed to Congress the first (H.R. 11128) of several GOP attempts to relocate the Navajos from the disputed area. The Steiger bill passed the House, but failed to clear the Senate Interior Committee. Because of the Steiger bill, the Navajos held the GOP responsible for initiating the relocation policy that later became Public Law 93-531. Since then, the state’s voting records have shown the Navajos as loyal supporters of the Democratic Party, while the Hopis remain staunch supporters of the GOP (See McCool, 1985).

favorable legislation. Then why did they sustain such significant losses in the displacement of their people from the lands adjudicated to the Hopis? How did the Hopis accomplish such a remarkable achievement with fewer resources? Did the political plans/methods employed by each tribe impact the legislative outcome? This research will provide some answers to these questions and offer an explanation for this outcome.

Third, this study is important because it directly relates to an issue of immense importance to most Native American tribes. The passage of Public Law 93-531 has established the decisive ownership of a scarce resource in the southwest region--land. Strong feelings regarding the land run deep with all traditional Native Americans. For the traditional Navajo, the "land creates the essential fabric of Indian society, central to both physical and spiritual survival" (Feher-Elston, 1988: 125). Similarly, traditional Hopis regard the land as a spiritual source and they believe their primary purpose in life is to care for the land and its creations, essentially serving as a spiritual steward of the land.<sup>13</sup> Because of their respect for all living things, the traditional Hopis have continuously renounced relocation policy and have supported their Navajo counterparts who reside in the disputed area. This union of traditional peoples has become the leading source of criticism of the tribal governments. Specifically, the traditionalists have objected to the usurpation of their sovereignty and autonomy by the tribal governments. The traditionalist favored non-intervention from the U.S., and wanted the tribes to work together through the land problem. However, the traditionalists' solution was mixed; some of them wanted the Navajos removed, while other traditionalists felt the Navajos should remain. The traditionalists believed that their Native leaders were fully capable of arriving at a just solution, if they were given the opportunity, but this opportunity never came to be.

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<sup>13</sup> "The Hopi Message: An Address by Thomas Banyacya, Kykotsmovi, Arizona," unpublished paper, The Alpha Institute.

This distrust of government officials has resulted in several questions. For example, did the Navajo and Hopi governments purposely ignore the concerns of the traditionalists during the legislative process? Were the opinions of the tribal elders in any way solicited or considered as possible solutions to the dispute? Certainly, coalition politics would have been an ideal forum in which to express these concerns. This study will examine the legislative record to see if the tribal officials acknowledged these traditional voices, and if their views were considered or adopted by the other coalition partners as unifying group themes. These data alone will provide new insights on the legislative process and how the traditional people may have influenced Public Law 93-531.

Finally, this project explores the policy formation of a law with enormous implications for Native Americans. As Natives continue to increase in population, it becomes necessary for the rest of the population to appreciate their uniqueness and to recognize their similarities to the larger society. By analyzing their participation in the legislative process, we can start to identify their points of political access and begin to understand how a small tribal group can influence the process, and eventually affect the outcome of a policy. A theoretically based analysis of the inner workings of Native American politics is sorely needed to educate those inside and outside the borders of Indian country. The few studies that explore Public Law 93-531 are weak in objectivity and fail to conceptualize the law from a valid academic perspective. How these tribes maneuvered within the larger political system and successfully compensated for their modest size is a worthy topic that deserves attention.

## CHAPTER 2

### LITERATURE REVIEW

The Navajo and Hopi land dispute is a legal conflict based on opposing views of land ownership. The historic debate centers on the vague legal language of the 1882 Executive Order, which created a reservation occupied by members of the Navajo and Hopi Tribes. On one side, the Navajos have asserted ownership of the reservation based on its usage and their possession, while the Hopis have contended land rights grounded on occupancy and aboriginal usage. The Navajo and Hopi governments have interpreted the 1882 Executive Order according to the view that best serves their own interests. These particular suppositions were raised in subsequent legal proceedings (Healing v. Jones, 1962) that determine the land ownership of the 1882 Reservation.

To this end, an Arizona District Court ruled in 1962 that both Indian tribes had an equal interest to the Executive Order Reservation, whose area was to be jointly administered by the federal and tribal governments. In addition, the ruling determined that if the tribes were unable to manage the reservation fairly, then partition of the land would be necessary (Ibid., 1962). As time progressed, representatives of the Navajo and Hopi governments were unable to implement a workable plan, which obligated the federal government to intervene and enact a settlement. Since the reservation was to be shared between the tribes, any activity on the land required the permission of both tribal governments. Satisfying this requirement was problematic for the tribes. Furthermore, federal involvement was hastened by the conduct of some Navajos whose livestock overgrazed the area, along with their construction of unauthorized buildings, and the continual intrusion of Navajos onto Hopi areas (Clemmer, 1995: 242). These defiant actions toughened the Hopis' stand, and they sought relief from the Navajos through the

federal government. As a result, in 1974, Congress passed Public Law 93-531 to facilitate the final distribution of acreage to the 1882 Reservation.

Over the years, the Navajo and Hopi land dispute has generated an enormous volume of literature. The land controversy has been the subject of hundreds of magazine and newspaper articles, covered continuously by the national and international media, received academic consideration in social science journals, and has been the subject of an award winning Academy documentary.<sup>1</sup> The land dispute has been embraced by almost every form of media to date, including most recently being a central theme of several Internet web sites.<sup>2</sup> Because of this constant exposure, it is reasonable to believe that the general public's awareness of the land dispute has increased over time. However, the long-standing land controversy remains to be more than a media issue; it is the cultural identity of a people and the future of their tribes.

In a similar manner, the growth of academic writings on the subject matter has evolved considerably, with each study adding separate and personal perspectives to help those interested to understand this complex event. For example, one perspective has attempted to illuminate the merits of Navajo occupancy; while another study strived to discredit their land tenure and attend to the Hopis' aboriginal land rights. Because of these completely opposing views, the literature is divided into two groups each advocating the interests of each tribe. Some issues explored in these writings are the inhabitants' aboriginal rights versus those of the newcomers to the region; the utilization of idle Hopi land by the Navajo; and the legislative ambiguity of the Navajo-Hopi

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<sup>1</sup> *Broken Rainbow* (1985) is an Academy Award winning documentary that details the experiences of Navajo relocatees. Hopi officials have opposed the film claiming it to be propaganda designed to generate sympathy for the Navajos and undermine Hopi land claims.

<sup>2</sup> My research uncovered over 150 active web sites that deal with the Navajo-Hopi land dispute to some degree (search engines: Yahoo, Savvy, AltaVista). Some of these Internet sites hold several rare documents that are excellent reference materials, while other sites maintained current information on a bulletin board format.

Relocation law. These writings, when compared to subsequent research, are subjective and speculative studies. Some critics have labeled these studies as subjective works, because these writings resemble one-sided argumentatives that lack a comprehensive understanding of the land issue (see Chapter 1, footnote #9). These commentators have maintained that a fully developed work would consider both sides of the debate and include some information about the arrival of the importance of the historic “*tiponi*”.<sup>3</sup> Furthermore, these critics have stated a need for some discussion of the divisive opinions between the traditional and modern Natives. Insufficient were the concerns of the traditional Hopis who opposed the Hopi government, and refused to recognize the tribal government as the legitimate institution of their people. Finally, some discussion of the broader legal issues--e.g. Indian sovereignty and federal intervention--must be considered in order to gain a better understanding of the Federal-Tribal relationship. In contrast, the late 1970s produced some studies that were more factual than those of the preceding period, as these new additions examined the deficiencies of the Relocation law.

Some of these studies analyzed the land dispute from a socio-political perspective using the cultural differences of the Navajos and Hopis to explain their competing outlooks. This approach is satisfying because it considers two areas of Native influence; their culture and their political relationships with non-tribal members. These two components, culture and political relationships, can influence the direction the tribes pursue and further identify the issues that are important to them.

Other studies focus solely on the alleged economic “motives” of the dispute, which are intriguing material. Similarly, other research attempts to explain these events through the auspices of conspiracy theory involving the petroleum industry and the U.S.

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<sup>3</sup> A *tiponi* is a medicine bundle that contains items of ritual and ceremonial importance and is owned by a secret society or by the clan owning the ceremony (Clemmer, 1995: 60). It can be used to symbolize a covenant made between two groups and the *tiponi* is considered a living thing. Thus, the *tiponi* is treated with utmost respect between binding parties.

Government. Nonetheless, the chief commonality between these assorted theoretical approaches is the number of major disputants involved in the case, which has remained the two tribes.

These disputants are members of the governing bodies of the Navajo and Hopi Tribes.<sup>4</sup> This low number of litigants does not suggest that the Navajos and Hopis are the only Indian tribes involved in the land struggle, because they are not. Other Indian tribes of the region have historic ties to the land and have asserted their own separate legal claims to the area.<sup>5</sup> Despite these developments, a significant amount of the literature still concentrates on the two main groups--the Navajos and the Hopis--and these writings have yielded a biased view expressed by one of the two disputants.

One set of literature renders an interpretation of the Navajo account of the controversy, while the second group of writings provides a Hopi rendition of these events. These writings were initially meant to inform and convince the American public, which Indian tribe should hold clear title to the land. Essentially, this perception exemplified a zero-sum viewpoint with an outcome favoring only one group. Obviously these two versions conflict with one another, disagreeing on the source(s) of the dispute, the sequence of the events, and those involved in the conflict, which causes one to seriously question the clarity and objectivity of these works. These works exemplify the convoluted nature of the land dispute. Because of these selective interpretations, it becomes necessary to present some research that equally addresses these views and the participants. This research will examine these views, the participants, and the legislative process. To frame the study, coalition politics is used since this methodology helps

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<sup>4</sup> It is important to note that some traditional Navajo and Hopi people have not granted their tribal government the authority to act on their behalf. This crisis of legitimacy is an ongoing issue for both tribes as these differences are reported in the tribal newspapers.

<sup>5</sup> The San Juan Band of Southern Paiutes and the Zuni tribe have waged separate legal actions to reclaim lands in the disputed area based on their religious practices and customary usage. Some of these land claims have merit and have received judicial consideration; other claims await court review.

provide a thorough analysis of policy formation and the political maneuvering of Public Law 93-531. More important an analytical framework to guide and relate the data to assess and generate policy solutions.

It would be an overwhelming task to read and to comment on the relevance of each literary piece. As a result, this literature review will concentrate on the primary sources of the subject and summarize these works noting their particular advancement to the topic of the Navajo and Hopi land dispute. Thus, the principal goal of the literature review is to identify the most important literature based on their contribution to the topic and how these original interpretations have increased our understanding of the land conflict. In addition, the literature review will chronologically track these works as they were presented to the academic community to mark the transformation of the subject over the years.

#### Relevant Research Literature

One of the earlier works of the land controversy is authored by Charles H. Stephens in 1961, The Origin and History of the Hopi-Navajo Boundary Dispute in Northern Arizona. Stephens' work is a comprehensive case study that provides the historical background and development of the dispute. Moreover, his work determined that "cultural hostility" between the two groups is one of several causes of the boundary dispute (Stephens, 1961: 191). According to Stephens, because of their cultural differences, the two Native groups diametrically oppose one another culturally, economically, and psychologically (Ibid., p. 191).

As a result, the main difference between these two groups is how they use the land. Land usage has defined how tribal members view their internal and external worlds. Moreover, these practical perceptions have determined how the tribes would interact with

their natural surroundings and its inhabitants. The Navajos, for example, were herdsmen and their land usage became extensive, since their pastoral livelihood required them to be migratory and shun establishing permanent settlements. Accordingly, this practice has determined their beliefs of people and living things.

Native scholar Tom Holm (1989) characterized this orientation as an “organic human-land relationship”, a connection that “involves a group’s or individual’s ability to syncretize culture, folklore, social arrangement, economic practice, and quite often, religion, into an organic bond with a particular territory” (Holm, 1989: 168). This relationship creates a distinct identity for the tribal members. For the Navajos, their traditional way of life revolves around their religion to the extent that religion is:

“Life itself, the land and well-being. All living things--people, plants, animals, mountains and the Earth itself--are relatives. Each being is infused with its own spirit, or ‘inner form’ that gives it life and purpose within an orderly and interconnected universe.” (“Navajo Religion: A Sacred Way of Life.”).

Thus, the essence of the Navajo religion/culture is to establish and maintain a harmonic relationship with the surroundings and proper reverence of the supernatural. These bonds-emotional and cultural--emanate from the land.

For the Hopi, their worldly orientation comes directly from the land. According to Hopi elders, the purpose of the Hopi is to care for the land as their deity Massau instructed them. This obligation is known as the “Hopi Way” and is an essential part of being a Hopi. One source described the Hopi way as:

“The Living things of the earth, the animals, We have respect for them. The bird life, with them we earn our place here on earth, through prayer offerings. This is Hopi. This is what is our life” (Report of the Second Mesa Mental Health Conference, 1983: 39).

As a result, the Hopis see themselves as stewards of the earth. One Hopi elder proclaimed, “He (the Hopi) is here to take care of the world through prayer and

humbleness, through its form of worship. This was the reason we were put here on this life” (Ibid., p. 38).

Subsequent research builds on Stephens’ thesis of opposing lifestyles as one of the main causes of the conflict (Kammer, 1980; Feher-Elston, 1988). Stephens’ approach, however, is partially correct because both tribes have practiced horticulture and pastoral means since the 1700s (Clemmer, 1995: 31; Dutton, 1983: 69). The Hopis, like the Navajos, found their ancient origins emerging from the land, whose possession is sealed by their prayers, their fasting, and their ceremonies. Moreover, the Hopis are farmers, and for centuries they have farmed the areas near or around their mesas. Neither tribe has limited their existence to only one form of livelihood, as both groups have farmed and kept livestock. This shared means of work raises some questions about the impact each practice had on their outlooks; it is certainly an unsettled issue.

Another point raised by Stephens is the issue of Navajo encroachment on Hopi land, which increased after the creation of the 1882 Executive Order (see Benedek, 1999). In 1868, according to federal records, the number of Navajos living in the southwest stood at 9,000 persons; in 1888, their population doubled to the figure of 18,000 (Navajo Nation FAX, 1988: 2). Because of their rapid growth, some Navajos began to settle on or near Hopi lands without the consent of Hopi leaders or the U.S. Government.<sup>6</sup> These new settlements were an indication of their fast growth following their incarceration at Fort Sumner. The increase of the Navajo has continued into the next century, and fueled the social/political problems with neighboring tribes, as Native landholdings became scarce due to land competition with white settlers.

Some arguments against Navajo relocation appeared in the literature. At the time

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<sup>6</sup> To some Hopis, the Navajo occupation of these areas became an unsettling event. For a detailed account, see Sekaquaptewa’s Me and Mine (1969).

of these writings, the Navajo government was trying to secure parts of the 1882 Reservation. A common theme shared by these writings was the focus of social and political problems caused by removal policy; particularly how the Navajo would be affected.

In 1973, New Navajo Tears raised the Navajos understanding of the American political system and voiced their opposition of relocation policy. Essentially New Navajo Tears served as a handbook for political activism. To this end, the book provided some basic instructions for Navajo relocatees and their supporters on organizing and expressing their views to Congress since “public opinion is an effective tool against force in the world today...[it] must come from the people” (New Navajo Tears, p. 39).

Casteel, the author of New Navajo Tears, wrote of the Navajos’ ominous pre-relocation state of affairs. He reported the Navajo per capita income at \$600; Navajo unemployment at 65%; Navajo suicide and alcoholism rates rapidly increasing (*Ibid.*, p. 8). Accordingly, compulsory relocation of the Navajos would exacerbate a situation of desperate need. To this end, he advocated for a letter writing campaign that opposed relocation, while the Navajos established a network of influential people that could aid their cause. The book’s main purpose, however, was to educate and warn the general public of the Steiger Bill, a legislative proposal that sought to permanently remove the Navajos from the area they shared with the Hopis.<sup>7</sup> It was the Steiger Bill that set in motion relocation policy.

Central to Casteel’s book was the belief that humane treatment of the Navajos must take precedent over the property rights of the Hopis. Moreover, if the Navajos were ignored and they were forced to move off the disputed land, Casteel believed they would

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<sup>7</sup> The bill, H.R. 11128, named the Steiger Bill after its originator, Sam Steiger, failed to clear the Senate Interior Committee. Steiger, a Republican and member of House of Representative from Arizona, believed neither tribe had “enough sense” to settle the dispute (Casteel, 1973: 21). At the time, the Steiger proposal was a possible option for U.S. policymakers to resolve the land dispute.

increase their hostility toward white America and the U.S. Government; experience damage to their self-reliance; and become alienated from their Native culture (Ibid., 1973: 9). Some of these conjectures did manifest themselves after the passage of the Relocation law, namely the damage of Navajo self-reliance, which was elaborated in the works of Scudder (1982) and Benedek (1995, 1999). Despite the author's attempt to stifle relocation as a policy option, a similar law passed in 1974 that ordered the removal of the Navajos from the lands they shared with the Hopis. This law is Public Law 93-531. Accordingly, the next group of resource information focused on some problems associated with Navajo relocation.

#### Post Public Law 93-531 Writings

In the late 1970s, several years after the passage of the Navajo relocation bill, the writings began to examine problems associated with the federal government's implementation of the law. As a result, critiques of the Relocation law began to appear in popular American magazines, national newspapers, as well as scholarly journals (Brugge, 1994; Parlow, 1988; Mander, 1991). From the beginning of the dispute, the Navajos felt that the Relocation law punished them for their way of life. Some writers picked up on this theme and they began to report the incident from this perspective.

One book that set the tone for this type of work was written by Jerry Kammer, The Second Long Walk (1980). In his work, Kammer insisted that the land dispute was the product of forty years of inconsistent U.S. Indian policies, whose latest installment was the relocation bill, and the law exemplified another poorly decided Indian policy. For example, relocation of the Navajos did not correspond with how the U.S. settled joint

tribal lands disputes. Legal precedent<sup>8</sup> established by the Indian Claims Commission determined that a land “buyout” was the appropriate remedy for Indian land disputes. Despite these circumstances, the established buyout practice was not used, because Congress placed more attention on refining the proposed Relocation law (i.e. Owen’s bill), thereby excluding a buyout option. In addition, Kammer held each U.S. legislator responsible for the Relocation law, since they willingly used erroneous information to arrive at the approval of Public Law 93-531.

Another book written by Scudder (1982) provides a detailed socio-political analysis of the relocation policy, and referred to the Navajo relocatees as “refugees”. Scudder provided a concise summary of the negative aspects of relocation, and more importantly, he presented some alternative policy options to the Relocation law.<sup>9</sup> Following Kammer’s work, other authors continued to focus and write about the human tragedies associated with removal of the Navajo and Hopi people.

Similarly, John Redhouse’s, Geopolitics of the Navajo Hopi Land Dispute, explored a purported conspiracy among multinational energy corporations (MNCs) and the U.S. Redhouse argued that the relocation policy was an attempt of the U.S. to remove the Navajos, so MNCs could secure the mineral resources found beneath the disputed area. This removal plan, according to Redhouse, was contrived without the input of either tribe. The MNCs and the U.S. government simply pressured the tribal governments to carry out their economic demands. As a result, the human rights of the Navajo and the Hopi people were considered less important to the economic interests of the MNCs. Redhouse blamed the MNCs for creating the land debate so they could leverage the best lease agreement with the tribe that was awarded the mineral rights to Black Mesa (this is

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<sup>8</sup> See, Blackfeet and Gros Ventre Tribes v. the U.S. (1946).

<sup>9</sup> Scudder believed Congress could pursue one of three policy paths: 1. Repeal Public Law 93-531; 2. Grant “life estates” to those found on the wrong side of tribal boundaries; or 3. Secure new lands for the relocatees.

a region found within the disputed land area). Thus, the dispute was seen as an economic opportunity to maximize mineral profits from either tribe, since the MNCs could pit one tribe against the other. Importantly, the tribal governments were used to legitimize the actions of the MNCs and were perceived as institutions that rubber-stamped the desires of the MNCs. Redhouse's work is important because it seriously questioned the fairness of the law and the legislative process.

A similar argument was advanced by Anita Parlow, Cry, Sacred Ground, which recognized the concerns of the Navajos residing in the disputed area known as Big Mountain, who were scheduled for relocation.<sup>10</sup> Parlow's book demanded for an immediate stop of Public Law 93-531, because the law violated the constitutional rights of the Navajo to practice their religion.<sup>11</sup> The primary purpose of the book, however, was to generate financial support for the legal defense of the Big Mountain Navajos.

The Big Mountain Navajos were instrumental in vocalizing their opposition to the relocation policy. In 1982, the Big Mountain people, with the help of white activists, created an organization called the Big Mountain Legal Defense/Offense Committee. The primary purpose of the group was to challenge the constitutionality of the Relocation law. In addition, the organization was successful in creating non-Indian support to help the Navajos renovate buildings, provide care for their livestock, and plant crops for them. The group also initiated a monthly newsletter, funneled financial aid to the Big Mountain

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<sup>10</sup> The Big Mountain Navajos became well-known resisters of relocation policy. They resided in northern Arizona near the Navajo community of Forest Lake. Beginning in 1977, with their supporters, they fought the Relocation law by confronting fencing crews in 1979, 1980, and 1987. They charged the U.S. Government with genocide and conspiring with energy companies to remove them from Black Mesa. They organized and formed a legal defense team (Big Mountain Legal Defense/Offense Committee), which opened support groups in Berkeley, Los Angeles, Boulder, and Brooklyn.

<sup>11</sup> Since the law required land transfers between the tribes, the law created exclusive ownership rights to lands surrendered to the other. Some Navajos feared the Hopis would prevent them from accessing former areas for religious reasons, and thereby interfere with the practice of their land-based religion. This group of Navajos sued the U.S. Government because of the perceived religious interference which resulted in Manybeads v. U.S. In the case, a District Court found Public Law 93-531 did not violate the U.S. Constitution or the American Indian Religious Freedom Act (Clemmer, 1995: 260).

people, and coordinated the resistance movement throughout the U.S. (Clemmer, 1995: 248). They remained active in Navajo-Hopi affairs until 1987, when the organization closed their office in Washington, D.C.

A Hopi voice was captured in Children of Sacred Ground, which presents a Hopi point of view within a framework that included Hopi history, their economy, and political affairs. The method used was a multidisciplinary approach that equally treated history, people, and politics. Feher-Elston's book does not completely credit the energy companies as the source of relocation policy, instead she faults the Navajos' unwillingness to accept earlier land settlements offered to them by the federal government. On a number of occasions, the Navajo leaders were presented with proposals to minimize the removal of their people, but they rejected these offers. These land settlement offers would have minimized the amount of people forced to move and thereby reduce human suffering. Feher-Elson viewed the U.S. Government as a third-party that had good intentions to resolve the land dispute, but the Navajos' inaction and stubbornness of federal overtures sentenced them to relocation.

Another pivotal work is authored by Emily Benedek, The Wind Won't Know Me, a narrative that recounts the progress of the Navajo and Hopi land dispute. This work is a multidisciplinary study that considers the cultural background of both tribes, their historical records, and the interlopers that benefited from the misfortunes of the relocatees. Most books prior to Benedek's study have treated the land issue as a heated intertribal conflict with neither tribe capable of transcending their supposed hatred for the other. Benedek's book acknowledges this anger, but she proceeds to explore the human side of the land dispute by providing impressive accounts of those devastated by the compulsory relocation. Her follow-up work provided an update of Navajo relocatees and their personal experiences with the process and how these changes altered their lives (see

Beyond the Four Corners of the World, 1995).

Other noteworthy articles were written by Aberle (1993) “The Navajo Hopi Land Dispute and Navajo Relocation”, Whitson (1985) “A Policy Review of the Federal Government’s Relocation of Navajo Indians Under Public Law 93-531 and Public Law 96-305”. Unlike preceding articles, these two works present information without the biased slant (i.e. pro-Navajo or pro-Hopi) found in the earlier works. Both articles carefully chronicled the historical events that led to the creation of relocation policy giving attention to the federal and Indian governments. These articles were published in academic journals and based their presentation on factual details.

Despite the large volume of literature about the Relocation law and those adversely effected by it, there are gaps in the research that remain to be answered. Most of the published accounts of Public Law 93-531 mainly comprise of anecdotal material that analyze the law from a particular orientation. Because of this limited view, they have restricted use.

Some important questions that need to be answered are: **What were the legislative alternatives to relocation policy? What type of response did these options receive? Did these options receive serious attention or not?** By exploring these questions we are able to see the contributions of Public Law 93-531. Moreover, the focus would shed some light on the choices made available to the tribal leaders. Were the tribal leaders effective in their roles?

Another area that deserves some attention is identifying the many linkages between the tribes, their leaders, and those non-Indian groups that contributed to the policy process. **What were the commonalties between these groups and how did they reconcile the tribal and political differences?** Certainly the authorship of Public Law 93-531 had many points of entry for the outsiders to enter. Over the course of American

history, Indians have been active member of coalitions and have influenced the political process. Indians have willingly coalesced with others, and they have established relationships on various issues. One way to understand these established relationships is through coalition politics. Under this arrangement, we can understand the association of incorporation as a link chosen by Indian people and not one forcibly pushed on them as in earlier years. How tribal people organize and respond to these new challenges is critical to the future. This study will bring some light to these events and demonstrate the relevance of coalition politics to the Hopi and Navajo Indians.

## CHAPTER 3

### THE NAVAJOS: A BRIEF HISTORY OF THE NAVAJO TRIBE

The purpose of this chapter is to provide some cultural, historical, and contemporary information about the Navajo people. These materials provide a framework to understand who the Navajos are, what experiences they endured, and how these past events have affected them in the present. The chapter's primary goal is to illustrate how the Navajos embraced progression and change, which eventually overtime has been incorporated into their culture, tradition, and lifestyles of today.

#### The Early Navajo

Over the centuries, the Navajo people have spoken a common language, shared customs and beliefs that made them a different group from other Native peoples of the region. Based on linguistic similarities, anthropologists have placed the Navajo in the Athabascans family, a group bound by the *Na-Dene* language. Anthropologists believe the ancestors of the Navajo migrated into the southwest from northwestern Canada in the late 1400s, in successive waves into the 1600s (Locke, 1986: 8). The first European sighting of the Navajo was recorded by Francisco Vasquez de Coronado in 1540, which occurred near the Great Plains of the Pecos River, referring to them as Quecheros (Trafzer, 1978: 6). His writings described a group of Native people that were migratory hunters that followed the buffalo. These first records characterized the Navajos as inventive, intelligent, and courageous (Ibid., p. 6).

### Traditional Navajo Origin

In Navajo country, traditional stories of their origin differ from region to region, but each story shares similar themes and features. Specifically, each version describes the Navajo emergence through successive migrations, which began from an underworld that eventually ended at our present place. Accordingly, traditional Navajos believe they arrived here from several lower “rooms” located deep in the earth, which were known by the colors of “the Black World, the Red World, and the Blue World” (Dutton, 1983: 67). Their movement into each room was caused by a major crisis that occurred in the former world. As they progressed from each chamber, the Navajos were ushered onto new lands that were accompanied by animals, plant life, and other essentials of life. Because of this common migration, the Navajos believe that all life emerged with them and they were special creations that deserved respect. They did not see themselves as special or superior to these creatures. Throughout the emergence story, the Navajo makes no differentiation between insects, animals, and humans (Hausman, 1987: 25). Present in their migration were supernatural beings that are associated with natural features of the land such as vegetation, animals, and weather. Today, traditional Navajo storytellers place their people’s mythical emergence to a large hole found in the La Plata Mountains of southwestern Colorado (Kelly and Francis, 1994: 114).

