

THE IMPACT OF THE NAVAJO-HOPI LAND SETTLEMENT ACT OF 1974 P.L. 93-531 et al.



PUBLIC HEARING REPORT JULY 2012



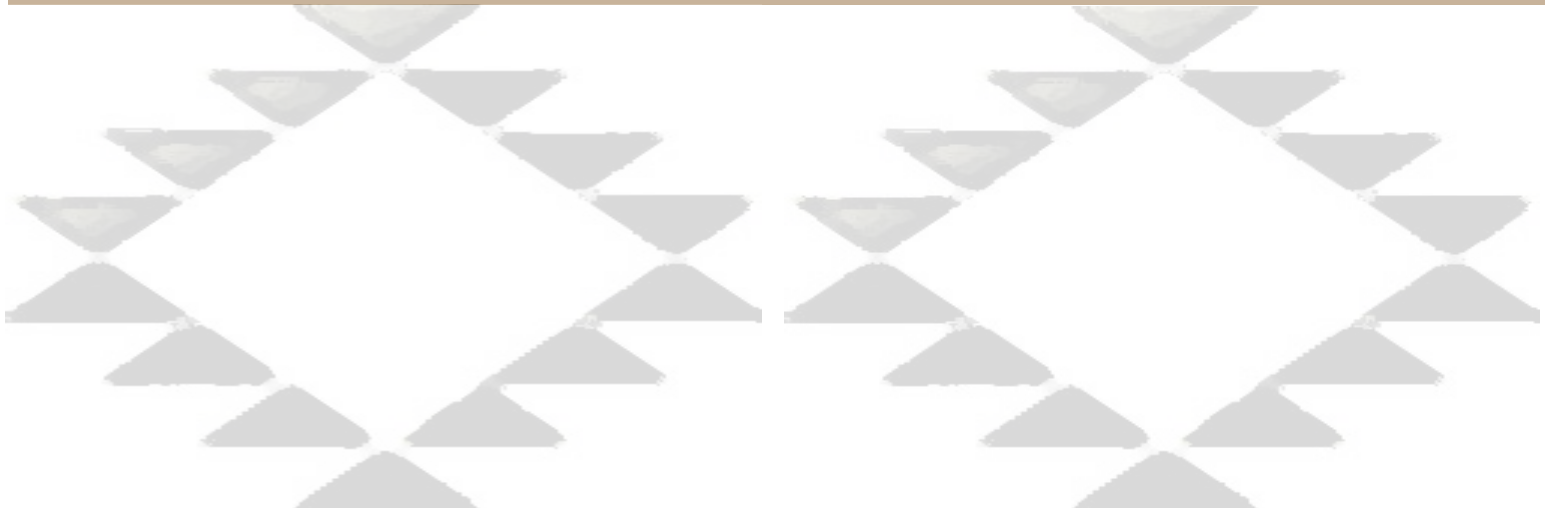
Of significance, on December 17, 2009, the Navajo Nation Human Rights Commission received Mr. Johnny Jack's testimony and summarized it as follows:

Mr. Johnny Jack was disgusted with the U.S. Government for using the Navajo language to fight against Japan. His three younger brothers went to war with the understanding they were fighting for their land. But when they returned, they learned their land was taken away by the same government that they fought for. For Mr. Jack, it made no sense for Dine children to enlist and fight for a nation that took land from the Navajo people-especially as first occupants.

The commission found Mr. Johnny Jack's testimony similar to other Navajo veterans who were confronted with the same dilemma upon returning from their military service.

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LETTER OF TRANSMITTAL

July 6, 2012

Hon. Ben Shelly, *President*
Hon. Rex Lee Jim, *Vice President*
The Navajo Nation
Window Rock, Navajo Nation (AZ)

Hon. Johnny Naize, *Speaker*
Hon. *Members*
The Navajo Nation Council
Window Rock, Navajo Nation (AZ)

Hon. Herb Yazzie, *Chief Justice*
The Navajo Nation Supreme Court
Window Rock, Navajo Nation (AZ)

Nihi Naat'aanii,

The Navajo Nation Human Rights Commission has the honor to submit to the Diné bi naat'a (government) the public hearing report entitled "*Public Hearing Report on the Impact of the Navajo-Hopi Settlement Act of 1974 – P.L. 93-531, et.al.*"

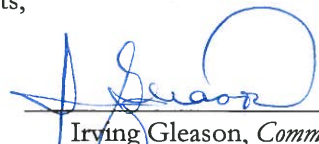
In this report, the Commission provides a summary of the historical account of the Navajo-Hopi land settlement issues, overview of the international human rights laws including the standards of assessing the impacts of relocation, comprehensive summary of the testimony provided by Diné and non-Diné individuals, findings and recommendations.

Diné bi naat'a must take the lead to appropriately address the unfortunate impacts by the Navajo-Hopi relocation program, including the repeal of P.L. 93-531, by raising the consciousness of the world community that relocating indigenous peoples and individuals without their free prior and informed consent is in fact a violation of their human rights.

With great esteem, we have the honor to advocate for the protection and recognition of Diné human rights,


Duane H. Yazzie, *Chairperson*


Clarence Chee, *Vice Chairperson*


Irving Gleason, *Commissioner*


Steve Darden, *Commissioner*


Dr. Jennifer Nez Denetdale, *Commissioner*

**Resolution of the
Navajo Nation Human Rights Commission**

**Adopting the Public Hearing Report: The Impact of the Navajo-Hopi Land Settlement Act of 1974
– P.L. 93-531, *et al.*, and Approving the Dissemination of the Report**

WHEREAS:

1. Pursuant to 2 N.N.C. § 920, the Navajo Nation Human Rights Commission (herein referred to as “Commission”) is established in the Legislative Branch as an entity of the Navajo Nation government; and
2. One of the purposes of the Commission is to conduct public hearings on and off the Navajo Nation to determine the state of race relations between Navajos and non-Navajos. From August 2008 to July 2012, the Commission conducted several public hearings, one which was to receive input and information from Navajos and non-Navajos regarding the relocation of Navajos from their homelands under the directions of the United States of America’s (“United States”) government. The relocation is better known as the Navajo-Hopi Land Dispute; and
3. By Resolution NNHRCFEB-02-09, the Commission adopted the United Nations Declaration on the Rights of Indigenous Peoples (“UNDRIP”) as the minimum standard of achievement for the Commission when advocating for and protecting the human rights of Navajo citizens. The Navajo government advocated for the adoption of UNDRIP by presenting recommendations during the meetings conducted by the United Nations Working Group on the Draft Declaration on the Rights of Indigenous Peoples. These meetings took place in Geneva, Switzerland, during the course of fifteen years, which resulted in the adoption of UNDRIP by the United Nations General Assembly in September 2007; and
4. UNDRIP is unanimously supported by nation-states of the world, including the United States. It provides for minimum legal standards that nation-states must achieve when addressing the rights of indigenous peoples. Nation-states agree to change their domestic laws and policies in order to advance the protection of indigenous rights stated in UNDRIP. Under Article 10, nation-states agreed that:

“Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.”
5. Furthermore, UNDRIP provides at Article 11:

“1. Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.
2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.”

6. As provided in the attached Exhibit "A" public hearing report, entitled "*Public Hearing Report: The Impact of the Navajo-Hopi Settlement Act of 1974 – P.L. 93-531, et al.*," the Commission finds that Navajo families and individuals that were relocated from their traditionally owned and used homelands, including those that remain on their lands under arrangements, have egregiously suffered, and continue to grieve, largely from the long lasting and devastating impacts on their lives. These negative impacts affect future generations and eventual loss of Navajo families and individuals' connectivity to their traditionally owned and used lands and resources, including revitalization of their cultures, traditions and customs; and
7. The Commission further notes that many of the Navajo families that are suffering from the Navajo-Hopi relocation program have journeyed to faraway places such as Geneva, Switzerland, in order to present their stories to international bodies. Many of these international travels coincided with the Navajo Nation's advocacy for the adoption of UNDRIP. The input and advocacy by the Navajo families that are directly impacted by the Navajo-Hopi relocation resulted in the United Nations General Assembly adopting Article 10 of UNDRIP; and
8. The Commission is indebted to all families, individuals and concerned citizens that shared their stories and tragedies they experienced as a direct result of the Navajo-Hopi relocation program. The spoken words are sacred and testimony presented to the Commission by individuals is treated with respect and honesty. This tenant arises from the concept of K'e, which creates and binds relationships among peoples. It is from this frame of reference that the Commission listened and talked to presenters during the public hearing and formulated the report attached hereto as Exhibit "A," entitled "*Public Hearing Report: The Impact of the Navajo-Hopi Settlement Act of 1974 – P.L. 93-531, et al.*"

NOW THEREFORE BE IT RESOLVED THAT:

1. The Navajo Nation Human Rights Commission hereby adopts the forced relocation public hearing report entitled "*Public Hearing Report: The Impact of the Navajo-Hopi Settlement Act of 1974 – P.L. 93-531, et al.*," attached hereto as Exhibit "A."
2. The Navajo Nation Human Rights Commission further hereby directs the Office of Navajo Nation Human Rights Commission to transmit this resolution to the Navajo Nation Council, and Navajo Nation President and Vice President and make available to citizens of the Navajo Nation through appropriate means, including but not limited to posting it on the Commission website www.nnhrc.navajo-nsn.gov, a copy of the Exhibit "A" public hearing report.

C E R T I F I C A T I O N

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Human Rights Commission at a duly called meeting at St. Michaels, Navajo Nation (AZ), at which a quorum was present and that same was passed by a vote of 4 in favor and 0 opposed this 6th day of July, 2012.


 Duane H. Yazzie, *Chairperson*

**Public Hearing Report:
The Impact of the Navajo–Hopi Land Settlement Act of 1974 -
P.L. 93-531 et al.**

July 6, 2012

Chairperson Duane H. Yazzie

Vice-Chair Clarence Chee

Steve A. Darden

Irving Gleason

Jennifer Nez Denetdale, Ph. D

**Public Hearing Report:
The Impact of the Navajo–Hopi Land Settlement Act of 1974 -
P.L. 93-531 et al.**

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Preface

There are events in everyone's life that leave lasting impressions and in some cases change lives forever. That is what the Navajo Nation Human Rights Commission ("NNHRC") found when they assessed the forced relocation of Navajo families from their aboriginal homelands. The P.L. 93-531 Navajo-Hopi Land Settlement Act, commonly referred to as the Relocation Act of 1974, left such permanent impressions on anyone who witnessed, studied or experienced a part of this tragedy that must never be forgotten. Many Navajo families were literally torn apart, homesteads bulldozed and families relocated into foreign settings where they were not prepared to survive. The U.S. Government in efforts to settle a land dispute that began with the feuding of three white men residing on Hopi and Navajo lands, decided to draw boundaries that separated these indigenous nations, supposedly to better manage the Christianization and education of a small Hopi population.

The same social, economic and environmental conditions that the indigenous nations lived with pre-relocation persist today on a more aggravated scale for the relocatees. Prior to relocation these Diné lived a peaceful tranquil life with little concern for modern conveniences. Sheep, cattle and horses were primary means of subsistence. They lived a life that is often compared to third world living conditions by dominant world standards. For the most part, this was the ideal life of the Diné, to worship and honor family, land and livestock. They practiced, preserved and protected the traditional Diné Life Way, in accordance with the instructions of the Navajo deities. The federal government spent nearly half a billion dollars to move the people since 1974. The forced relocation was and remains a tragedy of epic proportions that spawned social ills of all manners for the relocated families. Alcoholism, depression, suicide, poverty and unemployment rates exceed all ethnic populations in the United States by as much as 300%. While the Navajo Nation government was largely left to address these social problems, there remains an urgency to salvage and protect the human rights of the people. NNHRC found that after nearly forty years of relocation the human rights of thousands of Navajo citizens were violated, compromised and swindled away before, during and after people were forcibly removed.

The Relocation Act did not protect the human rights of the Diné but rather it appears the Act was structured to allow corporate mining companies exploit valuable subsurface minerals that belonged to the Indigenous Nations. The Relocation Act has a lengthy and twisted history that precipitated many debates and legislations to where members of Congress no longer support the Act. Arizona Senator John McCain pushed for the end to relocation in 2005 by introducing amendments to the Act that would close the Office of Navajo-Hopi Indian Relocation and move the responsibilities to the Department of Interior with no new appropriations. The Navajo Nation opposed the sudden pull out of the federal government and demanded Congress finish the relocation of Diné families to the satisfaction of the Navajo Nation government and more importantly to the people.

While much focus was given to Congress and the federal budgeting process to "fix" relocation and other Diné federal obligations, a group of Diné leaders began to engage in the

global discussion on Indigenous rights in the United Nations. The U.N. Special Rapporteur José F. Martinez Cobo in his study advised the U.N. Economic and Social Council in 1982 that Indigenous Nations faced discrimination and were found to have diminished rights to self-government, land rights and to the protection and practice of traditional and cultural Life Ways. Rapporteur Cobo's study gave impetus to the development of the United Nations Declaration on the Rights of Indigenous Peoples; the Diné leaders were active in the formulation of the Declaration. Indigenous leaders and organizations from all over the world embraced the Declaration and advocated for its adoption. The Declaration was adopted by the United Nations General Assembly on September 13, 2007 with four countries voting against the adoption of the Declaration, including the United States.

The Navajo Nation Human Rights Commission considered the Declaration as defining the measure of human rights standards the Navajo Nation would follow to assess any human right violations that resulted from P.L. 93-531. NNHRC saw this means of measurement also allowed for the review of traditional Life Way practices that were compromised and that contributed to the weakening of the traditional cultural ways of the impacted families. NNHRC found the Declaration on the Rights of Indigenous Peoples as one mechanism that could prevent future human rights violations committed against the Diné.

Relocation has taught us a lesson. It shows us that in spite of the conditions we have been subjected to live in, we remain resilient. Like the weathered warrior returning from war, exhausted and wounded we return to our traditional roots, where we find strength and the wisdom to forge forward. Our identity is here. We will not go away, assimilate and turn away from our past. We are our history, we cannot change that. We must take from our history and build upon it to sustain the Diné Nation for millennia to come. Forced relocation of Diné families was and remains a violation of the human rights of the relocatees.

The Navajo Nation Human Rights Commission also recognizes that in the face of the onslaught of forces to remove them from their beloved homelands, there are some families who remain that are referred to as resisters. These resister families with their compassionate and renowned matriarchs exemplify our resilience, they are our roots to the bedrock of who we are as Diné and who we must remain to be. We are empowered by their steadfastness, their sacrifice and their courage. We honor them.

Acknowledgements

The Navajo Nation Human Rights Commission (“NNHRC”) extends its sincere appreciation to everyone who participated in the public hearings, meetings and informal discussions that served as the basis for creating this report. Commissioners were touched and deeply troubled by Navajo relocatees’ narratives of hardship, trauma, and despair that they experienced when they were forced to relocate. Many Diné residing on and off the Navajo Nation, moved back and forth across tribal boundaries to share their stories of the consequences of relocation. To these participants, the NNHRC says: “As your testimonies reveal, relocation is nowhere near over. The experiences of being forcibly relocated and moved into urban areas and other Navajo chapters will have lasting repercussions on our relocated families. We are greatly appreciative that you so generously shared your stories. We remember the emotions with which you described the profound social, emotional and psychological scars of your experiences. Your testimonies bear witness to the consequences of United States federal Indian policy of relocation leading us to the conclusion that relocation is a violation of the human rights of the Diné. The experiences of violence, traumas, and hardships have affected at least three generations of Diné and no doubt, will have a permanent effect on the future of the Navajo Nation and its citizens. In establishing a Human Rights Commission dedicated to ensuring that the human rights of each Diné is protected, the Navajo Nation has set the standard for how an Indigenous Nation in the United States is developing protocol within the standards of the United Nations Declaration on the Rights of Indigenous Peoples. We have learned from your resilience that the Diné Life Way continues to be vibrant and vital. Thank you for bringing a painful era of Diné history to light.”

NNHRC also extends its gratitude to the individuals who assisted in the planning and implementation of the hearings. We acknowledge the professional courtesy of each participating Navajo Nation Chapter and their personnel for assisting the Navajo Nation Human Rights Commission staff. They were generous with the use of Chapter facilities, offered refreshments, and displayed genuine hospitality to all participants at the hearings. We also convey similar gratitude to the Dilkon Community School, the Coconino County administration, and administrators and staff of the Tuba City Boarding School. Thank you for your forbearance and interest to allow the NNHRC to hear perspectives from the relocatees and other concerned citizens.

NNHRC is pleased to recognize the following Chapter offices and organizations:

Birdsprings Chapter House – Birdsprings, Navajo Nation (AZ); Dilkon Community School – Dilkon, Navajo Nation (AZ); Tonalea Chapter House – Tonalea, Navajo Nation (AZ); Pinon Chapter House – Pinon, Navajo Nation (AZ); Nahatá Dził Government Commission Office – Sanders, Navajo Nation (AZ); Coconino County Board of Supervision Building – Flagstaff, Arizona; Tuba City Boarding School – Tuba City, Navajo Nation (AZ)

Finally, the NNHRC thanks the Navajo Nation Human Rights Commission Office staff for their dedication and commitment to the principle that all Diné deserve to have their human rights and human dignity be recognized and protected. The guidance and leadership of Mr.

Leonard Gorman's has been truly invaluable and we appreciate the NNHRC staff who worked tirelessly to investigate, research, and provide critical analysis in ways that promote the well being of the Navajo Nation and its citizens. Special recognition is also extended to Mrs. Ruth Gee for transcribing the testimony received from these hearings. We offer our great appreciation to each of you. Thank you for your services and commitment to upholding the human rights of all Diné.

