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Hopis, Navajos end 40-year land dispute

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An accord has been reached between the Navajo and Hopi tribes to end a bitter 40-year struggle over Hopi religious sites on more than 700,000 acres of the western Navajo Reservation.

Thousands of Navajos in the so-called Bennett Freeze Area have been without running water, electricity or modern appliances for decades because of a development ban put in place during the dispute.

The area is part of the 7 million total acres of Navajo land in which access by Hopis to religious sites will be resolved.

Federal officials imposed a ban in 1966 on construction and additional utility infrastructure on the Navajo land unless both sides agreed to it.

Interior Secretary Dirk Kempthorne and Rep. Rick Renzi, R-Ariz., will be in Phoenix today for a signing ceremony at 4 p.m. at the Heard Museum to discuss details of the agreement.

Joe Shirley Jr., president of the Navajo Nation, described the compact as historic.

"This compact clearly is one of the most significant agreements the Navajo and Hopi tribes have signed together," he said. "It resolves a 40-year-old dispute over land with no loss of land, no relocation, ensuring the religious rights equally to both tribes and ending a development freeze that has kept the western portion of the Navajo Nation in a time warp since 1966."

Former Hopi Chairman Ferrell Secakuku said it finally puts the Hopi Tribe on a level playing field with the Navajos, who reside on the nation's largest reservation, the majority of which is in northeastern Arizona.

"This land is just as spiritual to us as the mesa tops where we live," Secakuku said. "It's a milestone to negotiate this to an end in a peaceful manner. We both have to co-exist here, and this shows that one tribe can't dominate anymore."

The Hopi Tribal Council had approved the settlement measure in September 2004, but it took the Navajo Nation Council two years to finally sign off on it because of intense opposition in the western part of the Navajo Reservation over questions about development. The Navajo Nation Council voted 75-3 to approve the agreement in September.

Terms of settlement

Renzi and Clayton Honyumtewa, director of the Hopis' land office, said the settlement calls for an arbitration board to be set up to resolve disputes, a \$50 million escrow account to be divided by the two tribes, creation of designated buffers where no Navajo development would be permitted and a five-year study of eagles in the area.

Eagles are an especially sensitive matter for Hopi religious leaders and their highly secretive ceremonial societies. They gather the birds for ceremonies over a wide swathe, primarily between Flagstaff and the tribe's three mesas.

The agreement calls for a study to monitor eagles and their nesting sites.

"It allows Hopi access to eaglet sites on Navajo land and also will be looking at ingress and egress routes to them and where they can obtain a bird," Renzi said.

Honyumtewa said the arbitration board will deal with problems that arise if Hopis are denied access to their religious sites. It will be made up of equal numbers of members from the two tribes and will be overseen by an arbitrator with no affiliation with either tribe.

Bill alive in Congress

Renzi introduced a House bill last summer to deal with problems that could arise out of a Bennett Freeze settlement. It would shut down the federal Office of Navajo and Hopi Indian Relocation in Flagstaff, move it to Tuba City and rename it the Navajo and Hopi Indian Office of Reconstruction. The bill has been passed out of subcommittee but has not been acted on.

"There's \$50 million in it, and it will also be used for ongoing open cases that still haven't been resolved in relocation," Renzi said, referring to the Navajo-Hopi Relocation Act, which relocated thousands of Navajos in the 1970s and 1980s away from land awarded to the Hopis. "But all of the Bennett Freeze cases can be prioritized under the bill."

Honyumtewa said the buffer zones, which include such areas as the Salt Trail from the Hopi mesas to the bottom of the Grand Canyon, would require Navajos to notify the Hopis if development occurred within one mile.

Terry Fenzl, a Phoenix attorney who has represented the Navajo Nation for 32 years in the case, said the agreement is a "tremendous foundation" for cooperation between the tribes.

"This has been a very hard-fought and long legal battle, and issues have been extremely important to both the Navajo and Hopi people," Fenzl said. "I am delighted that the elected leaders have found a way to settle the lawsuit and put this dispute behind them."

Geraldine Beetso, 43, a Phoenix resident for the past 15 years who grew up in the Bennett Freeze Area, said she is hesitant to celebrate the news. Beetso, whose youth was spent in a one-room house with 10 other family members, with only a kerosene lamp for light, said she had watched many people grow old and die awaiting a resolution.

"Hopefully, the next generation won't be in that situation," Beetso said. "So, now, if all things are settled, I might go back and build a hogan."

Not everyone pleased

But some Navajos said they are unhappy with the compact.

Members of a group called the Forgotten People of the Bennett Freeze Community and two individuals asked Kempthorne to delay signing the accord until a Navajo court hearing is held Nov. 15.

Navajo tribal members Bobby Bennett Sr. and Arnold Yellowhorse of Tuba City filed a civil complaint in Navajo Nation District Court on Thursday alleging that proof must be given of the location of eagle sites on land that they ranch. The complaint lists as defendants Navajo President Shirley, Navajo Attorney General Louis Denetsosie, Council Speaker Lawrence Morgan and Roman Bitsuie, executive director of Navajo-Hopi Land Commission.

The group filing the claim says it was not thoroughly informed about the compact.

Both tribes laid claim to the land for different reasons.

The Navajos, who rapidly grew in number and encircled the Hopis over time after being released from U.S. military confinement in New Mexico in the early 1870s, said the land was theirs because of generations of use by tribal members.

The Hopis have claimed it as part of their aboriginal homeland, predating the Navajos by hundreds of years, and say that in addition to eagle nesting sites, many sacred springs and shrines are on the land.

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