Upon arriving in the fifth world, the Navajos roamed the land for generations and were joined by other Native groups until they arrived and settled in the old Navajo land, a place they named *Dinetah*. *Dinetah* is included in the present-day landholdings of the Navajo and is bordered by their four cardinal mountains--Mt. Taylor and Hesperus Peak in New Mexico, Blanco Peak in Colorado, and the San Francisco Peak in Arizona. The Navajos were instructed by their deities (the Holy People) to care for the land and its

creations; moreover, they were prohibited from leaving *Dinetah*, which if done would bring harm or death to them. In addition, the land they occupied could not be claimed as private property, because it belong to the all living things; however, customary users' rights of the land were practiced and honored by the people (Hasgood, 1993: 1).

The Navajo people have existed as a distinct political, cultural and ethnic group long before the establishment of the United States. Like other Native American tribes, their world is organized and segmented according to tribal values, norms, and customs. Central to the Navajos' social ordering of people and property is the concept of matrilineal line of descent. This custom grants Navajo women the right to establish the identity of a child through her own line of lineage. Thus, a Navajo child would receive their identity or clan identification from the mother's side of the family at birth. The importance of the clanship is it establishes the fundamental social relationships for the people, such as Navajo identification and subsequent relationships with his or her outside world. Consequently the clan establishes family ties beyond the nuclear family and determines how members of the clan are obligated to help one another. One source noted that there are over 50 clans in existence that all originated from the first four clans founded by Changing Woman (Downs, 1972: 36). As with many customary practices, the observance of the clan among the Navajo may not be as strong when compared to the earlier years; however, the clan system establishes the fundamental pattern of social relationship.

The Navajo people have developed strong personal ties to their land, because of their interdependency of economics, culture, and religion in the Navajo way of life. For all Navajos, both young and old alike, the land is an essential part of a person's life to the extent that bonding oneself to the land is symbolized by the burying an infant's umbilical cord in the newborn's homeland. Navajos believe the bonding custom encourages a

person to be productive on the homeland and it (the ceremony) protects them while they travel throughout the region. Moreover, the act of bonding firmly establishes a Navajo's "roots" to the land, which cannot be severed by humans, since this act of bonding is prescribed and honored by the Navajo deities. It is a sacred rite that transcends American laws. The importance of the bonding ceremony is frequently referred to and voiced by traditional Navajos when federal Indian policy sought to remove them from their land.

### Navajo Country - The 1868 Reservation

The Navajo, or *Dineh* as they call themselves, have historically inhabited an enormous stretch of land that extends into the western regions of North America. Their present-day area, half in size of their ancient country, stretches into the modern states of Arizona, New Mexico, and Utah. These lands cover a surface area of approximately 25,351 square miles, which is comparable in size to the state of West Virginia (Wilkins, 1999: xxi). A significant portion of Navajo country was secured under the 1868 Treaty which was signed between a group of influential imprisoned Navajo leaders and members of the U.S. Indian Peace Commission.<sup>1</sup> Since 1868, subsequent land annexations have occurred that significantly increased the original size of the Treaty Reservation. These land annexations were in the form of tribal real estate purchases, acts of Congress, or Executive Orders. One source has identified twenty-five additional land transactions occurring since 1868, which increased Navajo acreage four times that the size of the Treaty Reservation (Ibid., p. xxi). Certain parts of their country include three smaller

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<sup>1</sup> The 1868 Treaty ended all warfare between the Navajo captives and the U.S. In exchange for peace, the U.S. honored the Navajos' request to return to parts of their ancestral homeland. The area that the Navajo returned to after incarceration is referred to as the Treaty Reservation.

Subsequent additions to the Treaty Reservation were made to accommodate the overflow of Navajo refugees that were forced into Arizona from New Mexico, because of clashes with white ranchers and the operations of Atlantic & Pacific Railroad (Redhouse, 1985: 6).

tracts of land in New Mexico that are physically separated from the main reservation. Collectively, these areas make-up the Navajo Indian Reservation, which is the largest of all U.S. Indian reservations.<sup>2</sup> The sheer vastness of Navajo country surrounds the entire landholdings of the Hopi Tribe. This landlocking of the Hopi people has been the source of social and political tensions culminating with the Healing Case, which established permanent land boundaries between the two tribes.<sup>3</sup>

The land of the Navajo is diverse in color and contour. It is a land carved by wind and water, a land of picturesque deserts and high plateaus, a land that provides sustenance for a wide range of plants and animals. Each natural feature of the land and its living occupants have been carefully described and accounted for in the Navajo folklore. It is a land of limited water reserves, however. Seldom does precipitation exceed ten inches a year in one place, which adversely restricts its agricultural productivity throughout the land (Navajo Nation FAX, 1988: 45). Despite the lack of water, some parts of the Navajo reservation makes use of dry farming technique, while other areas draw water from the Colorado, Little Colorado, or San Juan Rivers to yield annual crops.<sup>4</sup>

The Navajo Reservation possesses significant mineral wealth such as gold, silver, coal, uranium, oil, and gas, to name but a few.<sup>5</sup> The government of the Navajo Tribe has authorized the extraction and processing of these minerals to several non-reservation companies. However, the U.S. Government through the Department of Interior and

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<sup>2</sup> A reservation is a stretch of land reserved for a particular group of Native Americans. Reservation land is used and occupied by tribal members, and the U.S. Government holds the title to the land in trust for the tribe. An authorized government that acts on behalf of all tribal members determines the use of reservation land and its resources. Reservations are created by treaties between Indian tribes and the U.S. Acts of Congress, Executive Orders by the President, and congressionally authorized actions of the Secretary of Interior (Utter, 2001: 206).

<sup>3</sup> Healing (1962) is the federal court case that established Navajo and Hopi joint-rights to a tract of land in Arizona.

<sup>4</sup> Because of the lack of water and rugged physical character of the land, one-fifth of the Navajo Reservation has been classified as agriculturally non-productive (Pollack, 1984: 38).

<sup>5</sup> As of 1981, 2.6 billion tons of economically recoverable coal has been leased out of the total Navajo reserves of 4 billion tons (Reno, 1981: 111).

Bureau of Indian Affairs serves as trustee to the Navajos, and they are obligated to concur on all lease contracts involving Native resources. Over the past century, the extractions of mineral resources have consistently produced income for the Navajo government in the form of royalties.<sup>6</sup> Since the discovery of fossil fuels in the early 1920s, oil revenues have become a major source of income for the Navajo coffers (Aberle, 1983: 647). Profits from these undertakings have fluctuated, however. For example, in 1986, while uranium profits were marginal compared to other revenue resources, coal earnings surpassed petroleum earnings for the first time as the major source of mineral income (Navajo Nation FAX, 1988: 70).

Over time, the Navajos have begun to rely on oil and coal revenues to finance their government, and the administration of essential programs and social services.<sup>7</sup> Despite their reliance of mineral royalties, some Navajos have repeatedly voiced their opposition to coal mining, and most especially, uranium mining due to the negative impacts caused by these materials.<sup>8</sup> Uranium debris, in particular, has contaminated certain parts of the Navajo Reservation along with poisoning the people, their livestock, and the water.<sup>9</sup> In the 1950s, the mining companies--Kerr McGee Oil, Phillips Petroleum

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<sup>6</sup> The Navajo government, the Navajo Tribal Council, was created in 1923 to consider mineral leasing agreements (Aberle, 1983: 647). Before the establishment of the Navajo Tribal Council, the Agency Superintendent of San Juan appointed three Navajo headmen to serve as the "business council", who were responsible for negotiating tribal leases on behalf of the Navajo tribe. The business council, however, was not representative of the tribe and the council failed to satisfy a provision of the 1868 Treaty. As a result, the Navajo Tribal Council was contrived in 1923, which composed of a Chairman, Vice-Chairman, and six delegates who were appointed by the Acting Commissioner of Indian Affairs, E.B. Meritt. In 1938, the Navajo Tribal Council increased its body to 74 popularly elected members, and has since grown to the current composition of 88 delegates.

<sup>7</sup> From 1921 to 1937 Navajo royalties amounted to \$70,000 per year; 1938 to 1956 nearly \$1 million a year; and 1957 to 1968 to about \$18 million a year (Aberle, 1983: 647). Navajo budgetary needs have largely depended on energy revenues begin in 1954. In subsequent years, these revenues have constituted 50 to 94 percent of the entire tribe's earnings (Ibid., p. 650).

<sup>8</sup> The long-term effects of radiation pollution on the Navajo reservation have been well documented, see Eichstaedt (1994).

<sup>9</sup> Since the 1950s, hundreds of tons of radioactive tailings have been piled near former uranium sites. These tailings have contaminated the land, the animals, and the people. To compensate Navajo miners (and white millers) from exposure to these harmful materials, a fund was established to pay victims

Company, Anaconda Copper Company--were drawn to Navajo land because of the financial opportunities, no collection of tribal taxes at the time, and the Indian labor was cheap (Grinde and Johansen, 1995: 208). In addition, the Navajo reservation lacked health, safety, and pollution regulations that were in practice elsewhere. A typical uranium site would have unsecured radioactive tailings, contaminated drinking water, and no cleaning stations or showers (Eichstaedt, 1994: 53). These two major factors--profit and unregulated mining atmosphere--encouraged the assemblage of mining companies on Native lands, despite human contamination and damage to the environment (Churchill and LaDuke, 1992: 247).

Uranium mining, however, did not occur without some dissension among the Natives. Some critics (Coalition for Navajo Liberation, and Dine Coalition) have contended that the Navajo government contributed to the misery by allowing these companies to run amuck without concern for the land and its people. The mining of uranium has caused the depletion or contamination of the Navajo and Hopi aquifers, unresolved issues of land restoration, displacement of people and communities, and the death of miners and nearby mine residents. Moreover, these Native critics claimed the tribal government has become dependent on the energy-related industry, and the tribal council has since relinquished control of their economic independence to outside non-Navajo interests.

In summary, the Navajo tribe has become an economic hostage of the mining companies. Because of this dependency, any kind of reduction in mineral revenues has the potential to devastate the tribal government since mining profits support a significant

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and/or their families up to \$100,000 (the Radiation Exposure Compensation Act). As of 1994, 155 Navajo uranium workers/families have received some type of financial compensation (Eichstaedt, 1994: 169).

In July 1978, a severe contamination occurred on the Navajo Reservation near Church Rock, New Mexico when 100 tons of radioactive water gushed through a broken earth dam into a regional water source (Rio Puerco). Ensuing tests conducted by the Nuclear Regulatory Commission found the tributary had 6,000 times the allowable standard of radioactivity (Grinde and Johansen, 1995: 211).

share of the Navajo government. Furthermore, the Navajo economy has not adequately diversified into other business sectors that could absorb royalty losses, although tribal officials have attempted to engage in other forms of private industry and economic development projects.

Other reservation based tribal enterprises include Navajo Forest Products Industry, Navajo Arts and Crafts Guild, and the Navajo Tribal Utilities Authority. These enterprises, however, create a modest number of jobs and they produce substantially lesser revenues than those earned from minerals. One writer succinctly characterized the Navajo economy as a “welfare” economy since an enormous amount of tribal resources are committed to supporting essential social service programs, while inadequate amounts are directed toward revenue generating projects (Aberle, 1983: 651). These budgetary challenges continue to pose problems for the Navajo government on a yearly basis often becoming a tug of war contest between competing tribal and non-tribal interests. This condition continues to be an unsettled issue.

Some of these social and economic concerns were voiced by traditional Navajo and Hopi people. Traditional Native people have consistently spoken out against mining on their Native lands. In fact, some traditionalists have allied themselves with activist groups that opposed the mining of Black Mesa, an area that supplied a large amount of coal to some energy companies.<sup>10</sup> Traditional Native people believe the land and its resources were exploited with complete disregard for their religion and their way of life. By extracting coal from the ground, the traditionalists felt the land was being violated from its natural state of equilibrium and irreparably damaged. Traditional Hopis who opposed mining received outside support to organize their group and publish their

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<sup>10</sup> One group, Indian Unity Movement, organized the Hopi opposition with other Indian tribes (see Matthiessen Indian Country, p. 82). Incidentally, coal from Black Mesa fuels the Mohave Power Plant in Clark County, Nevada.

concerns in a bulletin called “*Techqua Ikachi*.”<sup>11</sup> *Techqua Ikachi*, totaled forty-four issues and was circulated over a ten-year period, each issue discussed the Hopi culture and their prophetic “Plan of Life” as it related to the mining operations.<sup>12</sup> The publication was primarily intended to inform non-Hopis of the mining issues/concerns and to seek their support to stop the mining of coal. It also reported the concerns of traditional Navajos who shared in the repugnance of mining practices.

One group of Navajo people equally opposed the mining of Black Mesa. Their concerns were different from the Hopis, however. These traditional Navajos opposed mining based on the disruption it caused their livestock that grazed on or near Black Mesa.<sup>13</sup> They feared the possible death of their animals due to exposure of pollutants created from coal mining such as fly ash, sulfur dioxides, and oxides from nitrogen. Environmentally, the mining operation caused another concern, the use of an enormous amount of groundwater to move the coal in slurry form to a power plant located in Nevada.<sup>14</sup> One source reported that one coal gasification plant required about 10,000 acre-feet of water a year, with additional water demands to cool the equipment (Grinde

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<sup>11</sup> *Techqua Ikachi* is a phrase that means “The Traditional Viewpoint.” *Techqua Ikachi*’s articles and messages were of Hopi origin and “would deal with issues concerning the continuation of the traditional way of life, and world peace” (Mails, 1997: 114). The bulletin was printed and distributed in secrecy due to fear of arrest by Hopi tribal police. During its publication, the Hopi government tried to end *Techqua Ikachi* because of its controversial opinions. The first issue of *Techqua Ikachi* came out in August of 1975.

<sup>12</sup> The Life Plan is a set of instructions that provides the Hopi critical insights into the future and makes known to them some possible consequences of their actions and non-actions.

<sup>13</sup> Navajos were bound by the concept of “K’e”, which incorporates “many values that bind the individual to family, clan...obligations to mountains, plants, animals, Mother Earth, and all of creation” (Wilkins, 1999: 10). Thus, a Navajo has a duty to himself/herself and those around him/her, which includes the land and its creations.

<sup>14</sup> One source indicated that Peabody Coal Company used the Navajo’s most highest quality of water to move finely grounded coal to Mojave electrical station on the Colorado River (Reno, 1983: 59). Other “benefits” allotted to the Indians over the life of the Peabody lease were: the Hopis would receive around \$14.5 million; the Navajos would get \$58.5 million (they have a larger lease area than the Hopis); the Hopis would receive \$1.87 an acre-foot for their water, the Navajos \$5 an acre-foot; Peabody Coal guaranteed the tribes a 75% Indian workforce at the Black Mesa operation (Savage, 1973: 14). Tribal officers and the legislative councils approved the Peabody lease with the concurrence of the Secretary of the Interior.

and Johansen, 1995: 134). These demands on the land could be costly for the tribes, since Black Mesa is located in an arid region. These earlier issues along with the surface scars caused by strip mining were the major determinants against probing the earth's crust.

One Native based group, Indian Unity Movement<sup>15</sup>, organized the Navajos and non-Navajos to voice their opposition to strip-mining, provide information to the larger society, and monitor the mining companies' activities. Unity members would equally direct their objections toward agents of the federal and tribal governments. Because the mines were located on Navajo land, it becomes the tribes' responsibility to monitor and enforce their own environmental laws and regulations. Understaffed and under-funded, the tribe has been one-step behind the mineral companies in environmental law enforcement. These governmental deficiencies have brought about the ravishment of the land. In 1972, the National Academy of Sciences declared parts of Black Mesa a "National Sacrifice Area", because it is "virtually impossible" to reclaim the land that has been strip-mined (Matthiessen, 1984: 98). As of 2004, the issue of using Navajo groundwater continues to be a major concern for the Navajo and Hopi Tribes.<sup>16</sup>

### The Contemporary Navajos

According to the 2000 Census, the population of the Navajo Nation is 250,000 persons, which makes them one of the largest Indian tribes in North America.<sup>17</sup> Of the

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<sup>15</sup> The group was organized in 1974 by a Hopi woman named Mina Lanza of *Oraibi* (Feher-Elston, 1988: 65). The Unity group was primarily interested in repealing the Relocation law, because of the harm it caused the people.

<sup>16</sup> Black Mesa mining operations requires the use of groundwater to move coal to the power plants by way of a slurry line that uses an enormous amount of groundwater. Navajo and Hopi government officials are alarmed at the amount of water used and have limited the use of the water for this purpose ("Many Voices, One Message," 2003).

<sup>17</sup> The Census Bureau uses the self-identifying system in their work; it is an enumeration method that

250,000 persons, about 170,000 Navajos reside in homes found within the Navajo reservation, while the remaining people mostly live in nearby off-reservation communities. The migration of Navajos from their homeland to communities bordering the reservation occurred largely after World War II, and this movement of people has remained relatively steady, primarily because of lack of employment on the reservation.<sup>18</sup> Labor statistics for the postwar period show that fewer than 1,000 Navajos held full-time employment, while 7,800 received some form of public assistance (Iverson, 1981: 56).<sup>19</sup> Compounding the lack of work in Navajo country were problems associated with hunger and poor living conditions (Locke, 1986: 450). Based on these facts, it is easy to understand why the Navajos sought employment away from their homeland. To facilitate the movement to urban centers, thousands of Navajos along with other tribal people freely participated in the federally managed Relocation Program, which moved about seventy thousand Indians to urban areas<sup>20</sup> (Fixico, 2000: 17). Some Navajos were successful in making the transition from their familiar settings to the non-Indian world, but other Navajos did not fare as well. Among the many problems they encountered in the cities were cultural alienation/adjustment, racism, alcoholism, lack of education, lack of affordable healthcare and viable employment.<sup>21</sup> Furthermore, the Navajos were encouraged by their tribal government to relocate and obtain work elsewhere to help ease

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lets survey respondents place themselves in a racial category they believe they belong to. As such, the Bureau does not check each response for accuracy. Consequently, the existing census of the Indian population is an over count; tribal enrollment offices effectuate a better indicator of the actual count of Indians. A tribal enrollment office can verify a person's claim of Indian ancestry with their records.

<sup>18</sup> The population of Navajos in 1945 was 60,000 (Navajo Nation FAX, 1988: 2).

<sup>19</sup> This employment number refers to all Navajos, which includes those tribal members living on- and off-reservation.

<sup>20</sup> In 1954 the U.S. Government initiated a federal Indian policy that sought to assimilate Indian families into the larger society. The Bureau of Indian Affairs administered the federal policy, which relocated Indians to urban cities throughout the U.S. to secure employment. Program participants were volunteers. Relocation sites included were Chicago, Cleveland, Dallas, Los Angeles, Oakland, San Jose, Tulsa, or Oklahoma City.)

<sup>21</sup> For more information, see Fixico's Urban Indian Experience.

the economic burden crippling the homeland. Navajo tribal leader of the time, Paul Jones, viewed relocation policy as a useful means to remove surplus Navajos that the tribal economy could not support (Ibid., p. 18). Thousands of Navajos moved to urban centers to secure vocational training and employment; however, a large portion returned home regularly to help with farming or caring of the family livestock.<sup>22</sup> This duality of residency--rural and urban--defeated the aim of urbanization policy as the Navajos were able to return home whenever they wanted to, as such, they avoided establishing permanent roots in the cities. The exposure to the urban world was a difficult time for some Navajos, but the experience helped prepare them for changes that would soon follow.

Historically speaking, the Navajos have demonstrated the desire to welcome and accept change that was initiated from an outside source. Describing this adaptive characteristic, one scholar writes:

“In historic past...Navajo culture literally swallowed and digested alien institutions of formidable proportions, successfully recasting Navajo patterns to accommodate the borrowed innovations. Centuries ago Navajo culture accepted a complex religious-ceremonial system from Puebloan sources, but in a form distinctively Navajo; agriculture and stock raising followed a similar course of readjustment to the peculiar requirements of Navajo life, taking their place with the ceremonial system as cornerstone in the foundation of traditional Navajo society” (Young, 1972: 208).

A case in point is illustrated by the Navajos’ appropriation of European bred livestock. Before the arrival of the Europeans to the southwest, the Navajos maintained a simple culture and were organized as migratory hunters and gatherers that lived in separate, compact communities scattered throughout the region (Kluckhohn and

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<sup>22</sup> In 1957, the Indian Vocational Training Act, established off reservation training centers to teach particular vocational trades to Indians. Over the years, these training centers grew in scope and services to offer training in 125 occupations and accredited schools located in 26 states (Fixico, 2000: 17).

Leighton, 1974: 35). These communities were located on land that is owned by a particular group of Navajos for generations, and these families have established traditional use areas for animal grazing or the planting of crops. Importantly, the settlement patterns of the Navajo have prevented them from setting up large communities that resemble villages or towns; instead, they reside in small groups of “hogans”.<sup>23</sup>

Early Navajo existence was completely dependent on hunting wild game and forging of natural foods. Their lives were focused on strategies of subsistence, which left them with little time to develop an elaborate religion or artworks of great distinction. Furthermore, their experience with domesticated animals was limited to dogs, which were used to track down wild game and/or guard homes (Downs, 1972: 53). However, the arrival of domestic livestock--particularly the horse and sheep--permanently altered their lives.

The introduction of sheep transformed the Navajos' life in many ways. Although the Navajo did not abandon the hunt or the gathering of food, these earlier modes of subsistence supplemented their newly found livelihood of animal husbandry. To this end, the Navajos established and maintained independent herds to provide them with food, materials for weaving rugs and clothing, and a source of renewable income, to name but a few. Another European bred animal, the horse, accelerated the Navajos' social and political status because now the Navajos were able to travel to new regions that were once beyond their immediate reach. This encouraged them to communicate with other tribes, and conduct intertribal trading, but it also increased the frequency of

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<sup>23</sup> The home of the Navajo is called a hogan. The “forked stick hogan” is the oldest type of hogan. Its conical shape structure that is supported by three forked poles insulated with mud and bush. Navajos refer to this hogan style as a “male hogan” and it is found in the western part of the reservation. The more common variation has walls of six- or eight-sides made from horizontal logs secured with mud and roofed over with earth and small pieces of lumber. The hogan is circular, symbolic of the sun, while the entrance faces the east to meet Father Sun. Navajo stories tell the hogan is “gift” of the Holy People and is intended to protect the Navajos from the elements, while serving as place of healing (Navajo ceremonies are restricted to the hogan).

raids on their Pueblo neighbors (Roessel, R.A. as cited in Wood, Vannette, and Andrews, 1982: 25).

Today, the raising of livestock not only financially supports some Navajos, but they have become an intricate part of their social, cultural, and religious life. Navajo orator Steve Darden describes the sheep as “gifts from the Holy People. While we [Navajos] are herding sheep, we are their mother, the sheep are the children....It is giving us life” (Trimble, 1993: 133). One Navajo elder reflects, “since time immemorial our grandfathers and grandmothers have lived from their herds--from their herds of sheep, horses, and cattle, for those things originated with the world itself.” (Iverson, 1981: 4). Moreover, the care of sheep has reinforced the basic values of individual responsibility and care of the community (Roessel, R.A. as cited in Wood, Vannette, and Andrews, 1982: 26). Navajo oral tradition attributes the origin of these animals to their deity Changing Woman (Ibid., p. 26).<sup>24</sup> Overtime, the Navajos have greatly increased their perception of their internal and external worlds and have made permanent changes by incorporating new things that they have encountered into their culture (Wood, Vannette, and Andrews, 1982: 26).

### The Long Walk Period

The year 1864 marked a significant turning point for the Navajo people. Before 1864, the Navajos were free to travel the American southwest, trade with neighboring Indian tribes and the Spaniards, and occasionally clash with one of these groups over a wide variety of issues. The Navajos, in general, were left alone to pursue their own

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<sup>24</sup> Changing Woman is a central figure in Navajo mythology and she is highly revered by the Navajo people. To the traditional Navajo, Changing Woman is the source of all life, the provider of sustenance, and destiny of all beings (Hausman, 1987: 14). Moreover, she is known as the one deity that attentively cared for the Navajo since she was the one to create them.

worldly desires despite the Spanish government's attempt to conquer and enslave them. The Spaniards were unable to establish total control over the Navajos, because the Navajos lacked a central leadership and they were widely dispersed throughout the southwest. Nonetheless, some Navajo bands were brought under Spanish rule and they were kept or sold as slaves in Mexico, but any thought of complete control over the Navajos was an unattainable task.<sup>25</sup>

The Republic of Mexico continued to exercise a policy of nonintervention in Navajo affairs until they signed away their ownership of the southwest to the U.S. Government. In 1846, the U.S. acquired the region from Mexico through the Treaty of Guadalupe Hidalgo, which ended the hands-off approach to Navajo affairs.<sup>26</sup> Navajo independence was enervated by the Treaty of Guadalupe Hidalgo, which unilaterally placed them under the jurisdiction of the U.S.

For the next fifteen years, 1848 to 1863, the U.S. Government sought to exert their dominion over the Navajos by way of military campaigns, but they were met with staunch resistance by several groups of Navajo. In time, the U.S. Government was obligated to protect American settlers and their livestock from the marauding bands of Navajo. These two groups, the U.S. and the Natives, clashed more frequently because of the increase number of Americans entering the southwest. To this end, Brigadier General James H. Carleton contrived a plan that called for removal of the Navajos from their homeland to a neutral site, while at the same time, trying to "civilize" them by ingraining American cultural values.<sup>27</sup> Carleton's hope was the Navajos would accept the change

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<sup>25</sup> As a result, the Spaniards entered into treaties with the Navajo although these contractual arrangements obligated only those that signed the treaties. Because of its limited acceptance, only those groups that knew of the treaty were obligated to the terms. This meant those Navajos that were unaware of the signed agreement continued to raid and pillage their neighbors--both Spanish and Indian alike.

<sup>26</sup> A total of 9 treaties were signed by the U.S. and various bands of Navajos during the years 1846 and 1868. However, the Senate ratified only 2 of the 9 treaties (Wilkins, 1999: 73).

<sup>27</sup> American policymakers believed that Native people could be "civilized" by teaching them methods of farming, while converting them to Christianity.

and become self-sufficient as understood by the U.S. policymakers. To achieve this goal, Carleton believed the Navajos must be captured and quelled, since they would not willingly submit to the authority of the U.S. or abandon their country. Thus, Carleton ordered Kit Carson to begin a military campaign against the Navajos with the purpose of punishing them for past atrocities and pressing for an immediate surrender.

In the fall of 1863, some 2,400 Navajos were systematically rounded-up to begin a 300-mile journey to Fort Sumner, New Mexico. Famed Indian fighter Kit Carson administered a scorched earth policy to bring the Navajos under the authority of the U.S. Carson by burning every cornfield, storehouse, and hogan in his path planned to starve them into submission.<sup>28</sup> With little resistance, a significant number of Navajos surrendered to Carson. By the later part of 1864, some seven thousand Navajos were encamped at Fort Sumner in eastern New Mexico. During four years of imprisonment, the Navajos endured enormous difficulties such as diseases, starvation, and armed attacks by local Native tribes.<sup>29</sup> Critics of Fort Sumner believed that the sooner the captivity ended, the better it would be for the U.S. and the Navajos. In the end, the imprisonment of the Navajos was considered a tremendous failure by influential U.S. policymakers, and by September of 1866, Carleton was relieved of his command from the military post (Young, 1978: 35). At the request of imprisoned Navajo leaders, the federal government agreed to let the Navajos return to their homeland after terms of the 1868 Treaty were finalized.<sup>30</sup> Among the provisions of the agreement, the 1868 Treaty established a 3.5 million acre reservation for the Navajo. The new reservation was much smaller in size,

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<sup>28</sup> Not all Navajos were captured or surrendered as some Navajos fled for safety in areas unknown to Carson or they joined the neighboring tribes.

<sup>29</sup> More than 2,000 Navajos died from small pox, chicken pox, pneumonia and other causes (Locke, 1986: 382).