Chapter 1 Introduction

The Purpose of the Report

In December of 2009, the Navajo Nation Human Rights Commission (“NNHRC”) began a series of public hearings to assess race relations in twenty-five border towns adjacent to the Navajo Nation and to determine if Navajo human rights were being violated.¹ In the process of taking Navajo testimony regarding the treatment of Navajos in border towns, NNHRC heard Diné complain that the United States and the Navajo Nation Government consistently violate their human rights.² In particular, testimony from Navajos referenced the Navajo-Hopi Land Settlement Act of 1974 (P.L. 93-531 as amended) as the reason for their migration to urban areas outside of the Navajo Nation’s boundaries.³ Their experiences of relocation to these towns have resulted in exposure to racial tension where they feel alienated from their Navajo cultural and political roots and often faced racial discrimination from town citizens and businesses. In 1974, the passage of P.L. 93-531 authorized the relocation of Navajos and Hopis as a result of the partition of lands between the Navajo Nation and the Hopi Tribe. Approximately twelve thousand Navajos were relocated from their traditional homelands to border towns, to cities such as Flagstaff, Phoenix and Tucson, Arizona, and to Navajo chapters that would accept them. After four decades, reports, studies, and testimony from Navajo relocatees indicate that the plan to re-establish families in new communities has failed. Consistently, Navajo families report they experience high levels of anxiety, despair, and loneliness as a result of relocation. Economically, they remain in the lower echelons of American society, where they are either dependent upon the United States government or seek aid from the Navajo Nation. Based upon Navajo references to the experiences of being removed from their homeland, NNHRC determined that *relocation* be deemed a thematic issue and examined further through a separate series of public hearings and research.

NNHRC conducted seven public hearings on the Navajo Nation, in chapters where Navajos had been relocated under the 1974 Settlement Act. In 1962, an Arizona special three-judge federal court ruled in *Healing v. Jones* that the land under dispute between Navajos and Hopis should be divided equally between them, with the exception of District 6, which was decreed exclusive Hopi land. After continuing Hopi complaints, the land was officially divided equally between Navajos and Hopis with the passage of P.L. 93-531 in 1974. Also known as the Navajo-Hopi Settlement Act, this law resulted in over 900,000 acres of land awarded to the

¹ NNHRC completed its study and produced its findings and recommendations. See Navajo Nation Human Rights Commission, “Assessing Race Relations between Navajos and Non-Navajos: A Review of Border Town Relations (2008-2009).”

² The word “Diné” is our name for ourselves and can be translated as “The People.” Most non-Navajos use the word “Navajo” to refer to us. Because both terms are used interchangeably and “Navajo” is used in legal documents, we also use that term. Of course, our preferred word is our own word, “Diné.”

³ Public Law 93-531, 93rd Congress, H.R. 10337 (December 22, 1974). In *Relocation of Certain Hopi and Navajo Indians*. Washington, D.C. Government Printing Office, 1978: 1004-1015.

Hopis, even though the Diné had settled these lands for generations. Overall, the Act divided 1.8 million acres equally between the Navajos and the Hopis.⁴ Indeed, Navajo oral tradition asserts Navajo presence within the four sacred mountains since time immemorial. Since the 1974 Settlement Act mandate, an estimated 12,500 Diné families have relocated off these partitioned lands and less than 500 Diné continue to refuse to relocate. NNHRC heard Navajos' numerous accounts of the consequences of moving from lands that their ancestors had inhabited for generations. They recounted the promises made by the federal government, the Hopi Tribe, and the Navajo Nation: if they agreed to relocate, they would better their lives. They would be provided with new houses, replete with running water, electricity, heating and plumbing. They would be able to return to lives based upon livestock rising, which is the core of traditional Navajo life. They believed they would have access to sacred sites and ceremonial grounds. This new life was to be just as beautiful as the life they left behind. Instead, the familiar Diné Life Way of "hózhó" (The Beauty Way) did not materialize. After more than forty years, Diné relocatees struggle with a sense of dislocation and alienation. They wonder if they will ever be able to return to the land where their ancestors settled generations before.

In their findings, NNHRC recognizes that the Navajo Nation and its citizens are continually confronted with decisions made by past Diné leaders who sought avenues that might best alleviate the chronic poverty and all of its accompanying social ills that affect their people. Further, the historical formation of the modern Navajo Nation Government indicates that with the military subjugation of the Navajo people and their removal to the Bosque Redondo reservation from 1863 to 1868, Navajo traditional leaders lost a tremendous amount of authority and respect as their people saw them answer to U.S. military leaders and then to Indian agents. As Raymond Austin explains, "The goodwill, trust, and respect the people had for their traditional band leaders eroded when their leaders became subservient to the military officers and the military structure."⁵ Austin identifies two other factors that led to a transformation in Navajo governance and hence, shaped how the Navajo leadership has responded to land conflicts between Navajos and Hopis. The introduction to an Anglo-American version of hierarchical and coercive power introduced foreign practices of justice, including ideas of the use of force and punishment. Second, the United States has limited the sovereignty of the Navajo Nation so that the formal leadership must answer to the United States and its legal system for redress of their grievances.⁶ These factors have shaped the modern Navajo government and the ability of the Navajo leadership to respond to relocation.

In the case of forced Navajo relocation, which has its roots in the history of United States-Navajo and Hopi relations, the repercussions to transformed Diné leadership continue to shape Navajo life. Further, testimonies raise questions about the responsibility and complicity of the Navajo Nation in facilitating the forced removal of their citizens. As numerous studies of the

⁴ Jerry Kammer, *The Second Long Walk: The Navajo-Hopi Land Dispute* (Albuquerque: University of New Press, 1980), 3.

⁵ Raymond D. Austin, *Navajo Courts and Navajo Common Law: A Tradition of Tribal Self-Governance* (Minneapolis: University of Minnesota Press, 2009), 8.

⁶ *Ibid.*, 8, 9.

history of the “Navajo-Hopi Land Dispute” indicates, the partition of lands between Navajos and Hopis was shaped by the imperative of the U.S. Government to determine legal ownership of surface lands, and in the process, determine who had authority to grant leases to coal companies. Working hand-in-glove with companies who sought access to Navajo natural resources, the Secretary of the Interior and the Commissioner of Indian Affairs influenced the Navajo leadership, including chairmen, vice-chairmen, and council members, to acquiesce of leases with corporations. Documentation of leases that the Navajo leaders signed with coal companies indicate that the Navajo Nation was not paid the market price for their coal.⁷ In fact, NNHRC realizes, not all Diné citizens are in agreement that the Navajo Nation should take a stronger stand in regards to business with companies such as Peabody Coal, for the Navajo Nation and its citizens are dependent upon coal royalties, which make up 22% of the total Navajo Nation budget. The Navajo Nation has received about twenty-six million dollars annually in revenues from the Black Mesa and Kayenta mines. In addition, Natives, mostly Navajos, hold ninety-three percent of the nine hundred jobs that Peabody offers at the two mines. Thus, the Navajo Nation has continually had to weigh the benefits of the mining operations, economically, but also the impacts on the spiritual homeland.⁸ Today, the inability to reconcile the economic needs with the imperative to preserve cultural and spiritual values lies at the crux of Diné citizens’ expressions of frustration and distrust of their elected leaders.

The beginning of the modern relocation of the Diné has its roots in several historical events, including the creation of the 1882 reservation by U.S. President Chester Arthur. Since then, thousands of pages of testimonies, documents, tapes, books, public and congressional hearings relate the history of the “land dispute” and its consequences for over ten thousand Diné. Forced relocation of the Navajo people from their homeland is a story of loss, heartache, and death. It is a story of economics over a way of life. To date, the political remedies have insisted that the only recourse is the relocation of over twelve thousand Navajos, who, in this report, share their testimonies of extreme violence, brutality, and trauma as result of forced removal. In their commitment to address human rights violations of the Navajo people, NNHRC sought Navajo public input, investigated and analyzed data to assess the impact of forced relocation, and then using the United Nations Declaration on the Rights of Indigenous Peoples (“UNDRIP”)⁹ as the standard, to make recommendations to address the grievances of the relocatees and resisters.

NNHRC finds it crucial to reference in this report the history of United States and Indian relations where the United States has not always looked out for the interest of its Indigenous peoples, for this history illuminates how powerful business interests have been allowed to appropriate Indigenous natural resources. Such has been the case of how the 1882 Executive

⁷ See for example, John F. Redhouse, “The Geopolitics of the Navajo-Hopi Land Dispute,” Wrights Publication: Albuquerque, NM (1985); Charles Wilkinson, *Fire on the Plateau: Conflict and Endurance in the American Southwest* (Covelo, Calif.: Island Press/Shearwater Books, 1999); and Charles F. Wilkinson, “Home Dance, the Hopi, and Black Mesa Coal: Conquest and Endurance in the American Southwest,” *Brigham Young University Law Review* (1996): 44-482.

⁸ Enei Begaye, “The Black Mesa Controversy,” *Cultural Survival Quarterly* (Winter 2006): 29-31.

⁹ Resolution of the General Assembly, adopted on Sept. 13, 2007 61/295. United Nations Declaration on the Rights of Indigenous Peoples.

Order reservation was divided equally between the Navajos and the Hopis. As scholars have illuminated, the U.S. Government and corporations worked together to appropriate what is said to be one of the largest and richest coal deposits in the world, a mineral resource that rightfully belongs to the Navajo and Hopi Nations. NNHRCs findings indicate that economic interests have preceded the rights of the Diné to live within a manner they deem worthy and valuable. The role that natural resources development has played in Navajo relocation should be scrutinized within the definition of “genocide” and “ethnic cleansing.” According to the 1948 Convention for the Prevention and the Punishment of Genocide, “genocide” is defined as any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious groups, as such: a) killing members of the group; b) causing serious bodily or mental harm to members of the group; c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; d) imposing measures intended to prevent births within the group; e) forcibly transferring children of the group to another group. “Ethnic cleansing” is defined as “the elimination of an unwanted group from society, as by genocide or forced migration.”¹⁰ These definitions fit the experiences of Navajo relocatees and resisters. Globally, in the twentieth and twenty-first centuries, genocide and ethnic cleansing continue to happen. However, few have been willing to name the experiences of Indigenous peoples within the United States as genocidal; however, as these definitions show, Indigenous peoples, including Navajos, have experienced genocide by the United States. The United States continues to legitimize its genocidal practices against its Indigenous peoples as federal Indian policy. This report is intended to remind Diné citizens and all those committed to justice and peace that the realization of human rights remains an imperative. No people should surrender their human rights, their identity and their rights to live in a manner that they deem fit. The Navajo Nation and its citizens must stand firm and take ownership of their past, present, and future.

This report is divided into six chapters. The introduction includes the Navajo Nation Human Rights Commission directive and a description of the scope of the project; chapter two provides a brief overview of the history of the Diné, the establishment of their homeland and relationships with the Hopis. This section also explains the origins of U.S. federal Indian policy of relocation, which has its roots in the establishment of the 1882 Executive Order reservation, the 1962 *Healing v. Jones* court decision, and the 1974 Navajo-Hopi Land Settlement Act, also known as Public Law 93-531. Chapter three reviews the Human Rights Commission’s definition of human rights based upon the articles in the United Nations Declaration of the Rights of Indigenous Peoples. Based upon UNDRIP standards and other international covenants, NNHRC determines that the relocation of Diné citizens from Hopi Partition lands and the ongoing harassment and intimidation of resisters constitutes a human rights violation. NNHRC also considers the definition and meaning of redress and compensation according to Diné Fundamental Law and United Nations covenants. NNHRC seeks redress for those Diné who

¹⁰ Karyn Becker, “Genocide and Ethnic Cleansing,” Model United Nations of the Far West website. <http://www.munfw.org/archive/50th/4th1.htm>; 1948 Convention for the Prevention and the Punishment of the Crime of Genocide. Resolution 260 (111) A. Adopted by the United Nations General Assembly on 9th of December 1948.

have been affected by Navajo-Hopi Settlement Act of 1974 and subsequent Congressional Acts intended to facilitate and finalize Navajo relocation. Chapter four is a compilation of testimonies from participants at seven public hearings held at different chapters on the western side of the Navajo Nation. Chapter five contains NNHRCs findings, which are based upon an investigation of relevant court decisions and studies regarding Navajo relocation, the testimonies of those affected by relocation, and covenants and resolutions of the United Nations. In the final chapter, NNHRC offers recommendations to alleviate and rectify the impacts that relocation left. The sixteen recommendations affirm UNDRIP and other international covenants as mediums through which redress for the on-going consequences of relocation and resistance to relocation can be addressed and remedied. In embracing UNDRIP as a legal standard to promote and protect the rights of the Diné, NNHRC acknowledges and recognizes that to fully exercise the rights of Indigenous people, the Diné must embrace the movement to advance the rights of all Indigenous people and lay claim to exercise their sovereign authority to self-governance.

The Navajo Nation Human Rights Commission

The Navajo Nation Human Rights Commission enabling legislation was established by the Navajo Nation Council in October 2006. The Act established a five member commission to be appointed and confirmed by the Navajo Nation Council Intergovernmental Relations Committee (IGR). The sole purpose of the Navajo Nation Human Rights Commission is to serve as a clearing house to address racial discriminatory actions against citizens of the Navajo Nation and to interface with the local, state, and federal governments, and with national and international human rights organizations.¹¹ In addition NNHRC is responsible for providing public education consistent with the covenants contained in the United Nations Declaration on the Rights of Indigenous Peoples. NNHRC also facilitates open forums and public hearings on issues that impact or violate the human rights of its Navajo citizens.

NNHRC is housed in the legislative branch of the Navajo Nation Government. On December 15, 2009, Navajo voters voted to reduce the size of Navajo legislative representation from eighty-eight to twenty-four members. The Navajo Nation Council restructured its entire governmental structure to accommodate a smaller delegation and created six standing committees. NNHRC reports to the Naa'bik'iyati' Committee and is mandated to present all legislative or policy initiatives that NNHRC deems appropriate and in the best interest of the people. Since its inception NNHRC has engaged with many Navajo human rights issues within the framework of the United Nations Declaration on the Rights of Indigenous Peoples.

¹¹ 2 N.N.C. § 920

Chapter 2 Historical Account

The Navajo and Hopi Peoples: The Beginnings of a Land Dispute

According to the Diné origins narratives, the Holy People set the boundaries of the Diné homeland with the four sacred mountains: Sisaajini (Mount Blanca), to the east; Tsoodzii (Mount Taylor) to the south; Dook'o'oslííd (San Francisco Peaks) to the west; Dibé Nitsaa (Mount Hesperus) to the north. Hence, Diné oral history places the Diné around and beyond Hopi lands since time immemorial. In the sixteenth century, Spaniards noted Navajo presence and land use surrounding the Hopi mesas.¹² In the western and northwestern regions of their territory, Navajo presence has been dated to the early and mid-nineteenth century. Relying on a wealth of archaeological, historical, and ethnographic evidence, scholars have noted that Navajo land use often overlapped with other tribal people's use and occupancy, including the Hopi and the Paiutes.¹³ By 1800, Navajos were well established east of Gray Mountain and west of the Little Colorado River, where they farmed and grazed their livestock in a pattern that had been established prior to their internment at the Bosque Redondo reservation at Fort Sumner, New Mexico. After 1868, Navajos returned to their former residences, regardless of whether or not their homes lie outside of the 1868 reservation.¹⁴ Already, the Navajo population was too large for the original reservation land base and federal officials, in an effort to support traditional life based upon livestock, supported Navajo movement into areas they had inhabited prior to 1868. By the early nineteenth century Navajo families lived in all directions surrounding the Hopi mesas.

Spanish and American sources and Navajo oral history document relationships between the Navajo and Hopi peoples and characterize them as varied, ranging from friendly to hostile, from peace to war, as they engaged in alliances, trade, and intermarried.¹⁵ There were disputes, and sometimes war, between the two Indigenous groups but they nevertheless looked to their alliances and trade relationships when threatened by an outside force.

By the time of the American invasion of the Southwest, the Diné were reputed to be an independent and wealthy people who practiced a form of democracy.¹⁶ They had successfully resisted Spanish and Mexican invasions of their homelands. In times of need, neighboring Pueblo peoples looked to their Diné neighbors to help them challenge and resist foreign invaders.

¹² David M. Brugge, *The Navajo-Hopi Land Dispute: An American Tragedy* (Albuquerque: University of New Mexico Press, 1994 and William B. Carter, *Indian Alliances and the Spanish in the Southwest, 750-1750* (Norman: University of Oklahoma Press, 2012)

¹³ Alexa Roberts, Richard M. Begay, and Klara B. Kelley, "Bits'iis Niéézi (The River of Neverending Life): Navajo History and Cultural Resources of the Grand Canyon and the Colorado River," Navajo Nation Historical Preservation Dept., 1995 and Richard F. Van Valkenburgh, *Diné Bikeyah*, Office of Indian Affairs, Navajo Service, Window Rock, Arizona, 1941.

¹⁴ Peter Iverson, *Diné: A History of the Navajos* (Albuquerque: University of New Mexico Press, 2002), 66, 67 and Klara B. Kelley and Peter M. Whitely, *Navajoland: Family and Settlement and Land Use* (Tsaile, Ariz.: Navajo Community College Press, 1999).

¹⁵ David M. Brugge, "Pueblo Factionalism and External Relations," *Ethnohistory* 16 (Spring 1969): 191-200.

¹⁶ Josiah Gregg, *Commerce of the Prairies*. 2 vols., 1844. Reprint(Ann Arbor, Mich.: University microfilms, 1966).

However, the history of the Diné was vastly transformed with the arrival of the Americans in 1846.

In 1851, the American military laid claim to Navajo lands with the establishment of Fort Defiance. It was a challenge that a succession of Navajo leaders and their warriors would take up for more than decade.¹⁷ However, as reports of possible gold in Navajo country begin to circulate and as the Diné were blamed for the on-going cycles of violence and peace that characterized the southwest, in 1863, General James Carleton ordered all-out war upon the Diné. In August of 1863, Colonel Kit Carson led a scorch and burn campaign against the Diné. Under his command, the U.S. Cavalry, along with New Mexican Volunteers, and Pueblo auxiliaries, systematically destroyed all means of subsistence for the Diné. Hogans were destroyed. Cornfields were destroyed once Carson's men and horses had eaten their fill. Fruit trees were slashed. Livestock were slaughtered. Water sources were destroyed. No one knows the exact number of Diné who were killed or the number of women and children taken into captivity. Over ten thousand Navajo men, women, and children were reduced to starvation and began surrendering at Fort Defiance and Fort Wingate by late fall of 1863. Once they had surrendered, they awaited travel to their new homes in north central New Mexico, at the Bosque Redondo reservation where they were to undergo an American assimilation program. Today, that process of assimilation is better known as ethnic cleansing. The Diné called the place where their ancestors were incarcerated "Hwéeldi" and the forced marches of between 250 and 450 miles, "The Long Walk."¹⁸ After four long years of extreme hardship and deprivation, Navajo leaders signed a treaty with the representatives of the U.S. Government in 1868.¹⁹ In agreeing to the treaty and making their "X" marks, the Diné leaders made great concessions. However, the Diné greeted the news of the treaty signing with great joy, for they were to return to their beloved homeland. On June 28th, a caravan of Diné, ten miles long, began their return journey.