<sup>30</sup> 7,304 Navajos were released from Fort Sumner and were escorted back to the 1868 Treaty reservation ("Bosque Redondo: Destination of the Long Walk." Retrieved August 3, 2005 from <http://www.southernnewmexico.com>.)

and only one-tenth the size of the former Navajo country, but the new boundaries included the Four Sacred Mountains of *Dinetah*.<sup>31</sup> It was enough for the Navajos, however. In exchange for returning home, the Navajos promised the U.S. that they would end raids against their neighbors, and they would adopt a more peaceful means of living.

The Fort Sumner years conferred a major change to the Navajo people. It was the first time in their history that they were mobilized and treated as one collective group of people--the Navajo Tribe. Before this time, the Navajos were linked culturally and linguistically, but they were independent and autonomous bands that owed no formal allegiance to the other. However, after Fort Sumner, the federal government unified the Navajos into one corporate body, and established a central government to administer their social and political needs. To encourage the acceptance of the centralized government, old chiefs or headmen were used, since they were effective in supervising tribal members during and after the Long Walk (Young, 1978: 47). The headmen were responsible for promoting American concepts of Western civilization and serving as examples for their fellow tribal members. Moreover, they were effective in establishing the foundation for a tribal government, which would appear decades later.

On January 7, 1923, with the supervision of the federal government, the Navajos established themselves into a tribal entity. Today, their tribal government comprises of 88 representatives that are publicly elected to serve four-year terms in the Navajo Nation Council. These local leaders are chosen from governmental units called chapters, and currently 110 chapters are located on the Navajo Nation.

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<sup>31</sup> "*Dinetah*" is the Navajo name for their homeland, which is bordered by Mt. Taylor and Hesperus Peak of New Mexico, Blanco Peak in Colorado, and San Francisco Peak in Arizona.

## Conclusion

The purpose of this chapter is to present some background information of the Navajo people. Through this chapter we have learned that the Navajos are survivors; they have taken horrific experiences, such as their internment at Fort Sumner, and have transformed these events to improve the conditions of their people. For example, after the fiasco at Fort Sumner the Navajos began to embrace a democratic structure to govern their people. Although at first, the tribal government was a contrivance of the U.S. Government, the Navajo government has transformed itself into a stable and recognizable legislative body that impacts politics of the southwest. The tribal government is one way the Navajos' are reclaiming their independence, while addressing those issues that are important to the Navajo people. In short, they are practicing a form of sovereignty.

Another observation left by this chapter is the Navajos' ability to accept change in their private lives. Although they were successful in making the switch to urban areas, and adopting the wage-labor economy, what about the changes brought on by the 1974 Relocation law? What has happened to the traditional people? These issues are amplified even more after we learn about the rapid growth of the Navajo Tribe. How long can the Navajos depend on mineral resources before the land and/or people had enough? Only time will tell how far the tribe changes and what they are willing to do to maintain the homeland. These are some issues the Navajo people must address and come to terms with.

What about the Hopi? How do they compare with the Navajo? The next chapter will examine Hopi history and identify certain moments in their history to see their strengths and weaknesses.

## CHAPTER 4

### THE HOPIS: A BRIEF HISTORY OF THE HOPI INDIANS

This chapter considers particular historical events of the Hopi people. These selected events show the staunch resistance the Hopis demonstrated toward social change initiated from an outside source, and the impact Hopi culture had in deterring these non-Hopi influences. This section starts with a historic description of the Hopis and their reservation. Next are some discussions of the Hopi culture, their initial encounter with the Spaniards, and then, some Hopi views of the land. Finally, the chapter covers contemporary Hopi history. These materials are necessary to place the Hopi people and their culture in the proper historical context, and to recognize the immense affect these had on maintaining their tribal independence.

#### Early Hopi

Based on existing archeological evidence, American archeologists have dated the arrival of the Hopis' ancestors to the southwest at 700 A.D. (Water, 1963: 115). This theorized date of arrival, however, is the subject of continual debate among scholars as more evidence of their ancient world is discovered and analyzed which adds to our existing knowledge of these people.<sup>1</sup> Nonetheless, scholars are certain that their ancestors, the Anasazi, were the first Native people to arrive and inhabit the area known as the American southwest (Clemmer, 1995: 63). Physical evidence--such as tools, craft

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<sup>1</sup> Several scholars have questioned the validity of the arrival of Natives to this hemisphere via the Siberian Land bridge (See Jeffrey Goodman's American Genesis ; Vine Deloria Red Earth White Lies). These scholars contend that ancestors of the North American Indians resided in the American continents long before the accepted dates of archeologists, and they theorize a reverse migration originating from South America to Siberia.

objects, and pottery--suggests the Anasazi were skillful farmers who developed a wide variety of foods and used a complex irrigation system. They cultivated a wide array of crops such as beans, cotton, squash, and several types of corn. To supplement these field crops, they gathered more than one hundred different types of wild plants found within their area.

Unfortunately, the Anasazi did not leave behind an understood form of writing to perpetuate the standardized concepts of their ancient world. Archeologists are, however, certain that they were a deeply religious people based on the abundance of carefully crafted religious objects found in caves, pit houses, and *kivas* (Mails, 1997: 51).<sup>2</sup> This reverence of the supernatural is also a key characteristic of the Hopi way of life. A significant part of their spiritual supplication deals with praying for water from the supernatural. Historically, the Hopis have kept a rich and colorful ceremonial system that is organized around the kachina society.<sup>3</sup> This society has been in practice since the arrival of the Spaniards in the late 1300-1400s. In fact, a Spanish writer described small “hideous images of the devil”<sup>4</sup> hanging in Hopi houses during their initial visit to a Hopi village. Today, kachinas are represented in exquisite doll carvings--human, animal, plant fertility--shaped from cottonwood root and painted with bright colors. These man-made carvings are used to remind the Hopis of their spiritual life, while teaching the Hopi children of acceptable means of conduct and manners. They are not worshipped, but rather are seen as partners to the Hopi. These kachinas have an important role in the

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<sup>2</sup> A *kiva* is a small underground ceremonial chamber.

<sup>3</sup> Kachinas represent supernatural beings associated with ancestral spirits--almost 350 different types of deities are known to exist (Religion, p. 4). Kachinas are spiritual guises that reside in the mountains, springs, and lakes, and are the messengers of blessings, particularly rain (Dutton, 1983: 40). These supernatural beings are believed to be responsible for the changes in the weather and they oversee the well-being of the Hopis. Hopi dancers impersonate these kachinas in costume during their seasonal rites and ceremonies. The Hopis believe these rites and ceremonies are essential for the continuation of life, as we understand it.

<sup>4</sup> See, Barton Wright (1977), Hopi Kachinas: The Complete Guide to Collecting Kachina Dolls. (p. 8). Northland Publishing: Flagstaff, AZ.

Hopis' life as well as other pueblo tribes, such as the Zuni and Tewa.

### Traditional Origin of the Hopi

The evolution of the Hopi people is best understood as one of progressive successions. According to Hopi oral tradition, the creator made the Hopis and other creatures equally of "oneness" (Boissierre: 1990: 20). Together they lived in an underworld that had plenty of food and water. It was a world where all living things had peace, friendship, and happiness. The Hopis were provided with the necessary songs and ceremonies to maintain the world; however, conflict would develop and cause them to leave and move onto another world.<sup>5</sup> The former world then would soon be destroyed by the natural elements, such as water or fire. Thus the Hopis' cycle of world renewal was established.

Before moving to the next world, the Hopis were provided with new songs and ceremonies for the new area they would occupy. In time, the Hopis would ascend upward three times until they arrived to the Fourth World through *Sipapu* (the entrance way). Today, the Hopis live in the Fourth World and it is here where they established the covenant with their deity *Massau*.

It is important to note that there are several variations of the Hopi emergence, however, all of these stories share in the sanctity of *Massau* and his teachings.

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<sup>5</sup> Incidentally, the Navajo, like the Hopis speak of their incipient emergence from an underworld to the existing world. The Hopis claim that on their arrival to the Hopi villages, the Navajos did not have any stories of their distant past, and they adopted the storytelling of the Hopis (Waters, 1977: 255). An excellent description of the Hopis' underworld story is found in Harry C. James' Pages From Hopi History (1994).

### Hopi Country - The Mesas

For centuries, the Hopi people have gathered and lived in separate pueblo communities located in northeastern Arizona. Their villages total twelve and are grouped on the peninsula-like extensions of the Black Mesa plateau. Each village<sup>6</sup> is a continual center of life for an ancient people, who arrived to these parts at least 1,000 years ago (“Hopi: The Real Thing” p. 9). As of 2000, the Hopi population is estimated to be about 12,000 persons and tribal membership continues to grow at 2% per annum (Center of American Indian, 2001: 1).

The Hopi Reservation was created by Executive Order in 1882 and expands over 1.5 million acres and is totally surrounded by the Navajo Nation.<sup>7</sup> The land of the Hopi is a large plateau region with rolling hills that are scattered with mesquite bushes, cedar and greasewood trees. In their language, the Hopis call their homeland *Tutsqua*, whose expanse was established during their prehistoric migration to the area and is marked with stone shrines and land markers (Boissiere, 1986: 12). *Tutsqua*'s ancestral boundaries are much larger than their modern-day reservation as its borders extends into the great desert of Utah, Colorado, Arizona, and New Mexico.<sup>8</sup>

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<sup>6</sup> These groupings are First Mesa (*Walpi; Sichomovi, Hano*); Second Mesa (*Shungopovi, Mishongnovi, Shipaulovi*); Third Mesa (*Oraibi, Kiakochohovi, Hotevilla, Bakabi*). One village--*Moencopi*--is located 40 miles west of the closest village and is encircled by Navajo country.

<sup>7</sup> An Executive Order issued in 1882 created the Hopi Reservation “and such other Indians as the Secretary of the Interior may see fit to settle thereon”. Because of the Order’s vague wording, the Navajos were placed onto the 1882 Reservation with the Hopis, and over time conflicts have evolved between the two tribes over the unequal use and possession of the land. For example, historic records show that Navajo livestock have continuously intruded onto Hopi land and created problems for the Hopis. Over the years, a legal controversy has developed and evolved into the Navajo-Hopi land dispute, whose outcome was Public Law 93-531.

<sup>8</sup> The Executive Order Reservation constitutes a mere 9 percent of the actual size of *Tutsqua* (“History of Hopi People”. Page 1. Retrieved May 5, 2001 from <http://www.hopi.nsu.us/Pages/history.html> ).

The climate of the 1882 Hopi Reservation is arid, which limits the growth of plants and vegetation. Despite the scarcity of water, the Hopis are an industrious group of farmers that have learned to live with the land through their resourceful farming techniques and horticulture practices. For example, their settlements are deliberately placed high on mesa tops to take advantage of the natural water drainage, which sustains their crops. This special understanding and familiarity of the land has developed over the course of time into a distinct way of life known as the Hopi way.<sup>9</sup> Traditionally, Hopi men plant and care for the crops, and were the sole owners of these greenery, while the Hopi women managed and owned the homes, foods, seeds for next year's planting, and the natural springs (Dutton, 1983: 35). Because the Hopis are socially organized along a matrilineal line of descent, a married woman's family determines the clan identity of the children.<sup>10</sup> Even in the contemporary age, most members of the Hopi Tribe understand their relationship to the land and how each clan is historically linked to the earth. Furthermore, this revered understanding is demonstrated in their attentive stewardship of the homeland--Hopi legend teaches that since the Hopi arrived to this world by way of the underworld, they were obligated to perform particular ceremonial duties to maintain individual spiritual integrity, environmental harmony, and a general sense of balance within their community (Havens, 1995: 48). According to Hopi oral tradition a Hopi deity, *Massau*, provided the Hopis with the proper and necessary instructions to care for

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<sup>9</sup> A traditional Hopi describes the Hopi way as farming and living harmoniously within the means of the land, refraining from exploiting it or its resources. To guide them, the Hopi way uses religious teachings that instill respect for every life form and the supernatural. The Hopis are obligated, according to their myths, to care for the land that they occupy and offer prayers and thanksgiving on behalf of all creations.

<sup>10</sup> The Hopis are divided into twelve principle clans with additional phratries below the principle clans, which are social units that trace a line of descent to a common ancestor ("History of the Hopi People." Retrieved May 7, 2001 from <http://www.hopi.nsn.us/Pages/History/history.html>). Importantly, each clan designation determines how a Hopi person relates to another tribal member and their clan predetermines a wide range of activities such as marriage, social life, and ceremonial responsibilities. To facilitate these activities, a Hopi man joins the household of his wife and helps his in-laws in the daily work.

the land and its creations. This understanding, or covenant, holds that as long as the Hopi people care for the land, they were allowed to remain on it, and the same is conversely true, if they fall short in their role and neglect to care for the land, then they were obligated to leave it. In their native language, this obligation is referred to as *Katsi Votavi*<sup>11</sup> - the "Life Plan" (Report of the Second Mesa Mental Health Conference, 1983: 35).

Intertwined with these activities is their adherence to a structured religious life that unites the villages and encourages spiritual cohesion. Hopi culture is marked with an intricate social and ceremonial organization. Although modern times have interfered and challenged the Hopi way, its principles and philosophical goals remain unchanged and it defines their relationship to the land. One challenging problem, however, is creating adequate capital to finance the Hopi government and its social services. Profitable manufacturing and commercial activities are severely limited in Hopi country. One successful tribal project, constructed in 1971, is a tribal cultural center that includes a restaurant, motel, museum and gift shops; it continues to serve as the primary centerpiece of the local Hopi economy. Since the mid 1970s, economic studies have shown an increase in Hopi-owned small businesses along with cattle ownership, while Hopi unemployment has decreased to levels far below the national average for Native Americans<sup>12</sup> (Clemmer, 1995: 276). During that same period, according to an economic report of the Hopi Tribal Council, nearly 60 percent of all tribal income originated from private sources (Ibid., p. 277). Just how far the tribal council will go to create the needed capital is questionable. Nevertheless, the commitment to their traditional way of life

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<sup>11</sup> The Life Plan consist of a set of instructions that provides the Hopi critical insights into the future and makes known to them some possible consequences of their actions and non-actions

<sup>12</sup> In 1986, Hopi per capital income stood at \$2,232, and increased to \$4,865 in 1990 (Clemmer, 1995: 276). Hopi unemployment rates were low when compared to other Native tribes at 55 percent. 1986 Hopi unemployment stood at 37 percent, and dropped to 28.7 percent in 1990 (Ibid., p. 276).

distinguishes them from other southwest tribes that have appropriated outside practices and abandoned their own customs. By faithfully exercising their religious practices and acknowledging the social order, the Hopis have insured the survival of their culture.

### Hopi History

The word Hopi is derived from *Hopituh Shi-nu-mu*, which translates to “all people peaceful” or “little people of peace” (James, 1974: xii).<sup>13</sup> American linguists have placed the Hopi language in the Uto Aztecan family, a language classification that is shared with other Native groups found in northern parts of Mexico (Spicer, 1989: 10). Based on the existing archeological evidence, American archeologists and anthropologists have determined that the Hopi Indians are the ancestors of the Anasazi people. Unlike other aboriginal late-comers to the American southwest (i.e. the Athabascan tribes), the Anasazi developed a rich and complex culture as evidenced in their black and white pottery, intricate turquoise jewelry, and community architecture. The Four Corners region holds a multitude of Anasazi stone dwellings at Mesa Verde (Colorado), Canyon del Muerto at Canyon de Chelly (Arizona), Betatakin and Keet Seel (Arizona), and at Chaco Canyon (New Mexico).<sup>14</sup> For reasons not fully known to us, the Anasazi abandoned these sites around the 1300s and moved to their familiar mesas from the north and east (Goodman and Thompson, 1975: 401). Scholars have speculated that a severe drought caused them to abandon their homes and gradually move to areas where

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<sup>13</sup> Working the land is the way of life for the Hopi people, and it continues to be a critical part of their existence, although many Hopis have succeeded as wage earners in each and every occupation. Today, many Hopis continue to farm hereditary land fields, and they also own livestock to supplement their wage income. It is believed that by 1700 A.D. the Hopis were corralling their livestock in pens and allowing them to graze nearby their homes (Clemmer, 1995: 31).

<sup>14</sup> At Chaco Canyon alone their population is believed to have exceeded 8,000 persons (Alvin Josephy, Jr., America in 1492, 1992: 107).

water could be found. It is believed that some of these Anasazi groups were absorbed by other Native tribes of the area, while others settled in a plateau region of northern Arizona called Black Mesa. Today, the Black Mesa plateau region is the home of the Hopi people.

Hopi settlements are small in size, and compose of a collection of stone walled pueblos built above the ground.<sup>15</sup> Absent from these communities are the pithouses commonly found among the Anasazi dwellings. This key structural difference marked the emergence of the Hopis as a separate and identifiable group from other Pueblo tribes, although they made regular contact with the Anasazi to the north and the Mogollon to the south (Mails, 1995: 76). The period, 900 AD to 1100 AD, attest to the Hopis' distinct social and ceremonial organization, language (dialects of it), and physical appearance (Dutton, 1983: 14-17). These settlements each served as the center of life, and within the village the Hopis were safely secured from the outside world, and were guided by a collective tribal consciousness that permeated their very existence. They learned of this tribal awareness through their folklore and Hopi language. Although they have historically been concentrated in one of three principal villages located on the Black Mesa plateau, there is adequate archeological evidence to support their use and occupation of lands far beyond these villages.

Domestic stability has encouraged the Hopis to establish and preserve an influential tribal priesthood that guides the community. According to Hopi tradition, the selection and training of a *kikmongwi* (a chief) is determined by the village leaders, who identify the candidate(s) based on their own criteria for initiation into the society of ceremonial chiefs (Clemmer, 1995: 60). During the developmental years, the nominee is

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<sup>15</sup> Archeological studies have found the Hopi villages of *Oraibi* and *Shungopavi* as the oldest continuously inhabited villages in North America (Report to the Hopi Kikmongwis & Other Traditional Leaders On Docket 196 & the Continuing Threat to Hopi Land and Sovereignty, 1979: 1).

expected to demonstrate skills of critical thinking, adherence to the Hopi way of life, and continual compassion and understanding for community members. To the non-Hopi, the selection of a Hopi leader may appear undemocratic and obstructive to the development of a democratic decision-making body. This is not the case, however.

The Hopis' use of authority includes the democratic principle of checks and balances (Clemmer, 1995: 61). Specifically, traditional Hopis discuss community issues at great length until they reach unanimity. Decision-making is garnered through a process of informal consultation and consensus building among tribal members (Ibid., p. 61). Furthermore, the *monwis* or "village council" holds the final decision on whether or not an individual is ready to assume a position of leadership.

Clearly, the *kikmongwi's* authority is not absolute. Clemmer writes, "political power [among the Hopis] is diffused and succession of chieftaincy a negotiable right" (Ibid, p. 61). The role of *kikmongwi* is transactional. It requires the inclusion of other leaders in community affairs; is subject to the *monwis*; and decision making requires unanimity of village leaders. In addition, Hopi women can participate in the power process and serve as a *kikmongwi* based on the clan authority they hold (Ibid., p. 61). Regardless of the *kikmongwi's* gender, a leader must have a sense of maintaining the welfare of the whole community, while keeping internal stability of the village (Spicer, 1989: 380). Their observance of tribal rituals is an integral part to develop and maintain the necessary support for his or her position. Thus, the traditional Hopi function of the village leader is to ensure the maintenance of proper ceremonial relations with the supernatural (Ibid., p. 380)

The conventional designation of "tribe", however does not apply to the Hopis.<sup>16</sup>

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<sup>16</sup> The conventional definition of tribe describes a group of people linked by a common language, possessing one government, and acting together for the common welfare of the group. The Hopis have never had a single governmental body that represents all villages.

Historically, the Hopis have not been organized as a single political unit, although they share a similar culture and history with their kinsmen that live throughout Black Mesa region (Report to the Hopi Kikmongwis & Other Traditional Leaders on Docket 196, & The Continuing Threat to Hopi Land and Sovereignty, 1979: 24). Furthermore, their political authority is dispersed among the villages and not concentrated in a single person. This dispersion of political authority is a convention of traditional Hopis. Each community is organized differently and community members have distinct roles they engage in.<sup>17</sup> Traditional Hopi society is well-structured and hierarchical in form, which is guided by a prescribed folklore, maintained by the priesthood of each village. Although the Hopis are currently organized under a tribal government, the traditional social structure continues to influence the tribal government.<sup>18</sup> The Hopi have remained socially and politically homogenous and relatively unchanged by the non-Hopi world even after the arrival of the Navajo and the Europeans.

Hopi stories indicate the coming of the Navajo from the north at relatively the same time the Spaniards appeared in the southwest. The first Navajo person was described as a hungry, weaponless person, clothed in animal skins (Waters, 1963: 255). Over time the frequency of Navajos increased and the Hopis brought them into their villages. While the Navajos lived with the Hopis, they learned and adopted some Hopi practices and gave it a Navajo quality. Specifically, Navajo agriculture; weaving; ceremonial rituals; and matrilineal clans were customs all influenced by Hopi culture.

The first Hopi-European encounter occurred in 1540 at the village of

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<sup>17</sup> This distinction is based on the traditional and progressive tribal members, and it has been a divisive factor for the tribe. Traditional and progressive members differ in how they see the role of government, land usage, and religious views. Because of these differences, consensus making between the two groups of Hopis has been difficult at times.

<sup>18</sup> The existing Hopi government was created in 1936 by the federal government; it is a constitutional government whose ratification came from a fraudulent scheme (see Report to the Hopi Kikmongwis & Other Traditional Leaders on Docket 196 & The Continuing Threat to Hopi Land and Sovereignty, Ch. 4).

*Kawaiokuh*.<sup>19</sup> De Tovar, the first Spaniard to visit Hopi country, was dispatched by Coronado to collect information about the fabled Seven Cities of Cibola. Coronado learned of the Hopi villages through one of his Native informants, who came from a Zuni village that was occupied by the Spaniards. The initial Hopi-European meeting was a brief encounter that erupted into a military skirmish and concluded with the Spaniard's destruction of *Kawaiokuh* (Ibid., p. 180). At the time of Tovar's visit, historians estimate the Hopi population to be around 5,000 to 6,000 persons (Clemmer, 1995: 4).

Another objective of the early Spaniards was the conversion of Native people to Catholicism. Native reaction to the religious change was mixed, however. Some southwestern tribes openly received the Catholic Church in their communities with minimal resistance; while other Native groups completely opposed Christianity.<sup>20</sup> For the Hopis, their conversion toward Christianity was unsuccessful, which influenced how the Spaniards would treat them. Because the Hopis refused Christianity, the Spaniards believed they could mistreat them. This meant the Spaniards dismissed Native traditions and religion in the villages they occupied. To this end, the church prohibited the practice of the Hopi religion, permitted the enslavement of Hopis, and was indifferent toward the ravishment of Hopi women by soldiers (Dutton, 1983: 35). Several missions were built in Hopi country during the 1600s, which included those at *Oraibi*, *Shungopavi*, and *Awatobi*. Clergymen often enforced harsh labor practices in the construction of these missions, which was used to punish individuals who refused to reorient their beliefs toward Christianity. This practice, however, was met with enormous resistance and eventually led to violence between the two groups. In fact, one incident noted a Catholic

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<sup>19</sup> *Kawaiokuh* was the first village visited by the Spaniards and Don Pedro de Tovar recorded their stay in 1540 (Spicer, 1989: 189).

<sup>20</sup> Upon arrival of the Spaniards, the Natives were required to take an oath of obedience and pay tribute to the Catholic Church and the Spanish crown (Dutton, 1983: 10). The beginning of the Catholic conversion began in 1629 (Waters, 1963: 253).

friar beating a Hopi man until he was “bathed in blood,” then doused with boiling tar and setting him on fire as a means of casting him into perdition (Matthiessen, 1984: 71). Acts like these wore on the Hopis and they eventually sought to free themselves from their oppressor and expel them from *Tutsqua*.

### The Pueblo Revolt of 1680

Spanish records recognize a priest from San Juan Pueblo named Pope as organizing and leading the 1680 intertribal revolt against the Spaniards. Historians believe that Pope’s plan was to force the Spanish out of the southwest and return the Native villages to their former state (James, 1974: 52). The Native insurrection was far-reaching and the movement received significant support from neighboring tribes, which included several Hopi villages, the Pueblo people of the Rio Grande Valley, and particular bands of Navajo. These groups also suffered at the hands of invading Spaniards and the domineering authority of the church. Estimates of the time placed the Native population of the Rio Grande Valley at twenty-five to thirty thousand, and approximately 2,300 Spaniards (Spicer, 1989: 162).

The Pueblo Revolt brought about the expulsion of the Spaniards from the Rio Grande Valley.<sup>21</sup> In Hopi country, the Catholic Church at *Oraibi* was burned to the ground, and the Hopis hurled four friars off the mesa to their deaths. Any remnant of Spanish culture was destroyed in hopes of returning to the past.<sup>22</sup> These events marked

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<sup>21</sup> Of the 2,300 Spaniards living in the Rio Grande Valley, about 375 were killed in the Revolt (Spicer, 1989: 163). The survivors retreated and sought refuge at El Paso, and did not return to the Valley until 1692. Although the Spaniards returned, they were unable to establish control over the Hopis.

<sup>22</sup> The large church bell, chalices, and Spanish armor were gathered and hidden in a nearby cave. Four Spanish lances were kept by the One-Horn Society, and they use these weapons in a Hopi ceremony (see Waters, 1977, p. 254).

the only known accounts of Hopi participation in the Revolt.<sup>23</sup> The exact date of Hopi insurrection is unknown, although the event is believed to have occurred shortly after the Pueblo Revolt, which happened on August 10, 1680 (Waters, 1963: 254).

By the 1700s, tension between the two groups continued to increase, and any association with the Spaniards was regarded as inappropriate and treated as unacceptable behavior. In fact, the Hopis of First- and Second-Mesa destroyed the Hopi village of *Awatobi* because of their association with the Spaniards, which encouraged Christianity (Clemmer, 1995: 30). Clearly, this relationship violated traditional Hopi principles and ethical standards. Consequently all pueblos at *Awatobi* were destroyed, and any person that supported the Spaniards was killed with the exception of Hopi women and children, who were distributed among other villages (Spicer, 1989, 192). Clearly, the Pueblo Revolt marked a moment in Hopi history that demonstrated the Native's potential to mobilize and react to a threatening situation. Because of their actions, the Hopis were free from foreign domination and remained autonomous until the mid-19th century, when the U.S. sought to influence them and their livelihood. For almost three centuries, the Hopis were left alone with vestiges of the Spanish occupation long faded.

Another momentous event of Hopi history illustrates their longing for tribal independence. In 1906, the Hopi village of *Oraibi* encountered a bitter split due to opposing viewpoints regarding which direction the village should take--i.e. should the villagers adopt non-Hopi conventions or should they adhere to the Hopi way. To settle the matter, these two groups engaged in a traditional Hopi "push and pull" contest with the losers required to leave *Oraibi* along with their supporters.<sup>24</sup> The losers of the match

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<sup>23</sup> Scholars continue to debate the identity of the Hopi who was connected to Pope; however, they believe the person was named Francisco de Espeleta. (see James, 1974, p. 53). De Espeleta was a Hopi raised by a Catholic clergyman, who was taught to read, write, and speak Spanish.

<sup>24</sup> Most Native communities consist of two primary groups (traditionalists and progressives) with a gradation found between. Those who are urbanized, educated Christians, and know very little about their tribal history or culture; these individuals are referred to as "progressives". On the other hand, those

were the “traditionalists” led by Yukiouma. Yukiouma and his supporters left *Oraibi* to establish their own village nearby and named it *Hotevilla*. Importantly, the traditionalists would not yield to non-Hopi values since they believed it threatened and jeopardized the Hopi way. On the other hand, the “progressives”, were more inclined to incorporate new conventions into Hopi life, and challenge the old social order of *kikmongwis*. For example, the progressives were more like to adopt Christianity, send their children to boarding school, and speak English over their native language. This fundamental difference of lifestyles has manifested itself in subsequent years as the traditionalists and the progressives would disagree on the acknowledgment of the Hopi Tribal government.

In 1934, the federal government attempted to establish a Hopi government as authorized by the Indian Reorganization Act (IRA).<sup>25</sup> Some Hopis accepted IRA and they acknowledged the newly formed constitutional government as the legitimate governing institution. A sizable group, however, chose not to recognize the Hopi government and insisted on strict adherence to aboriginal law and the old social order. These critics of IRA asserted the newly created tribal government promoted Christianity and steered the Hopis toward consumerism. Moreover, the non-Hopi path was seen as a violation of the Hopi way and a clear departure from the *Massau’s* teachings (Mails, 1995: 312). Mails (1995) writes:

“To stray from this pattern (i.e. the Hopi way) would be to stray from life itself. The Hopi believe that life and nature are of the same body, and that we must keep harmony with each other and keep the earth in balance. It is essential and vital that we care for the earth and all its unseen forces in order to keep a healthy

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Indians that practice their religious ceremonies, speak their native language, and have little desire to adopt non-Indian ways are called “traditionalists”(Miheuah, 1996: 24). A third category, “on-the-fence”, is used to describe those persons that practice Native religion and traditions, but believe in adjustments through acculturation. These individuals also support the “progressives” (Mails, 1995: 312).

<sup>25</sup> IRA, a federal law, allowed Indian tribes to restore their former land bases, promote economic development on the reservations, and assist tribes in reorganization of their own governments. The law ended the preceding period’s policy, the 1887 Dawes Act, which parceled out Indian lands against their will.

environment” ( p. 312).

This difference of opinion remains an ongoing affair among the Hopis, and it continues to cause problems of legitimacy for the Hopi government. Traditional Hopis contend the tribal government has usurped the old social order, and the IRA government has opened Hopi lands to manipulation and abuse from the outside, namely those with mining interests. Some traditional people view the tribal council as a legal fiction created by the Bureau of Indian Affairs to access their land and resources (See *Techqua Ikachi* Issue #1). Essentially, any effort to establish an American styled constitutional government has collided with the beliefs of traditional Hopi social structures.

Many academic authorities describe the Hopis as one of the more traditionally based Native groups of North America. Utter (2001) writes, ”while there are no completely traditional Native cultures left in the U.S., some tribes are more philosophically connected to their traditional past than others” (p. 136). Consequently, tribes that are connected have extensive knowledge of their people, they support their communities, and they develop spiritual awareness. The religious life of the Hopi certainly pervades into each one of these sectors. Although the Hopis have maintained their culture and practice their traditions, the larger society has made a tremendous effort to reshape and reorient them to favor the Euro-American mindset and lifestyle. These attempts have failed, however. In fact, the Hopis have survived the intrusion of several domineering groups over the course of history, including the Navajos, the Spaniards, the Mormons, and the Americans.<sup>26</sup>

Generally, the Hopis were left undisturbed by outsiders until 1848 when the Mexican Government unilaterally transferred their country to the U.S. by way of the

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<sup>26</sup> Jacob Hamblin lead the Mormons into *Tutsqua* and settled near the Hopi village of *Moencopi*. The Mormons were adamant about converting the Hopis to their faith, since they believe American Indians are the descendants of the “lost tribe of Israel”. Despite these efforts, the Mormons have experienced little success among the Hopis (Spicer, 1989: 201).

Treaty of Guadalupe de Hidalgo. Before the Treaty, the Hopis were declared citizens of the Mexican Government having equal rights as non-Indians.<sup>27</sup> Trappers, hunters, and explorers were the regular visitors to Hopi land. Despite the influx of visitors the constant presence of the Navajos have remained and eventually created havoc for some Hopi settlements.<sup>28</sup> In fact, the frequency of violent clashes between the two groups increased when compared to earlier periods. Records maintained by U.S. officials indicate that the Hopis complained to the Spanish and Mexican governments about Navajo encroachment and raids; however, these complaints were often disregarded and not given the proper attention (Clemmer, 1995: 33). If these complaints were considered, the government's response was only a temporary fix and failed to successfully address the source of the problem. Often these complaints were a reflection of the territorial expansion of the Navajo.

Navajo and Hopi relations from 1823 to 1848 were inconsistent and unpredictable; oftentimes these encounters were friendly ones with each group being respectful to the other. The Navajos were not organized into one group that was led by a central authority figure. They were organized according to groups that comprised ten or more persons, which sparsely lived around the Hopi mesas. Consequently, some bands of Navajos were more likely to attack the Hopis for food, slaves, or women. As a result, the relationship could quickly turn warlike.

American contact with the Hopis was sparse during this period until the U.S. appointed the first Indian agent to Hopi country in 1870. While the Hopis were establishing a working relationship with the U.S., a military garrison was built in nearby

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<sup>27</sup> The Hopis were brought under Mexican jurisdiction after the Mexican War of Independence ("History of the Hopi People", p. 2. <http://www.hopi.nsm.us/Pages/History/history.html>).

<sup>28</sup> Records of 1754 document the first Navajo-Hopi conflict as the Hopis ask for assistance from the Spaniards (Clemmer, 1995: 33). Distressing encounters include the trespassing of Navajo livestock onto Hopi land, Navajo livestock eating/destroying Hopi fields, and the beating of Hopi men.

Navajo territory in 1851. The purpose of the fortress, Fort Defiance, was to deter the Navajos from raiding on white settlers and encourage peace with them (Locke, 1986: 253). Fort Defiance was the first of its kind on Navajo soil. Several years after its construction in 1860, a group of Navajos attacked the fortress demonstrating their defiance toward American authority. They resented the fort and they attempted to drive the Americans out of Navajo country, but their plan failed. Nonetheless, the Navajos continued to raid the Americans. In 1863, the U.S. responded by dispatching Kit Carson to round-up the Navajos and begin their “Long Walk” to Fort Sumner where they were imprisoned until 1868.<sup>29</sup> During the Navajos’ imprisonment, the Hopis occupied lands near their pueblos; however, a small pox epidemic occurred and diminished their population. When the Navajos returned to the area from imprisonment at Fort Sumner, conflict soon followed because the Hopis moved into areas the Navajos once occupied. This fight for land was the beginning of the Navajo-Hopi land dispute.

#### Hopis’ View of the Land

Like other indigenous peoples of North America, the Hopis view the land as holy--as intelligent, mystically powerful, and infused with supernatural vitality (Allen, 1998: 41). The Hopis have lived in the southwest for centuries and shared some parts of their homeland with other Native tribes of the region--the Navajo, the Zuni, and the Hualapai, to name a few. The Hopis believe their homeland was created for them by the supernaturals, which was claimed for them by their ancestors (Spicer, 1989: 206). Hopi legends speak of their ancestors arriving at Black Mesa by way of a historic migration

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<sup>29</sup> The “Long Walk” is the Navajos’ infamous 300-mile march to Fort Sumner, New Mexico. It was at Fort Sumner the Navajos were incarcerated and introduced to new modes of life, new ideas, and new habits. The Navajos remained at the fort until a treaty was signed in 1868, which called for their release to Arizona.

that took them west- and southward. Along the way they built cities, and later, they would abandon these settlements to arrive at the present mesas (“Hopi: the Real Thing”). Upon arriving to Black Mesa, the Hopi leaders divided the land according to clans and families with common use areas reserved for all community members. Today, these common use areas are still highly regarded and used by all Hopis for religious purposes and the collection of minerals and medicinal herbs. To all Hopis, the land is unchanged and it must remain in their care despite the foreign occupation of non-Hopis and the subsequent creation of legal boundaries.<sup>30</sup>

The land of the Hopis defines their very existence. *Techqua Ikachi* describes the Hopi as “an organized body, controlling the functions of the yearly cycles, struggling for survival based on spiritual life and nature, believing progress has less value, leading only to ruin” (*Techqua Ikachi*, Vol, 11; p. 2). The land and religion are inseparable. Thus, the preservation of ceremonies and songs are essential to ensure rainfall, which sustains their crops, and feeds the people. According to traditional Hopi principle, the land permits the younger Hopis to continue the ceremonies and the Hopi way. Although some Hopis have accepted the values of the non-Hopi, the traditionalists continue to remind their fellow tribal members of the sacred stewardship role they must practice. The present world, the one that we currently reside in, is called the Fourth Creation of life. It is the place where *Massau* struck his sacred covenant with the Hopis; the land that the Hopis are obligated to care for. It has been said that once the land goes, so does the Hopi.

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<sup>30</sup> It should be noted that this view is highly regarded by traditional Hopis and one that has been voiced by them. Accordingly, the land cannot be “owned” by anyone, and people are the custodians of the lands they use. (Red Power, 1971: 41-51).

### Conclusion

This chapter provides some general information about the Hopi Indians. This information is historical in nature, and is intended to introduce the reader to the Hopi people and events that shaped their view of the outside world. Moreover, this section has shown the importance of culture to the Hopis. The current struggles of the Hopi government stems from the contest at old *Oraibi*--i.e. should the Hopi people compromise their way of life and land to a non-Hopi world. One key observation is recognizing the dissension of the people, as there are several groups of Hopis that differ according to their connection with Hopi values and beliefs. This segmentation of people continues to be a source of tension to the Hopis, and is often expressed between tribal members and the tribal government.

Another important observation from this section is recognizing how committed the Hopis are to their spiritual life. The Hopis have strong convictions to their cultural teachings, which is reinforced by an elaborate clan structure and priest society. Any group that seeks to alter the Hopi perception will be challenged with enormous resistance. History has certainly taught us how the Hopis have repelled the Navajos, the Spaniards, and the Americans.

A final observation about the Hopis. As time goes on, it is likely that the Hopis will experience growing pains due to the increase in their population. To this end, the Hopi government will be responsible for providing essential services, such as health care, education, employment and economic development opportunities. At the same time, the government must also provide care for its tribal elders. The problem is basic, how will they finance these needed programs? Will their growth cause them to engage in business activities that are contrary to the Hopi way? These are difficult, yet realistic dilemmas.

## CHAPTER 5

### HISTORICAL BACKGROUND OF PUBLIC LAW 93-531

The purpose of this chapter is to provide some background information about Public Law 93-531, otherwise known as the Navajo-Hopi Relocation law. The Relocation law obligated a select group of Navajos and Hopis to be removed, if they were living on the wrong side of a court-ordered property line. Before the passage of the law there were a number of proposals considered by Congress that dealt with the land controversy. These proposals differed in scope and outlined how each tribal group was to be treated. The adopted proposal, Public Law 93-531, was unique in that it called for the partition of the 1882 Reservation and the relocation of thousands of Hopi and Navajo people. Before the Relocation law was enacted both tribes, under the supervision of the Secretary of Interior managed the area. All public and private activities on the 1882 Reservation, such as construction, grazing of livestock, or commercial usage required the consent of both tribal governments and the Secretary of Interior. It was a difficult condition to work under, because both tribal governments favored development of the area, but they were unwilling to grant the other permission to pursue their projects. The end result was limited development of the area and economic impoverishment for its people.

#### Historical Review of Land Dispute

This section provides a historical context for the legislative process, and describes how the participants identified and brought about essential resources to reinforce their land claims. The inclusion of this material is necessary to establish an understanding of

the Relocation law and why some people/groups felt the law was a necessary event. As such, this section will analyze these earlier political events by focusing on: a) the legislative history; and b) the key participants. The analysis will begin with a review of the legislative record, which is followed by information about the policymakers.

The period under review starts by describing the creation of the 1882 Reservation. The 1882 Reservation is a specific area that both the Hopi and the Navajo Tribes have fought to keep under their possession. Notably, District Six was created from the 1882 Reservation in 1891 by military officials, who walked off approximately sixteen miles of land in each direction from the Hopi village of *Mishongnovi*. The creation of District Six was based on the Hopis' objection of Navajo intrusion onto Hopi farming fields and grazing areas (Hasgood, 1993: 4). Accordingly, District Six was established for the purpose of giving the Hopis their own area that would be free of Navajo intrusion. Despite this contrivance, a recalcitrant Navajo presence in the region continued to trouble the Hopis, which continued due to limited federal involvement. The federal government did not take a firm stand against the Navajo until the 1960s when their entrenchment became clear. District Six was excluded from the Relocation law and it remained with the Hopis.

#### 1882 Executive Order

A survey of legislative records indicates that Public Law 93-531 is in response to the federal government seeking to resolve conflicting land claims between the Navajo and Hopi Tribes. The origin of the land dispute is rooted in an Executive Order issued in 1882. On December 16, 1882, President Chester A. Arthur signed into law an Executive Order that established a 2.5 million acre reservation (hereafter called the 1882

Reservation) surrounding the Hopi mesas for use by the Hopis and “such other Indians as the Secretary of the Interior may see fit to settle thereon” (Partition of Navajo and Hopi, 1973: 13).<sup>1</sup> At the time of its creation approximately 300 to 600 Navajos lived within the borders of the newly created reservation. More importantly, the purpose of the 1882 Executive Order was to create for federal agents the necessary authority to remove two Anglos that were creating “mischief” among the Hopi Indians (Redhouse, 1985: 5). Federal officials wanted these outsiders removed from the 1882 Reservation, because they were interfering with the Government’s policy of compulsory education of Indian children. To facilitate their removal, the federal agents needed the necessary authority to carry out their plan. Thus the need for the 1882 Executive Order became clear. Although later, some mention was made about Navajo encroachment onto Hopi areas, these complaints went unanswered. Importantly, the Executive Order did not give the Hopis exclusive rights to the 1882 Reservation, nor did the pronouncement stipulate the legal standing of the Navajos that remained on the 1882 Reservation (Goodman and Thompson, 1975: 407).

The 1882 Reservation incorporated a large part of *Tutsqua*, the native country of the Hopi. Notably, the boundary lines of the 1882 Reservation were created in haste and with little concern for those who had to live with its conception. One writer indicated the borders of the 1882 Reservation were contrived with “geographic neatness in mind” as opposed to “needful purposes” of the Hopis (Kammer, 1980: 28). As such, creation of the 1882 Reservation neglected the existing settlement patterns of the Navajo and Hopi, and cast aside the cultural significance of the lands held by the Natives.

Inside the 1882 Reservation, Navajo settlements comprised of small family units

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<sup>1</sup> U.S. Government officials indicated that the 1882 Reservation was created for the purpose of removing non-Indians that were causing problems for the local Indian agent at Second Mesa (Whitson, 1985: 375).

that were scattered throughout the entire region. Over the centuries Navajo families would concentrate in small clusters near the home of the maternal grandmother. A typical Navajo settlement would include a hogan, livestock corral, and a small storage shed. Navajo families would establish customary rights to the estate by continually working the land, and in time, the governing kinswomen would transfer land management responsibilities to family members. In contrast, the Hopis lived in small villages whose occupants were organized by an elaborate clanship structure, and their livelihood was based on agriculture. Hopi life revolved around the community and brief excursions from the village involved those of trade or religious pilgrimages. Generally, members of the Navajo and Hopi Tribes lived without conflict, unless their immediate surroundings were disrupted by the other, such as trespassing of Hopi religious shrines or the abduction of Navajo animals.

Furthermore, the 1882 Reservation disregarded the Native lifestyles and encouraged antagonism by requiring them to share and remain in a common area. By legislative fiat the two tribes were pitted against each other as Navajo herdsmen were forced to compete with Hopi farmers for the same tract of land. Because of their livelihood the Navajos required a much larger area for their herds compared to the farming needs of the Hopi. Navajo expansion, due to their increasing population, caused them move onto what they thought were vacant lands. Clearly the exclusion of the Navajos from the 1882 Reservation was not the primary objective of the Executive Order, although subsequent legislative amendments have barred them from laying claim to and settling in areas of District Six.<sup>2</sup>

Navajo occupancy of the 1882 Reservation became apparent to the federal

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<sup>2</sup> Officially, District 6 was created in 1936 from the 1882 Reservation for the exclusive use of the Hopi, because of the constant intrusion of Navajo livestock into Hopi fields. The boundaries of District 6 resembled those established by the 1891 Parker-Keam line (Clemmer, 1995: 235).

government by the late 1880s. Due to the close proximity of the Navajo Treaty Reservation to the 1882 Reservation, the presence of the Navajo became abundant and irrepressible. Growth rates of the Navajo Tribe steadily increased after the federal government's debacle at Fort Sumner, as the Navajos returned to their former areas, which created severe environmental concerns for the Hopis and other neighboring Native tribes.<sup>3</sup> The Fort Sumner experiment was a plan conceived by the federal government to reshape the livelihood of the Navajo and a means to instill American values.<sup>4</sup> During their captivity, the Navajos fought the indoctrination of American values, but they selectively adopted some non-Navajo practices such as western clothing and formal education. The returning Navajos believed that they could reoccupy those areas that they once lived on before their incarceration at Fort Sumner. Nevertheless, the Hopis viewed the Navajos' actions as an imposition of their territory, and they complained to the local Indian agent located at Keams Canyon subsequent to the creation of the 1882 Reservation.<sup>5</sup> The federal government represented by Hopi agent George W. Parker tried to address the encroachment issue, but he was discouraged by the unwillingness of the U.S. Army to take action against the Navajo since the U.S. thought the Navajos would respond with violence should they be moved (Kammer, 1980: 30). This possibility of violence was

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<sup>3</sup> In 1868, U.S. enumeration show that about 300 Navajos lived in the 1882 Reservation, compared to 600 in 1888 (Aberle, 1993: 158). Navajo growth occurred because of their displacement by Anglo settlers in New Mexico, which forced them to the western half of their Reservation. One source also attributes their growth to their rich livestock base, which provides them food, clothing, and other necessities (Ibid., p. 157).

<sup>4</sup> This rapid Navajo growth followed the death of over 2,000 persons at Fort Sumner (Locke, 1986: 382). At Fort Sumner the Navajos were poorly kept and lived in over-occupied quarters that were under constant attack by local Indians. In addition, the Navajos were forced to share their incarceration with Mescalero Apaches, who were one of their regional enemies. Shortages of food and firewood were a constant condition during their captivity.

<sup>5</sup> In 1882, U.S. soldiers were twice sent to the 1882 Reservation to deal with groups of "trespassing" Navajos. Instead of removing the Navajos from the area, the military incursion was one of Navajo admonishment, and in the end, the Navajos remained on the 1882 Reservation. Furthermore, Hopis have consistently made issue of Navajos violating their space, which were reported in 1818 to Spaniards (Spicer, 1989: 213).

supported by the hundreds of Navajos living near Hopi settlements and the U.S. inability to protect the Hopis, if the need arose.

Other Indian agents issued a number of administrative orders to settle the matter, but these administrative efforts failed and Navajo imposition continued in the area. As a result, the Navajos held onto Hopi lands essentially rejecting the authority of the Hopis and the federal government. To prevent a Navajo-Hopi confrontation, the Department of Interior along with traditional Indian leaders from both tribes established a boundary line that separated the two tribes into their own particular areas; importantly the boundary line honored existing settlement patterns of the day. The new border, referred to as the “Parker-Keam line”, designated some 600,000 acres for Hopi use and enclosed the major Hopi settlements on the mesas (Locke, 1986: 466). The division was pertinent to the 1882 Reservation only. The outermost Hopi community of *Moencopi* was not included in the newly defined area. The establishment of about 600,000 acres in 1891 were exclusively named Hopi land and later became known as the “sixteen-mile limit”.<sup>6</sup> Unlike earlier efforts of land partitioning, the Parker-Keam line was established with the cooperation of both Hopi and Navajo leaders and honored by most tribal members.

However, full observance of the intertribal boundary did not occur as some Navajos continued to violate the agreement by trespassing onto the Hopis’ side of the line. Several infractions were submitted to the local Indian agent, but the Navajo violators were not held accountable for their actions. Not until 1944 were the Navajos held responsible for their violations by the federal government, which led to their permanent eviction from a certain area on the 1882 Reservation.<sup>7</sup> Nonetheless, the

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<sup>6</sup> It is important to note that one source contends the “sixteen-mile limit” was created despite Hopi dissension against its establishment. Specifically, some Hopis felt they were appeasing non-Hopi demands by surrendering aboriginal lands to the Navajo. See, Report to the Hopi Kikmongwis & Other Traditional Leaders on Docket 196 & the Continuing Threat to Hopi Land and Sovereignty (1974). Pg. 56. In addition, *Moencopi* was not included in the proposed land arrangement.

<sup>7</sup> Hasgood documented that over 1,000 Navajos were moved from District 6 in 1944. See Revive

intertribal agreement facilitated by Indian agent Keams stood in practice and principle for the most part, until 1958 when legal claims were filed by the Hopi against the Navajo.

After 1882, other U.S. administrators considered moving the Navajos from the 1882 Reservation, but these officials chose not to do so because they lacked the cooperation of influential Navajo leaders. In addition, they did not want to be caught up in the division of opinions among congressional and bureaucratic personnel. Their division of opinion and conflict was based on personal views of the land issue, which in turn prevented resolution of the land dispute. For example, the Navajos were permitted to stay on the 1882 Reservation based on a written “implication” of the Secretary of Interior, while at the same time, another Bureau of Indian Affairs’ directive endorsed dividing the land between the two tribes.<sup>8</sup> While doubt and indecision delayed the leaders and policymakers, Navajo land acquisition by way of other Executive Orders and congressional land grants continued to occur, and by 1934, the Navajo Reservation landlocked the Hopi villages.<sup>9</sup> At the same time it was clear to the local tribes that the Navajos had established themselves as permanent residents of the 1882 Reservation. Through the 1920s and 1930s, the Commissioner of Indian Affairs acknowledged the Navajos’ rights to remain on the 1882 Reservation by way of implied consent of the Secretary’s discretion to settle Indians on the reservation (Partition of Navajo and Hopi, 1973: 13). A clear written statement from the Secretary of Interior did not emerge until 1946, when the Navajos’ land rights were finally affirmed by the U.S. (Clemmer 1996: 239). Thus, the Navajos secured contemporaneous rights in the 1882 Reservation, which

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the Dine’ Way: Dine Evictees of District Six Jaidito, Arizona (1993). Eugene L. Hasgood.

<sup>8</sup> On two occasions (1891 and 1911) federal officials entertained proposals of dividing the 1882 Reservation between the two tribes, but chose not to proceed (Aberle, 1993: 158).

<sup>9</sup> During the period 1868-1934, Havens (1995) found that Navajo land mass increased 4 1/2 times its original size, which occurred while other tribes were losing their lands at an alarming rate (p. 173). In 1930, about 3,300 Navajos lived on the 1882 Reservation, compared to 1958 when 8,800 Navajos lived in same area (Clemmer, 1996: 237).

allowed them to remain there until their occupation was legally challenged in 1958 (Ibid., p. 13).

The absence of a land title created a quandary for both Indian tribes and the federal government. More specifically, the unresolved issue of tribal mineral rights gave rise to the immediacy of establishing ownership of the 1882 Reservation. In 1958, Public Law 85-547 was approved and it authorized the chairmen of both Indian tribes and the U.S. Attorney General to begin legal proceedings to define land rights to the 1882 area. Thus, the 1958 law enabled the Navajo and the Hopi governments to institute or defend a legal action against the other “to determine the respective rights and interests of parties to the 1882 lands and to quiet title<sup>10</sup> to the lands” (Aberle, 1993: 160). To rule on the land claims, the law empowered a three-judge panel of the U.S. District Court in Arizona. Accordingly, in 1960, the Hopi Tribe sued the Navajo Tribe for the entire expanse of the 1882 Reservation declaring the Navajos were newcomers to the area and they had never “settled” the land. On the other hand, the Navajos defended their place and claimed that they lived in the region for several generations. Essentially the Hopi government wanted to establish legal rights to the 1882 Reservation, in which case, a lawsuit was necessary to facilitate this goal.

The Hopis were successful in securing specific acreage within the 1882 Reservation, however, the same court ruling also limited their possession to particular lands. Healing v. Jones (1962) was the Federal District Court case that: 1) established District Six, an area of 650,000 acres, for the Hopis; 2) determined the Navajos and the Hopis held joint, undivided and equal rights and interests in the 1882 Reservation (later to be called the Joint Use Area); and 3) indicated the court was without jurisdiction to

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<sup>10</sup> Quieting of title is a legal term that “determines all adverse claims to the property in question....such a suit is usually the result of various individuals asserting contradictory rights to the same parcel of land” (Gifis, 1975: 168).

partition this common area of lands, this power was reserved only for Congress (Schifter and West, 1974: 76).<sup>11</sup> Healing did not solve the tribal land dispute because ownership of the land remained open, although the case attempted to establish a joint reservation between the two tribes. Dissatisfied with the Healing judgment, the Navajo government appealed the lower court's decision, but the appellate court upheld the original findings.

On the other side, the Hopis continued to seek exclusive ownership of the land and they sought the involvement of the U.S. Congress to aid their cause.<sup>12</sup> To effectuate congressional action, the Hopi government authorized their legal counsel John Boyden to sue the Navajo Tribe over the surface rights to the Joint Use Area, because of the Navajos considerable land usage as compared to the Hopis. In addition, Navajo domination of the Joint Use Area violated the "equal rights" clause of Healing. In October 1972, a federal court judge validated the Hopis' claim of Navajo dominance and ordered the Navajos to reduce their usage of the Joint Use Area by 85 percent (this percentage applied to Navajo livestock). In addition, the court prohibited the construction of new buildings by the Navajo people (any new construction in the Joint Use Area required the consent of both tribes) (Whitson, 1985: 378). This court order restricted Navajo land use and controlled all physical development. In order to achieve complete Navajo removal from the area, additional congressional action would be necessary as Healing found that Congress was the only governmental entity authorized to do so. Thus, the court decision brought Congress into the forefront to serve as policymakers for the land dispute, which eventually led to Public Law 93-531.

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<sup>11</sup> For a detailed account of Healing, see "Healing v. Jones: Mandate For Another Trail of Tears?" (1974) R. Schifter and W. R. West.

<sup>12</sup> Clemmer writes that traditional Hopis opposed granting the U.S. courts the power to decide land issues, since the Hopis believed they were stewards of the land and the courts lacked authority (Clemmer, 1995: 239).

### Background of Relocation Law

The creation of Public Law 93-531 involved many influential personalities and public figures that brought numerous competing interests to the legislative process. Through their participation in the legislative process, several of these individuals determined the ebb and flow of the law, while others shaped the very scope of the policy by defining the parameters from which the law operated. This process of shaping occurred through a number of channels: the official status and/or authority held by participants; their personal and professional relationship with key members of the Native communities; and the level of understanding of the land dispute. These intangible resources were unevenly distributed among the participants and were used according to their needs. As such, certain individuals or groups possessed more resources than others, in the form of finance, media exposure, and Native and non-Native support.

This section of research identifies and discusses these individuals and provides their background information. These individual policymakers are selected based on their perspectives, positions, and objectives to Public Law 93-531. Each policymaker has demonstrated some influence on the law and has helped shaped the final product. Thus, these individuals have distinguished themselves from other marginal policy participants. By providing these personal profiles, we will become familiar with these key individuals and the important roles they played in the outcome of Public Law 93-531. Moreover, this section of this dissertation discloses their biases and reveals whom they favored in the land dispute. This part of the study outlines personal information only.