Back in their homeland, the Navajo people increased their population. They cleansed themselves of the sicknesses acquired during their captivity and renewed their spirits through the Blessingway and rebuilt their lives. Indian agents reported to the Commissioner of Indian Affairs that their Navajo charges had spilled beyond the 1868 reservation boundaries and asserted a need for land extensions to the reservation.²⁰ Between 1878 and 1934, lands added to the original reservation through presidential executive orders increased the Navajo land base to nearly its present size of 17.3 million acres. In 1882, in an effort to appease an Indian agent who threatened to resign if a couple of troublesome whites at Hopi were not removed, President Chester A. Arthur signed an executive order creating a reservation for Hopis and "such other Indians as the

¹⁷ Frank McNitt, *Navajo Wars: Military Campaigns, Slave Raids, and Reprisals* (Albuquerque: University of New Mexico Press, 1990).

¹⁸ Neal W. Ackerly, "A Navajo Diaspora: The Long Walk to Hwéeldi," Dos Rios Consultants, Inc., Silver City, New Mexico. June 1998. <http://bloodhound.tripod.com/longwalk.htm>. Accessed June 21, 2012.

¹⁹ Martin Link, ed., *The Navajo Treaty—1968: Treaty Between the United States of America & the Navajo Tribe of Indians/With a Record of Discussions That Led to its Signing* (Las Vegas, Nevada: KC Publications, 1968).

²⁰ Richard White, *The Roots of Dependency: Subsistence, Environment, and Social Change Among the Choctaws, Pawnees, and Navajos* (Lincoln: University of Nebraska Press, 1983), 231, 232.

Secretary of the Interior may see fit to settle thereon.” At the time, approximately three hundred Navajos and eighteen hundred Hopis lived on the 1882 reservation. Traditional Navajo land use requires movement across vast tracts of land in search of pasture for livestock. This pattern of land use was seasonal as Navajo families moved twenty to fifty miles after their flocks and was acknowledged as necessary by government officials. In the years prior to Fort Sumner, the Navajos who resided in the areas west and north of the Hopi mesas held the land for the Navajos who returned after 1868. Peter Iverson wrote of the several thousand Navajos who did not go to Fort Sumner, Navajo “presence in the west and north continued to strengthen Diné claims to these areas and to encourage the process through which the reservation base would be extended in the years after 1868.”²¹

The Hopi population was estimated at 1,813, most of who resided atop the three mesas they had lived upon since before the appearance of the Spaniards in the 1540s.²² A smaller population of Hopi lived in the village of Moencopi outside of what is now Tuba City, Navajo Nation (AZ). Although the executive order named Hopis as occupants who used the land, the document also indicates that federal officials recognized that Navajos, who also occupied and used the land, were always in need of grazing lands for their herds. By the late 1950s, the population of Navajos on the 1883 executive order reservation increased to 8,800 Navajos and 3,700 Hopis.²³ The executive order established a boundary between Indians and non-Indians but did not resolve boundary issues across tribes.²⁴

Public Law 93-531: The Navajo-Hopi Land Settlement Act

The creation of the 1882 reservation led to several decades of conflicts between Navajos and Hopis over land use. In 1958, Congress passed Public Law 85-547, authorizing the Navajo and Hopi tribes to proceed to a legal suit, *Healing v. Jones*, to determine each tribe’s rights to the 1882 reservation. In 1962, a three-judge panel of the U.S. District Court of Arizona issued its decision in the suit between the two Nations. The Court acknowledged Navajo occupancy of the 1882 reservation in “Indian fashion,” long before the creation of the reservation. The Court’s findings also noted that about 300 Navajos had been settled in the 1882 reservation legally by the action of the Secretary of the Interior from 1909 to 1911, while tribal settlement was accomplished by secretarial actions from 1931 to 1943. The Court determined that the Hopi Tribe, subject to the trust title of the United States, “has the exclusive right and interest, both as to the surface and subsurface, including all resources, to District 6.” The Court also found that the Hopi and Navajo tribes, subject to the trust title of the United States, “have joint undivided

²¹ Iverson, *Diné*, 57.

²² Garrick Bailey & Roberta Glenn Bailey, *A History of the Navajos: The Reservation Years* (Santa Fe, NM: School of American Research Press, 1986), 89.

²³ Eric Cheyfitz, “Situations: The Navajo-Hopi Land Dispute, A Brief History,” *Interventions* vol. 2, no. 2 (2000), 260.

²⁴ David M. Brugge, “The Navajo-Hopi Land Dispute from Historic Through Contemporary Times,” *Native Peoples of the Southwest: Negotiating Land, Water, and Ethnicities* ed. Laurie Weinstein (Westport, Conn.: Bergin & Garvey, 2002), 179-201.

and equal rights and interest both as to the surface and subsurface, including all resources” to the 1882 area outside of District 6. This area soon became known as the Joint Use Area (JUA). As scholars have noted, the question of mineral rights to the 1882 reservation has been central to determining ownership of the 1882 reservation, for only then could the coal and water resources be developed.²⁵

In 1974, after Hopi complaints on continued Navajo presence on lands awarded to them in *Healing v. Jones*, Congress passed Public Law 93-531, the Navajo-Hopi Settlement Act. P.L. 93-531 directed the two tribes to begin negotiations to settle the dispute. If no resolution was forthcoming, then a mediator was to submit a recommendation to the federal district court for a 50-50 partition of the land with as little impact upon the existing population as possible. Further, the Act established a three-member Navajo and Hopi Land Commission, whose members were to submit a plan for relocation of Navajos and Hopis who found themselves on the wrong side of the partition line. It was also ordered that relocation be completed in five years. The Act also authorized \$37,000,000²⁶ to carry out relocation.

As early as 1972, Navajo citizens made the claim that a central objective for settling legal ownership of the 1882 executive order reservation was to accommodate corporations interested in mining Navajo natural resources.²⁷ Grandmother Roberta Blackgoat, of Big Mountain, Arizona, charged, “It is our feeling and the feeling of our Moqui (Hopi) allies that the American government created the land dispute so that it would be easier for American energy corporations to exploit the vast mineral resources in the land.”²⁸ In 1979, the Hopi Kikmongwis (the Hopi traditional leadership) requested the Indian Law Resource Center to launch an investigation into the land dispute and determine the extent to which the desire to mine Hopi and Navajo natural resources had shaped the Hopi tribal council’s responses to the federal government and corporate interests. The report indicated that a core of Hopi traditionalists stood steadfastly with their Navajo relatives against mining interests.²⁹

The history indicates that the land dispute is far more complicated than simply an age-old rivalry between two Indigenous nations who are so culturally and politically different that conflict was inevitable. Rather, Indigenous peoples, including the Hopi, Paiutes, Havasupai, and Navajos occupied and used the same areas into the late nineteenth century. Further complicating the understanding of the origin and sources of the land dispute, many Navajo citizens believe that the Navajo leadership failed to adequately respond to the relocation mandate and in the aftermath of relocation, have failed to adequately address their grievances. Both the literature on the land dispute and Navajo testimonies point to the historical formation of the modern Indigenous government as a major source for the inability of Navajo leaders to resolve the dilemma in which relocatees find themselves. As noted earlier, with the military subjugation of the Diné, beginning

²⁵ Redhouse, “The Geopolitics of the Navajo-Hopi Land Dispute”; Judith Nies, “The Black Mesa Syndrome: Indian Lands, Black Gold,” http://arts.envirolink.org/arts_and_activism/JudithNies.html. Accessed June 24, 2012.

²⁶ Public Law 93-531, 93rd Congress, H.R. 10337 (December 22, 1974).

²⁷ Kammer, *The Second Long Walk*, 13, 134.

²⁸ *Ibid.*, 134.

²⁹ Indian Law Resource Center, “Report to the Hopi Kikmongwis and other traditional Hopi leaders on Docket 196 and the continuing threat to Hopi land and sovereignty,” Washington, D.C. (1979).

in 1863, Navajo traditional leaders found their authority and autonomy eroded. In 1923, the federal government created a Navajo council comprised of three Navajo men who would serve as the official body authorized to sign business leases with mining corporations. In the 1940s, under the administration of Indian Commissioner John Collier, Navajos came under the Indian Reorganization Act (IRA), which was intended to establish a Navajo government based upon an American democratic model. Ironically, although Diné had rejected the IRA as a model for their government, especially because they connected it to the devastating livestock reductions, they still came under an IRA form of government. Thus, throughout their history, at various times, the Diné have expressed criticism and opposition to their formal leadership. In the course of testimony provided to NNHRC in public hearings, the Diné expressed dissatisfaction, criticism, and distrust at how their government officials have responded to and handled relocation.

Although Congress strove to have relocation completed within five years of the passage of the 1974 Act, relocation continues and subsequent legislation was passed to facilitate the completion of relocation.³⁰ In 1996, Congress passed the Navajo-Hopi Land Settlement Act, otherwise known as the Accommodation Agreement which required Navajos still on Hopi Partition lands to sign a seventy-five year lease with the Hopi tribe. If they signed the agreement, the Navajos would be allowed to stay at their residences and abide by all Hopi laws and regulations. Each signee would receive a grazing permit for 40 sheep. Today, in 2012, relocation has **not** been completed and a handful of Navajos refuse to relocate or sign the Accommodations Agreement. After more than four decades, the United States Government has spent more than \$530 million dollars to relocate mostly Navajos off lands their ancestors have lived upon since time immemorial.

The journalist Jerry Kammer, one of the first to publish an account of the consequences of relocation for Navajos, noted, “Passage of the Navajo-Hopi Settlement Act was fundamentally a victory of Hopi property rights over Navajo human rights.”³¹ In attempt to stop relocation, in 1989, matriarch Jenny Manybeads filed a lawsuit charging that the relocation violated Navajo rights to practice their religion. The U.S. District Court dismissed the case.³² For the Diné, Public Law 93-531 and all other subsequent amendments intended to finalize relocation is part of a history of U.S. colonialism intended to exterminate the Diné. If in the nineteenth century, federal Indian policy was extermination when its Indigenous peoples refused to move in the face of white expansion, in the twentieth and twenty-first centuries, extermination has a new face called relocation.

The next section of this report provides an overview of the establishment of the Navajo-Hopi Relocation Commission, which was mandated under the 1974 Settlement Act.

³⁰ U.S. Congress. *Senate. Settlement and Accommodation Agreements Concerning the Navajo and Hopi Land Dispute: Hearing before the Committee on Indian Affairs. Oversight Hearing on the Proposed Settlement and Accommodations Agreements between the Department of Justice, the Hopi Tribe, the Navajo Nation, and the Navajo Families Residing on the Hopi Partitioned Lands.* 104th Congress, 2nd sess., March 28, 1996.

³¹ Kammer, *The Second Long Walk*, 91.

³² Jenny Manybeads, et al., Plaintiffs, v. United States of America, et al., Defendants. CIV No. 88-410 PCT EHC. United States District Court for the District of Arizona. October 18, 1989.

The Establishment of the Office of the Navajo Hopi Indian Relocation

The Office of Navajo and Hopi Indian Relocation (ONHIR), initially known as the Navajo and Hopi Indian Relocation Commission, was established as a provision of the 1974 Settlement Act and intended to implement the relocation of Navajo and Hopi families who found themselves on the wrong side of the fence. Composed of three federally appointed members, this Navajo and Hopi Indian Relocation Commission was to submit a plan for relocation within five years of the 1974 mandate. From the beginning, the Navajo and Hopi Indian Relocation Commission was rife with problems, including an inability to communicate with the relocatees who, in their testimonies, expressed frustration with the Navajo and Hopi Indian Relocation Commission because they were not being heard. In 1985, a study authorized by the House Appropriations Committee reported the failure of relocation. The plan to relocate over twelve thousand people within ten years simply was unrealistic. More disturbing, sociologist Thayer Scudder had repeatedly argued that the relocation of Navajos would lead to their extreme deprivation, isolation, alienation, and health impairment.³³ Further, many Navajos were still dealing with the economic devastation of the livestock reductions of the 1930's and 1940s when they were again assaulted with the loss of their livestock. Scudder, an expert on rural relocation, had predicted that if Navajo were relocated, they would see an erosion of traditional Life Ways, become dependent on outside entities, including the federal government, and experience profound psychological and physical ailments. As available data indicates, and as relocatees' and resisters' testimonies corroborate, federal relocation policies have failed miserably.

Today, ONHIR remains the federal agency responsible for assisting Navajo and Hopi citizens impacted by relocation. ONHIR has somewhat revised its policies with the intention of taking a more humane approach to relocatees' issues. The Office is part of the Executive Branch under the U.S. government with oversight provided by the Office of Management and Budget and various Congressional committees and reports directly to the President of the United States. The administrative office of the Navajo and Hopi Indian Relocation is located in Flagstaff, Arizona, with two satellite offices in Sanders, Arizona and Tuba City, Arizona. ONHIR has the responsibility for the largest relocation effort in modern U.S. history with the mandate to relocate more than 13,000 citizens of the Navajo and Hopi nations off of lands that were awarded to the Navajo and Hopi nations respectively. A majority of the relocatees are Navajos, with the population estimated at 12,500. As noted earlier, the total cost to date has exceeded \$533 million³⁴ and is still growing.

At the height of relocation, ONHIR was staffed with forty-four full time personnel. A majority of the staff are Navajos who are bilingual in the Navajo and English languages. The staff includes one attorney and is directed by an executive director who is confirmed by the head of the U.S. Department of Indian Affairs. ONHIR is responsible for the following:

³³ Thayer Scudder, *No Place to Go: Effects of Compulsory Relocation on Navajos* (Philadelphia, Penn.: Institute for the Study of Human Issues, 1982).

³⁴ NNHRC & ONHIR mtg on April 14, 2010 with C. Bavasi, Executive Director, OHNIR.

- Determine who is eligible for relocation and the benefits associated with the determination
- Hear appeals of those denied eligibility
- Acquire land for the tribal members mandated to move
- Arrange for the relocation and construction of new housing
- Meet some of the potential burdens to individuals and families imposed by the relocation, including family counseling assistance
- Dispose of abandoned property
- Provide support to help relocated individuals and families as they face mental, emotional, and economic issues associated with relocation.
- Work in collaboration with each Indigenous nation's governmental agency that is responsible for the oversight of each administrative action affecting the tribe by improvements on the former Joint Use Area

Since the office opened its doors to the close of Fiscal Year 2010, OHNIR certified 3765 families for relocation benefits and denied 2207. Of those certified, 3553 families have been relocated, 89 certified families remain to be moved, and the remaining 123 families for reasons unknown could not move. It is also reported that 160 appeals are to be heard by ONHIR's hearing officer. ONHIR's total operating budget for Fiscal Year 2011 was \$19,175,379.³⁵

In 2005, Arizona Senator John McCain, chairman of the Senate Committee on Indian Affairs, sponsored Senate Bill 1003 (S.1003). S. 1003 proposed to phase out ONHIR and transfer its duties to the Department of the Interior. Senator McCain's rationale for this legislation was that P.L. 93-531 had taken much longer than what Congress intended and the costs of relocation were exorbitant. On July 21, 2005, former Executive Director of the Navajo-Hopi Land Commission³⁶ Roman Bitsuie testified before the U.S. Senate Committee on Indian Affairs and compared the total operating cost of ONHIR to the amount the United States Government spends in Iraq during a 36-hour period. He also reminded the Committee that prior to relocation, many of the Navajo families were self-sustaining. With relocation, many of the families were left adrift with no means to support themselves. Mr. Bitsuie urged the Senate Select Committee on Indian Affairs to keep the agency alive and help the Navajo people adjust to their new environment. Navajo Nation President Joe Shirley also testified. However, rather than support the continued funding to the office, President Shirley suggested a conciliatory approach and recommended the evaluation and enumeration of all tasks that remain with ONHIR and a time-frame to address those issues. In 2006, Mr. Bitsuie testified before the Committee on Resources, U.S. House of Representatives. He said, "For those who are resisting relocation, leaving the place designated as

³⁵ ONHIR 2010 and 2011 Audit Report. Conducted by Walker and Armstrong LLP, CPA, Phoenix, Az. October 31, 2011.

³⁶ 2 N.N.C. sec 851 established the Navajo-Hopi Land Commission with the Legislative Branch. Several requests were made to this office to gather information concerning the programs operations, management, plans and funding. However NNHRC did not receive any information.

their home by the Creator would also mean that they could not fulfill their duties as caretakers of the land and of their mother earth.” Of those who continue to refuse to relocate, he said, “The land is the center of their orientation in experience and the base of their sense of reality and identity. To separate them from it would cause them to lose contact with all that is sacred and holy to them. To force people to live such a life or meaninglessness is religious persecution and a condemnation to a slow death, for believing in and practicing their religion is living.”³⁷

McCain’s bill never came to fruition and the following year, Arizona Congressman Rick Renzi sponsored legislation to expand ONHIR that included additional funding for rehabilitative aid for relocatees. This bill did not pass. Meanwhile, ONHIR continues operating, funding remains intact, and relocating families continues.

³⁷ Roman Bitsuie, Navajo-Hopi Land Commission Office, Navajo Nation, Testimony before the Committee on Resources, United States Representatives, Hearing on the Navajo-Hopi Land Settlement Amendments of 2005 (S. 1003), June 21, 2005 June 20, 2005. http://republicans.resourcescommittee.house.gov/UploadedFiles/bitsuie_6.20.pdg. Bitusie’s testimony is reprinted in Malcolm Benally, ed. and trans., *Bitter Water: Diné Oral Histories of the Navajo-Hopi Land Dispute* (Tucson: University of Arizona Press, 2011).

Chapter 3 United Nations Human Rights Council

United Nations Declaration on the Rights of Indigenous Peoples & Other International Covenants

In the twenty-first century federal Indian policy of relocation remains the law of the land.³⁸ By the articles of the United Nations Declaration on the Rights of Indigenous Peoples³⁹, federal Indian policies of relocation violate the human rights of the Diné. UNDRIP recognizes the urgent need to respect and promote the inherent rights of Indigenous peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources. Further, UNDRIP stipulates that Indigenous peoples must have control over developments affecting them and their lands, territories and control of their resources will enable them to maintain and strengthen their institutions, cultures and traditions, and to promote their development in accordance with their aspirations and needs.