## The Policymakers

### Peter MacDonald

In 1973, Peter MacDonald served his first four-year term as an elected leader of the Navajo Tribe, and was reelected to office four additional terms until his final removal from office in 1989. MacDonald's early experience in tribal affairs began with the Office of Navajo Economic Opportunities (ONEO), which he successfully directed for five years.<sup>13</sup> Before returning to the Navajo Reservation in 1963, MacDonald was employed by Hughes Aircraft as an electrical engineer, working on the Polaris Missile project in California. Unlike other Navajos of his generation, MacDonald was able to experience life beyond his native land and through these external experiences, he became more aware of the social and political problems restricting his people. Specifically, the Navajo people lacked a viable economy, and were troubled with the debilitating problems associated with chronic unemployment.<sup>14</sup> Because of his understanding of the business world and his broad experience, MacDonald was recruited by then-Navajo Chairman Raymond Nakai. Nakai appointed MacDonald to direct the Office of Navajo Economic Opportunities. By directing ONEO, MacDonald understood the importance of financial support from the federal government in sustaining the tribal bureaucracy. Over time he learned to maneuver these valuable federal resources and built himself a sizable political base, which launched him into the Navajo political scene in 1970.<sup>15</sup>

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<sup>13</sup> ONEO was a federally funded program, which was a result of the Economic Opportunity Act. Created in 1965, ONEO aided the Navajos in designing and implementing programs to industrialize their land.

<sup>14</sup> The 1930s witnessed severe impoverishment of the Navajo, because of the Collier Plan, which authorized a livestock reduction against Navajo livestock owners. This policy was enacted due to overgrazing of the reservation. The act limited the number of livestock a Navajo could own, thereby impacting their personal wealth, food supply, and general security.

<sup>15</sup> Since MacDonald managed ONEO, he was able to direct the awarding of federal projects to particular Navajo reservation communities, thereby securing critical support during election years. Politically, MacDonald was seen as a moderate, which appealed to a large section of the tribe. Navajo

In 1970, MacDonald challenged Nakai for leadership of the Navajo Tribe. MacDonald won the election in a convincing fashion as the results showed MacDonald capturing 60 percent of the 18,335 eligible votes compared to Nakai's 12,134 or 40 percent (Navajo Nation FAX, 1988: 21). After the 1970 election, MacDonald won reelection to the Chairman's office in 1974, 1978, and then 1986. Over the years, MacDonald established personal contacts outside the Navajo Reservation that helped him acquire significant political power in the Native American world (Iverson, 1980: 239). Because of this broad acceptance of the Native world, MacDonald became a recognized spokesman for Indian country. Much of his national appeal was due to his public criticism of federal Indian policy and his inspiring messages of exercising Native sovereignty. His rhetoric often complimented the "Indian Power" slogan of the time.<sup>16</sup> For example, MacDonald sought to improve and increase the economic status of the Navajos. In 1975, MacDonald became instrumental in creating the first Native based energy organization--Council of Energy Related Tribes (CERT)--designed to maximize tribal profits earned from nonrenewable energy resources. CERT organized tribes to collectively act in the production and sale of mineral resources to maximize mineral profits for Native tribes. In MacDonald's view, CERT had the potential to evolve into the Native version of Organization of Petroleum Exporting Countries (OPEC) (MacDonald 1993: 230).

To this end CERT hired former Iranian energy minister, Ahmand Kooros, to teach CERT members techniques to bargain with American energy companies (Ibid., p. 230). Kooros' training proved to be valuable as the Navajos were successful in renegotiating a

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voters favored MacDonald's approach toward economic development; however, they wanted the development to be managed by the tribal government and not the U.S. (Iverson, 1980: 239).

<sup>16</sup> Indian Power is defined as a "patriotic Indian fight for freedom--freedom from injustice and bondage, freedom from patronization and oppression, freedom from what the white man can not and will not solve" (Josephy, 1971: 2).

higher royalty return with El Paso Natural Gas Company in 1977. In the beginning, CERT started with an association of 25 tribes, which gradually increased to the current membership of 57 tribes (Wilkins, 1999: 167). In spite of the increased membership, some CERT members were ineffective members because of the political climate and their treaty status. As noted, the political climate of a given period refers to the political preferences of those that control government, or regional pressures exerted by local politicians. As a result, the tribes are on the receiving end of the policy process. A tribe's treaty status could slow or impede the flow of business among public and private sectors, because of liability issues, legal jurisdiction, and loan securities. Due to these conditions, each CERT member was affected differently depending on their tribal resources and expertise. Consequently, each tribe has a unique relationship with the U.S., as some are bound by treaties, executive orders, or congressional law. Because of the different legal arrangements, each tribe is treated differently based on their relationship with the U.S. Government. To this end, treaty tribes (i.e. tribes bound by treaty with the U.S.) occupy a precarious position because of uncertainties impacting their treaty relationship. Factors influencing their treaty arrangements are state rights, the federal government, and social/political pressures. At any moment, a change in one of these arenas could cause serious disturbance or turmoil for treaty tribes.

MacDonald's tenure as Navajo chairman was troubled with several allegations of ethical misconduct. Because MacDonald held considerable control over the Navajo government and its personnel, he was accused of abusing power, along with several charges of fraud and improprieties.<sup>17</sup> He was able to avoid criminal prosecution on these

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<sup>17</sup> 1976/77 MacDonald was investigated for financial irregularities and the mishandling of federal funds. In February of 1977, MacDonald was accused of using the mail to defraud the Tucson Gas & Electric Company of \$7,916, and filing a fraudulent income tax return for 1973 (MacDonald, 1993: 204). The case did not go to court and the presiding federal judge issued a verdict of acquittal (Kammer, 1980: 132). In 1987, Pat Chee Miller and John Paddock testified to the Senate Select Committee that they gave MacDonald gifts and money to secure tribal contracts for their businesses (see Jay Rayner, Weekend

earlier charges, but in time MacDonald was caught for his criminal involvement and he was discharged from public office in the late 1980s.

In 1989, MacDonald was removed from public office, because of his participation in a land scheme that involved bribes and kickbacks.<sup>18</sup> Incriminating information was brought to light by an investigation conducted by a Senate Committee that considered MacDonald's involvement in the purchase of the Big Boquillas Ranch. According to committee testimony, MacDonald made arrangements to receive up to \$750,000 for getting the ranch purchase through the legislative branch (Rose, 1989). Eventually, MacDonald was discovered and found guilty in a Navajo court as well as a federal court on several counts of bribery, instigating a riot, fraud, racketeering, extortion, conspiracy, and ethics violations.<sup>19</sup> He was sentenced to 14 years in a federal prison. MacDonald was released from prison on January 20, 2001 for health reasons after serving seven years of his sentence. Currently, he is a private citizen and no longer active in tribal politics; MacDonald resides in Tuba City, Arizona.

### Abbott Sekaquaptewa

Abbott Sekaquaptewa served as Hopi chairman for twelve years with his last term ending in 1983. Sekaquaptewa came from a family of five children, a family that produced several distinguished community leaders in their own right.<sup>20</sup> Abbott was self-

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Guardian, Aug. 29-30, 1992, pp. 4-7).

<sup>18</sup> MacDonald coordinated the purchase of the Big Boquillas Ranch, a tract of land covering 491,000 acres, in northern Arizona. A Senate Select Committee exposed MacDonald's secret ties to Bud Brown and Tom Tracy, owner's of Tracy Oil and Gas, who sold the ranch to the Navajos minutes after the owners inflated the purchase price by \$7 million. Investigators found that MacDonald received private payment from Brown and Tracy, only after MacDonald facilitated the land purchase from the tribal council.

<sup>19</sup> Following his removal from office, MacDonald and his supporters were charged with conspiring to overthrow the Navajo government. Two deaths resulted from this incident. See The Last Warrior, p. 315.

<sup>20</sup> Emory Sr. and Helen Sekaquaptewa raised some remarkable children who have made their marks on Hopi history (see Kammer, 1980: 73). Wayne, owner and editor of Hopi tribal newspaper. Emory Jr. was the first Indian from Arizona to receive an appointment to West Point, the U.S. military school. Emory

educated and reportedly an ardent reader. Before his rise to tribal leadership, Sekaquaptewa worked for his Hopi people in a number of mid-level positions in the Hopi government, serving on the Hopi Council in the 1950s, and later, as the Director of Hopi Community Action Program. Another position he held during the relocation period was serving as Chairman of the Hopi Negotiating Committee; this group of tribal representatives was responsible for meeting with the Navajo land delegation to establish boundaries to the disputed area. He chaired over this committee for a number of years.

Sekaquaptewa was described as a person of strong character, a man that held a deep passion to serve his Hopi people. One writer portrayed Sekaquaptewa as a person that “burn[ed] with a commitment to Hopi ethnicity and a passion for unremitting vengeance against the Navajo” (Kammer, 1980: 73). He firmly believed that removal of the Navajo people was necessary to preserve the Hopi way of life and culture. In his words, “Unless things are done to protect the Hopi as Hopi, the Navajo Tribe will swallow up the Hopi Tribe. And it’s only a matter of time. Hopi society will become part of the Navajo society. There will be no more Hopi society. It’s like throwing ten gallons of white paint into 180 gallons of blue paint. It’s going to look real blue by the time you get through fixing it up. That’s the reality” (Benedek, 1999: 39). Commenting on the Navajos’ appropriation of Hopi culture, “There were not many Navajos in the area (Black Mesa), as far as we know until about 150 years ago...our shrines have become their shrines. Our beliefs have become their beliefs....non-Indians come in and swallow that hook, line, and sinker, like it was always that way....” (Ibid., p. 41). Some observers suggest that Sekaquaptewa’s unwavering determination was honed during his childhood struggles, namely those challenges related to his physical disability.<sup>21</sup> His physical

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Jr. ended his military career early, because of reoccurring health problems. In spite of these problems, Emory Jr. earned a law degree from the University of Arizona, and he later joined the university’s department of the anthropology.

<sup>21</sup> As a child, Sekaquaptewa was stricken with a severe form of arthritis that restricted his physical

condition, in short, fostered a strong desire to battle the obstacles of life and it fueled his determination to make a difference.

Despite this handicap, Sekaquaptewa emerged as a strong person, a man that mirrored his family's independence of the traditional Hopi way of life. For example, the Sekaquaptewa family were members of the Church of Latter Day Saints and not followers of the Hopi way; they were ranchers and not farmers; the Sekaquaptewa children readily embraced professions uncommon to most Native people. Collectively these activities made the Sekaquaptewas stand apart from other Hopi families, which brought about accusations of the Sekaquaptewas being too "*Bahana*"<sup>22</sup> or "white" (see Sekaquaptewa, *Me and Mine*, 1969; Kammer, 1980: 73). Anthropologist Richard Clemmer believes that the Sekaquaptewas (like other Christian Hopis) were outside the traditional Hopi world, and consequently, they were forced to prove themselves through other social institutions that were open to them (Benedek, 1999: 145).<sup>23</sup> Thus, the tribal government became an outlet to voice their beliefs and a stage to engage in those things important to themselves and the Hopi people.

Abbott Sekaquaptewa excelled in the non-Hopi world, and eventually, he evolved into one of the leaders of the "progressive" group of Hopis. Unlike the traditional Hopis, the progressive Hopis adopted the tribal government and used it toward the benefit of employment and federal programs. The traditional group rejected the authority of the

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mobility making him reliant on a walking cane.

<sup>22</sup> *Bahana* is a Hopi word that refers to white people or Euro-Americans. To be "*Bahana*" is the adoption of white traits, qualities, and beliefs over those of the Hopi people.

<sup>23</sup> Some Christian values conflicted with the Hopi way, for example, Hopi religion encouraged rain and fertility ceremonies; priestly rituals; permanent shrines; medicine societies. These practices were different from those of Christianity. The Mormons, however, welcomed the Hopis believing them to be the descendants of the Lamanites (see the *Book of Mormon*). As such, the Mormons were willing to work with the Hopis and attempted to establish economic and political ties with them. To this end, some Natives adopted Mormonism, while others ignored them. The Sekaquaptewas converted to Mormonism and established a lifelong relationship with church members, including Helen Udall, the mother of Morris Udall.

council and viewed them as federal agents of usurpation. During the 1960s and the 1970s, the Hopi Tribe was divided into these two political factions. In 1979, Abbott Sekaquaptewa passed away.

### Barry M. Goldwater

Barry M. Goldwater, a Republican Senator from Arizona, served in the U.S. Senate during the years 1953-65 and 1969-87. Goldwater came from a pioneer merchant family that originated from Prescott, Arizona. The Goldwater family was continually involved in state and local politics beginning in the 1878.<sup>24</sup> In the early 1950s, Barry Goldwater began his own political career as a Phoenix council member; next, he unseated then-Senator Ernest W. McFarland in the election of 1952.<sup>25</sup> Goldwater's creed of local self-government, states' rights, and the decentralization of bureaucratic power, resonated well with the voters of Arizona. In time, Goldwater became a leading spokesman for conservatism, which culminated in his losing bid for the Presidency in 1964.

Over the years, Goldwater was viewed by congressional members as an "expert" on Indian affairs. On Indian related matters, his colleagues would often yield to him, because of his close proximity to the Natives, his continuous service on Indian-related issues, and his senior position in the U.S. Senate.<sup>26</sup> His exposure to Native people came from years of traveling around Indian country in his home state and establishing friendships among them. In fact, for a number of years, the Goldwater family owned a

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<sup>24</sup> Morris Goldwater, the uncle of Barry, was involved in Arizona territorial politics and he was elected to the state legislature, county board of supervisors, and mayor of Prescott. The year 1878 marked the first election win for Morris. Morris became a central figure in Prescott and he became a major influence on his nephew (Iverson, 1997: 5).

<sup>25</sup> The 1950s witnessed major changes for the state of Arizona. Before the election of 1952, no Republican served in the state senate, and only eleven Republicans held seats in the state's House of Representatives (Iverson, 1997: 75). After 1952, Arizona elected a Republican governor and senator.

<sup>26</sup> Goldwater served on the Senate's Indian Affairs, Department of Interior committees during 1948-50.

trading post at Navajo Mountain, located on the Navajo Reservation. Goldwater would visit the trading post during his early years, and found great enjoyment in photographing the Navajos and their land. It was during these years that Goldwater developed a fondness for the Navajo people. Many Arizonans recognized Goldwater as a notable amateur photographer.

As for the Hopis, Goldwater's association with them began early in his life and he continued due to his interest in collecting kachina dolls. Reportedly, Goldwater owned a private collection of 437 kachinas, which were donated to the Heard Museum of Phoenix in 1968 (Iverson, 1997: 172). His admiration of the Hopis led him to join a group of white men called the "Smoki", who imitated Hopi dances with imaginary dance movements, while dressed in custom made Native regalia. The Smoki dancers were criticized by Hopis and non-Hopis for their "moronic attempt to be funny...a thoroughly offensive, objectionable and indefensible exhibition of bad taste" (Iverson, 1997: 164). Because of changing times and views about Native traditions, the Smoki dancers were pressured to stop their performances and they refocused their attention toward establishing a museum dedicated to Native people at Prescott. Goldwater believed he was honoring the Hopis by preserving a piece of Indian culture, despite the negative publicity he received from his affiliation with the Smokis (Ibid., p. 162). During his senatorial tenure Goldwater consistently spoke highly of Native people, always referring to them in lofty terms--more moral, more devout, more respectful of tradition (Ibid., p. 167).

Goldwater's views of the Navajo and the Hopis were different. Anthropologist Clemmer writes, "Even though Goldwater had enjoyed his relationships with individual Navajos, he had not formed the same kind of bond with the Navajos in general as he had with the Hopis...Within the vast Navajo reservation of Arizona, Goldwater traveled

widely but could not possibly have known the area in the same depth nor forged the kind of friendships he had at Hopi nor focused the same degree of attention on the nature of Navajo history and culture” (Iverson, 1997: 175). This unfamiliarity of the Navajos emerged during the formation of Public Law 93-531. Clearly Goldwater sympathized with the Navajos, but he supported the Hopi position of dividing the land from the beginning. Occasionally, Goldwater would side with the Navajo elders that were slated for removal, but he was committed to carrying out the Relocation law. He felt that the Hopis were in the right despite the Navajos’ claim of using idle Executive Order lands. Goldwater exclaimed the “Hopis had been there first (northern Arizona), thus they have first claim” (Ibid., p. 179). In 1976, he voiced his belief of the land dispute, “My feeling has always been that the Hopis are probably 95 percent right and the Navajos about 5 percent” (Ibid., p. 179). In 1982, Goldwater characterized the Hopis as “a poor tribe, a small tribe, while the Navajo Tribe is the biggest in the nation, and, by far the wealthiest” (Ibid., p. 180). His beliefs were firm and they remained consistent over time. Not surprisingly, Goldwater’s obstinate character often collided with the strong will of Chairman Peter MacDonald and therefore, interfered eventually with the plans of the Navajo leader.<sup>27</sup>

At the time, Goldwater was Arizona’s senior senator and received institutional benefits from his colleagues during the authorship of Public Law 93-531. For example, senators who were unfamiliar with Native affairs often relied on Goldwater’s knowledge and experiences, and they would vote according to how Goldwater cast his vote. This practice of cue voting gave Goldwater significant clout in building support for a

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<sup>27</sup> Goldwater and MacDonald constantly fought over relocation policy to the point that each of one felt personally insulted by the other person’s comments. Eventually this personal struggle evolved into a public feud, which was played out in the national media. Issues of partisan bickering were apparent, along with intentional governmental investigations of MacDonald initiated by Goldwater (See Kammer, 1980: 130).

particular piece of legislation. On another occasion, Goldwater helped fellow Arizona Senator Paul Fannin create a Republican bloc in the Senate Interior Committee that countered Navajo legislative efforts (Kammer, 1979: 7). It was during Goldwater's first term in the 1950s that he sought to address the land dispute (Ibid., p. 178). Barry Goldwater passed away in May 1998.

### Dennis W. DeConcini

Dennis W. DeConcini was a Democratic Senator from the state of Arizona that served during 1977-95. During his tenure in office, DeConcini was viewed by some observers as a supporter of the Navajos, especially those Navajos that were affected by relocation policy (Kammer, 1980: 166). On a number of occasions, DeConcini tried to overturn the Relocation law by proposing alternative plans that would have kept the Navajos on the land. After the Relocation law was passed, however, DeConcini became involved in the administration of the law to ensure fair treatment of the relocatees. On one occasion, he attempted to restrict the authority of the Relocation Commission, by not allowing one commissioner employed by another governmental agency to receive financial compensation from the Relocation Commission.<sup>28</sup> DeConcini wanted all commissioners to devote their full attention to the administration of the law. In 1978, DeConcini proposed amendments to Public Law 93-531, which introduced the concept of "life estate", the plan recommended that those individuals living on the wrong side of the partition line would remain on the land with their dependents for the life of the head of household. They were, however, required to move once the head of household died. DeConcini believed this temporary delay would give the younger Navajos time to prepare for their eventual removal, while allowing the older Navajos to remain there undisturbed.

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<sup>28</sup> The commissioner was Hawley Atkinson, who was employed by the Relocation Commission and Maricopa County (see Kammer, 1980: 181).

The DeConcini amendments were meant to “...soften the blow...[and to] help the old ones” (Kammer, 1980: 160). The DeConcini proposal passed both Houses, but President Carter<sup>29</sup> vetoed the plan.

On July 5, 1980, DeConcini and Morris Udall came together to sponsor another amendment (Public Law 96-305) to Public Law 93-531, a proposal that transferred to the Navajos up to 250,000 acres of Bureau of Land Management land; it authorized the Secretary of Interior to place into trust an additional 150,000 acres for the Navajos; restricted the Navajos from acquiring land on the Colorado strip in Arizona; and the law permitted up to 120 life estates (Report and Plan: Navajo & Hopi Indian Relocation Commission, 1981: 294). The DeConcini and Udall amendments was intended to make life a little easier for those caught under the jurisdiction of Public Law 93-531.

The end results of the amendment were to prevent the Navajos from acquiring federal land located on the Colorado strip. In essence, the proposal shifted the Navajo land acquisition to another area, while offering an alternative to those Navajos that refused to move off Hopi land. The DeConcini and Udall proposal was approved and signed into law July, 1980.

### Morris K. Udall

Morris K. Udall was a member of the Arizona House of Representatives from 1969-91. He came from a Mormon pioneer family that was active in Arizona politics since 1899. Udall came to Congress by winning the seat previously held by his older brother, Stewart, who was appointed by President John F. Kennedy to Secretary of Interior. During Morris Udall’s tenure in the House, he developed a reputation as a

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<sup>29</sup> Carter objected with two provision of the DeConcini bill: 1) the proposal gave both houses of Congress the right to veto recommendations of the Federal Relocation Commission; 2) the bill gave elected officials a chance to serve on the relocation commission (Kammer, 1980: 167).

workaholic, a defender of environmental issues, and an advocate of campaign finance reform.

Udall's admiration of the Native people is well documented. During his legislative career, he guided a total of 184 bills through Congress, which included the American Indian Religious Freedom Act, and the 1989 Native American Graves Protection and Repatriation Act (Carson and Johnson, 2001: 201). One Native lobbyist praised Udall saying, "Mo's influence went way beyond the bills introduced....Bills to strike at the heart of Indian treaty and other rights never saw the light of day during Mo's chairmanship. Mo sat on those anti-Indian bills, often in the face of heavy pressure from some of his colleagues to move on them" (Ibid., p. 205). Udall chaired the House Interior Committee. Because of his closeness to both tribes, Udall decided not to actively involve himself in the debate of the Owens Bill (i.e. the Relocation Law). In 1974, he voted against Public Law 93-531, although he believed the law represented a fair solution to an extremely difficult problem (Ibid., p. 206). In the end, he was torn between the federal government's relocation policy as an equitable solution and his commitment to the Native tribes.

As a result, he co-authored a proposal with Arizona Senator John McCain that sought to create a Navajo-Hopi land swap; a Navajo payment of \$300 million in mineral royalties; and the Hopis to provide acreage to sixty-two Navajos remaining on lands awarded to the Hopi (Ibid., p. 206). The Udall-McCain proposal was rescinded once he found out it lacked the support of the Hopi Chairman, Senator Goldwater, and the Reagan administration. At the end, a federal court mediated the concerns of the Navajo resisters by encouraging the Hopis to authorized 75-year leases to them. One source reported Udall felt the Relocation law was "not perfect, but it's fair.."; and on the question if Congress would reconsider the law, he remarked, "I doubt that anyone is going to want to

open this can of snakes again.” (Kammer, 1980: 171 & 219).

Despite his belief, Udall later realized the law was not the best solution, and he co-authored the 1980 Amendments, which sought to mitigate the damages, caused by the original law. Specifically, the amendments addressed: 1) Securing more land for the Navajo from the Bureau of Land Management; 2) Limiting Navajo land selection to areas near the Navajo reservation, which exempted the Arizona strip from consideration; 3) Creating life-estates for those relocatees that desired to remain on the land (to be eligible, one had to be over 49 years of age).

Udall realized that the Relocation law was an extremely difficult measure. Udall is described as wrestling over the removal policy, because his mother was a personal friend of Helen Sekaquaptewa, the mother of Chairman Abbott Sekaquaptewa. Additional pressure was exerted on Udall by the Navajos, who had the support of the Democrats and organized labor. These two factors, the Democrats and the Union, were necessary components to further Udall’s presidential aspirations in 1976 (Udall sought his party’s nomination for the White House in 1976). In the end, Udall did not engage himself in the floor debate of the Owens Bill, and was said to have told Sam Steiger, “I can’t help you, but I won’t hurt you” (Kammer, 1980: 116). Morris Udall resigned from Congress in 1991 and passed away in December 1998.

### Sam Steiger

Sam Steiger, an Arizona Republican, served in the House of Representative from 1967-77. During his term of office, Steiger developed a reputation as a conservative legislator that opposed the federal bureaucracy, and legislation that regulated strip-mining and control land use (Kammer, 1980: 94). His strong independent character made him stand out from other legislators and it earned him an image of a congressional maverick.

In 1976, Steiger ran for the U.S. Senate, but was unsuccessful in his bid.

Steiger sponsored a bill (H.R. 5647) that defined the scope of the succeeding relocation policy known as Public Law 93-531. The Steiger Bill, as it was known, proposed dividing the 1882 Executive Order Reservation between the Navajo and Hopi Tribes, and removing persons living on the “wrong side” of the proposed property line. It also determined subsurface rights to be held in a joint, equal, undivided ownership administered by both tribes. The Steiger Bill was introduced to the House of Representatives in 1970, and congressional hearings were held in 1972. It passed the House with the prodding of Steiger, but the proposal died in the Senate. Moreover, the bill made Indian removal a viable policy option for Congress. Steiger believed his proposal would restore order in northern Arizona and prevent future violence from occurring on the Joint Use Area. Several clashes occurred between tribal members due to the impoundment of Navajo livestock by the Hopis after the Hopis caught them grazing in District Six. These heated incidents occurred before the Steiger Bill hearings.

Steiger supported removal of the Navajos from Hopi areas within the 1882 Reservation. Because of his uncompromising views he was seen as an enemy of the Navajos. He also fueled the anti-Steiger feelings by casting the Navajos as “intransigent marauders, who deserved to be punished and removed from the land they had taken from their poor small neighbors” (Benedek, 1992: 152). Commenting on his bill, Steiger believed it was “excessively generous” to the Navajo; however, his proposal did not provide adequate provisions to compensate those that were required to move off the land (Kammer, 1980: 95). On the other hand, the Hopi chairman applauded Steiger stating, “[Steiger] deserves the highest compliment in his courage in continuing to fight in behalf of the Hopis...” (“Hopi Victory,” 1974). Steiger was perceived by the Navajos as part of

the Hopis' campaign to discredit the Navajos' land claims. Navajo historian Brugge (1994) believes the Steiger Bill failed, because it demonstrated the Hopis' "fervor for retribution" against the Navajo (p. 216). Opposition of the Steiger Bill came from the Navajo government, Democrats, Navajo/Hopi activists, and organized labor.

### Lloyd Meeds

Lloyd Meeds, a Democratic member of the House of Representatives from the state of Washington served from 1965-79. Meeds proposed a bill that directed the Navajo and Hopi governments to negotiate and arbitrate a solution to the land dispute. Accordingly, the Meeds Bill (H.R. 7679) instructed the tribes to negotiate for a period of six months with the help of federal mediators. The proposal required tribal negotiation teams to present their cases before a three-member Navajo-Hopi Board of Arbitration (hereafter called the Board). Through amicable dialogue it was hoped that the two groups would come to an agreement over the land dispute. If the talks failed, however, then each tribe was required to submit their best "last offer", and from these two offers, the most fair and reasonable one would be chosen by the Board. The Board reserved the right to modify the "last offer" to assure a fair and equitable settlement. This final proposition, then, must be approved by the U.S. Attorney General for its constitutionality, and receive the support of Congress.

In 1977, Meeds felt the Navajos had a very close relationship to the land and they should remain on it (Kammer, 1980: 111). His bill, H.R. 7679, failed to leave the House Subcommittee on Indian Affairs as it separated along partisan lines with the Republicans supporting the Hopi position and the Democrats standing behind the Navajo (Ibid., 109).

The Meeds Bill had the greatest chance for a pro-Navajo decision, according to

Navajo Tribe attorney Richard Schifter. Schifter believed that Chairman Peter MacDonald should have concentrated on getting this proposal through Congress, because if approved, the Navajos increased their chances of getting more than half of the Joint Use Area from the federal arbitrators (Kammer, 1980: 115). Of course, this belief was premised on the Hopis rejection of any overture offered by the Navajo. Nonetheless, MacDonald's limited focus on the Lujan proposal and his untimely switch toward the Meeds Bill came much too late. In the end, Hopi supporters made great strides to overcome MacDonald.