Therefore, NNHRC finds that U.S. federal Indian policy of relocation for Diné relocated from Hopi Partitioned Land and Diné who refuse to relocate are violations of Diné human rights. It is reprehensible that the United States has not abided by the Treaty of 1868 in which Navajo leaders and U.S. representatives agreed that the United States would ensure the well-being of the Navajo people until such a time that they have become self-supporting. Further, the United States has not protected the welfare of the Navajo people when it worked with corporations which have appropriated Navajo natural resources. After more than one hundred and forty years, the United States continues to ignore the social and economic conditions of the Navajo Nation and its citizens where the Diné continue to live with oppressive federal Indian policies, within an American legal system that perpetuates racism and discrimination against the Diné, and with deplorable economic and social conditions.

U.S. federal Indian policies of relocation and its consequences for Navajo citizens require redress through the forum of the United Nations. Several covenants, international law and charters, including principles of Indigenous Nations and proclaimed through legal binding accords such as the United Nations Declaration on Rights of Indigenous Peoples the United Nations Declaration on Principles of International Law concerning Friendly Relations, and the Covenant on Civil and Political Right, provide standards that indicate the failure of the United States to uphold and fulfill its responsibilities to the Navajo Nation and its citizens. Because the United States has failed to fulfill its responsibilities to the Navajo Nation and its citizens, NNHRC seeks redress through international doctrines that affirm the rights of the Navajo people.

³⁸ President Andrew Jackson is seen as the architect of federal Indian policy of removal when he signed the Indian Removal Act in 1830. See Ronald N. Satz, *American Indian Policy in the Jacksonian Era* (Lincoln: University of Nebraska Press, 1965).

³⁹ Resolution of the United Nations General Assembly, 61/295. United Nations Declaration on the Rights of Indigenous Peoples.

The Declaration on the Rights of Indigenous Peoples is the most recent international covenant adopted that included direct input from Indigenous peoples globally, including Indigenous leaders from Indigenous nations within the United States. UNDRIP, although not ratified by the U.S. Congress, provides avenues for Indigenous nations to seek redress of grievances determined to be human rights violations perpetrated by the United States. The Declaration is a non-binding human rights mechanism containing legal standards that affirms the fundamental importance of the right to self-determination of all peoples, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development.

Based upon aforementioned international standards for addressing grievances and avenues for redress, NNHRC recommends that the United States be held accountable for the ongoing violation of Navajo human rights. In addressing Navajo human rights violations, considerable discussion centered upon the issue of “consent” and “force.” According to directives coming from those entities created to facilitate relocation, Navajo families agreed to relocate to regions both on and off the Navajo Nation. As such, it was argued, Navajo citizens voluntarily agreed to relocate when they applied for relocation benefits and then later, when they signed the Accommodations Agreement with the Hopi Tribe. However, when relocation became the law of the land with the passage of the 1974 Navajo-Hopi Settlement Act, the decision to relocate was taken away from the prospective relocatees. Further, available documentation coupled with the testimonies derived from the public hearings indicate that relocatees live in unbearable and inhumane conditions. The concept of *force* under international law and its early application and interpretation led to the adoption of the Responsibility of States for International Wrongful Acts of 2001, provided another possible mechanism that could remedy wrongdoing or a breach of international obligation by the United States. In this instance, force is not just associated with aggression, including the use of military force, but also suggests a forcible action the State exerts on another government to deprive them of the right to self-determination.

Further, NNHRC found the work of the International Law Commission⁴⁰ (ILC) as a legitimate source to determine whether any wrongdoing was committed against the Navajo Nation and its citizens. Under aspects of international law, as discussed by the ILC, the consent of Indigenous peoples is not enough to legally bind the consenting party to that agreement particularly when the State, in this case, the United States, failed to establish conditions that allow the consenting party to resume a way of life, including the right to self-determination. Further, it has come to the attention of NNHRC via the testimonies offered in the course of the public hearings that Navajo citizens who live on what is known as the Bennett Freeze area also have their human rights violated.

At this time, the grievances of the relocatees and the resisters remain unheard by the formal leadership of the United States and the Navajo Nation. In fact, the general sentiment

⁴⁰ ILC established on November 21, 1947, Resolution 174 by the UN General Assembly. Composed of expert members to develop international law and its codification. Later known as *Responsibilities of States for International Wrongful Acts 2001*.

expressed is that “Relocation is over” and “The law cannot be repealed.” Certainly, NNHRC recognizes that the Navajo Nation’s attempts to seek remedies or to alleviate the suffering of the relocatees have also been constrained by American laws and bureaucracy. On behalf of the Navajo Nation and those citizens affected by federal Indian policies of relocation, the Navajo Nation Human Rights Commission seeks redress within the standards set forth in the U.N. Declaration on the Rights of Indigenous Peoples. Redress of the violation of Navajo relocatees’ and resisters’ human rights must start with the repeal of the Navajo-Hopi Land Settlement Act.

The Standards to Assess the Impact of Relocation

The Navajo Nation Human Rights Commission’s statutory responsibilities require NNHRC to request and obtain information from citizens of the Navajo Nation with respect to discriminatory actions and the violation of human rights. During a series of public hearings on race relations conducted by NNHRC, participants consistently referenced the Navajo-Hopi Settlement Act (P.L. 93-531) as amended and subsequent amendments, as the source of racial discrimination and tensions they experienced in their lives. Diné were relocated from their homes on lands partitioned to the Hopis. Relocated from their traditional homes, which generations of their ancestors had lived upon, these Diné moved back and forth between the Navajo Nation and border towns. They testified that P.L. 93-531 was a primary factor for their sense of disconnection from Diné Life Way. Relocation prohibited them from practicing traditional customs and ceremonies because they were could not visit ceremonial sites and shrines. Individuals also described racial discrimination whenever they attempted to live in border towns.

To understand U.S. federal relocation policy as a violation of Navajo human rights, one must understand the traditional, cultural and spiritual connection the Diné have to the lands and the universe. Prior to the Navajo-Hopi Land Settlement Act, Diné lived according to traditional precepts around livestock raising. They were largely self-sufficient. Livestock raising was connected to Diné cultural values based upon Sa’ ah naaghái bik’eh hózhóón (Life based upon the philosophy of the Beauty Way). Diné creation narratives explain how the Diné established their homeland among the four sacred mountains. The forebears of the Diné emerged from the earth after journeying through four lower worlds, to arrive in the present world, in a region called Dinétah. Through a series of actions by the Holy People, the values of the Diné established permanence within the boundaries of the four sacred mountains. These values recognize relationships with the universe, the earth, plants, and animals. Diné teachings also recognize the elements of air, water, fire, and wind as crucial to Navajo life. Today, these teachings as set forth by the Holy People are manifested through prayers and chants. It is the testimony of the relocatees and the resisters that to be relocated from their homeland, from places decreed as sacred by the Holy People, is to annihilate the very essence of what it means to be Diné. Because the land is connected to a way of life set down by the teachings of the Holy People, relocatees feel a profound sense of loss, anguish, and despair. It is the expectation that they too will be set adrift from the core of Navajo values and teachings that resisters continue to refuse to be

relocated. NNHRC acknowledges that the connections of Diné Bikéyah to Diné core values, which are integral to what it means to be Diné are practices of ethnic cleansing.

In their investigation of the application of international laws to forced relocation, NNHRC examined Navajo Fundamental Law and Navajo Nation statutory and case law as avenues for seeking redress for relocatees' and resisters' grievances. NNHRC also examined the Navajo Nation's policy position on the Organization of American States Draft Declaration, the United Nations Declaration on the Rights of Indigenous Peoples, the Navajo Bill of Rights, and the Navajo-Hopi Land Settlement Act as amended. In a review of the meanings of redress and compensation according to Diné understanding, NNHRC defined these terms as someone who has committed a wrongful act and there must be compensation to the persons or entity offended. The Diné concept *Nalyee* means that a violation of a norm has occurred. In the case of forced relocation, *Nalyee* means that there has been a violation of a value. *Redress*, the appropriate response to a violation that has happened requires that what has been violated be returned to its former state. In the case of forced relocation, where the Diné have lost a sense of what it means to be Diné, redress means that every effort must be made to return to a life based upon Sa'ah naaghái bik'eh hózhóón. Redress includes not only the material aspects of one's life, but the spiritual, physical and cognitive aspects of that life. Based upon the articles set forth in UNDRIP, the 1974 Navajo-Hopi Settlement Act and subsequent legislation passed by Congress intended to complete the removal of Navajos from their homelands violate several articles of UNDRIP.

The Navajo Nation has been moving toward government reforms that embrace Diné traditional principles. These efforts to return to the teachings of our ancestors are reflected in the passage of Diné Fundamental Law as the standard for governance.⁴¹ Diné Fundamental Law intersects with many of the articles of UNDRIP that reaffirm the sovereign status of the Navajo Nation and declare the right of the Navajo citizens to self-determination. Self-determination is the right the people have to make their own decisions in all matters that affect them. Self-determination is the foundation from which human rights are not yet borne but also recognized, understood and repeated. Diné Fundamental Law takes Diné philosophy as its foundation:

**The Holy People ordained,
Through songs and prayers,
That
Earth and universe embody thinking,
Water and the sacred mountains embody planning,
Air and variegated vegetation embody life,
Fire, light and offering sites of variegated sacred stones embody wisdom,
These are the fundamental tenants established.
Thinking is the foundation of planning.
Life is the foundation of wisdom.**

⁴¹1 N.C.C. §§ 200-207. Diné Fundamental Law, the Diné Bi Beehaz'áannii Bitsé Siléí, adopted and enacted as the primary law of the Navajo Nation in 2002.

Upon our sacred creation, these were instituted within us and we embody them.

Accordingly, we are identified by:

Our Diné name,

Our clan,

Our language,

Our Life Way,

Our shadow,

Our footprints.

Therefore, we are called the Holy Earth-Surface-People.

From here growth began and the journey proceeds.

Different thinking, planning, Life Ways, languages, beliefs and laws appear among us.

But the fundamental laws placed by the Holy People remain unchanged.

Hence, as we were created and with living soul, we remain Diné forever.⁴²

Diné Fundamental Law, then, is part of the process that the Navajo Nation has put in place to achieve sovereignty and self-determination. To further enhance Diné Fundamental Law as a standard and mechanism to protect the Diné Life Way, NNHRC notes the intersection of Diné Fundamental Law with the articles of the U.N. Declaration on the Rights of Indigenous Peoples in ways that reaffirm the inherent rights of the Navajo people to control developments that affect them and their lands, territories and resources. The right to control developments will enable the Navajo people to maintain and strengthen our institutions, cultures and traditions, and to promote our development in accordance with our aspirations and needs. Further, UNDRIP as a mechanism of the United Nations has an important and continuing role to play in promoting and protecting the rights of Indigenous peoples and works well with Navajo self-determination principles such as Diné Fundamental Law. Article 8 pertains to assimilation with specific standards that says individuals have the right not to be subjects to forced assimilation or destruction of their culture and 10 of the UNDRIP specifically addresses forced relocation of Indigenous peoples: Indigenous peoples must not be removed from their traditional homelands without their “free, prior and informed consent.” This article also specifies that there must be “just and fair compensation” and, if possible, the opportunity of returning to traditional lands. Article 11 states that Indigenous peoples’ “cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their law, traditions and customs” should be effectively compensated for by means of procedures developed in part and agreed to by the affected Indigenous peoples. For the Navajo peoples, Article 11 is consistent with the principles provided in Diné Fundamental Law. First, if a wrong has been committed, then redress should follow. Article 11 provides direction for redress for relocatees’ grievances.

The Articles in the original form reads as:

⁴² Ibid.

1. ***Article 8:1** Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.*
2. ***Article 8:2** States shall provide effective mechanisms for prevention of, and redress for (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic differences; (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources; (c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights; (d) Any form of forced assimilation or integration; (e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.*
3. ***Article 10** Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the Indigenous peoples concerned and after agreement on just and fair compensation and, where possible, the option of return.*
4. ***Article 11:1** Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their culture, such as archaeological and historical sites, artifacts, designs, ceremonies, technologies and visual performing arts and literature; and*
5. ***Article 11.2** States shall provide redress through effective mechanisms, which may include restitution, develop in conjunction with the Indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their law, traditions and customs.*

By the standards set forth in Diné Fundamental Law and UNDRIP, Navajo citizens, both relocatees and resisters, have their human rights violated with the implementation of U.S. federal relocation policies.

The Public Hearing Process

The public hearing process began with the site selection for conducting the seven hearings were based on input received from families affected by relocation. NNHRC, upon approving sites, planned, designed and conducted a standard protocol for implementing each hearing. Demographic factors taken into consideration included Navajo relocation population centers; distance from Navajo chapters and communities; requests and recommendations from Navajo community members, and complaints received from relocatees and chapter communities that allowed relocatees to move into the service areas.

Logistical factors taken into consideration for selection of a hearing site included the facility's capability to accommodate a large audience, the facility's location to Navajo community members, cost free facility, utility capacity for speakers, microphones, recording devices and computer equipment. In addition, extra attention was given to the Americans with Disability Act to ensure accommodation compliance. Six hearings were held on the Navajo Nation with five hearings hosted in Navajo chapter facilities.

Then, the hearing dates, locations, and start times were published in local newspapers, announced on radio, publicized on the internet, and communicated by word of mouth at least one month in advance of the hearings. Public announcements were disseminated again one week prior to the hearing. NNHRC posted informational bulletins at community centers and at places frequented by Navajo citizens such as Laundromats and retail stores. Press releases were sent to local newspapers, radio stations and posted online on NNHRC and Navajo Nation's official website. Information was sent to governmental, educational and tribal listserves for dissemination to clientele. Navajo chapters and senior citizen centers were key places to post information about the hearings. Chapter officials announced the hearings at the monthly chapter meetings.

Meanwhile, NNHRC adopted formal rules and a standard agenda to manage the hearings and facilitate testimonies. Hearing rules were posted in advance at the hearing site and distributed again at each hearing. The hearing rules allowed for a continuous and concise presentation from each speaker. All presenters were required to complete a Request to Speak Form. Time limitations were also imposed, depending upon the number of individuals requesting to speak. Everyone attending the hearing was required to sign-in and those making statements were identified immediately, assigned a number, and called to testify.

At the beginning of each hearing, each Commissioner was introduced and given an opportunity to address the audience before testimony began. NNHRC Chair summarized earlier findings from the Race Relations hearings and explained the reason for selecting relocation as a thematic issue. NNHRC also had the discretion of asking questions for clarification from participants. Almost all the testimony recorded was in the Navajo language.

The following standard agenda was used at each hearing:

- 1. Call Public Hearing to Order; Roll Call; Invocation; Announcements**
- 2. Introduction of Navajo Nation Human Rights Commissioners and staff**
- 3. Review of Agenda**
- 4. Overview of the Purpose of the Navajo Nation Human Rights Commission and Public Hearing Process**
- 5. Receive Testimony from the Public on Relocation and the effects relocation brought upon the families subject to P.L. 93-531**
- 6. Summary of Testimony Provided by the Public**
- 7. Close of the Public Hearing; Announcements; Adjournment.**

Chapter 4 Public Hearing Summaries

The Navajo Nation Human Rights Commission staff carefully translated and summarized the testimony presented in the Diné language. One hundred and twenty-four individuals testified at the hearings. The staff attempted to incorporate the language, phrases, and words that conveyed the thoughts and concerns of each participant. Many testimonies were charged with emotions, including anger, sadness, and frustration. Also, one of the characteristics of oral testimony, which was evident in these hearings, was the tendency for participants to move back and forth in time and assume that NNHRC and audience were familiar with events referenced. A significant number of the participants expressed frustration, anger, and distrust towards the Navajo Nation Government and Navajo leaders for failing to address their grievances. They felt that their leaders had not taken enough steps to stop relocation or to provide them with adequate support or assistance once relocation began.

NNHRC found it disturbing that a significant number of the testimonies expressed the need to attain relocation benefits, rather than reference the importance of land and its connection to the right to practice traditional ceremonies and prayers. However, many of the elders expressed concern with the erosion of cultural teachings and ceremonial prayers as a result of P.L. 93-531. NNHRC also noted the number of testimonies that criticized the Navajo Nation Government for failing to keep the relocatees current with the Office of the Navajo-Hopi Land Commission's policies and plans. NNHRC also expressed concern with the composition of the Navajo-Hopi Land Commission, the Navajo Nation entity established to address relocatees' concerns. The Navajo-Hopi Land Commission is comprised of Navajo Nation Council delegates who are often overextended because of their many duties and responsibilities. Do they have the time needed to attend to relocatees' needs? As council delegates, do their roles conflict with their appointments on the Navajo-Hopi Land Commission? Many of those who testified expressly think so. Participants also listened to accounts where council delegates had failed to address life-threatening issues around relocation, had pocketed and benefited from transactions directly related to relocation monies, had manipulated or amended tribal laws, and displayed unprofessional and unethical behavior that has undermined their effectiveness in representing their chapters. NNHRC found it difficult to determine the effectiveness of the Navajo-Hopi Land Commission in addressing the needs and concerns of relocatees. It is notable that not one person spoke positively about relocation or the relocation programs intended to assist the families. Finally, the testimonies referenced experiences under Bennett Freeze, which was recently lifted. These references to the Bennett Freeze indicate little confidence in the Navajo leadership to address issues of injustices and under the articles of UNDRIP indicate another instance of the violation of Navajo human rights.

There were only seven hearings scheduled to address relocation. Funding constraints prevented NNHRC from conducting more hearings. Nevertheless, the information generated

from the hearings proved to be valuable and emphasized the need to affirm Navajo human rights as a distinct nation known as the Diné.