### Manuel Lujan

Manuel Lujan, a Republican member of the House of Representatives from New Mexico who served from 1969-88. Lujan co-sponsored a bill (H.R. 7716) with Arizona Congressman John B. Conlan that authorized the Navajos to pay the Hopis for their interest in the 1882 Executive Order Reservation with money borrowed from the U.S. (Brugge, 1994: 227). The Navajos favored this proposal and it received significant play from them, because it eliminated any discussion of removal from the 1882 Reservation. Lujan felt the land dispute was the result of a series of inconclusive and ambiguous federal actions beginning with President Chester Arthur's creation of the 1882 Executive Order Reservation (Kammer, 1980: 5). He firmly supported the Navajos, and voiced his thoughts to that effect, "I still believe that the solution imposed by the legislation in 1974 is a bad solution. When people have to be moved from places where they were born and raised, it is not an equitable solution, so far as I am concerned" (Ibid., p. 214). The Lujan Bill did not receive serious attention in congressional committee, because the Owens Bill captivated Congress as a solution to the land controversy. Consequently, the Lujan Bill was dismissed. In December 1989, Lujan was appointed by President George W. Bush

as U.S. Secretary of Interior.

### Wayne Owens

Wayne Owens, a Utah Democrat House member who proposed the framework of relocation policy. The Owens Bill (H.R. 10337) authorized a District Court to draw a boundary line for the Joint Use Area, dividing the land between the Hopi and Navajo Tribes. Accordingly, some 243,000 acres would be transferred to the Hopis along with *Moencopi*, a Hopi village located near the Navajo community of Tuba City, Arizona. The law stipulated that the Secretary of Interior would remove those Indians found on the “wrong side” of the line and return the land to the appropriate Indian tribe. To accomplish this task, \$28 million was committed for its implementation.

A second amendment to the Owens Bill was sponsored by Senators Goldwater and Fannin, which delegated the responsibility of land distribution to a federal court, and not the Secretary of Interior. It was called the “Settlement Act of 1974”. The other legislative provisions remained the same. This change was adopted and became part of the Public Law 93-531.

### James Abourezk

James Abourezk served in the U.S. Senate from the state of South Dakota. He was chair of the Subcommittee on Indian Affairs during the initial phase of relocation legislation. Abourezk opposed relocation policy and he wanted the Navajos to remain on the land. To this end, Abourezk drafted his own bill (S. 3724) that would: 1) Authorize a judicial partitioning of the Joint Use Area (hereafter called JUA); 2) Transfer *Moencopi* area to the Hopi Tribe; 3) Award life estates to Navajos born within the JUA or allowed the Navajos to remain on the JUA for a period equal to their previous occupancy, that is

the time before Public Law 93-531 (Lapahie, 1999). In Abourezk's view, he felt relocation policy was repugnant, and the passage of Public Law 93-531 was an act of "replacing human beings with livestock" (Kammer, 1987: 127). Abourezk stated "basically, Congress has no interest in Indians" (Benedek, 1999: 151).

### Paul Fannin

Paul Fannin, an Arizona Republican Senator who served from 1965-77. Fannin supported dividing the 1882 Executive Order Reservation between the Navajo and Hopi Tribes. He was an ally of Barry Goldwater and worked within the congressional committee system to advance their case for Navajo removal. To this end, Fannin co-sponsored legislation with Goldwater that did not allow the Navajos any financial compensation for the losses from relocation. This version was not accepted.

### John Boyden

John Boyden, served as General Counsel for the Hopi Tribe beginning in 1951. Before his appointment, he began his private work with the Hopis in 1938. Boyden was responsible for providing legal advice to the Hopi Tribe during the relocation of the Navajos, and he is credited for getting the Hopis' possession of the 1882 Executive Order Reservation. John Boyden passed away in 1980.

### Norman Littel

Norman Littel, served as General Counsel for the Navajo Tribe from 1947-66. Littel came to work with the Navajo Tribe from Virginia, but before coming he served as Assistant Attorney General Littel under President Roosevelt.

### Conclusion

This section of the dissertation examined the history of the Navajo and Hopi land dispute and found the issue is rooted in several sources. First, the ambiguous wording of the 1882 Executive Order failed to specify exclusive ownership of the reservation lands. Because of this imprecise language and lack of action the Navajos were allowed to remain on the 1882 Reservation with the Hopis. Second, the rapid growth of the Navajos quickly engulfed the Hopi villages and limited the Hopis' access to the land. Furthermore, the competing livelihoods of the Navajo and Hopi people intensified the land dispute, which were opposing means of subsistence. Finally, the federal government's continual failure to address the land dispute created lasting social and political problems that were felt for years to come.

Views of who owned the land differed. The Navajos felt they owned the land based on their physical occupation of it. On the other hand, the Hopis argued ownership based on aboriginal rights that preceded the arrival of the Navajo. Since the tribes could not agree on how to settle these differences, the land dispute required federal intervention. To this end, Public Law 93-531 was created, which authorized a federal court to determine complete ownership of the land. Major issues that were settled by the law were: 1) establishing surface/subsurface rights of the disputed area; and 2) the removal of Navajos/Hopis from the disputed area.

The major policymakers of the legislative process were Navajo Chairman Peter MacDonald, who adopted the land controversy as his own personal fight. Hopi Chairman Abbott Sekaquaptewa and Senator Barry Goldwater of Arizona, who both challenged MacDonald. In the end, the Sekaquaptewa/Goldwater alliance proved too much for MacDonald to overcome as he lost to them in Congress. What did

Sekaquaptewa/Goldwater do to defeat MacDonald? Were the voices of the traditional people considered? If so, were their concerns incorporated in the Relocation law? These issues will be explored in greater depth in the next chapter.

## CHAPTER 6

### PUBLIC LAW 93-531: THE FINAL SETTLEMENT

The analysis of Public Law 93-531 uses the coalition model discussed in Chapter One. We will examine the legislative process and the key individuals who impacted policy formation. Coalition politics is used to better understand the passage of the Relocation law and how the policy became adopted. To this end, the study will illuminate the group linkages and the related associations. Some of these linkages and associations were briefly mentioned in the preceding chapter under the biographical section; however, a more in-depth analysis will be covered in this section.

The analysis will begin by examining the legislative record to see who entered the legislative process and what type of resource(s) was shared with their coalition partners. Key resources that helped unite these parties/interests are: 1) time; 2) information; 3) financial resources; 4) resourceful supporters; and 5) effective legislative relationships. Coalition politics makes use of these resources so policy options can come about as well as policy adoption. The amount of resource(s) a group commits to a particular project is a decision that group(s) must make. Reasonable and efficient use of these resources can help a coalition in the legislative process such that greater resources alone do not determine the outcome alone. For example, how much time and financial resources a group spends canvassing legislators varies according to the relevance and importance of the issue. Each resource should be utilized to maximize its effectiveness in achieving the group's goal. Of course, the more resources a group brings to the legislative process, the more influential they are relative to their opposition. The mere possession of resource(s), however, does not guarantee a victory in the legislative process. Thus, resources should be perceived as tools that can help the participant(s) arrive at their chosen objective.

The Relocation law was influenced by a number of people. First, the Chairmen of the Navajo and Hopi Tribes, Peter MacDonald and Abbott Sekaquaptewa. Each person represented their tribe with vigor and strong leadership, which did not allow for compromise with the other. In addition, they were supported by Congressmen who were divided according to partisan loyalties on the land dispute--the Republicans supported the Hopis, and the Democrats supported the Navajos. Because of this division, each legislative proposal has a particular partisan tag attached to it based on their personal viewpoint. Therefore, each proposal will be further examined after reviewing the Healing case, the legislative record, and the Union connection.

As such, this study will consider these factors in evaluation of the legislative process relative to the Navajo-Hopi land dispute. By focusing on these factors, an understanding of the resource and process will develop. For example, the input of the Native traditionalists of both tribes will be considered based on the type of information they provide, and the resources provided by their supporters. The usefulness of a resource is judged on whether or not the resource advances the group's objective. Supporters of the Navajo faction will be similarly evaluated and they will be compared to those of the Hopi group. Before examining the legislative record, however, some attention will be directed toward recognizing how these Native tribes dealt with communal use of the homeland and its resources in the past.

More specifically, particular tribal members were restricted to an agreement they executed with each other in the early 1850s.<sup>1</sup> The intertribal agreement, called a *tiponi*, regulated the relationship and understanding between those Navajos that occupied Hopi lands upon their return from Fort Sumner, New Mexico. It was an agreement sanctioned by both tribal leaders and is held in high regards in those communities. The *tiponi* is very

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<sup>1</sup> One source stated the time of agreement was executed in 1850, although the Navajos were released from captivity after signing the 1868 Treaty (Clemmer, 1996: 234).

special, it did not bind every Native, but was significant to those who knew of its existence and meaning. This lack of awareness was a source of friction between both Navajo and Hopi people, which intensified over time.

### The Traditional Agreement - The *Tiponi*

Hopi oral history describes an agreement made with particular groups of Navajo returning from military imprisonment at Fort Sumner, New Mexico. After arriving back to their homeland, several groups of Navajo sought to establish settlements on areas held by the Hopis of First Mesa; but before they could settle there, customary practice required them to secure permission from Hopi village leaders since the land belonged to them. After consulting with the village elders of *Walpi*, the Navajos were granted permission to settle there provided they lived in peace and refrained from pillaging the Hopis. The Navajos agreed to those terms and they commemorated the event by creating a sacred talisman, which was highly regarded by both tribes. There was no exchange of monetary compensation, rent, or written lease agreement. Navajo leaders presented the Hopi *kikmongwis* with a “*tiponi*” or medicine bundle that served as a spiritual charter of their occupation of *Walpi* land.<sup>2</sup> It was unconditionally accepted by the Hopi *kikmongwis*. Essentially, the *tiponi* obligated the Navajos to keep their promise of peace, and if they failed to honor their words, then the Hopis could demand for their immediate removal from the area. Clearly the *tiponi* was an instrument to be honored and respected. Moreover, the agreement established a lasting social relationship between the two tribes,

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<sup>2</sup> The *tiponi* is a ceremonial object consisting of objects wrapped in rawhide and topped with feathers. It is said to “[contain] spiritual power which authorizes action and protects like a guardian spirit” (Clemmer, 1995: 233). It is used to validate a sacred agreement made between two or more tribes and is believed to be a living object of their agreement.

while marking the westernmost boundary of Hopi territory.<sup>3</sup>

Duke Pahona, First Mesa Crier Chief, was the last person to have possession of the *tiponi*, and he was reportedly the last Hopi to understand its complete oral history (Clemmer, 1995: 233). During his lifetime, Pahona served as a custodian of the *tiponi*, and he occasionally disclosed it to remind his fellow kinsmen of the earliest Navajo-Hopi agreement and to revisit the Navajos' pledge of peace. In fact, Richard Clemmer writes that during a congressional hearing in 1957, Pahona took the *tiponi* to a Senate hearing at Washington, D.C. He shared the story of its origin and sought to educate the congressional members of the indigenous agreement.

Pahona was considered to be a "traditional" Hopi. He made his viewpoints known to a national audience expressing his opposition to forced relocation, and his concerns as a Hopi person.<sup>4</sup> Pahona felt the tribes should be allowed to resolve their differences through meetings held between tribal elders, who knew and respected the significance of the *tiponi*. The importance of the *tiponi* is that it represents a mutually honored intertribal agreement, which allows for a positive working relationship between the two tribes, even though it was not a fully regarded Native pact. To this end, some traditional Hopis believed that the Navajos violated the *tiponi* during the 1960s, and as a result, they felt their removal from Hopi lands was justified (Clemmer, 1995: 239). A significant number of traditionalists, however, held that no violation of the *tiponi* occurred and the removal policy of the Hopi government should be ignored (Mails, 1997: 118-22). An ongoing issue for the Hopi Tribe at this time was regarding which group of Hopis--the pro-Navajo traditionalists, the anti-Navajo traditionalists or the progressive

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<sup>3</sup> This stone landmark is located near modern-day Ganado, Arizona.

<sup>4</sup> Pahona died from black lung in 1977.

Hopis--would have their political preferences expressed over the other. Some pro-Navajo traditionalists were helping their Navajo neighbors by openly opposing the Hopi government. This group, led by female *kikmongwi* named Mina Lansa of *Oraibi*, aligned themselves with traditional Navajos, and their sympathizers. On the other hand, the progressive Hopis acknowledged the authority of the tribal government and supported the removal of the Navajo from the areas awarded to the Hopi Tribe pursuant to Public Law 93-531. The spokesperson for the progressive faction was Hopi Chairman Abbott Sekaquaptewa. These two groups repeatedly conflicted with each other, and they further confused the uninformed non-Native community with contentious messages of Navajo removal or continuance of the status quo. Consequently, non-Natives questioned who the “real” Hopis were and what was their position concerning the Relocation law.

The intermingling of Hopis and Navajos has certainly occurred over the centuries and has been represented in marriages and preserved in both tribes’ age-old traditions such as song and dance. For a person of mixed Navajo and Hopi ancestry, it is difficult to separate the two worlds, unless that person was raised favoring one tradition over the other. Although they are unique in their own right, these tribes have certain things in common, which makes their relationship symbiotic.<sup>5</sup> Because of this extensive history, the land dispute did not affect most Natives of the region, but it evolved into a heated dispute between outsiders, politicians, and their lawyers. Consequently the media coverage captured the tribal leaders posturing against the other to increase support from their tribal members. For example, Navajo Chairman Peter MacDonald was criticized for his uncompromising nature, which some Navajos felt cost them additional land lost to the Hopis (Benedek, 1999: 155). His hardness of opinion is well documented. On several

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<sup>5</sup> The Hopis and Navajos have historically relied on each other to provide foods, fabric, medicine, and other physical needs. Moreover, the two tribes have intermarried over the centuries and have populated the area with children from these unions. In fact, the Navajos have acknowledged this growth in their people and have designated a tribal clan after these people.

occasions, during the shaping of the Relocation law, the traditionalists made reference to the *tiponi* and recalled the meaning it symbolized between the tribes. The reason for this recall was to draw attention to the *tiponi* and reignite its purpose for the preservation of the tribes. In the present-day, however, it is debatable whether or not the Hopi traditionalists still carry the same level of influence in the Hopi community. As for the *tiponi*, its immediate possessor and location are unknown.

### The Hopi Traditionalists

The traditionalists are a group of Hopis that were bound by their commitment to the Hopi way and their vigorous allegiance to maintain the Hopi culture and livelihood. As a result, they defined their existence according to Hopi culture, history, and daily life of which was passed down through oral instruction (Clemmer, 1996: 181). According to Hopi tradition, their lifestyle was established by *Massau*, a supernatural deity, who instructed the Hopis how to live and care for the land, while protecting those living things they shared creation with. Traditional Hopis wanted to share this message with the outside world, and thus appointed key individuals to impart this wisdom to the larger society.

The main spokesperson of the group, Thomas Banyacya, has been credited for helping establish the Hopi conservative movement in 1948. Banyacya was well versed in Hopi traditions and a member of the Water-Coyote clan, despite not being initiated into a traditional Hopi men's society<sup>6</sup> (Matthiessen, 1979: 79). At the time, Banyacya lacked initiation into men's society and therefore those who sought to exploit this cultural

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<sup>6</sup> Typically most Hopi leaders came from particular men's societies and were trained in the Hopi way. As such, they developed skills and relationships necessary to make their roles effective for the community they lived in. Essentially, they became active members of the village, and knew the history of the people and the land.

shortcoming often criticized him. In the mid-1960s, however, he was brought into a Kachina Society through the sponsorship of Dan Kochongva, a Hotevilla *kikmongwi*. Importantly, he and other traditionalists tried to reinvigorate the old Hopi order, as they understood it and impart their age-old views of land and people. It is an organic view of a structured society with people performing tasks they were assigned to do to insure a balanced existence. In fact, on numerous occasions, Banyacya and others shared their vision with members of the United Nations, calling for the industrialized world to rethink their usage of the land and its resources (Clemmer, 1996: 192). They also have demanded for the Hopi government to restore the social and political power taken away from them via American institutions such as boarding schools and the Bureau of Indian Affairs. In addition, they have consistently maintained they have not and will not surrender their historic and sovereign rights to any group or government. Despite this objection, the U.S. has recognized the tribal government as the official representative and voice of the Hopi people. The traditionalists view the standing Hopi government as an illegitimate institution, because it usurped their social and political authority. Thus, the Hopi Tribal Council was often seen as a “puppet” or “extension” of the federal government.<sup>7</sup> In the words of traditionalist Dan Katchongva:

“The Hopi Tribal Council is being reactivated today but to us religious leaders it is not legal; it does not have the sanction of the traditional headmen. And it composed of mostly young and educated men who know little or nothing about the Hopi traditions. Most men supporting it are Indian Service employees, men who have abandoned the traditional path and are after only money, position and self-glory. They do not represent the Hopi people...” (Report to the Hopi

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<sup>7</sup> The Hopi tribal government was established by Indian Commissioner John Collier with the help of Oliver LaFarge, who wrote the Hopi Constitution and bylaws that were “approved” by an election of the Hopis in October 1936 (Matthiessen, 1979: 78). The election, however, was rigged in favor of LaFarge’s constitution with less than a majority, the Hopi Constitution was approved and it established the tribal government. An excellent review of the Constitution’s ratification process is found in Report to the Hopi Kikmongwis & Other Traditional Leaders on Docket 196 & The Continuing Threat to Hopi Land & Sovereignty (1979), Chapter 4.

Kikmongwis & Other Traditional Leaders on Docket 196 & the Continuing Threat Hopi Land and Sovereignty, 1979: 84).

Banyacya adds:

“There’s no dispute between the Navajo and Hopi, it’s the Tribal Councils and the big energy companies and the U.S. government who are in dispute against the Navajo and Hopi who live on the land. The Great Spirit didn’t want the land dug up to create nuclear weapons (referring to uranium mining). If you were born on the land then that land is your home....The [Hopi] prophecies say the Navajo will intermarry and trade with us, and we’ll hold the land together.” (Mander, 1991:268).

The rise of the traditionalist movement can be traced to the 1906 split of *Oraibi*, which occurred between the traditional and progressive Hopis. This traditional-progressive division became more defined in the 1940s as the traditionalists began to define their character separate from the progressives (Clemmer, 1995: 181). One group, the progressives favored the adoption of non-Hopi practices into the Hopi life, such as Christianity, a wage labor economy, and the commercialization of natural resources. The other Hopi group, however, chose to observe and practice the Hopi way, which called for maintaining culture, farming, and living within the means of the land. Since then, the Hopi people have been philosophically divided into these two factions (i.e. traditional and progressive), with other tribal members dispersed between them. These differences become evident when actions are taken against the land or people living within the Hopi homeland. The traditionalists have continuously voiced their concerns against the U.S., which culminated with the “Letter to the President in 1949.”<sup>8</sup> In the case of the

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<sup>8</sup> This letter was addressed to President Truman and signed by 19 religious leaders. Other “Letters” were sent to Presidents Eisenhower through Reagan, and stated: the “Hopis had a special knowledge; it was important that the world share in this knowledge; dangerous times are upon us and greater dangers are foreseen for the future; the President must come to Hopiland and meet with the real and true leaders of the Hopi people--the Kikmongwis and other mongwis” (Clemmer, 1996: 192). Andrew Heremequaftewa of Shungopovi, and Dan Katchongva of Hotevilla authored these letters.

traditionalists, they were a loosely knit group rooted in Hopi ideology and prophecy. Richard Clemmer writes the traditionalists drew their authority from a combination of “prophetic ideology, history, expediency, and an affirmation of tradition, intuition, and revelation over ‘progress,’ majority rule, and urbanization” (Clemmer, 1996: 166). Because they practiced open membership, people were free to come and go. This fluidity of people gave rise to other influential Hopi leaders--Mina Lansa, Dan Evehema, David Monongye<sup>9</sup>--that helped secure invaluable off-reservation communicative support from non-Hopis.<sup>10</sup>

The traditionalist movement operated independent of the established *kikmongwi*'s organization. Meetings were held in each village and gatherings were sporadic and scheduled abruptly. However, its leaders were drawn from persons that helped with the important religious functions of the tribe such as a medicine society.<sup>11</sup> A majority of the traditional people that comprised the movement came from the Hopi villages of *Hotevilla*, *Shungopavi*, and *Mishongnovi*. Some non-Hopis were invited by Hopi elders to join the traditionalists in the early years of the land dispute, such as Anglo writers Thomas Mails and Peter Matthiessen. These non-Hopis helped voice a message of frustration on behalf of the traditionalists via a newsletter called *Techqua Ikachi* and other nationally published sources. To help the Hopis, they brought with them their knowledge, skills, and experiences of the Anglo world. Other marginal group players,

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<sup>9</sup> Writers of the period identified the major characters of Hopi conservatism: 1) Mina Lansa a woman *kikmongwi* from *Oraibi*, who is became the spokesperson for the traditionalists; 2) Dan Evehema a Hopi elder from *Hotevilla*, who worked with non-Hopis to create *Techqua Ikachi*, a pro-traditionalists publication; and 3) David Monongye a Hopi elder from *Hotevilla*.

<sup>10</sup> Hopi traditionalists have been communicating with outside non-Hopis to improve the way they address Hopi issues. For example, the period 1955-66 witnessed Indian spokesman Mad Bear Anderson, Cherokee medicine man Rolling Thunder, and Chumash medicine man Semu Huarte give their organizational support to Hopi elders (Matthiessen, 1984: 82). These Native leaders were instrumental in defining the political agenda of the period, which later became known as Red Power.

<sup>11</sup> A medicine society is a “small secret group composed mainly of men who have knowledge of the initiated and possess mighty powers by virtue of that knowledge” (Dutton, 1983: 43).

such as the Native American Rights Fund and Black Mesa Defense Fund, sought to secure support from politicians and activists. Unlike other social movements, the traditionalists had no central office, budget, or systematic campaign (Clemmer, 1996: 181).

The traditionalists of both tribes agreed on two key issues; the first issue was to honor the *tiponi* and to reinstitute its philosophical bases of mutual understanding. Moreover, honoring the *tiponi* was consistent with the Hopi way, and respecting *Massau's* teachings in being in harmony with all creations. Banyacya succinctly summarized this point of view, "If you really are Hopi, you really want to preserve this land, life and look to the future welfare of all our people throughout this land" (Lapman, 1973: 30). In the context of the *tiponi*, it was believed that the Native elders could arrive at some peaceful solution for the dispute. Navajo Chairman MacDonald preferred the federal government to keep out of what he termed an "Indian problem", and his sentiments were concurred by Hopi spokesman Banyacya ("Congress Shouldn't," 1972)("Hopi Traditionalists Oppose, 1972). Essentially the traditionalists did not want any governmental entity to arbitrarily appoint themselves as the voice of the people and issue orders on their behalf. Instead they wanted tribal elders to gather, discuss, and resolve these matters. To this end, not all traditional people wanted the Navajos to remain on the land as they saw their presence as a means of them appropriating more Hopi land. Banyacya stated "the [Relocation] law is a bad law, and we do not support the law, but the land is Hopi land" (Feher-Elston, 1988: 66). MacDonald, however, chose to represent the Navajos in all matters pertaining to a land settlement and by virtue of his elected office he designated himself as the official Navajo spokesperson.

A second point of agreement was the elimination of strip-mining on Black Mesa, because the act violated Native religious principles and desecrated the environment. A

statement issued by the Coalition of Navajo Liberation (CNL) summarized this tribal position:

“Our clean waters are clouded with silt and the wastes of the white man; Mother Earth is being ravaged and squandered. To the Navajo people it seems as if these Europeans hate everything in nature--the grass, the birds, the beasts, the water, the soil, and the air. We refuse to abandon our beautiful land. To Navajos, land was something no one could possess, any more than he could possess the air. Land is sacred to the Navajos, it is part of the Almighty’s design for life...” (Grinde and Johansen, 1995: 130).

Moreover, the views of CNL contrasted those of Navajo Chairman Peter MacDonald as CNL opposed on-reservation gasification plants, placement of power lines over the reservation, Black Mesa mining and the extraction of uranium. MacDonald favored nearly all types of business ventures as long as the Navajos were compensated for the reservation-based enterprise. In fact, CNL members demanded for the resignation of Chairman Peter MacDonald in 1976, because of his support of coal strip-mining, which was represented in a lease with El Paso Natural Gas and Consolidated Coal. Based in Shiprock, New Mexico, the group demonstrated that the “closer to grassroots level an energy development proposal came, the more strongly it was opposed” (Ibid., p. 129). Simply put, this regional group of Navajos held MacDonald and the tribal council accountable for their actions and they confronted them with their disapproval. The period 1974-76 marked the height of CNL, and they steadily declined in popularity following the death of their leader Fred Johnson.

Interestingly enough, Navajo elders that opposed Public Law 93-531 law were regional leaders, and not widely known to other Navajo people. Consequently their messages were not widely heard unlike those of the Hopis who were protesting since the 1940s. Spokesmen of the Hopi were skilled speakers and established a network of

supporters in Congress, as well as contacts in Hollywood.<sup>12</sup> Navajo opposition to relocation became a relevant issue to most Navajos only after the Relocation law was enacted and their removal became imminent. David Brugge writes:

“The people of the disputed area brought their pleas only to the tribal government, and there with varying success, for they constituted no more than about 10 percent of the Navajo population, while they knew that the tribe as a whole suffered a great many other difficulties....The people of the dispute land never were able to make a tribal cause out of their dilemma” (Brugge, 1994: 243).

Thus, the Navajos were simply reacting to legislative proposals and they were not actively participating in its formation. A recent manifestation of this reactionary mode are the dissenters of relocation who reside in the Big Mountain area of Navajo country. To all Navajos, Big Mountain is important because of its place in the Navajo origin myth. It harbors medicinal herbs that are necessary for the spiritual and cultural well-being of the Navajo. Peter Matthiessen writes “Big Mountain is the most prominent feature in the heart of Black Mesa, and Black Mesa in its entirety is sacred, [as] sacred as the four sacred mountains of the Navajo people” (Matthiessen, 1979: 318).

Katherine Smith and Roberta Blackgoat, Big Mountain spokespersons, equally became symbols of the *Dineh*<sup>13</sup> resistance that galvanized the support of people from around the world. Their protests and level of organization were unprecedented for the Navajo people as they proclaimed themselves “The Independent *Dineh* Nation”.<sup>14</sup> The Big Mountain Navajos openly protested against the U.S. and called into action Chairman

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<sup>12</sup> Banyacya was able to secure the support of actors Jon Voight and Elizabeth Taylor to host fundraisers and speak out against relocation policy. Later, in 1986, the Big Mountain Navajos found allies in Voight, singers Stevie Van Zandt, Connie Stevens, and Buffy Sainte-Marie (Benedek, 1999: 322).

<sup>13</sup> *Dineh* is a Navajo word, which means “the People”.

<sup>14</sup> In 1978, the Big Mountain Navajos declared their independence and sovereignty “...the sacred laws of the *Dineh* gives no authority for the federal government and its related agencies to intrude and disrupt the sacred lands of Big Mountain” (Parlow, 1988: 201).

Peter MacDonald. Before 1974, the Big Mountain Navajos had little interest in politics, but after that year they actively participated in protest walks, confronted Senator Barry Goldwater on numerous occasions, and continued to advocate repeal of the Relocation law. In the end, Public Law 93-305 addressed some of their concerns such as authorizing life estates on Hopi land and the acquisition of 250,000 acres (see Chapter 5). Despite these legislative accommodations, the removal law remained firmly in place.

### The Healing Case

John Boyden, Hopi Tribal attorney during the years 1944-80, is responsible for bringing the mining companies onto *Tutsqua*. After Boyden established himself as the legal counsel of the partly reconstituted Hopi Tribal Council (1951), Boyden moved to question a legal opinion that found the Navajos held mineral rights to the 1882 Reservation (Report to the Hopi Kikmongwis & Other Traditional Leaders on Docket 196 & The Continuing Threat to Hopi Land and Sovereignty, 1979: 111).<sup>15</sup> By challenging the Solicitor's 1946 opinion<sup>16</sup>, Boyden sought to clear a path for mineral leases a tract of land called the Joint Use Area (hereafter called JUA). The following year in 1955, saw Humble Oil and Refining Company, General Petroleum Corporation, and Sun Oil Company prospecting on the Hopis' half of the 1882 Reservation. By the mid-1960s, 63 percent of the Hopi Reservation (District Six) was opened to oil companies (Redhouse, 1985: 13). Other petroleum companies expressed interests in mining the 1882 Reservation, but they could not excavate or extract minerals from the

<sup>15</sup> The Hopi government was revived to deal with passage of the Indian Claims Commission Act of 1946 and the Navajo-Hopi Act of 1950 (Clemmer, 1979: 533).

<sup>16</sup> On June 11, 1946, the Solicitor issued *Ownership of the Mineral Estate in the Hopi Executive Order Reservation*, an opinion which stated "the rights of the Navajos within the area who settled in good faith prior to 1936 are co-extensive with those of the Hopis with respect to the natural resources of the reservation" (Redhouse, 1985: 9).

JUA until its ownership was made clear.<sup>17</sup> To obtain Hopi ownership, therefore, Boyden initiated a law suit against the Navajo government over their interest to the 1882 Reservation. Boyden's move was welcomed by Navajo Attorney Norman Littell, who wanted a federal court to decide the ownership of the land.<sup>18</sup> These actions were pursuant to Public Law 85-547, a legislation that provided the necessary authority to allow the tribes to engage in legal actions over ownership of the land. It led to the landmark ruling of Healing v. Jones (1962) that established all rights pertinent to the JUA.

The Healing case answered several questions concerning the ownership and distribution of the disputed land. First, the court decision determined that District Six of the 1882 Reservation belongs exclusively to the Hopis, therefore the Navajos could not live within its confines. Second, the case determined that each tribe possessed joint and undivided ownership to the area. Thus each tribe owned one-half interests of the JUA. The Order, however, did not preclude mining on the JUA, and if this activity were to occur on the JUA, then both tribes had to agree to those terms and each would share in the mineral profits. This ownership extended to surface and subsurface rights, thereby including mineral rights to the 1882 Reservation. Third, the case ordered the two tribes and the federal government to fairly administer the JUA, and if that failed, then the need to partition the area became necessary. In 1973, the Navajos submitted to the Hopis a proposal for joint administration of the JUA; however, the Hopi Tribal Council rejected the plan since there was no reason to share the land with the Navajos (Aberle, 1993: 161). One year earlier, in 1972, a federal court ordered the Navajos to reduce their usage of the

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<sup>17</sup> Redhouse (1985) writes "In 1970 and later in 1976, the Arizona Bureau of Mines estimated that Black Mesa contained over 21 billion tons of known accessible coal and predicted that it would soon become part of one of the largest energy producing centers in the world" (p. 8). Although the Hopis possessed the land, its ownership was held jointly by both tribes.

<sup>18</sup> See Littell's rebuttal titled *Answer of the Navajo Tribe to the Petition of the Hopi Tribe to the Secretary of the Interior for Reconsideration of the Opinion of the Solicitor of the Department of Interior Dated June 11, 1946, Re: Ownership of Mineral Estate in Area of the Executive Order of December 16, 1882.*

JUA, because the Hopis wanted to exercise their surface rights to the land. The Hopi government, however, claimed that the Navajos living in the JUA prevented them from using the area. It was during this time that the alleged “range war” occurred between the two tribes.<sup>19</sup> The period 1972-74 saw the tribes asserting their rights to the area. On one hand, the Navajos were holding onto occupied lands, while Chairman MacDonald defied federal court orders terminating livestock grazing and construction on the JUA. On the other side, the Hopis were internally divided between the progressives and the traditionalists, who had contrasting views on how to treat the Navajos and secure the land. Since the two tribes were unable to come to acceptable terms concerning the JUA, federal intervention became a necessary action. Accordingly, Congress passed the 1974 Relocation law to carry out the second provision of the Healing ruling.

The Navajo-Hopi Land Settlement Act of 1974 was a controversial piece of legislation. The removal of tribal people from their homeland is an enormous undertaking, especially when the land is directly tied to the social, cultural, and religious survival of the people. To this end, each tribe had an opportunity to express how the JUA should be divided through negotiation sessions mandated by the Relocation law. For six months, representatives of both tribes and a federal mediator would meet to negotiate where the new partition line would be drawn. Eight negotiating sessions were held, and a number of proposals were submitted, but the tribal representatives could not reach an agreement.<sup>20</sup> As a result, the Relocation law authorized a federal court to determine the partition line in accordance with recommendations of the federal mediator. In 1975, the final partition line was drawn and adopted (in 1977) by a federal District Court in

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<sup>19</sup> In 1971-72, an alleged range war between the Hopi and Navajo occurred in the JUA, which resulted in physical skirmishes. The Navajos believed the Hopi government encouraged these events by employing a local cowboy that incited violence between tribal members, while a camera crew recorded the event. Afterwards, it was revealed that the Hopi government’s public relations firm of Evans and Associates to demonstrate the violent nature of the Navajo coordinated these events (see Kammer, 1980).

<sup>20</sup> Negotiation sessions began on March 17, 1975, and ended on September 13, 1975.

Tucson, Arizona (Benedek, 1999: 153). From this point, the Navajo and Hopi Indian Relocation Commission was charged with determining eligibility requirements and executing a plan for Indian removal.

### The Legislative Record

The coalition model referred to in Chapter One explains how we should regard these legislative activities. Coalition politics is defined as a “process of creating a working relationship between ethnic or racial groups, which seeks to maximize political preferences” and outcomes (Rich, 1996: 6). For the Navajos, they received the backing of organized labor, Democratic partisans, and intertribal supporters. Each coalition member brought with them their own support by way of group membership, financial capital, professional reputation, and existing legislative supporters. As for the Hopis, they were able to secure the backing of Arizona Senator Barry Goldwater, and the Republicans, while casting themselves as the proverbial “underdog”. By examining the legislative record, these particulars become apparent.

The shaping of the Relocation law consisted of several legislative proposals. Each proposal was aimed at satisfying a certain group in the legislative process. In 1971, Congressman Sam Steiger sponsored a bill that proposed dividing the JUA, sharing mineral rights of the area, allocating \$16 million to carryout the relocation of persons, and creating a passage to the Hopi village of *Moencopi* (Wright, 1973: 19). To administer the land partition, however, the Steiger proposal (see footnote #21) called for the removal of individuals and families found on the wrong side of his newly proposed boundary line. Since a significant number of Navajos were affected by the proposal, the bill became a controversial proposition to them. The Navajos particularly opposed the Steiger Bill

based on its mandated expulsion of over 6,000 Navajos without providing them adequate assistance to pay for their moving costs and new homes.<sup>21</sup> More importantly, the Steiger Bill failed to mention where the evicted Navajos would go. Navajo Chairman MacDonald remarked:

“The so-called Steiger Bill is, in substance, a drastic and unnecessary resolution of the Navajo-Hopi dispute. Even more distressing to the Navajo people, however, is the manner in which the bill was formulated.”

“No representative of the Navajo tribe was ever consulted. No local hearings were held to determine the effects upon the Navajo if such a bill were to become law. No encouragement was given by Congress to resolution of the dispute by the tribes themselves” (“Congress Shouldn’t,” 1972).

Initially, MacDonald wanted the Hopi and Navajo representatives to create an “Indian solution” to the land dispute. At all cost, MacDonald did not want his people to be moved off the land. While the legislative proposal was considered by congressional members, officials of the Hopi government addressed the intrusion of Navajo livestock onto their land. To this end, the Hopis officials hired a local Anglo cowboy along with extra ranch hands to enforce the Healing ruling and prevent Navajo livestock from grazing on areas within the District Six area. The situations worsen as Navajo livestock were impounded and the practice became a source of irritation among the Navajos.<sup>22</sup> The Navajos responded by building a fence across parts of the JUA, which separated their

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<sup>21</sup> The Steiger Bill was one of three proposals sponsored by Representative Steiger, H.R. 4753 “A Bill to Authorize the Partition of the Surface Rights of the Hopi and Navajo Indian Tribes in Undivided Trust Lands, and for Other Purposes,” 92nd Congress, February 1971; H.R. 4754 “A Bill to Authorize the Partition of the 1934 Navajo Reservation, and for Other Purposes,” 92nd Congress, February 1971. The Steiger Bill is actually a combination of the two previous submittals, and it was known as H.R. 11128 “A Bill to Authorize the Partition of the Surface Rights in the Joint Use Area of the 1882 Executive Order Hopi Reservation and the Surface and Subsurface Rights of the 1934 Navajo Reservation between the Hopi and Navajo Tribes.”

<sup>22</sup> Reportedly the Hopi workers harassed some Navajos by deliberately seizing their animals. On the other side, the Hopis contend that some Navajos made incursions into Hopi country to intimidate their people and recapture their impounded livestock (Wright, 1973: 21).

land holdings from the Hopi people. In response, the Hopi government erected their own fence. These two tribes were at a standstill and stonewalled any amicable resolution. Hopi Chairman Sekaquaptewa stated:

“Anyone who has had the experience of dealing with Navajos knows it’s not possible to co-exist with them. They have no respect for the property rights of others. They think if they need something or want it they have a right to have it. Like children” (Wright, 1973: 22).

### Organized Labor - the Union

The American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) entered the policy arena in 1973 helping the Navajos’ defeat the Steiger Bill (H.R. 5647). To thwart the Steiger Bill, Navajo Chairman Peter MacDonald enlisted the AFL-CIO to organize the Navajos against those who supported the relocation proposal.<sup>23</sup> MacDonald believed that organized labor had a strong voice in the nation’s capital, and one the Navajos needed to build on to gain an advantage over the Hopis. At the time, Union membership consisted of roughly 16 million members (“Union Alliance,” 1974). The Union utilized their in-house organization; Council on Political Education (COPE), to coordinate a voters registration drive among the Navajo electorate in southwestern U.S. COPE’s objectives were twofold. First, elect to public office all pro-Union candidates since these individuals would favor the political views of the AFL-CIO. Union leaders believed that by increasing the number of pro-Union voters, the organization would improve their political standing in the state of Arizona. By bringing in the Navajos into their organization, the Union could stand to gain over 70,000 voters in 1974 (“Voter Registration, 1974). Second, the Union wanted to unionize Navajo workers

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<sup>23</sup> COPE, an agency of the Union, taught Navajo officials some methods of group organization.

to secure future benefits from on-reservation labor projects, such as those offered at the mining operations of Black Mesa. Mining on Black Mesa has been conducted by Peabody Coal Company since 1966. Anticipated benefits from the Navajo-Union partnership included an increase in Union dues, more work for members of their organization, and a stronger political presence in the state. For the Navajos, they wanted the support of the Union to prevent the emergence of any relocation policy, while increasing their political standing in the state. Moreover, the presence of the labor movement on the Navajo reservation did not go unnoticed by state politicians.

The fact that the AFL-CIO became involved in these matters rankled Senator Goldwater as he opposed the unionization of Arizona workers (Kammer, 1980: 110). Senator Goldwater feared the Union might acquire too much political power due to their alliance with the Navajos, and they would set out to dictate public policy for the entire region. Commenting on the AFL-CIO, he said, "Unions exist, presumably to confer economic advantages on their members, not to perform political services for them. Unions should therefore be forbidden to engage in any kind of political activity" (Kammer, 1980: 110). According to Goldwater, the Navajo-Union alliance was a self-serving association that failed to promote common benefits for the nation.

The election results of 1974 only confirmed Senator Goldwater's dislike of the Navajo-Union alliance, as the Democrats were extremely successful in organizing and registering Navajos for the upcoming election. In June of 1974, the Navajo Tribal Council approved a resolution to establish a federal Voter Registration Office on the reservation for the purpose of encouraging eligible Navajos to vote. At the time, Navajo government officials reported approximately 79,000 Navajos were eligible to vote in the fall election of 1974 ("Voter Registration Office," 1974). Because of COPE's effort and the voter registration drive, the number of Navajo voters increased by 9,000 persons, who

then cast their votes for candidates of the Democrat Party (MacDonald, 1993: 195). In fact, these new Navajo voters were partly responsible for determining the winner of the state's gubernatorial race in 1974 as they unseated then-Republican governor Jack Williams, a Republican and friend of Senator Goldwater.

Of course the Navajo-Union alliance was not highly revered by Goldwater and its success intensified a contentious relationship between MacDonald and Goldwater. MacDonald exacerbated ill feelings by threatening to support Senator George McGovern's presidential bid in 1972, unless the Republicans supported the Navajos in the land dispute. This action began the MacDonald-Goldwater "feud" as the Navajo Chairman fell from the Senator's grace because of his threatening endorsement of Senator McGovern for president. It was reported that Goldwater felt MacDonald betrayed him and the Republican Party by conducting himself in that way. From this point on the two leaders would openly resist the other, often quarreling without reservation or restraint (See Kammer, 1980: 130-33).

#### The Goldwater-Fannin Bill

A second legislative proposal, the Goldwater-Fannin Bill (S. 2424), was sponsored by Arizona Senators Barry Goldwater and Paul Fannin, and was similar in content to the Steiger Bill as it viewed Navajo removal as a necessary step toward establishing order to the area. It was introduced in 1971. Unlike the Steiger Bill, however, the Goldwater-Fannin proposal appropriated roughly \$28 million dollars for the relocation of the Navajos from areas they occupied within the JUA. Interestingly, this proposal was also drafted by Hopi General Counsel John Boyden (Redhouse, 1985: 28). Boyden served as attorney for the Hopis and he represented them in the land dispute with

the Navajo Tribe. Support for the Goldwater-Fannin Bill varied in feelings, with a Hopi traditionalist opposing it calling it “a cruel and malicious attempt to set Navajo against the Hopi”, while Hopi government officials openly embrace it. A Navajo representative commented, “This [Goldwater-Fannin Bill] is being done by creating an environment of discrimination and deprivation instead of looking for a just solution to the problem” (“Hopi Traditionalist,” 1974). Another group, the Coalition of Navajo Liberation, issued a poignant statement in August of 1974 stating their opposition to the Goldwater-Fannin proposal. It read:

“...We know that our enemy is not the Hopi people. Our enemy is and always been the U.S. Government arbitrarily drew up overlapping reservations boundaries for the Navajo and Hopi tribes in the 18th century. We also know that the U.S. Government has historically played Indian tribes off against each other by inventing a “land dispute” or some other unresolvable issue in order to get the land in question...We also know that there are valuable minerals in the land dispute area that the greedy white man wants. That is the real reason behind the so-called Navajo-Hopi land dispute....White racist politicians will sponsor bills to remove Indian people from their ancestral homelands, but they will never sponsor a bill to evict their Anglo constituents from Indian lands that they are illegally occupying and trespassing. It is this type of white hypocrisy and racism that we are fighting against” (“Navajo Liberation Opposes,” 1974).

The foreseeable problems of the Goldwater-Fannin Bill caused several Native groups to unite to form one group, and travel to Washington, D.C.

In 1974, coalition politics became a force as 129 Navajos and 4 Hopis traveled on three buses to Washington, D.C. to lobby the U.S. Senate to vote against the Goldwater-Fannin Bill (“Caravan Bound,” 1974). It was dubbed the “Navajo-Hopi Unity Caravan”. Navajos came from the JUA communities of Low Mountain, Pinon, Jeddito, White Cone, and Chilchinbito. They traveled across the country, and held press conferences at selected cities to read Unity proclamations opposing the Goldwater-Fannin Bill. After arriving in Washington, D.C., these activists met with U.S. Senators to urge them to

support a land settlement initiated by tribal people, an agreement arrived at without federal interference and outside pressure. It was the first of its kind for the Navajo Tribe, as they coordinated their drive across the country. In Washington, they broke into groups and canvassed the halls of the Senate, trying to meet with as many legislators as possible. The trip received extensive media coverage and daily updates were provided to the tribal newspapers. In the end, the trip and project were successful as the Steiger Bill went down in the Senate Interior Committee in 1972.

### The Owens Bill

A third proposal was sponsored by Utah Democrat Wayne Owens, who proposed the 1882 Reservation be equally partitioned between the tribes by a federal court in Arizona. The Owens Bill (H.R. 10337) was prepared by Hopi legal counsel John Boyden, and introduced in Congress by Senator Owens. The Owen's plan required all Natives residing on the "wrong" side of the partition line be relocated and they be eligible to receive monetary compensation for their property losses. This proposal was seen as the least expensive choice of the suggested alternatives, since it mandated dividing only one-half interest to the JUA (Whitson, 1985: 384). Furthermore, President Nixon supported the Owen's Bill. Interestingly, Nixon's policy preference was made public, while rumors of the Watergate scandal were circulating congressional halls in Washington, D.C. It was suggested that Nixon was preoccupied with his ties to the scandal to be fully attentive to the land dispute (Kammer, 1980: 122).

Interestingly, an "energy connection" was discovered by free lance writer Mark Panitch as he questioned the association of the Hopi Tribal Council, John Boyden, and Peabody Coal Company. It was learned that Boyden served as legal counsel to Peabody

Coal, while he represented the Hopis in the land dispute. Boyden was the chief architect of the Relocation bill. Critics of the Relocation law believed that Boyden advanced his bill to help Peabody Coal Company secure the mining rights to Black Mesa. That is if the mining rights were defined, then Peabody Coal could secure a mineral lease from the Hopis to mine their half of the JUA. Panitch writes “...the relationship between the Hopi Tribal Council and the power companies strip mining the land became almost symbiotic” (“Hopi Power Alliance,” 1974). The coal from Black Mesa would be used to fuel future power plants that were owned by Western Energy Supply and Transmission Associates (WEST).<sup>24</sup> WEST was also connected to Boyden by way of Peabody. Incidentally, WEST and the Hopi Council shared the same public relations company Evans and Associates. Evans and Associates was the firm responsible for casting the land dispute as a “David and Goliath” scenario that appealed to Congress and the American public.

In the end, the Navajos rejected the Owens Bill, because they refused to move from the areas they occupied in the JUA. Navajo Chairman Peter MacDonald believed that if the Navajos could hold their ground, a more favorable proposition would come about, especially in light of the various bills in circulation. Thus, MacDonald dismissed the Owens Bill and favored another proposal that was receiving some attention at the same time. It was the Lujan Bill.

### The Lujan Bill

A fourth approach, the Lujan Bill (H.R. 7716), suggested the Navajos would pay the Hopis for their half of the 1882 Reservation with money borrowed from the federal government. Thus, it rejected any notion of Navajo removal and held that no one would

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<sup>24</sup> WEST Associates, a consortium of twenty-three power companies, planned to use Black Mesa coal for the energy needs of Phoenix, Las Vegas, and Los Angeles.

be deprived of their land. It was proposed by Congressman Manuel Lujan, a Democrat from New Mexico. In addition, the Navajos would secure the surface rights of the 1882 Reservation, while the Hopis gained perpetual easement rights to areas that were occupied by the Navajos. These easements allowed the Hopis to travel through Navajo areas for religious and medicinal purposes. Obviously, the Navajo tribal government supported this proposal, because it would not disturb Navajo settlements or deny grazing rights to Navajo livestock holders.

Hopi officials rejected this idea and continued to push for the Navajo removal. Hopi Chairman Sekaquaptewa stated, “the Healing decision had been a compromise of Hopi land rights”, “We (Hopis) cannot compromise what is already compromise” (Kammer, 1980: 103). Throughout the process, the Hopi officials maintained they would not retreat from their position of Navajo removal. Importantly, Navajo officials placed significant weight behind the Lujan proposal, and grossly neglected the other bills. When the Lujan Bill failed to gain support, the Navajo leaders were left with no other option to pursue. Thus, the Navajos were in a reactive mode and they were engrossed with defending and minimizing their land losses to the Hopi.

### The Meeds Bill

Another policy option (H.R. 7679), suggested the land controversy be settled through a process of negotiation and arbitration. The proposal was sponsored by Representative Lloyd Meeds of Washington, and he personally visited the JUA before developing a position on the land dispute. As such, his proposal limited the tribes to six months of negotiations with federal mediators. Then if they failed to provide a solution, each tribe was to submit their “last best offer” for consideration as one would be chosen.

The Meeds proposal was submitted in May of 1974, the same time the Owens Bill was being circulated on the House floor. The Meeds Bill received support from the Navajo Tribal Council, but it was shunned by the Hopis as they favored the Steiger and Owens Bill. The House vote for the Meeds proposal was 128 in favor and 199 against it (Kammer, 1979: 6). Similarly, the Montoya Bill (S. 3230) called for a commission to resolve the land dispute. The commission would include Navajos and Hopis, who would determine the land usage of each tribe. Moreover, those lands used by the Navajos would remain in their possession and the Navajo Tribe would compensate the Hopis for the land. The Montoya Bill received support from the Navajos and was rejected by the Hopis.

#### The Abourezk Bill

Finally, the Abourezk Bill (S. 3724) suggested a life estate concept for those living on the land. It was proposed by Democratic Senator James Abourezk of South Dakota. His proposal was a compromise bill, which sought to establish Hopi land rights, while keeping the Navajos in place. Specifically, it proposed that the Navajos would pay rent to the Hopi Tribe for Navajos living on Hopi land. It was circulated in the U.S. Senate the same time the Goldwater-Fannin Bill and the Owen Bill were being circulated. According to the Navajos, one of the attractive features of the Abourezk Bill was it had no mention of relocation and it sought to keep the Navajos in their place. Responding to the bill, Hopi public relations person John Dwan of Evans and Associates called Senator Abourezk a “Navajo partisan” (“Washington Post Article,” 1974).

In the end, the Senate adopted the Owens’ Bill (H.R. 10337) with a vote of 75 in favor and 0 opposed, while the House passed a similar bill recording 290 in favor, 38

oppose (Kammer, 1980: 117). Despite the two different versions of the same bill, an ad hoc conference committee was not convened because the Senate leadership agreed to accept the House's version and brought it out to the Senate floor for full unanimous consent (Ibid., p. 129). President Gerald Ford signed the Owens Bill, Public Law 93-531, into law on December 22, 1974.

### Analysis of the Public Law 93-531

The making of Public Law 93-531 was both complex and controversial. By analyzing the law through coalition politics we are able to see the linkages and associations of the political process. One vital component of coalition politics is networking. Each tribe showed that they could network, but establishing coalition partners took time to develop.

In the early 1970s, the Navajo-Hopi land dispute was an issue largely restricted to the southwestern U.S. As a result, the development of the Relocation law was limited to those tribes directly impacted by the statute. In fact, neighboring tribes of the Navajo and the Hopi chose not to get involved in the land squabble and they declared a position of neutrality in the matter, with the exception of New Mexico Pueblos Council, who sided with the Hopi government's position to divide the land ("Hopi Traditionalist," 1974). The dispute, however, received national attention when the federal government was called to establish surface/subsurface rights to the JUA. The issue received more attention with the reported Navajo-Hopi "range wars." This type of news coverage became the standard way of reporting these events. Not until 1974 were the tribes able to create the image they wanted to project, namely the Hopis.

Originally, the Relocation law was written to prevent any violent outbreak on the

reservation. To resolve the issue, the federal government through Arizona's congressional delegation became involved in 1971 with a proposal crafted by Congressman Sam Steiger. It was followed by several different legislative plans sponsored by U.S. Senators and Congressmen.<sup>25</sup> The legislative record shows that these proposals suggested varying degrees of land ownership held by either Indian tribe. Importantly, the federal government became the focal point as tribal representatives and congressional members would work through the federal government to process their requests.

On one side the Navajos developed a reliable support group that included activists, traditional Navajo and Hopi people, and congressional members (Senators Edward Kennedy, Mike Mansfield, and Representative George McGovern) (see Casteel, 1973). The Navajo coalition was able to organize themselves and effectively state their case on a number of fronts. Politically, Navajos of Arizona changed their partisan support from Republican to Democrat due to Representative Sam Steiger and Senator Barry Goldwater (McCool, 1985: 123). Navajo voters held these two Republican legislators responsible for the Relocation law. On another front, the Navajo government stated their political preferences in a book sponsored by the Navajo Tribe.<sup>26</sup> The book warned Americans of the Steiger Bill and urged them to write to their congressmen stating their opposition to the proposal. Financial support was furnished by the Navajo government to assemble a staff of professional advisors and lawyers to further the Navajos' land claim, under the guise of the Navajo Land Dispute Commission.

Next, Navajo Chairman Peter MacDonald was an effective spokesperson for the

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<sup>25</sup> Sponsors of land dispute legislation include Senators Barry M. Goldwater, Paul Fannin, James Abourezk, and Joseph Montoya; Representatives Manuel Lujan, Lloyd Meeds, and Wayne Owens.

<sup>26</sup> This book, *New Navajo Tears* (1973) was published by the Navajo Nation. It provided biting criticism of the potential damages caused by implement the Steiger Bill. The book details who the Navajo leaders allied with--congressional personnel and celebrities--and their plan of action (i.e. letter writing campaign).

Navajo coalition. Under his administration, the Navajo Nation established a permanent office in Washington, D.C. At this office, MacDonald could orchestrate tribal personnel, control information, and direct the Navajo legal team. He also forged an alliance with the AFL-CIO to increase the Navajos political strength in the southwest region. Moreover, MacDonald's charisma helped bridge the Navajo realm to the modern world by encouraging his people to actively participate in the business and educational opportunities of the larger society. However, MacDonald has been criticized for monopolizing the land issue to preserve his political career at the expense of his people. The land dispute has been the decisive factor in at least two tribal elections--1982 and 1986 (Iverson, 1997: 182). Despite this, MacDonald has received the endorsement from Navajo communities located in the disputed area such as Forest Lake, Pinon, Hard Rock, and Blue Gap.

On the other side, the Hopis created and managed their own coalition. They were, however, organized into two separate groups that claimed to speak for all Hopis. Because of this intertribal division, the cohesion factor/component was weakened. One group questioned the authority of the tribal government and linked themselves with non-Hopis for support, while the second group supported the tribal administration. The leaders of these groups worked independently of the other, organized their messages, and established contacts with those they felt would support their causes. Speaking for the traditionalists, Mina Lansa saw "the real purpose of the bill (Relocation law) was to split Indian resistance and open up more Indian land to the energy leases desired by the Hopi Tribal Council, much against the will of traditional leaders in both tribes" (Matthiessen, 1992: 91). Their main complaint was against the mining companies operating on Hopi lands, because of their belief that these mining operations were in direct violation of the Hopi way and their responsibility to serve as caretakers of the land. To the Hopi

traditionalists, there was no room for compromise regarding the violation of the earth and its creations. A consistent underlying theme was to always honor the traditional Hopi cultural lifestyle and end mining operations on the homeland. They publicized their concerns to others through a publication entitled "*Techqua Ikachi*." This publication openly questioned the authority of the tribal government and whether the legislative policies they approved were to the benefit of the Hopi people. Not surprisingly, Hopi Chairman Sekaquaptewa referred to these traditionalists as "phonies" that pursued their own private agenda without regards for the Hopi people (Welch, 1977).

In contrast, the Hopi tribal government indicated they were acting in the interests of all Hopis and therefore, they remained firm about Navajo removal and did not waver in their position. The Hopi government through their legal counsel John Boyden employed a public relations firm in Salt Lake City, Utah. The firm created an image of aggressive Navajos, who for centuries have bullied their way over the Hopis. The public relations firm wanted to paint a picture of endless violence that would justify the relocation of the Navajo (Kammer, 1980: 93). To that end, the firm cast the Navajos as nomadic marauders. Hollis Whitson succinctly summarized this powerful image:

"The **picture**, painted by the Hopi tribal attorneys before Congress, was compelling: the smaller, more peaceful and sedentary tribe, completely surrounded by the larger, more aggressive and nomadic one, was seeking to uphold the decisions of the U.S. courts" (emphasis added) (Whitson, 1985: 382).

Consequently, the Relocation law was seen as an impartial mechanism to calm the Navajos, while minimizing future violence.