Birdsprings Chapter House
Birdsprings, Navajo Nation (AZ)
November 17, 2009

Honorable Council Delegate Thomas Walker, Jr. of the Birdsprings Chapter testified about issues relocatees faced in the communities he represented. Council Delegate Walker was responsible for land use and land management. This included grazing rights, drought and range management issues. As a Council Delegate, everything that affected the livelihood of his constituents was a concern to him. As an elected leader the traditional way of thinking was important. He respected and accepted the responsibility of an elected leader. Councilman Walker made clear that not all chapter members think in the Navajo traditional modality, which he believed was the basis of the conflict that exists at the chapter level. According to Mr. Walker, there were many other underlying issues that complicated the social integration of relocatees. Mr. Walker highlighted some problems. In the community of Birdsprings, Arizona twenty-five families moved into the area since 1974. From these families, three and four generations had evolved. Each family was given one acre of land and for the current generation, one acre was not enough to raise a family and to live a traditional Life Way. The council delegate pointed out problems chapters faced. It was difficult for chapter constituents to understand what it meant to be relocated. Relocatees were bought new homes, and the assumption made was that everyone was okay. People assumed the chapter was not obligated to assist or provide additional land or resources because they already got benefits through the relocation program. Councilman Walker reiterated traditional perspectives of land ownership and responsibilities that each Navajo was expected to follow. The conflict is entrenched in our traditional way of thinking. Walker also reported that when relocatees moved into the chapter communities, they isolated and secluded themselves from activities with the chapters. They became a community within a community. Another issue confronted by chapter personnel was with financial assistance and how funds are administrated to community members. The councilman denounced statements and actions made by Arizona Senator John McCain when he introduced legislation to end relocation. Relocation is far from over and the councilman assured the audience that Navajo leaders did not support Senator McCain's position. According to Mr. Walker, many Navajos were forgotten and turned away when it came time to apply for benefits. They were discouraged or told they were not eligible. Mr. Walker emphasized that relocation affected people differently.

Thomas Walker, Sr. offered the following statements, as a young man he lived in the area now referred to as the Joint Use Area (JUA). He recalled his parents being told to leave and to sell the livestock. The family moved four times before finally settling in Birdsprings, Arizona. Mr. Walker recalled his parents were not allowed to asked questions or get any information on moving. They were threatened and so they complied. In the four times that the family moved, he was not included in the application for benefits as a family member, which was critical in the

determination of benefits. It wasn't until he applied himself that he was recognized as a household member. However, he was still determined ineligible. Mr. Walker was young then. He built a house and started a family. They moved to Winslow and he worked where his children went to school. He had aged and his home was in need of repairs. He had never received compensation. Because he never took the benefits offered to relocate he believed his traditional home land remained his! Mr. Walker remembered people lost homes, succumbed to early deaths and others just disappeared. He was hopeful NNHRC would address the wrong doings committed against relocatees.

Ms. Rosebelle Walker the mother and husband to the previous speakers, agreed with their statements. She added the Relocation Commission worked against Navajos and sided with the non-Navajos. The treatment toward the Diné was unfair and many who deserved homes did not get homes. She recalled others who were not part of relocation got homes. She added, homes that were constructed were poorly built and fell apart. The Diné had no choice but to remain in crumbled homes. She too is concerned with conditions the Diné faced as a result of relocation.

Ms. Sarah Gonnies was raised in White Cone, Arizona and received relocation benefits. She was young at that time and did not realize what her future would hold. Ms. Gonnies reported a lot of other people were in the same situation. They took the benefits and regretted that decision. Her paternal grandfather told her land cannot be bought, as land is your mother. She did not think about what he meant, but she realized now. Ms. Gonnies's children applied for benefits five years ago and all have not received any information on the status of the applications. She compared the relocation office to other tribal programs and said "*no response, denials and the run around.*" She questioned whether Diné cultural teachings regarding Navajo metaphors (*sayings*) about going backwards had relevance with the decisions youth make today. It was a concern for Ms. Gonnies.

Mrs. Laura King a relocatee that resided in Coalmine, Arizona testified about activities of the Coalmine Diné Homeowners Association. The members of the association were all relocatees and resided in a residential area southeast of Tuba City, Arizona. They found collective representation more effective than individual representation when addressing issues that stemmed from relocation. The houses provided to the members fell apart. Roofs imploded, walls cracked and floors were uneven. The association sought help from the local chapter (To Nanees Dizi) but was turned away. Chapter officials justified the decision to not help them because previous relocation benefits were already received. Mrs. King declared Diné homeowners remain victims of relocation and are discriminated against by Diné chapter and government officials. Members of the association were elderly and emotionally drained. They depend on the elected officials of the association to navigate through the challenges that confront them daily. Mrs. King states she too was eager to get a home after her parents passed away. She realized now the land and home deal that was offered was not what she expected.

Preston McCabe, Sr. was a member of the Navajo-Hopi Relocation Commission. He had in-depth knowledge about the problems of relocation. According to Mr. McCabe promises were made to the people and what was reported at the hearing was true. Health facilities, schools,

graveled roads, front yards and public safety facilities were all part of a community package presented to Navajo families if they moved. However, the community development plan had not been achieved yet. He reported Senator John McCain wanted to close relocation and the Navajo-Hopi Relocation Commission said no. The Navajo-Hopi Relocation Commission position is that everything that was promised to the people must be fulfilled. Mr. McCabe concurred with the comment made earlier about the run around relocatees get when they approach chapters and governmental offices in Window Rock. *"People avoid you. The Navajo Nation Council avoids you."* Mr. McCabe chastised the Navajo Nation Council for ignoring the issue each time it is brought to the council floor. The Navajo-Hopi Rehabilitation Trust Fund was to provide ten million annually, for families of relocation. Instead Navajo leaders and council delegates argued over how the money would be spent. He added the current legislation had too many loopholes which gave the Navajo Council an opportunity to appropriate the funds elsewhere. Mr. McCabe felt Council spent more time working against one another which resulted in the peoples issues being ignored. He announced the Navajo-Hopi Relocation Office would refurbish homes of relocatees and urged attendees to get the information out.

Mrs. Laurencita Tso-Barton of Teestoh area near Dilkon, Arizona was raised by her father. He became a single parent in 1982. Mrs. Tso-Barton remembered her mother being against relocation, but after her death, it was the only thing her father could do to raise a family. He had a house built on land near his relatives. After moving into the new home relatives began arguing with them. She left in 1988 to attend school under a placement program in Utah and returned in 1995. Mrs. Tso-Barton had a pending appeal with Tuba City DNA since 1995 and had heard nothing despite several follow ups. Relocation office personnel in Flagstaff, Arizona informed her she had not been included in her father's relocation application. She later learned she had been included. This did not make sense. Her father got a house as a widower which was not a qualifying factor at that time. She believed her father Billy Tso signed documents without knowing the contents of the documents. Mrs. Tso-Barton tried to get assistance for home repairs for his house, but the request had been ignored from Leupp Chapter. Mr. Tso's house had deteriorated and was unlivable. Mrs. Tso-Barton was also concerned with regulations that prevent homes from being passed down to other eligible family members. She asked NNHRC whether they were aware of these regulations and asked NNHRC to look into this provision of home ownership. Mrs. Tso-Barton agreed that relocatees were treated differently than from other Navajo citizens.

Mrs. Sally Williams asked NNHRC to help locate her home site lease, which was turned over to Chapter personnel and subsequently lost or misplaced. Mrs. Williams kept all her parents personal documents when they were forcefully relocated. They were both deceased. Mrs. Williams learned she was determined eligible to receive relocation benefits. She waited many years to get through the process only to learn the home site documents became detached from all the other documents that were submitted to Window Rock. She no longer drives and called upon NNHRC to assist her. She had been notified recently, that she was determined eligible for benefits. Mrs. Williams wanted a house built in this lifetime.

Mrs. Mazzie Yazzie testified that she relocated from Sand Springs, Arizona in 1975 to an area near Birdsprings Chapter. Her husband qualified for benefits and had a home built by contractors from Page, Arizona. The house was not constructed right. They both did not speak English and when they signed the contract they were told the home would be built as they wanted. That did not happen. Shortly after moving in, the house began to deteriorate. A family member inspected the home and noted that the construction material used were products used to build mobile homes. Mrs. Yazzie contacted the Relocation Office in Flagstaff to complain about the construction of the new house. There was no process or remedy to address the faulty construction. Mrs. Yazzie felt her situation is no different than others that spoke today. Her children were not included on her application when she applied for relocation benefits. None of them have homes. Mrs. Yazzie believed they are entitled to the benefits. A final concern Mrs. Yazzie had was with renewing the grazing permit of her deceased father. She asked NNHRC how to go about settling this matter. Commissioner Clarence Chee encouraged Mrs. Yazzie to contact other siblings and determine whose name should go on the permit. The grazing official can then advise accordingly. Mrs. Yazzie was encouraged to file a complaint with this office to ensure tribal grazing permit procedures were followed and her rights were protected.

Mr. Jesse Thompson testified last. He informed NNHRC that infrastructure development is the greatest barrier residents residing in District Seven lack. District 7 includes Teestoh, Dilcon, Indian Wells, White Cone and Jeddito Chapters. The area has been under severe drought conditions for several years. According to Mr. Thompson, the Navajo-Hopi Rehabilitation Funds were earmarked to bring infrastructure along with developing roads and electricity to these homes. Mr. Thompson serve on the Navajo County Board of Supervisors and the Navajo County Board had coordinated a number of emergency services to the residents. He is hopeful the Human Rights Commission will be more involved with the Navajo-Hopi Land Commission and other tribal programs that assist relocatees. Mr. Thompson concluded that the people had validated the needs to be addressed and unfortunately they exposed the failures of the Navajo government to address these issues. He invited the Human Rights Commission to review the contributions the Navajo County Board of Supervisors contributed to the Navajo that reside in the county.

Dilcon Community School
Dilkon, Navajo Nation (AZ)
November 18, 2009

Former Navajo Nation President Milton Bluehouse provided a short historical account of events that lead up to the relocation of thousands of Navajos. He testified about the early encroachment of Anglo settlers that came into the permanent homeland of the Navajo. He spoke of a common language Navajo ancestor's spoke and a Life Way that only the Navajo practiced. The Diné Life Way was strong and the Navajo understood the essence of natural laws that were bestowed by the Holy People. He referred to this as fundamental law. Former President

Bluehouse spoke about Anglo aggressors that brought their own language and a foreign way of life. The aggressors demonstrated an arrogant and ethnocentric campaign to destroy all that was important to the Navajo. They worked to relocate Navajo families off ancestral homesteads, to extract minerals and began a campaign to destroy the Navajo. In 1991, while serving on the Navajo Nation Council, Mr. Bluehouse recalled the same issues expressed by Navajo families then. These needs remain today and are more critical now than in 1991. He implied federal funds appropriate to assist Navajo families had been mismanaged. He drew attention to a recent decision rendered by the United States Supreme Court that supported the use of waste water to make artificial snow that would be sprayed on the San Francisco Peaks. Former President Bluehouse deemed this as a prime example of the desecration of sacred lands, a violation of Navajo human rights and the forced acceptance of the dominant way of life. He called to NNHRC to look at these human rights violations.

Mr. Philmer Bluehouse, a Navajo cultural scholar stated, *“Diné were poor, yet humble; of one in thought and language; and who were all called and guided by the holy deities. Today, I see a giant that wanders among us. The giant does not listen to us. We don’t ask questions or contest his presence. We are humble and that is our way. In the beginning prayers were said about the land, the environment and Mother Earth. Our thoughts are on our land and our umbilical cords are on the land, this is our land and prayers tie us to this land.”* Mr. Bluehouse was also a Navajo medicine man. He called on other spiritual leaders to conduct ceremonies to re-create and reclaim the holy Life Way because there was too much turmoil, hardship and loneliness upon the Navajo. Mr. Bluehouse reminded the audience that the Navajo Nation Council had not listened to the people. They led the Navajo on a destructive path which they will not accept responsibility for. To him the fundamental laws of the Navajo are not respected and Navajo leaders failed to uphold the important traditional principles. He reminded NNHRC that Navajo families continue to be removed from traditional lands and the Navajo Nation Government stands mute to these issues. *“Why should the white man be using those lands for their own interest?”* he asked.

Ms. Paula Kanuho testified that her parents were also relocated while she attended school in California. After obtaining her high school diploma she returned to the reservation. Ms. Kanuho assisted her mother with applying for relocation benefits. Her step-father, Paul Kinlicheenie was a World War II veteran. He did not live long enough to learn about the decision rendered on his application. Her mother, Mrs. Fern Kinlicheenie was denied benefits from the relocation program and she immediately appealed this decision. Mrs. Kinlicheenie was approved after she passed away. Ms. Kanuho applied and was also denied. She reported the basis for her denial was that she was not living with her parents at that time the application was taken. She therefore had no claim to the land or benefits. Ms. Kanuho had no home. Her children suffered from the consequences of not having a stable home environment. Two have died and another was in prison. She wondered if their lives could have been different if these hardships were not imposed by the U.S. Government.

Mr. Leroy Williams Sr. reminisced about the time his family had both a summer and winter home. He is from White Cone, Arizona. The winter home is on Hopi partitioned land where his elderly parents remain. He stayed in the summer home. The entire extended family refused to leave and will remain on the land for the grandchildren that are still to be born. Mr. Williams remembered wells in the area that provided water for everyone. The wells were fenced off and only the Hopi people can access them. Fire wood used to be abundant in the area and was no longer available for them. He reported only the Hopi people use the wood. He stated, their children had applied for benefits with the Office of Navajo-Hopi Indian Relocation. They would not get homes as they have no rights to the land. This is not a concern now-- he will remain on the land for as long as he can. Like many traditional families, he believed his children will be here for the land. To him the people suffered a long time, many died, yet they remain committed to Diné Life Way which will bring family back to the land.

Mr. Melvin Williams expressed concern for the physically and mentally challenged individuals that were at home and could not attend the hearing. They too were impacted by relocation and have rights. Unfortunately, they were not brought in to testify. He wanted NNHRC to keep them in mind. Mr. Williams was off the Navajo Nation in 1974 and when he applied for relocation benefits. He was denied. His focus now is to educate younger generations about Navajo cultural and encourage the practice of those teachings. He had no job skills and spent most of his life helping his sister, who got housing benefits. The sister inherited the responsibility to care for the livestock as well.

John B. Benally greeted NNHRC with a traditional Navajo introduction. He is from Big Mountain, Arizona and of the Water Flow Together clan, born for the Edge Water clan. Mr. Benally recalled being placed in school and learning English. It was difficult. He did not understand a lot of the lessons. When he asked others for help he was disciplined. He learned quickly that *"asking for help was not allowed."* Navajo students that laughed about a lesson were hit with a stick. He remembered a teacher talking about Navajo and American history and how Columbus arrived. His teacher said, *"The white people discovered this beautiful land, animals and plant life in this country."* Mr. Benally an elderly man could not forget that line. Mr. Benally spoke of the commercialization and exploitation of the Navajo sweat lodge. He was saddened that this sacred ceremony was marketed to non-Navajos. The ceremony was an example of the abuse and erosion of cultural property that was bestowed to the Diné by holy deities. Ceremonies connected the Diné to the land, the language, the cosmos and the environment which were to be protected and practiced by each succeeding generation. Yet, the dominant society did not understand this and continued to subjugate the land, its water, the Diné, and the culture to paternalistic laws that hurt the Diné Life Way. He eloquently stated, *"We did not come across on a boat we are from this land within the four sacred mountains. We are descendents of the people who were forced to march to Hweeldi (Fort Sumner) where women, children and men were held captive and against their will. This is who we are."* Mr. Benally did not sign the documents to relocate. He remained at Big Mountain. He was determined eligible for relocation benefits, but will not trade his life for something that is bad. Instead he will live the

hard life, that a resistor is subject too. Regulations and rules will not stop him from moving about freely on Black Mesa. As far as he was concerned too many people have died, too many have no homes or places to come back to. He was not eligible for any assistance from programs on the reservation so he will survive on his own. Sickness, greed and corruption lead Navajo leaders away from the important needs of the people. Mr. Benally asserted the Council Delegates needed to re-learn the traditional ways. Since relocation started, Mr. Benally claimed the Hopi's had done nothing with the land. He will not leave his traditional home site and will have to be dragged off by his hair if he is forced to leave.

Ms. Verna Clinton accused the Hopi Tribe and the United States Government with genocide. She blamed the media with instigating a range war between the Hopi and Navajo, which she said never happened. Verna watched her extended family changed from a peaceful content people to a determined and resilient family that was determined to inhabit the land for many years to come. Mrs. Clinton recalled two hundred families lived in the area prior to relocation, now there was only a handful. Many were homeless and alcoholic. She still had livestock on land that was fenced. As a young child she remembered the confiscation of livestock, the deaths of relatives and the stress that was brought upon them. At that time, Mrs. Clinton pleaded to families to not accept the benefits. It all seemed like yesterday to her. She had since learned of paternal Hopi relatives in Polacca, Arizona. The Hopi relatives insisted she remain where she is. Mrs. Clinton was determined to stay put. She was told she could not build, renovate or expand her current home. But she did anyways. The water well had been vandalized several times. Snakes, rats and animal feces were found in the water. The water was contaminated. No investigation was ever conducted by Hopi officials, Navajo officials or the Winslow Indian Health Services. The dirt road was not maintained. She made her own roads. There were fences all over. The fences reminded her of a detention camp, where death awaited her. Mrs. Clinton is not afraid to talk about death. She had lost too much already. To speak of death meant nothing to her. Public Law 93-531 had only made her stronger and she would resist all attempts to remove her.

Ida Mae Clinton at 82 years old will not abandon the land she was born and raised on. She was not afraid to speak and spoke with anger. Ms. Clinton had livestock all her life. Livestock was life, sheep was food and P.L. 93-531 had damaged her way of life. She was allowed five sheep and one horse. Elder Clinton had many grandchildren and she inquisitively asked, "*How do you put all your grandchildren on one horse?*" The conditions placed upon them by the Hopi government were unrealistic. Ms. Clinton did not believe livestock restrictions should be imposed. "*The holy people did not offer restrictions on the number and care of livestock,*" she said. Ida's testimony reflected her traditional understanding of the care and nurturance of the earth. Written laws had no meaning to her, the law she understood and abided by were laws set by Diné holy people. Ms. Clinton knew these laws had been here since time immemorial. She spoke about how three clansmen found water in the area. The area was known by that discovery. Ms. Clinton had no plans to leave. She knows that one day her grandchildren would return. Ms. Clinton had no confidence in the Navajo government. The government turned

against them and she did not foresee help from them. It will be the Human Rights Commission to correct the wrongs as far as she was concerned.

Mr. Norris Nez, a Navajo medicine man talked about his experiences testifying before the United Nations on relocation. Mr. Nez reported U.N. representatives recommended the United States government compensate the Navajo for being relocated. He reported the U.N. representatives denounced the forced removal of the Navajo people. Mr. Nez also advocated for stronger rights to water which was essential to Navajo longevity. As a Navajo medicine man it was his inherent responsibility to protect items held sacred to the Navajo. Mr. Nez was concerned about Navajo children that were faced with hardships as a result of relocation. He reported that as medicine man he was often exposed to many family situations where visions of hardships were seen. He thanked the Commissioners for listening to him.