Another outcome of the public relations firm was the creation of a coalition between Boyden, and Steiger, a conservative, and a liberal Utah Democratic Representative Wayne Owens (Kammer, 1980: 108). These two congressmen were instrumental in obtaining the necessary support from their sides of the political spectrum

to pass the Owens' Bill. It was one of those rare times that these two legislators acted in unison.

Eventually, Senator Barry Goldwater also became a partner in this coalition, which proved to be beneficial to the Hopis. They benefited greatly from Goldwater's involvement because of his seniority in the Senate and the fact that his colleagues deferred to him as an "expert" of Indian affairs. In addition, he personally guided the Relocation law through the legislative process, ensuring that his fellow Republicans would support the Hopis. As a renowned statesman for Arizona, he had immediate access to local leaders and influential national leaders. His belief was that the Hopis were the rightful owners of the disputed land.

### The Human Aftermath

After passing the Relocation law in 1974, the federal government targeted 3,495 Navajo and 40 Hopi for removal (Joe, 1998: 131). Before the Relocation law was adopted, Navajo Chairman MacDonald tried to convince Congress of the potential harmful human impacts that relocation would cause. One of his concerns was that the Relocation law would destroy the cultural viability of traditional Navajo people by removing them from their homeland, especially those of Big Mountain. In essence, the removal policy would strip them from their livelihood. MacDonald, like his kinsmen, believed the land and the peoples' livelihood are inseparable--one cannot exist without the other. Catherine Feher-Elston (1988) poignantly captured the traditional Navajo view of the land by offering, "land creates the essential fabric of Indian society, central to both physical and spiritual survival" (p. 125). Speaking of Big Mountain, one Navajo said, "The mountain is ours. It is the place we go to pray for our livestock, and our medicine

men go there to get herbs, and it is the place our women gather the medicine they use when they bear children. We need the mountain to live” (Matthiessen, 1992: 318). Therefore, to remove a Navajo from his or her homeland is a traumatic event. Supporting this point, research by Scudder (1979) found that Navajos living in the former JUA were undergoing severe psychophysiological and socioculture stress. Another study corroborated Scudder’s findings, and it found that relocatees have “eight times the mental health service utilization rate as non-relocatees” (Report and Plan: Navajo and Hopi Indian Relocation Commission, 1981: 11). Aberle (1993) concludes, “There is no way to assess long-range negative consequences for Navajos in terms of loss of livelihood, land, income, and access to shrines, or in terms of demoralization and possible indigence and dependency over several generations” (p. 192). For one traditional Navajo, his greatest fear was that “once relocation is completed, all the knowledge and power of their way of life will be lost forever” (Feher-Elston, 1988: 103). This is an alarming fact since a large number of relocatees were tribal elders and many have stated that they would die if the were removed from their homeland.

Second, Chairman MacDonald argued that relocation would destroy the Navajos’ economic viability. Studies prepared by experts of different fields--Thayer Scudder (1979), Mark Schoepfle, et al (1979), John Wood, et al (1979)--document the devastating social and economic impacts associated with relocation. These researchers warned that Navajo relocatees were in deep trouble since approximately 41 percent of the head of household lacked a formal education and approximately 70 percent were unemployed (Report and Plan: Navajo and Hopi Indian Relocation Commission, 1981: 12). It appears the Relocation law has created a group of refugees since these individuals lack viable marketable skills and have no place to go. This condition is further exacerbated by problems caused by family break up, impaired mental and physical health, greater

dependency for social services and lack of a viable income (Ibid., p. 11).

Third, MacDonald stated that the religious fabric of the Navajo culture was irreparable damaged by the Relocation law. With the establishment of property lines and the enforcement of these boundaries, Navajos were denied access to the sacred sites on their former lands. The law restricted tribal members from freely traveling to gather necessary sacred objects used to maintain their spiritual well-being--minerals, plant roots, and animals. For most Native elders, to be denied to visit these sacred sites and gather materials is blasphemous. They believe that natural rhythms must be maintained, and relocation has destroyed this natural rhythm.

The passage of Public Law 93-531 has caused detrimental changes for all relocatees. The loss of land through forced relocation has deprived the Navajos and Hopis of their birthright, their livelihood, their social relationship, and their familiarity with their lands. Furthermore, forced relocation has deprived them of their sacred shrines where they made religious offerings to maintain their natural relationship with the supernatural. As one Navajo elder said, "If you move us to the most beautiful mountains in the world, with plenty of rain, they will not be as beautiful to us as these little hill, where we make contact with nature and with our gods" (Scudder, 1982: 45). In the final analysis, the Relocation law has denied them their traditional way of life.

## CHAPTER 7

### CONCLUSION

The purpose of this study is to examine the policy formation of Public Law 93-531 through a theoretical framework of coalition politics. Coalition politics is a particular form of pluralism, and it exhibits some characteristics common to pluralist activity such as the need for resources like; communication, networking, group cohesion, and finances. Accordingly, government is accessible to its people by way of group mobilization and interest articulation. Groups can strategize and employ their resources to execute a plan in the policy environment. Moreover, coalition politics avails itself to the inquiry of researchers of the legislative process. To this end, I used a historical approach to analyze the skills and the attributes of coalition building as demonstrated by policymakers, tribal leaders, and their supporters. These components came together at different times in the legislative process and influenced the outcome of Relocation law.

What can we conclude from this initial inquiry? We discovered that both the Navajo and the Hopi governments were influential groups that made efficient use of their resources. What distinguished the two groups? I believe the way that each tribe presented their case before Congress and the American public separated them. The leadership style/mannerism of Chairman MacDonald was a concern for some as he constantly refused to compromise with the Hopis. Instead, MacDonald remained steadfast on having his people remain in the Joint Use Area and did not consider any idea of land concessions. It became a serious problem. In fact, the record showed that people were troubled by his abrasive behavior and they made note of this fact. Despite this impression, MacDonald was effective in using his position to secure partisan support among key Democrats and the AFL-CIO. It was an unprecedented event for both tribal

governments.

As a result, coalition politics transformed the Navajo Nation into an influential actor of the southwest starting in the mid-1970s. Through MacDonald's leadership the Navajos established an official tribal office in Washington, D.C. At the Washington office, the Chairman could monitor national policy as it related to the Navajos and engage other pro-Indian coalitions. In addition, MacDonald created a sizable bloc of Navajo voters who joined ranks with the Democrats in 1974. However, this Navajo-Democrat alliance proved costly for the Navajos as the Relocation law was influenced by partisan politics.

On the other side, the Hopis established themselves as an effective social network that defined how the land dispute would be resolved. This was accomplished by elevating the concerns/issues of the Hopi to the national media, while actively engaging Congress with numerous pro-Hopi proposals. Simply put, the Hopi Tribe operated offensively with proposals authored and submitted by their Attorney John Boyden. This action placed the Navajos in a reactive mode, and the Navajos were unable to coordinate their resources to impact the flow of pro-Hopi legislation. Another key observation is acknowledging Boyden's use of a powerful American theme to generate public empathy for the Hopis. Through a public relations campaign, the Hopi Tribe painted themselves as the historic victims of the Navajo. It was a brilliant ploy that took the edge off Navajo relocation as the law was seen as a reasonable solution to a historic problem.

In the final analysis, Public Law 93-531 required a confluence of interests expressed by the federal and the tribal governments. Coalition politics enhanced the group's political position through the tactful use of "direct" resources such as money, legal skills, outside support and voters. Each resource was used individually and collectively to achieve the desired result.

### Future Research

What are the applications of coalition building? This dissertation has shown that coalition politics can be used to study a Native American legislation. This research approach allows us to reconsider and reexamine the legislative record from a Native perspective, thereby revealing the inner workings of Native participation and their decision-making process. Second, coalition politics can develop a careful, well-thought, objective analysis of the participants, their behaviors, and their beliefs. Because of this extensive inquiry, all major differences and similarities between the groups and their values can come to light along with their corresponding influences. Unlike other methodologies, coalition politics can bridge the past world with events of the current day.

Through this study we have increased our understanding of coalition politics and its effects on the Navajo and Hopi Tribes. However, does this study have any relevance to other Native tribes and can they benefit from this type of analysis? I believe so. If we place this study in a larger framework beyond the immediate actors, we can see that coalition politics is a method for tribal governments to actively engage in the larger society. More importantly, this activity becomes an exercise of tribal rights that **builds tribal sovereignty**. Simply put, tribal sovereignty must be practiced in order for it to exist. By practicing their sovereignty some tribes may encounter a significant victory that elevates them and other Native tribes to a new level. In 1979, for example, the Seminole Tribe of Florida entered into the bingo gaming industry on their reservation, which exploded in national popularity, and in three years they earned a reported \$2.7 million (Utter, 2001: 362). This rapid wealth and the potential to make more money quickly captured the attention of other tribes throughout the nation. Because of the success of one bingo hall in Florida, the economic activities of all Native governments

have been forever been changed.

Today, Indian gaming is a 74 billion dollar industry and is regulated by the Indian Gaming Regulatory Act of 1988 (National Indian Gaming, 2005). The Gaming Act provides several functions: 1) a legislative basis for the operation and regulation of gaming by Indian tribes; 2) a law that established the National Indian Gaming Commission as a federal agency that works between the tribes and Congress to protect gaming as a means of making profits; 3) a law promoting strong tribal governments that can offer economic development and self-sufficiency; 4) a law protecting gaming tribes from organized crime; and 5) a law to insure fairness to tribes and their customers (Utter, 2001: 362). Because tribal governments value their rights, they have established support groups on- and off-the reservation to advocate for gaming enterprises. One group, the Native American Gaming Association (NAGA), represents about 184 different tribes and is organized to “protect and preserve the general welfare of tribes striving for self-sufficiency through gaming enterprise in Indian country” (National Indian Gaming, 2005). Through this organization, NAGA is building group cohesion by coordinating tribal actions. They also provide technical assistance to gaming tribes by hosting legislative summits, training seminars, and provide and coordinate the distribution of national Indian gaming information. By doing this NAGA is making a network of communication. In addition NAGA provides technical assistance to Indians and non-Indians, advocates for gaming issues, and advises policymakers of pro-Indian gaming legislation. In summary, the resources of coalition building (communications, finances, networking, etc.) are used by NAGA to create a private niche for themselves in the policy environment, while broadening tribal sovereignty.

However, NAGA cannot relax and assume that gaming is completely protected. They must actively exercise their right of association and seek to maximize their business

opportunities. This pro-active approach was recently demonstrated by NAGA when they networked with Bally's of Las Vegas, a number of major building contractors, resort companies, and insurance groups. To remain effective, NAGA must be assertive with their tangible resources (people and finances) to protect their newly acquired gains. Of course, it will not be an easy task. Therefore, there needs to be sophisticated and knowledgeable individuals involved who know what they want and are willing to do whatever is necessary to fulfill those goals. This is the political reality for NAGA as they have entered into a new phase of economic development.

The practice of coalition politics can be seen as **an exercise of tribal sovereignty**. Coalition politics is a significant event, because it implies that tribes can engage in cost-benefit analyses before entering the policy process. Their political participation is a conscious act. Thus, their actions would be seen as a rational event. This particular event creates a number of excellent research possibilities to explore. Future research could consider how these decisions were made? What factors were considered before coalition members decided to take action? Does a tribe lose something when they constantly interact with the outside parties? What are substantive issues of coalition politics? Indeed, the possibilities of future research are rich. Coalition politics is an excellent tool for understanding democratic action. Moreover, the application of the theory has broader implications than those expressed here.

Certainly, the study of American Indians is not an easy task. American Indian tribes, as renowned legal scholar Vine Deloria noted are not a single monolithic ethnic group of people that share a common political agenda. As of 1993, the official count of "federally recognized" Indian tribes totaled 515 distinct nations; each one with their own culture, language, history, and traditional homeland.<sup>1</sup> The diversity of these Indian tribes

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<sup>1</sup> The term "federally recognized" is a designation of the Bureau of Indian Affairs (BIA) and signifies an official relationship between the federal government and an Indian tribe via treaty,

is immense--from the 250,000 Navajos living in the American southwestern to the 197 separate Native bands on the Alaskan frontier. Each one is different. Correspondingly, each study of an American Indian tribe should account for and acknowledge their own diversity. This study represents only one form of research that provides an overview and specifically highlights some key issues that are critical to the survival of two Indian tribes living in Northern Arizona. By studying their new and innovative forms of politics, social scientists can begin to appreciate how these Indian tribes have coped with the ever-changing complexities of the American political system, and while yet, maintaining those things that are essential for their own separate tribal identities.

## REFERENCES

- Aberle, David F. (1983). "Navajo Economic Development." In Handbook of North American Indians. (pp. 641-658).
- (1993). "The Navajo-Hopi Land Dispute and Navajo Reservation." In M. M. Cerna & S. E. Guggenheim (Eds.), Anthropological Approaches to Resettlement: Policy, Practice, and Theory. (pp. 153-200). Westview Press, Inc.: CO
- Allen, Paula G. (1998). Off the Reservation: Reflections on Boundary-Busting, Border-Crossing. Beacon Press: Boston.
- Benedek, Emily. (1995). Beyond the Four Corners: A Navajo Woman's Journey. Knopf: New York.
- (1999). The Wind Won't Know Me: A History of the Navajo-Hopi Land Dispute. University of Oklahoma Press: Norman.
- Billings, R.B. and Shaw-Serder, D. (1989). "Relocating the Navajo and Hopi: History and Economic Impact." Arizona Review. Vol. 37., pp. 43-52. The University of Arizona.
- Boissiere, Robert. (1986). Mediations with the Hopi. Bear & Company: Sante Fe, NM.
- (1990). The Return of Pahana: A Hopi Myth. Bear & Company: Sante Fe, NM.
- Brugge, David M. (1994). The Navajo - Hopi Land Dispute: An American Tragedy. University of New Mexico Press: Albuquerque.
- Burns, M. J., Peltason, J. W., Cronin, T. E., Magleby, D. B. (1994). Government By the People: Annotated Instructors' Edition. Prentice Hall: New Jersey.
- Carson, Donald W., and James W. Johnson. (2001). Mo: The Life and Times of Morris K. Udall. The University of Arizona Press: Tucson.
- Casteel, Ralph W. (1973). New Navajo Tears. The Navajo Tribe: Window Rock, AZ.
- Center of American Indian Economic Development/Northern Arizona University. College of Business. "Hopi Tribe Profile." Retrieved 5/7/01 from [http://www.cba.nau.edu/caied/pages/21\\_tribes/comm-stats.htm](http://www.cba.nau.edu/caied/pages/21_tribes/comm-stats.htm)
- Chilcote, Ronald H. (1981). Theories of Comparative Politics: The Search for a Paradigm. Westview Press: Boulder.

- Churchill, W. and LaDuke, W. (1992). "Native North America: The Political Economy of Radioactive Colonialism." In A. Jaimes (Ed.), The State of Native America: Genocide, Colonization, and Resistance. South End Press: Boston.
- Clermmer, Richard O. (1979). "Hopi History, 1940-1974." Alfonso Ortiz (Ed.). Handbook of North American Indians, Vol. 9, pp. 533-538. Smithsonian: Washington.
- (1995). Roads in the Sky: The Hopi Indians in a Century of Change. Westview Press: Boulder, San Francisco, Oxford.
- "Congress Shouldn't Interfere With Indians." (April 8, 1972). Arizona Republic. p. 7
- Cornell, Stephen. (1988). The Return of the Native: American Indian Political Resurgence. Oxford University Press: New York.
- Downs, James F. (1972). The Navajo. Holt, Rinehard, and Winston, Inc.: New York.
- Dutton, Bertha P. (1983). American Indians of the Southwest. University of New Mexico Press: Albuquerque.
- Eichstaedt, Peter H. (1994). If You Poison Us: Uranium and Native Americans. Red Crane Books: Sante Fe, NM
- Feher-Elston, Catherine. (1988). Children of Sacred Ground: America's Last Indian War. Northland Publishing: Flagstaff, AZ.
- Fixico, Donald L. (2000). The Urban Indian Experience in America. University of New Mexico Press: Albuquerque.
- Gifis, Steven H. (1975). Law Dictionary. Barron's Education Series, Inc.: New York.
- Goodman, J. M. and Thompson, G. L. (1975). "The Hopi-Navajo Land Dispute." American Indian Law Review. 3(2).
- Grinde, D. A. and Johansen, B. E. (1995). Ecocide of Native America: Environmental Destruction of Indian Lands and Peoples. Clear Light Publication: Sante Fe, NM.
- Harrigan, John J. (1987). Politics and the American Future. Random House: New York.
- Hasgood, Eugene L. (1993). Revive the Dine Way: Dine Evictees of District Six: Jadito, Arizona. Unpublished manuscript.

- Hausman, Gerald. (1987). Mediations With the Navajo. Bear and Company. Sante Fe, NM
- Havens, William M. (1995). Intercultural Dynamics of the Hopi-Navajo Land Dispute: Concepts of Colonialism and Manifest Destiny in the Southwest. (Master's Thesis, University of Arizona, 1995).
- Healing v. Jones. U.S. District Court, District of Arizona, September 28, 1962. West Publishing: St. Paul.
- Holm, Tom M. (1989). "Mechanistic Versus Organic Human-Land Relationships: The Navajo-Hopi Joint Use Area Dispute as a Case Study." In D. L. Fixico (Ed.), Native Views of Indian-White Historical Relations. D'Arcy McNickle Center for the History of the American Indian, Occasional Papers in Curriculum, No. 7 (Chicago: Newberry Library).
- "Hopi Power Alliance Exposed By Newspaper." (July 25, 1974). Navajo Times. p. 1
- "Hopi Traditionalist Join In Fight Against Goldwater-Fannin." (June 27, 1974). Navajo Times. p. A12.
- "Hopi: The Real Thing." Retrieved May 7, 2001 from <http://www.ausbcomp.com/redman/hopi.htm>
- "Hopi Traditionalists Oppose Steiger Proposal." (April 4, 1972). Navajo Times. p. A-1.
- "Hopi Victory; Owens Bill Goes to Senate." (February 21, 1974). *Qua' Toqti*. p. 1 Oraibi, AZ.
- Isaak, Alan C. (1985). Scope and Methods of Political Science: An Introduction to the Methodology of Political Inquiry. The Dorsey Press: Illinois.
- Iverson, Peter. (1980). "Peter MacDonald." In R. D. Edmunds (Ed.), American Indian Leaders: Studies in Diversity. University of Nebraska Press: Lincoln.
- (1981). The Navajo Nation. University of New Mexico Press: Albuquerque.
- (1997). Barry Goldwater: Native Arizonan. University of Oklahoma: Norman.
- James, Harry C. (1974). Pages from Hopi History. The University of Arizona Press: Tucson.

- Joe, Jennie R. (1998). "The Impact of Relocation On Hardrock Chapter." In M. S. Duran and D. T. Kirkpatrick (Eds.), The Archaeological Society of New Mexico. (pp. 129-142). Vol. 24 The Archaeological Society of New Mexico.
- Johnson, J. B. and Joslyn, R. (1986). Political Science Research Methods. Congressional Quarterly, Inc.: Washington, D.C.
- Josephy, Alvin M. (1971). Red Power: The American Indians': The American Indian's Fight for Freedom. University of Nebraska Press: Lincoln.
- Kammer, Jerry. (1979). "The Navajo and Hopi Dispute Over Land and Life." American Indian Journal. 15 (9), 2-8.
- (1980). The Second Long Walk: The Navajo-Hopi Land Dispute. University of New Mexico Press: Albuquerque.
- Kelley K.B. and Francis, H. (1994). Navajo Sacred Places. Indiana University Press: Bloomington.
- Kluckhohn, C. and D. Leighton. (1974). The Navajo. Harvard University Press: Cambridge.
- Lapham, Nick. (1973). "Hopi Tribal Council: Stewardship or Fraud." Clear Creek. No. 13. The Environmental Viewpoint: San Francisco.
- Lapahie, Harrison. "Navajo-Hopi Land Dispute." Retrieved March 29, 1999 from [http://www.laphapie.com/Navajo\\_Hopi\\_Land\\_Dispute.html](http://www.laphapie.com/Navajo_Hopi_Land_Dispute.html)
- Locke, Raymond Friday. (1986). The Book of the Navajo. Mankind Publishing: Los Angeles.
- Lowi, Theodore J. (1979). The End of Liberalism: The Second Republic of the United States. (2nd ed.). W.W. Norton & Company: New York.
- MacDonald, Peter. with T. Schwarz. (1993). The Last Warrior: Peter MacDonald and the Navajo Nation. Orion Books: New York.
- Mails, T. E. and Evehema, D. (1995). Hotevilla: Hopi Shrine of The Covenant. Marlowe and Company: New York.
- Mails, Thomas E. (1997). The Hopi Survival Kit. Penguin/Arkana: New York.
- Mander, Jerry. (1991). "The Imperative to Destroy Traditional Indian Governments: The Case of the Hopi and Navajo." In the Absence of the Sacred: The Failure of

Technology and the Survival of the Indian Nations. Sierra Club Books: San Francisco

“Many Voices, One Message: Stop Pumping N-Aquifer to Slurry Coal, Hopi People Tell California Public Utilities Commission.” (October 10, 2003). *Hopi Tutuveni*. p. 1

Matthiessen, Peter. (1984). Indian Country. Penguin Books: New York.

McCool, Daniel. (1985). “Indian Voting.” In V. Deloria (Ed.), American Indian Policy in the Twentieth Century. (pp. 105-133). University of Oklahoma Press: Norman

Mihesuah, Devon A. (1996). American Indians: Stereotypes and Realities. Clarity Press: Georgia.

National Indian Gaming Association. “National Indian Gaming Association Fact Sheet.” Retrieved August 13, 2001 from <http://www.indiangaming.org/info/about/shtml>

“Navajo Liberation Opposes Goldwater and Fannin.” (August 1, 1974). Navajo Times. p. B-11.

Navajo Nation FAX: Statistical Abstract. (1988). Technical Support Department, Navajo Nation: Window Rock, AZ.

Navajo and Hopi Indian Relocation Commission. (1981). Report and Plan: Navajo and Hopi Indian Relocation Commission. Washington, D.C., Printing Office.

“Navajo-Hopi Land Dispute.” Senate Hearings. Committee on Interior and Insular Affairs, 93rd Congress, 2nd session, July 24, 1974

“Navajo Religion: A Sacred Way of Life.” Retrieved March 15, 1999 from <http://www.newage.com.au/panthology/navajo.html>

Parlow, Anita. (1988). Cry, Sacred Ground; Big Mountain U.S.A. Christie Institute: Washington D.C.

Parenti, Michael. (1988). Democracy for the Few. St. Martin’s Press: New York.

Pevar, Steven L. (1983). The Rights of Indians and Tribes. Bantam Books: New York.

Pollack, Floyd A. (1984). A Navajo Confrontation and Crisis. Navajo Community College Press: Tsale, AZ.

- Redhouse, John F. (1985). Geopolitics of the Navajo Hopi Land Dispute. Wright Publications: Albuquerque.
- Religion. Retrieved May 7, 2001 from <http://www.ausbcomp.com/redman/hopi.htm>
- Reno, Philip. (1981). Navajo Resources and Economic Development. University of New Mexico: Albuquerque.
- Report of the Second Hopi Mental Health Conference: Crossroad of Cultural Change. (1983). Hopi Tribe The Hopi Health Department. Kykotsmovi, AZ.
- Report to the Hopi Kikmongwis and Other Traditional Hopi Leaders on Docket 196 and The Continuing Threat to Hopi Land and Sovereignty. (1979). Indian Law Resource Center: Washington, D.C.
- Rich, Wilbur C. (Ed.) (1996). The Politics of Minority Coalitions: Race, Ethnicity, and Shared Uncertainties. Preager: Westport, CT
- Rose, Chris. (1989). "Son Devised Cover-Up Plot for MacDonald: Tried to Disguise \$25,000 Payment in Deal for Ranch." Arizona Daily Star. p. 1.
- Savage, Melissa. (1973). "Black Mesa Mainline: Tracks on the Earth." Clear Creek. No. 13. The Environmental Viewpoint: San Francisco.
- Sekaquaptewa, Helen. (1969). Me and Mine: The Life Story of Helen Sekaquaptewa As Told to Louise Udall. University of Arizona Press: Tucson.
- Scudder, Thayer. (1982). No Place to Go: Effects of Compulsory Relocation on Navajos. Institute for the Study of Human Issues: Philadelphia.
- Schiefter, R., & West, R., Jr. (1974). "Healing v. Jones: Mandate for Another Trail of Tears?" North Dakota Law Review, 45, 74-106.
- "Sleeping Giant' Awakens, Flexes Muscles." (November 7, 1974). *Qua' Toqti*. p. 1. Oraibi, AZ.
- Spicer, Edward J. (1989). Cycles of Conquest: The Impact of Spain, Mexico, and the United States on the Indians of the Southwest, 1533-1960. The University of Arizona Press: Tucson.
- Stephens, Charles H. (1961). The Origin and History of the Hopi-Navajo Boundary Dispute in Northern Arizona. (Master's Thesis, Brigham Young University, 1961).

- Techqua Ikachi*. Land and Life: The Traditional Viewpoint. Set of 44 Newsletters. Retrieved June 23, 1999 from [http://www.hinduismtoday.kauai.hi.us/ashram/Resources//Hopi/techquaikachi\\_i.html](http://www.hinduismtoday.kauai.hi.us/ashram/Resources//Hopi/techquaikachi_i.html)
- Trafzer, Clifford E. (1978). Navajos and Spaniards. Navajo Community College Press: Tsaile, Arizona
- Trimble, Steve. (1993). The People: Indians of the American Southwest. School of American Research Press: Sante Fe, NM
- “Union Alliance Clouds Future of Navajo Tribe.” (February 21, 1974). *Qua’ Toqti*. p. 2. Oraibi, AZ.
- U.S. Commission on Civil Rights. (September, 1975). The Navajo Nation: An American Colony. Washington, D.C. Printing Office.
- U.S. House of Representatives. Partition of Navajo and Hopi 1882 Reservation: Hearings before the Subcommittee on Indian Affairs of the Committee of Interior and Insular Affairs of the Committee on Interior and Insular Affairs, House of Representatives, 93rd Congress., 1st session (1974).
- Utter, Jack. (2001). American Indians: Answers to Today’s Questions. (2nd Ed.). University of Oklahoma Press: Norman.
- “Voter Registration Office Formed Here.” (June 13, 1974). Navajo Times. p. A-3.
- “Washington Post Article Raised Questions Of Hopi Ties With Government, Industry, and the Mormon Church.” (August 8, 1974). Navajo Times. p. A-3.
- Waters, Frank. (1963). Book of the Hopi. Penguin Books: New York.
- Welch, Clifford A. (May 12, 1977). “Hopi Tribal Chairman Labels Traditionalists ‘Phonies’.” *Qua’Toqtui*. p. 1.
- Wilkins, David E. (1999). The Navajo Political Experience. Dine College Press: Tsaile, AZ
- Whitson, Hollis E. (1985). “A Policy Review of the Federal Government’s Relocation of Navajo Indians Under PL 93-531 and PL 96-305.” Arizona Law Review, 27, 371-414.
- Wood, J. J., Vannette W. M., Andrews, M. J. (1982). “Sheep Is Life”: An Assessment of Livestock Reduction in the Former Navajo-Hopi Joint Use Area. Department of Anthropology, Northern Arizona University: Flagstaff, AZ.

Wright, Lawrence. (1973). "Range War." Race Relations Reporter. 4(1). January.

Young, Robert. W. (1972). "The Rise of the Navajo Tribe." In E.H. Spicer and R. H. Thomson, (Eds.), Plural Society in the Southwest. University of Arizona: Tucson.

----- (1978). A Political History of the Navajo Tribe. Navajo Community College Press: Tsale, AZ.