Ms. Lena Nez was born in 1935 near Oraibi, Arizona. She moved four times before settling in Sand Springs, Arizona. Ms. Nez came from a poor family who depended on livestock to make ends meet. She barely recalled the final forced removal of her family from Sand Springs, Arizona as it was too traumatic to remember. They relocated into Tuba City where she remained today. She married and raised eight children. She rented a house and had no land. She referred to her dwelling as a house and not a home. All her relatives were deceased and she now wanted NNHRC to work on getting all the land back from the Hopi. She is not concerned with getting a house. The land was what she wanted.

Ms. Marsha Monestersky of Hebrew descent, from the Levi and Judah tribes spoke on behalf of her adopted Navajo mother, Rena Babbitt Lane. She asked NNHRC to go to the homes of the Diné that lived in Big Mountain, Box Springs and Black Mesa, Arizona and talk directly with them. Ms. Monestersky said the experiences these individuals encountered were truly heart wrenching. They suffered physically, mentally, spiritually and emotionally. Many lived in conditions found similar to poverty stricken nations. Water wells were either contaminated or dry, cattle and sheep were impounded, homes dilapidated, poor health and very little food was available to them. These were challenges they live with daily. She wanted to know what the Navajo-Hopi Land Commission had done with millions of dollars that was appropriated to the Navajo Nation to build new homes for these individuals. Since the establishment of the Navajo-Hopi Land Commission, Navajo-Hopi Land Commission had done little to support and protect the welfare of the individuals. Ms. Monestersky wanted to know why water wells remained capped off, completely dismantled or fenced off. The barriers were to have been addressed a long time ago, but there seemed to be no interest from the Navajo Nation. The tragic altered life conditions the individuals live, is a human rights violation according to Ms. Monestersky. Ms. Monestersky wanted the Human Rights Commission to investigate this human tragedy and find out what happened to the money that was supposed to help these people.

Ms. Rena Babbitt Lane, a victim of relocation suffered a heart attack that started with stress brought upon by forced relocation. She had a serious heart condition. Ms. Lane lost many relatives to relocation. She said the land is tired from the entire dispute that is going on. Ms. Lane recalled elders warned her when she was young, the land dispute will bring more problems

and more suffering, she now knows what they meant. *She said, "The land is tired and it is affecting our minds."* She asked, *"What are the Council Delegates doing for us? If they are advocating in Washington, D.C., then why are we suffering?"* Ms. Lane spoke about earlier days when youth had the responsibility to herd sheep. Food sources came from the earth and they learned to live off that. She questioned why they were limited to only a few livestock. To her, if they had sheep and traditional food, the people would not bother the Navajo Nation Government for money.

Mrs. Stella Y. Begay a relocatee lived in Winslow, Arizona for thirty years. Mrs. Begay wanted help to renovate her home to accommodate a disabled spouse. Her application for a new home was approved but she could not build on the lot. The area is in a floodplain. The current house was overcrowded with over ten family members living in the house. The Navajo Veterans program and White Cone Chapter declined to assist her. She wanted the Commissioners to help locate a suitable living unit that would accommodate her husband's needs.

Mr. Justin Tso is a member of the Canyon de Chelly Association. He wanted assistance from NNHRC to move the Canyon de Chelly's park management under the Navajo Nation Parks and Recreation Department. Mr. Tso requested a separate meeting with the Human Rights Commission, the Navajo Nation Resource Committee and Navajo-Hopi Relocation Commission to discuss the issue related to the National Park Services. He was advised to submit a written request.

Mrs. Grace Yellowhammer, a Diné elder, spent much of her life advocating against relocation. She spoke about her involvement with the United Nations. Mrs. Yellowhammer testified before the United Nations delegation about the Navajo-Hopi land dispute in the early years of the Act.

Ms. Eleanor Peshlakai a resident of the Black Falls, Arizona, testified about a story her mother told her. The story was about Anglo settlers that pushed her family away from their first settlement near the north base of the San Francisco Peaks. The Anglo intruders chased the family across the Little Colorado River and erected a fence claiming the land and water. She remembered at eighteen, the white people telling them they could no longer allow their livestock to graze in the grassy area. They destroyed the family watering hole. The family was forced to haul water from the Colorado River, which was muddy and hazardous. Ms. Peshlakai insisted the *"forest people"* living in this area should provide Navajo families with water. They took the only water source away many years ago and it had remained the only water source since. Ms. Peshlakai wanted the U.S. Government to fund a water project to bring water back to them.

Mrs. Katherine Peshlakai the mother to Eleanor Peshlakai spoke about her effort to get water to her house from the Leupp and Cameron Chapters. The Leupp Council Delegate Mr. Leonard Chee told her she was not a member of the Leupp Chapter. At Cameron Chapter, officials spoke down to her, treated her like a child and made her feel hurt and not worthy. Chapter Officials were blunt, no water would ever come her way but water would go to Dilcon and other areas in that region. There was no discussion and she left feeling more discouraged, disgusted and angry with the Navajo Nation leaders.

Ms. Chelsea Chee a young Navajo adult testified about the impact relocation brought upon her personally. Ms. Chee did not know her paternal relatives. Her father's family was broken apart because of relocation. It affected her. There was an imbalance because there is no relation to the land and to her lost relatives. Ms. Chee is concerned her generation will never know about relocation. She wanted the Commissioners to know how relocation impacted her mentally, socially and spiritually. Ms. Chee hoped other young people will learn about relocation.

Mr. Jonathan Lewis relocated in 1987. He is a Diné medicine man. Mr. Lewis was told roads would be paved; a school and a hospital would be built. A school was built but there was no hospital and no police protection. His house was over twenty-two years old and needed repairs. Chapter officials denied the application for repairs because he benefitted from relocation and was no longer eligible for services. Mr. Lewis resided on one acre of land, which was not large enough to contain his growing family. Mr. Lewis identified a tract of land near Winslow, Arizona that was purchased with Navajo Rehabilitation funds. No one lived on the land. He would like the land to be available for future Navajo generations to build homes and graze livestock. Mr. Lewis also expressed a concern that younger generations were not aware of the problems relocation brought. Mr. Lewis also had concerns with Hopi leaders and how they would not address the issues that concerned Navajo relocatees. He cannot gather traditional herbs as these areas were fenced off. Nor can he conduct proper ceremonies, like the Nidaa (Enemyway Dance) ceremony which last several nights and is attended by large crowds. Mr. Lewis felt the Hopi leaders violated his rights to practice Diné ceremonies. Mr. Lewis concluded that the concerns brought to NNHRC affected the Diné. The people are not interested in eating. They are not sleeping well and relocation affected their thinking.

Mrs. Cassandra Martinez-Allen grew up in Tonalea, Arizona with maternal grandparents. They were victims of relocation, and she realized the personal impact this left. Mrs. Martinez-Allen was depressed, angry and resented the fact that relocation stole her Life Way that she understood. She lived in Pinon, Arizona at an Indian Health Service compound with her children. She missed the open, happy and free life to move about and interact with livestock and relatives. Mrs. Martinez-Allen missed being part of Diné ceremonies. She remembered the offer made by relocation personnel to move to Sanders which the family declined. They decided to move on their own, down the hill and over the fenced line that separated the Hopi tribe and Navajo Nation. She can still see the foundation of the abandon hogan where her father lived. Mr. Martinez-Allen is tempted to move back, but she is warned, they will throw you in jail. Mrs. Martinez-Allen wanted what every Diné had before relocation, a homestead, horses, cows and sheep to pass down to her children. Mrs. Martinez-Allen spoke about a conversation with her daughter's fifth grade teacher. The teacher did not understand why Navajos continued to lay claim to ancestral land. Mrs. Martinez-Allen explained her personal experiences but realized that public education is the only way people can understand what relocation brought. Mrs. Martinez-Allen wanted what traditional Diné families had, a land base with a house and Hogan to raise her

children, livestock to care for and when the time came to pass that down to grandchildren, a home site that will remain in the family for generations.

Mr. Alfred Chee a resident of the Beshbito area was relocated into White Cone, Arizona. He regretted the move which brought nothing but sorrow and suffering. His mother and grandparents lost cattle, sheep, horses and the home he was born in. They were literally rounded up and impounded when the family was told to move. Everything was taken away. The dirt road to the former home was barely visible. His occasional visit to this homestead brought back fond memories of family ceremonies, sheep and cattle round ups, range riding, and wood and water hauling activities. The activities brought extended families together and their customary land use spread ten miles in diameter. Mr. Chee now lived with in-laws. He cannot raise cattle or any other livestock. Neighbors frequently remind him he is not from this area and the land was theirs. Mr. Chee thanked NNHRC for coming to hear him today.

Mr. Kee Walker was born in 1936 in an area north of Tolani Lake, Arizona. He was told his birthplace is near Red Cliffs where he was raised by an uncle and maternal grandfather. At two years of age and the only child, Mr. Walker's mother died. He had a hard life being raised by two men who cared for him. When his maternal grandfather died, he was alone and moved to Teestoh area with an uncle. He was married for fifty years. His relatives remain in Teestoh and encourage him to move back. But he can't. They are all fenced in --in a small one acre unit that was overcrowded. He never applied for relocation benefits, and reported at one time he went to Flagstaff to apply. He was told they were no longer taking applications. He and his wife live in a small house. They don't have jobs, but tend to livestock daily. He wanted help to get a house and he needed assistance to apply for the benefits.

Mr. Virgil D. Nez the former Chapter President of Teestoh Chapter spoke of traditional ancestral lands that his family occupied before relocation. He served in the U.S. Army and when he returned to his home, he recalled being told to move out. Mr. Nez could not understand why the country that he fought for took his land away. He reported there is hardship for the extended family members that refused to relocate. On a trip back to check on the land Mr. Nez was confronted by a disgruntled neighbor who approached him with a gun. This individual was upset with Mr. Nez for driving on a road that was considered no longer passable. He argued with a lady that was living in his aunt's former home. The home she was forced to vacate many years ago. He helped build that house and was irritated someone else moved in. On his way back, he drove directly in front of his aunt's home again and wondered what the old lady would do. She did nothing. He wanted the Commissioners to know homes that they built were now occupied by other people. Mr. Nez spoke about earlier hardships relocatees experienced. Many were unprepared for homeownership and the responsibilities that came with living in a residential area. He repeated what NNHRC already heard about what happened to many relocatees. They lost homes, many turned to suicide, alcoholism, depression, others became homeless, and lost their cultural identity and many more became victims to unscrupulous business practices. Mr. Nez also recalled promises that were made to them. None of the promises were kept. He knew of the tract of land near Winslow that was purchased with relocation funds and thought it would be

good for more Navajos to move to. He too agreed that there are many without homes and they were forgotten by their own government. He wondered what the Navajo government planned for the relocatees in the future.

**Tonalea Chapter House
Tonalea, Navajo Nation (AZ)
December 16, 2009**

Mrs. Rena Lane began her testimony with events that lead up to the physical abuse she encountered while she retrieved goats that crossed over a partitioned fence. Water is only available on the other side of the fence. When she got her herd back on her side of the fence the Hopi ranger arrived. The officer accused Mrs. Lane of breaking the law and abruptly grabbed her by the shoulder and pushed her outside the house. A Navajo Police Officer informed her he would put her in jail at Keams Canyon, Arizona. A Hopi ranger went through the entire house and scattered personal belongings all over. According to Mrs. Lane both Navajo and Hopi officers were rude and physically rough. Mrs. Lane never did get arrested even after she put herself into the police unit. When the officers left, she went to her brother's home to report what happened. The officers said they would come back for her goats in the morning. Her brother drove her to Tuba City hospital where she was admitted. Mrs. Lane spent four days in the hospital. She was in a coma. Mrs. Lane reported many were treated the same way during the early phase of relocation. Mrs. Lane was sad and wondered why our Navajo leaders and elected officials do nothing to help the people. Navajo Council Delegates shun her and tell her she is under Hopi jurisdiction and Hopi laws govern her.

Ms. Caroline Tohannie spoke next. She too expressed disappointment in the leadership at the Chapter level and with the Navajo Nation Council Delegates. The relocatees concerns are ignored and Navajo officials don't say anything positive on their behalf. Mrs. Tohannie wanted to know who will advocate for them since tribal leaders have turned away. Chapter houses reported they got new graders, but no one is grading the roads. Houses fell apart and no one can help. Water is unsafe to drink. Hauling water was difficult because roads are in deplorable condition and difficult to maneuver through. Mrs. Tohannie recalled past elected leaders would come to homes and checked on elders in the community. Today no leaders visit. She said Navajo leaders are too busy with helping Peabody Coal Mine contaminate the air and water. She complained about health problems Navajo citizens are confronted with since mining began. Ms. Tohannie pleaded with NNHRC to take the issues and address them, as the Council Delegates cannot be depended upon to carry out the people's concerns.

Ms. Marsha Monestersky introduced herself as the adopted daughter to Rena Rabbit Lane and Caroline Tohannie. She dedicated her life to advocate for her adopted mothers by bringing forth the human rights violations they encountered since the passage of P.L. 93-531. Ms. Monestersky reported that Ms. Rabbit Lane did not tell NNHRC that she suffered a heart attack while being accosted by the Hopi ranger and Navajo officer. Rena suffered great physical and emotional pain throughout this tumultuous period. Ms. Monestersky did not have a favorable

posture with either the Navajo Nation President or the Hopi Chairman. Both tribes orchestrated legislation to keep her off their reservations. The Hopi tribe was successful with banning her from the reservation for life. Ms. Monestersky called for a Social Impact Study (SIS) to examine the impact of P.L. 93-531 and how the law affected the economic, social, political and psychological welfare of the Navajo relocatees. Members of the Forgotten People coordinated an effort with an Ivy League institution to develop this enormous study. Ms. Monestersky reported the Forgotten People are against the expansion of a lease agreement with Peabody Coal Company. Peabody had destroyed many sacred sites. According to Ms. Monestersky the group traced eight succeeding generations of sacred sites that established occupancy of Navajo ancestors in the region. The areas were under Hopi jurisdiction as they are in Hopi Partitioned land. The Forgotten People's official position was that the land belongs to the Diné and by virtue of being a sovereign Nation the people have the right to determine what they want for the land. The Forgotten People filed lawsuits against Peabody Coal Mine and the Navajo Nation Council. They intend to stop the extension of any leases that are near expiration or that are up for renegotiation. Ms. Monestersky reported the lawsuit against the Navajo Nation Council was for its abusive spending of discretionary funds. They asked for audit on these funds. The Forgotten People asked the Navajo-Hopi Land Commission what it had done with the sixty million dollars appropriated through the Navajo Nation Rehabilitation Trust Fund. According to their private sources the fund was to be used for rehabilitation of those affected by relocation. Instead, they believe the Navajo-Hopi Land Commission approved the funds to be used for economic ventures. The organization exhausted all its remedies to bring justice for the relocatees. Ms. Monestersky asked NNHRC to support their efforts and to help them address the many issues that remain largely ignored.

Mr. Richard Anderson Jr. drove in from Aztec, New Mexico and gave testimony. Mr. Anderson grew up in the White Cone area and like others he learned he was on the wrong side of the fence when the lines were drawn. His testimony was painful, as he fought back tears and recalled large herds of cattle, horses and sheep that were sold off when P.L. 93-531 became law. As a young Diné man he respected his grandparent's directives and sold off livestock and then relocated. He watched the bull dozer dismantle the hogan, corrals and sacred sites on the land they loved. Within four years after they moved his grandparents died. They died from broken hearts and he turned to alcohol for comfort. Today, he is married and ready to help his people. Mr. Anderson applied for relocation benefits in 1984, but was denied. He appealed the decision and had not heard from the office. He is tired of the Council Delegates. He ended with saying, *"All they have done is line their pocket while an American Holocaust is being committed to our people."*

Mr. Harry Begay testified next and made his first statement that his own brother was hired by the Bureau of Indian Affairs to put up the fence that demarcated the territory between the Navajo and Hopi nations. Mr. Begay reported an elder Hopi told him that the land in Black Mesa area was never occupied by Hopis that was where the Navajos were. The Anglos were the instigators of the land dispute only because of the oil and coal. Back in those days, Mr. Begay

reported there was a lot of water. Mr. Begay never got benefits from relocation. He applied years ago, but when he called to check on this application he was told they did not have his application. His wife was in a nursing home and he wanted to bring her home. Mr. Begay was concerned the nursing home did not provide the quality of care that was needed for Mrs. Begay. He too approached the chapter and requested assistance to renovate the bathroom of his home, but the chapter had not come through.

Ms. Desbah June Birdsong grew up in the Big Mountain area. She is daughter to Katherine Smith, a well known resister of relocation. Ms. Birdsong was taken away from the family by the United States government and sent away for school at an early age. She was denied access to her home land when she returned from school. She spent a good deal of her young adulthood lobbying Congress pleading to repeal the law that divided families and destroyed their lives. Mrs. Birdsong gave up and accepted the terms of relocation. She acquired a home in Flagstaff and bears the responsibility for homeownership. At the time of the hearing her grown children were fighting for benefits. They are in litigation. Ms. Birdsong recognized the greatest obstacle for being displaced is not being able to practice traditional ceremonies. She is uncomfortable borrowing a Hogan to conduct ceremonies. It is for this reason that she encouraged her children to apply for benefits.

Mr. Morris Chee, Sr. extended his personal appreciation to NNHRC and hoped NNHRC would be able to work miracles on behalf of the many forgotten relocatees and their families. He had resigned to the position that the Council Delegates and the Navajo President had done very little to protect the Diné. They did not look into the impact P.L. 93-531 had on its people. Mr. Chee explained his personal impact of relocation related to family's loss of livestock, homes and birth sites. He wondered why compensation was never arranged with the U.S. Government, like the way other tribes were compensated. Mr. Chee heard monthly subsidized checks stopped once benefits were received. He too felt Navajo Nation Council Delegates did not care about the suffering that many relocatees are confronted with. They completely forgot about the people's welfare. Mr. Chee had harsh words for Senator John McCain as well. He heard the Senator wanted Bennett Freeze lifted but without any money appropriated. He also expressed support to have the relocation office moved from Flagstaff to Tuba City, Arizona which he felt would be a better location for everyone. As a veteran of Foreign Wars, Mr. Chee had experienced hard times while in the service and returned home to see vacant homes and abandoned sheep corrals. It made him cry. He could not understand why the U.S. Government would treat his people the way they did.

Mr. Joe Lee Mexican a traditional practitioner stated his maternal and paternal relatives were both relocated. They depended on the livestock for their income. The Hopis confiscated the animals and they never knew what happened to them. They still cry for the land as did most of the people in the audience. His grown sons moved off the reservation in hopes to find a better life. But they found despair and alcoholism only to return to home. He married a Navajo woman from the Bennett Freeze area. They had no running water, no electricity, no roads and no house. They are in the dark and no one seemed to care. He felt that Navajo people that lived on the

Navajo Partitioned lands had all of the resources. He too believed the Council Delegates were not working on their behalf and had other interests. Mr. Mexican was thankful NNHRC was there.

Mr. Thomas Deel Sr. was born in a Hogan on Big Mountain. His great grandmother, Big Mountain Woman was the person that came upon the land that they occupied for years. His grandfather told him this was our home, our prayer, our song and livelihood. Now he lived in a fenced area where he can only have five sheep. There was no one to help him or advocate for the people in Big Mountain anymore. Shonto Chapter did not help them. They were on their own and of course, the people elected in office had turned away. For Mr. Deel, relocation had not been good for the people. He asked NNHRC point blank if they were honest with advancing this issue. If so, Mr. Deel was willing to stand by NNHRC and assist in the investigation. He is hopeful President Obama understood what relocation had done and will stand with the Diné in a united effort to help the people.

Mrs. Mary Williams the sister of Mr. Deel reaffirmed her brother's comments. Unlike her brother she moved with an elder aunt who no longer could care for herself. She lived around Tonalea, Arizona near the mountain area. She applied for benefits and got a house. Her children's names were removed from the application at the urging of officials in the relocation office in Flagstaff. They applied on their own and were denied. Her home had deteriorated and she sought assistance from Shonto Chapter, only to be turned away. Unlike other relocatees, Mrs. Williams bought her land. Her sister, Mae Claw got benefits and all of her children did as well. She didn't understand how siblings of the same household can be treated differently. She asked NNHRC to look into her concerns with the relocation office.

Mr. Joe Klain stated the only thing people can hold on to is hope. Council Delegates and Chapter officials do not tell them anything about relocation or what is planned. According to Mr. Klain, he heard many people talk about funds being mismanaged by Council Delegates. The people heard about the Navajo Nation Human Rights NNHRC and there was positive talk about the organization. Mr. Klain submitted four applications for relocation benefits and each time they were lost. The fifth and final application was reviewed and denied. He appealed and needed the assistance of an attorney. Mr. Klain established family ties to the Black Mesa area as early as the 1930's when he lived there as a young child. In 1971 he was forced to relocate to another relative's home near Tuba City. He remained there since. His wife was ill and hospitalized. Overall, Mr. Klain expressed hope with NNHRC to help him get benefits and benefits for his children.

Mr. Norman Yazzie thanked NNHRC for being there today. It was the first time, according to Mr. Yazzie that officials from Window Rock visited in the area in a long time. Mr. Yazzie reported Leslie Deal provided updates but he felt Councilman Deal did not tell the truth about funds for relocation. If more money for relocation was found, he asked, "*Where is it?*" He believed relocation brought sickness between one another, between the Diné and Hopi and between the Diné people and the leaders. Mr. Yazzie spoke about the need to streamline certain permits, as different permits were used and it confused the people. According to Mr. Yazzie,

even the grazing officer is confused about some of the grazing boundaries. The boundaries were not clear. He also brought up the discussion about companies that wanted to develop on the land. But nothing had happened and this caused a great deal of bickering among the people. Mr. Yazzie talked a little about how Navajo wealth is measured and felt no one in the relocation office really understood how that applied to relocation benefits. He stressed traditional measures of wealth should be understood in this context.

Mrs. Sarah Woodie also a relocatee prepared a list of concerns and read directly from this list. Her concerns were:

- Relocation caused a lot of family hardships. Many families broke apart and they are no longer intact.
- Mental health issues were prevalent for those impacted by relocation. Depression is more common since the onset of relocation.
- Alcoholism is another persistent and prevailing problem that had affected the relocatees.
- Cultural deterioration had occurred because families were broken up and scattered all over the place.
- High unemployment rate crippled any attempts to lessen the impact of relocation.
- Education opportunities were not available for the relocatees.
- Discrimination is often directed to relocatees and their families by chapter personnel and other Navajo programs that were designed to help the people. Relocatees should not be treated any differently than other community citizens.
- Relocatees need to be part of the Navajo political and governing system. Instead of being ignored. Children of relocatees need to have the same consideration as other community citizens.
- A scientific study was recommended to understand the impact relocation caused on the Navajo Nation.
- Public education needed to go global regarding the disastrous effects relocation caused.

Mrs. Woodie was hopeful the concerns expressed by the elders and those affected by relocation would be brought before the leaders of the Navajo government. She would await the results of the hearing.

Mr. Dexter Donald, Sr. the final person to testify began with asking whether NNHRC would keep the people updated on the results of the hearing. He recommended a radio station in Tuba City be used to disseminate information to the people. He would like to see the office use this media more often. Mr. Donald's also recommended the use of a suggestion box be available at the chapters for the people

An invite was offered by Mr. Joe Klain to NNHRC to attend the Forgotten People's meeting scheduled for December 28th, 2009. He also thanked NNHRC.

Pinon Chapter House
Pinon, Navajo Nation (AZ)
December 17, 2009

Mrs. Peggy Nelson spoke first and informed NNHRC that her reasons for relocating were not because she wanted to. She was raised near the Jeddito Island and when P.L. 93-531 evolved, instructions were given to the people to decide what to do with Jeddito. The question posed was *“Would Jeddito become part of Hopi or be fenced off?”* Most people voted to have Jeddito fenced off and therefore subject to no community development. Mr. and Mrs. Nelson realized they had seven children to raise and decided to move. Mr. Nelson asked paternal relatives if they could move near them. They moved to a place called Beshbito, Arizona and built a home. As children grew older paternal relatives began to say no land would be given to their children. The land where they lived used to be grazing land and because they moved onto grazing land no one could have livestock. Mrs. Nelson said after building a home with relocation benefits these feelings surfaced. Mrs. Nelson is concerned about where the grandchildren will go. The Nelsons had aged and had health problems. The seven children moved off the Navajo Nation to find jobs or to go to college. They were not allowed to live on the same land where the parents resided. Mrs. Nelson was very worried.

Mr. Percy Deal a former Navajo Nation Council Delegate and a resident of Big Mountain asked NNHRC, *“What are you going to do with all the documents and testimony you have got?”* He recommended NNHRC present the findings to Federal, State and Navajo programs and organization that are responsible for the welfare of the relocatees. He also proposed the findings be raised at United Nations General Assembly. To him many people expressed hope and had high expectations that NNHRC was going to do something. He was hopeful that NNHRC would be successful and address the concerns. Mr. Deal outlined some important historical facts about P.L. 93-531. He began with laws made before P.L. 93-531. He reported that there is a section in the relocation law that called for the rehabilitation of the land and livestock. Mr. Deal could not recall whether the Navajo Nation had looked into this fund. He reported that funds for community development and infrastructure had not been tapped into either. Mr. Deal reported chapters that received relocatees never got assistance from the Navajo Nation Government. Hardrock Chapter received over 240 relocatees. Mr. Deal did not know what happened under the current Navajo administration or with Navajo Nation Council but he was concerned that the rights of the Diné people were ignored. He assumed the rights of the Diné were circumvented by Navajo Nation Council.

Ms. Cassandra Allen a health care nurse at Pinon Clinic in Pinon, Arizona spoke about a proposed plan to change the governing structure of the clinic to become a community governed hospital under a federal contract called a 638 contract. She wanted people served by the healthcare facility to have input in this decision. Ms. Allen also spoke about support for a Navajo wellness policy. She encouraged more public education on preventable diseases that are

prevalent to the Navajo. Ms. Allen thanked people from Hardrock, Pinon, Forest Lake, Black Mesa, and Low Mountain for allowing her to live among them.

Ms. Pauline Whitesinger an elder Navajo from Big Mountain recalled early events of relocation. She remembered a fence constructed around her home. She lived in the same house and grazed livestock even though she was not to. The water supply was shut off and many elders that stayed passed away. She was labeled a resister and was not eligible for benefits, which was okay with her. She did renovations and home repairs. Ms. Whitesinger's children moved to where employment could be found. She is cynical about Navajo government because no leaders were there to help her.

Mr. Danny Blackgoat lost everything he gained when he received benefits from relocation. He was naïve and did not realize the repercussions to his life when he moved to a new location. Mr. Blackgoat said traditional Hopis and Navajos had no conflicts. They lived in harmony and traded amongst themselves. He recalled the day P.L. 93-531 became law and over 12,000 Hopi and Navajos marched in Washington, D.C. to protest the law. Mr. Blackgoat claimed he never signed the document for relocation. He declared lying, cheating and misinformation were all a part of the government's strategy to swindle people out of their livelihood and land. He was a victim of these tactics. Mr. Blackgoat spoke of other governmental actions against the Navajo that were detrimental to the Diné Life Way. He spoke of his son's experience in Iraq. The Iranians were friendly and shook hands with his son. They did not show the same respect to the Anglo soldiers. Mr. Blackgoat ended his testimony with a statement that enough people had been killed from both 9-11 and the Iraq War. It was time to end the war.

Mr. Charlie Begay a traditional Diné elder recalled the days when everyone lived together. There was no land dispute. Mr. Begay claimed an application was filed on his behalf. He received a denial notice and when he followed up he could not understand a word that was said. There was no interpreter. His children live in Navajo housing communities elsewhere. He was unhappy with the leaders in Window Rock. He heard they had no plan to help the people. He heard rumors that *relocation* was planned because Navajo leaders returned to the site at Fort Sumner, New Mexico. They were not to go there. He stated their protection was lost and turmoil was with the leaders in Window Rock. Mr. Begay feared history would repeat itself. He ended his testimony and asked "*where are the leaders?*"

Ms. Clara Tsosie reported her family moved several times throughout her childhood. She recalled in the early 60's before the P.L. 93-531 was enacted they were forced to move. She recalled another time during relocation when they grabbed clothes and other personal items when the bulldozer came and destroyed their home, corral and the trees that surrounded the land. They were loaded into a truck that resembled a dump truck and hauled into Window Rock, Arizona. They lived at the fairgrounds for some time. She considered herself lucky. Her father's family lived right on the cliff of Low Mountain and they were offered a place to stay. They found refuge there for several years, but could never build a house for themselves. Ms. Tsosie's father was a World War II veteran, as was her uncle. They fought for America and when they returned, they were forced off their own land. They could not understand why this happened. No surviving

siblings got help with relocation. They no longer have contact with relatives. Mrs. Tsosie stated they wanted the Navajo-Hopi Land Commission to help them. She wanted to know where the monies had gone that were appropriated to help the relocatees.

Ms. Lorraine Herder introduced herself by first identifying her clan relations. She lived east of Big Mountain inside a fenced area. Ms. Herder spoke about the environmental conditions before the bull dozer changed the landscape forever. Before relocation the Diné had good family relations with everyone, grass was abundant and water was always available. Now days, Hopis and Diné are no longer friendly with one another. She wondered what happened to the money given to the Navajo-Hopi Land Commission. She agreed with Mr. Deal's comments. She wanted to see that money used to help the people. That was all she had to say.

Mr. Dan Herder came from an area known as Forest Lake, Arizona. His home remained on land partitioned to the Hopi. He frequently checked on the site. His concern was whether his children would be eligible for benefits. He never applied or accepted benefits offered from the relocation office. He recalled that on July 13, 1987 Commissioner Paul Tesler visited his parents and informed him he would be listed as the heir to his parent's property. Three years later, he received a letter that indicated the home would not be transferred until all eligible Hopi partitioned residents moved. Mr. Herder said when the relocation people come to see him they asked him, "*when will you relocate?*" He told them they needed to help his children first, before he would consider relocating. He asked NNHRC to advocate for them with the people at the United Nations. Many things had changed around him and this concerned him. He said family members had been separated and no longer knew one another.

Mr. Clarence Blackrock stated he came from an area called Cactus Valley near Forest Lake, Arizona. His home is within the Hopi partitioned land. He had three acres of land that is shared. He believed relocation is not right and that brought him to the meeting. Mr. Blackrock stated the land settlement act was never brought to the people's level. Everything was done in Phoenix, Arizona where people like him could not travel to provide input. He said he was uneducated and because of that, decisions were made without his consent or knowledge. He was raised in a traditional way and he is very thankful for learning those ways. Mr. Blackrock had nine children and all of them were ineligible for benefits. He was told that only he and his wife were eligible. His children followed their jobs and visited only when they could. Mr. Blackrock said the promises made by relocation officials remained unfulfilled. He is hopeful NNHRC will be there to see an end to this problem.

Mrs. Mary Lou Blackrock spoke next. She talked about the difficulty of getting assistance. The Navajo Nation told them to go to Hopi for assistance. The Hopi told them to go to the Navajo Nation for assistance. They reported difficulty going between both agencies. Their children also had a hard time. Both Mr. and Mrs. Blackrock lived alone and the children wished to return to take care of them. There is no land and they had the impression no one wanted to help them. This was her concern.

Ms. Lena Buckinghorse recalled her grandfather telling her about two Anglo men that would come to their home in Low Mountain, Arizona. Her father served as an escort and took

them to places where they would dig up old homes. Then about ten years later, the family was told they had to relocate. The cattle, sheep and horses they raised were impounded and taken away. Her grandson was taken to jail by Hopi law enforcement and later released when a Navajo Police officer intervened. Ms. Buckinghorse knew where they lived. She would check on the place every now and then. Since she moved away she noticed two Hopi families occupied the area shortly after they were forced to move. A water truck and a new mobile home were there. But today, the Hopi family left the area. No one lived in the home. She wondered why the Hopi claim that land and refused to live there and put up with the hardships they choose to live with. She asked in Diné *“Why did we have to move if they are not going to live on the land they took from us.”*

Mr. Leroy Teeasyatoh was a lucky one. His siblings all got benefits and he moved to Monument Valley with six kids and a wife. He thought that every Diné had territorial rights over their land. Mr. Teeasyatoh was part Chiricuhua Apache. It is common for Diné to tell him to go back to where he came from, but that no longer bothered him. The Diné had a history of working against one another and that was what he remembered. Mr. Teeasyatoh wanted public education provided about what relocation and discrimination did to the people. He is also concerned with where the young people will live. This concern was brought to the attention of Navajo-Hopi Land Commission and the response he got was, *“Just hang in there!”* Mr. Teeasyatoh testified that the Navajo-Hopi Land Commission fail to take issues seriously. To him relocation was a tragedy for both the people who took the benefits and for those that did not take the benefits. In his opinion, the problem rested with the central government. Mr. Teeasyatoh is content with his life at Monument Valley. His children are growing well and were not discriminated or hated by others.

Mr. Johnny Jack also recalled when his livestock roamed and grazed in the area that is now fenced off. Some of his children’s relatives remain on Big Mountain, others were scattered throughout the Southwest. Many relatives passed on because relocation brought heartache and loneliness. His assessment of P.L. 93-531 was that someone had no compassion because relocation hurt the mind and heart of those that had to move. Mr. Johnny Jack was disgusted with the U.S. Government for using the Navajo language to fight against Japan. His three younger brothers went to war with the understanding they were fighting for their land. But when they returned, they learned their land was taken away by the same government that they fought for. For Mr. Jack, it made no sense for Diné children to enlist and fight for a nation that took land from the Navajo people—especially as first occupants of the land. Mr. Jack wondered if the American people really know of the hardships this Act had caused.

Mr. Adrian Herder a young Navajo student that attended Pinon High School inquired as to why schools on the Navajo Nation do not teach about the impact of relocation. Young Herder stated students only know people got evicted from the land but do not know the extent of the struggle. He vaguely remembered his father being jailed for violating the new laws that came with relocation. He was not familiar with the history that surrounded the land dispute.

Ms. Myra Begay lived in Many Farms, Arizona with her mother and older sisters. They were relocated into Many Farms many years ago. She attempted to get a home site lease in Many Farms and was told she needed to go back to Pinon, Arizona because that is where she is from. Their mother's home is overcrowded and two other sisters also had kids in the same home. She asked NNHRC to help her get a home site lease in Pinon, Arizona.

Ms. Michaelyn Begay reiterated her sister, Myra's same request. They wanted assistance with a home site lease or house to live in. Despite being raised in Many Farms, they are seen as outsiders and therefore not authentic members of Many Farms Chapter.

Ms. Carolina Begay made a request for assistance for a house in Pinon, Arizona. Ms. Begay expressed her disappointment with Many Farms chapter officials who told them they are not originally from the area and had recommended the family seek home sites from the Pinon community. She expressed her appreciation to NNHRC for listening to her.

Mr. Jack Woody reinforced Mr. Blackrock's testimony and stated he had the same concerns regarding his children and the help they needed. His wife, mother-in-law, and two brother in-laws all passed away due to the stress and the loneliness relocation brought. His children are grown and live off the Navajo Nation. A son applied for benefits, but was denied.

Mr. Timothy Begay the last speaker began his presentation with some hesitation as he found speaking about relocation difficult. For him, the people had voiced their objections and no one listened. He pointed out that the promises made by relocation officials of a better home, running water, better roads, a good education and better health care were all lies. They were promised livestock and the Diné Life Way was to be reestablished in this new land. But none of that happened. Many lives were lost and homes crumbled because of poor construction. Mr. Begay said no one checked on the people after relocation. The children are in a similar situation and no one cared. Mr. Begay felt like others that spoke before him, Washington bureaucrats and Navajo leaders did not live up to the obligations to the people.

**Nahatá Dził Commission Government Office
Sanders, Navajo Nation (AZ)
December 18, 2009**

Mr. Kenneth Jensen raised concern about the relocation of his livestock. He had relocated his livestock from range land in Eastern Navajo Agency to an area north of Winslow, Arizona in 1987. He reported this ranch land was purchased by the Navajo-Hopi Relocation Commission to accommodate relocatees that ranched. Mr. Fritz Roanhorse the new manager informed the livestock owners they had to move their livestock out of the Winslow tract by the 21st of February, 2010. He reported certified letters were sent to all livestock owners in November 2009. However Mr. Jensen claimed he never received a letter. He protested the decision to move livestock as free, prior and informed consent was not followed. Mr. Jensen reported that the land was purchased with funds from the Navajo-Hopi Relocation appropriations and many upgrades

were done to the land. He thought the upgrades were to rehabilitate the land for their livestock use. He claimed council delegates on the Navajo-Hopi Relocation Commission did not listen to the people. Instead, they were laughed at. Mr. Jensen feared there is no one to protect their interest. He asked NNHRC to look into this matter and help the ranchers.

Mr. Thomas Nez informed NNHRC that his 84 year old mother was recently determined eligible for relocation benefits. Of the five living siblings two were approved for benefits and the remaining three were denied. He had health problems and could not work. He expressed a concern for the grandchildren and wanted to know where they would live in the future. He asked NNHRC to help him. He could not afford an attorney and his case was at a standstill.

Mr. Lee Todicheeney a veteran of military services of 26 years and a retired school teacher made statements that gave thought as to why Navajo youths continued to enter into the U.S. military services. His personal account of his life experience called him to question his own allegiance to this country. Many Navajo veterans found P.L. 93-531 worked against them. They could not find land to built homes on or they were rejected from Navajo chapters because of their affiliation of benefiting from relocation. Not only were they denied benefits from relocation, but they are also denied veteran benefits from the Navajo Nation. Mr. Todicheeney reported relocation affected everyone, the young, old, and even those not affected by relocation. Many families entered into a phase of life, not brought upon them by their own choice. He stated relocation destroyed families, removed them from traditional land occupied by family members for years and required them to reestablish lives in new rural communities. He reported his parents died early, because of the stress and trauma brought upon from P.L. 93-531. Mr. Todicheeney resigned to the fact that he would never return to his birthplace. It did not seem fair, after serving his country and protecting the land he grew up with, to be rejected by the same country and by his own people.

Mr. Ben Silversmith sought help to find out what happened to allotted land given to his paternal grandfather, Little Silversmith. In and around 1935 and 1937, Little Silversmith's family was given 160 acres of allotted land. The allotment was to be exchanged with land near Lupton, Arizona. The documents indicated the land transfer was not complete. Yet, the permit indicated the land was supposed to be used for farming. According to Mr. Silversmith, there is no water to farm. The original allotment was identified in Nahatá Dziil, Arizona where Navajo families had been relocated. He recently learned the land was trust land. He asked for answers as to how this happened. He learned his father received \$50 from the tribe, but that was not enough to cover expenses for the allotment. They had areas fenced, with homes and windmills in place. He wanted answers and hoped NNHRC would assist him. Mr. Silversmith lived in Twin Lakes, New Mexico in the Navajo Housing Authority residential community. He emphasized Navajo families had large land bases to live on. The concept of cluster homes was not conducive for ranch living. He claimed to be affected in the same way as other relocates. He was not a relocatee and claimed the Navajo Nation moved him off his land and moved another Navajo family on his land in Nahatá Dziil, Arizona. Mr. Silversmith would be satisfied with a piece of land near his paternal relatives.

Mr. Jerry Yonnie testified next. He was originally from Hardrock, Arizona. Many of his extended family members remain at Hardrock. Relocation had destroyed his family. He was concerned about the younger generation and where they would be in the future. He concurred with the statements made about Hopi not using the land they inherited from P.L. 93-531. He wanted the land reverted back to the Navajo people. He reported his brothers also want to move back to Hardrock but that is not possible. Mr. Yonnie ended telling NNHRC that many of the relocatees no longer occupy their homes. Homes are unoccupied and poorly built. He pointed out that the businesses that sold alcohol didn't care about what it did to the community. He reported the Mustang gas station applied for a liquor license which would put two liquor establishments in the community. He feared that if the license was granted, that would only add to the social destruction that was already underway in Nahatá Dziil.

Mr. Kevin Tucker a young man represented youth his age. He wanted to put on record, that many youth his age are not aware of the impact of P.L. 93-531. He stated many youth end up in prison because they had no place to go. He had young friends that were in prison. They had lost touch with the Diné culture and land. He wanted a rehabilitation center for those that are lost and jobs for others.

Mr. Norman Tucker's comment was brief. He wanted to know where the grandchildren were going to go. He was concerned their human rights were violated as they were being denied benefits and essentially cut off from all services.

Mr. Leroy Begay an elder man still had all his children living in his home and wanted help. They had jobs but were laid off and had no place to go. He lived in Tonalea, Arizona and relocated to Nahatá Dziil. Mr. Begay stated he was told to go visit relatives who were not affected with relocation and asked them for land. He did, but relatives told him, he could not bring his livestock. The home that was promised was to have been a large house. Instead he ended up in a small house that no longer accommodated him or his wife. Mrs. Begay is in a wheel chair and he cannot get around like he use to. Mr. Begay said the people who said they would build him a big house, lied.

Mr. Anderson Morgan, Sr. clarified the issued raised by Mr. Ben Silversmith. The land that Mr. Silversmith talked about was known as the Bar N Ranch, which was managed by Mr. Morgan and other relatives. When the Navajo Nation learned of the impending relocation of thousands of Navajo families, former Navajo Nation President Peterson Zah asked if the Morgan family would give up land for displaced families to move to. The family agreed and that is how many families moved into Nahatá Dziil. He also reported that about the same time the land deal was developed, the President of the United States issued an Executive Order and ordered all Diné residing near Nahatá Dziil to relocate on the Navajo Nation. This is how Mr. Silversmith loss his land and everything that was on the land. According to Mr. Morgan the land was composed of allotments and Bureau of land management units. He further reported his father was issued a piece of land near Houck, Arizona. Upon his death the land was reverted back to the Navajo Nation. He would like his entire land transfer matter to be revisited by NNHRC. Mr. Morgan also expressed concerned about the relocatees that moved into the Sanders, Lupton and Houck

chapters areas. P.L. 93-531 allowed for funds to assist chapters that took in additional families. However, none of the chapters got any money. He asked NNHRC to find out where those funds went and who benefited from them. His final concern was that since his family gave up land and no compensation was provided, he wanted to know if the Navajo Nation would be interested in purchasing land near St. Johns, Arizona. Apparently ranchers were selling land. Mr. Morgan recommended that funds designated in the land acquisition fund or other revenue sources be used to purchase the land. He is hopeful his family could relocate to that area.

Ms. Christine Deel confirmed testimony heard earlier about hardships, death and loneliness were true. That is what many people remembered about relocation. Many people also remembered the Long Walk. Both of these historical events had lasting impressions that instilled fear, depression and despair. She too is concerned about the future of the young children. Ms. Deel recalled leaving college to care for her mother who had heart surgery. She attributed her heart condition to the stress brought on by relocation. She applied for benefits, but was twice denied. She maintained the family grazing permit, but that did not help her get a home site permit. Ms. Deel was denied on the fact that she was not the head of the household at that time the permit was issued. She lived with her mother in a home purchased by relocation funds. The soil is not good for planting. Livestock were on ranch land that was purchased by the tribe.

Mr. Harry Begay began his testimony with saying, *"They told us we'd have all kinds of luxuries. They said they would take care of us. They lied to us."* Mr. Begay insisted he was forcibly relocated-- his entire livelihood was taken away. He wanted to know why the Hopi's had not move onto the land that they were forced off and why his children could not get benefits. To him the relocation officials said your children are not worthy of anything. He was hurt like other relocatees who were in the same situation. Mr. Begay reported the environment was not healthy. There were liquor stores nearby and many Navajos found alcohol as a way to cope. He wondered if this is just another strategy by the government to kill off the people so the non-Indians could take the land and homes away. Alcohol brought family discord and domestic violence. There was no money to help families and there were no jobs. Mr. Begay wanted to see these needs addressed.

Ms. Ella Romero recalled that in 1986 and 1987 she was promised benefits for her children if she relocated. They had no home. She had one son who was an alcoholic and was into other drugs. The drugs had changed him to where he no longer listened. When she first arrived into this location, she thought the red barn was a hay house. It turned out to be a bar that many spoke about. There were no services in the community to help the grandparents when the kids turned to alcohol. She wanted counseling services brought into the community.

Ms. Mary K. Tso complained about the restrictions placed on permits that limited the number of livestock families can have. The number is low and Ms. Tso wanted that limitation removed. Livestock was her livelihood. She recently learned a brother sold the family permit to the Navajo Nation. Anglo ranchers were on the property where her livestock used to graze. She and other family members were present to ask NNHRC to help them get the permit back. The family did not consent to the sale of the permit nor did her mother approve of the sale. Yet tribal

officials say the sale is final. Ms. Tso said she only relocated because her mother lived alone. She was 103 years old. Many relatives remain in Jeddito, Arizona and experienced hardships. She shared statements made by others earlier about poor home construction, no homes for children, alcohol sales and the high rate of violent crimes that resulted from the sale and abuse of alcohol, and finally, the limits placed on the number of livestock. She asked NNHRC for help.

Ms. Joann Roan informed NNHRC of her decision to talk her father into taking the relocation benefits. For many years the extended family held out, until she found out extended family members had accepted the request to relocate. She had no choice but to talk her parents into considering the benefits since they were aging. Her mother refused and so they remained in Navajo springs for several years later. After her mother died, her father agreed to relocate but only if the children would be included. They learned the names of all children were removed from the agreement when it came time to sign the agreement. Her father refused to sign. He finally agreed to accept the benefits because he was the only living relative in Navajo Springs along with this daughter (Joann) who commuted from Navajo Springs to Leupp, Arizona every day for work. Ms. Roan reported her new homestead was not what she was promised. Many people saw them as outsiders and they were discriminated and blamed for a lot of things that happened in the community. This environment was unhealthy and destroyed relations between relatives and families. Her thoughts of relocation are not good. Aside from being discriminated by other Navajo citizens, the Navajo government also discriminated against her children who now are confronted with relocation. She expressed concerned about the homeless, the destruction of sacred sites and the hunt for herbs in areas that are consider off limits. Ms. Roan had fallen into deep depression and she pointed to relocation as the culprit. Like many before her, she became eligible for benefits after being denied in the past. Her house was not holding together well. She felt like an outsider and at times sought assistance from programs outside of Nahatá Dził. At the end of her testimony she thanked NNHRC for being there. She encouraged NNHRC to do something to help the people because there was really no one looking out for their interest or the children's interest.

Mr. Harry Lee a rancher from the area expressed concern about paying higher grazing fees. He felt the Navajo Nation Resources Committee and the Navajo Nation did little to assist the ranchers who were relocated. Prior to moving, they were promised assistance to help maintain their herds. This had not happened and to him it seemed like the Navajo Nation and other government programs did not care.

Mr. Lee is a truck driver by trade. When he was not driving he took care of his cattle and horses. He helped elders that had livestock. Mr. Lee believed that input from the ranchers and the people are not respected. There was a definite breakdown with communication and coordination of services and projects between the Diné and the Navajo government offices.

Ms. Starlene Tsinniginnie a young woman with big expectations spoke about the personal impact relocation did to her and her family. As a young girl she recalled weekdays at her traditional home land in Fingerpoint, Arizona, where many fond memories were made. Ms. Tsinniginnie lived and grew up in Sanders, Arizona which was difficult. Her peers know more

about the liquor establishments and party sites then the history of the Diné. Ms. Tsinniginnie had extended relatives that lived near them who became alcoholics. They abused drugs and lived violent lives since relocation. This social situation motivated her to pursue a social work degree.

Mr. Henry Bigody was raised by a Diné woman that was not a relative. He did not know his relatives. He had to maintain two homes. Mr. Bigody was upset with himself for helping a relative that claimed to be his brother. Unfortunately this relative and his girlfriend vandalized his house in Nahatá Dziil. He was unhappy and vented to NNHRC about the violence in the community.

Ms. Annie Homes wanted to see a rehabilitation center built in the area. Drug and alcohol Abuse had consumed the lives of many families in the area. There were no jobs or income for families. Ms. Homes spoke on behalf of her son, daughter and grandchildren. Her grandson completed an AA treatment program but was still jobless. She was also concerned that Navajo employment programs do not assist Navajo as well as they should. She reported that income earned in the past made him ineligible for services. Ms. Homes reported another son was laid off and on a visit back to his former employer, he saw Hispanic workers at the site. She wondered if they fired him to hire the Hispanic workers. She stressed the need to develop jobs in the area for the people who were relocated.

Mr. Frankie T. Nelson acknowledged the testimony of those made before him as true and NNHRC should listen to what was said and help them. He too lived in an area identified as East Mill, where homes were poorly constructed. They were built on sand. He reported officials in Washington, D.C. know of the problems in this area. He also reported that a preschool was built but was demolished because of the sandy soil conditions. Mr. Nelson is also concerned with the lack of jobs. He recalled in the early days of relocation, jobs were available. But shortly after they moved the jobs went away.

Ms. Mary Begay was told the relocation office closed. She was the only sibling to have moved from Low Mountain, Arizona. She was asked to step down from an association that monitored the relocation funds. She reported Mr. Thomas Benally instructed her to step down after the organization developed bylaws and other documents that provided them funding. Ms. Begay claimed that prior to moving many promises were made. The people who came to visit them lied to them. Ms. Begay reported she had problems with paying the monthly bills to maintain her home. After all expenses are paid, she only had sixty-eight dollars left for the month. Her home was in need of repairs. Ms. Begay wanted jobs and homes for the children that still had not been served.

Ms. Helen Nez expressed concern that family members were not assisted after being promised that all members would be assisted. Three of her children had home site leases, but were not approved for benefits. A daughter served twenty years in the military and decided not to reenlist. She was in college and hoped to return to the Navajo Nation. Ms. Nez emphasized the need for job development on the Navajo Nation. Her house had also deteriorated. She was able to get some financial assistance but it was not enough to correct the problems.

Ms. Rose Zilth thanked NNHRC for being present at this hearing. She confirmed that many children have suffered. She reported a son spent two years in prison for a crime committed that involved alcohol. Alcohol had affected many lives in the area. She believed that if the liquor establishments were not in the community, young people would make better decisions. She complained about the violence and instability of families in the community. She too reported there was no help for these individuals. Ms. Zilth reported Navajo families were hosting public dances in their homes. She believed these types of activities brought violence to the community. Ms. Zilth also spoke about a grazing permit that was taken away. She was told the permit would remain valid and allow her to have the same number of livestock as before. However, when she moved she was told she could not have any livestock. Mrs. Zilth was not allowed to erect a fence to corral her livestock that moved with her. Overall, relocation for her had been a negative experience.

Mr. Jerry Thompson spoke next. He talked about several homes that burned down and the lack of water to fight the fire. There was no fire department or fire hydrants in Nahatá Dziil. According to him, a six inch water pipe was all that was available in the area. It was not large enough to serve the entire community. There had been water shortages before. Mr. Thompson reported the water line was to have been upgraded. He added that the soil in area was not conducive for building. This was reported to the Navajo-Hopi Land Commission office in Window Rock and Flagstaff long ago. Some homes had been repaired but the cracks in the walls return. He reported the Head Start building was also demolished because of shoddy construction and soil conditions that made the building unsafe. Like those before him, he too expressed a deep concern about alcohol abuse. Mr. Thompson also mentioned that the new community of Nahatá Dziil was to get a hospital, a senior citizens center, and a shopping center. These projects were to have brought jobs. The plan to develop this community had not been shared with relocatees by the Navajo-Hopi Indian Relocation Commission office.

Mr. Faron Morgan the last speaker for the evening stated the biggest hindrance for development to this community was jobs. He was not a relocatee, but a Navajo business man that did business in the community. He supported the ideal of local development and pointed to a large vacant building that was unoccupied. Mr. Morgan believed Nahatá Dziil was in an ideal location where business development could be realized. It was established near the interstate and railroad to bring development. He expressed some frustration with tribal and federal regulations for business development and encouraged NNHRC to look at recommendations to bring development and jobs to the community.

**Coconino County Board of Supervisors Building
Flagstaff, Arizona
January 13, 2010**

Ms. Anna Walker opened the hearing with statements made about her elder mother who succumbed to health problems after being relocated into the Sand Springs area. The house

provided to her mother was not built to standards. Her concerns were documented at the Flagstaff relocation office. She had not heard from anyone about her complaint. Ms. Walker reported officials of the relocation office said, *"Housing inspections were not there responsibility but were Coconino County's responsibility!"* Ms. Walker insisted no public education was conducted at the time P.L. 93-531 became law. Navajo Nation leaders fail to fully understand the impact this law had on its people. To her the leaders did a poor job of representing the people. She reported that through oral stories told by her maternal grandfather, a surveyor by the name of Mathew Murphy surveyed lands and separated them into 100 acre lots. Over eight hundred Navajo families were listed to get the lots, which had become a part of the relocated land. The U.S. Supreme Court upheld a lower court's decision that the land would remain with the families on the list developed by Mr. Murphy. Ms. Walker asked NNHRC to look into this. Ms. Walker also said chapters discriminated against them, but did not provide any detail information on how she was discriminated. She added no chapter had ever passed a resolution that welcomed the relocatees into their community. Mrs. Walker did not feel the Navajo Nation Government had an interest in what was best for relocatees. Officials, to her looked out for themselves and no one else.

Mr. Vincent Yazzie a young business man spoke about several encounters with law enforcement. He operated a tour guide program and is frequently scrutinized by the Flagstaff law enforcement. He reported incidents where he was ticketed for not having displayed the company logo on his van, for eating a mango in the driver seat of his van while parked, for not having an updated log book and finally, for not having a medical card. Mr. Yazzie reiterated frustrations of unlawful and unnecessary oversight of his business by Flagstaff law enforcement. He was invited to file a complaint with the office.

Mrs. Katherine Smith an elder who lived in the Big Mountain area all her life spoke next. She is fearful that as the resisters grow old and pass on, the young people will not be there to fight for the land. Mrs. Smith believed former Navajo Nation Chairman Peter MacDonald was the only leader that tried to help the relocatees. Since then, no other leader has stepped forward to fight for the people. She recalled the days in 1967 when word surfaced that the land they lived on was being talked about in Washington, D.C. It had since been a hard issue to deal with and the hardships that came with relocation were heart wrenching. Mrs. Smith raised an issue on why they pay for grazing fees when livestock is limited and fees for growing crops are also imposed. She candidly asked, *"Why are we paying for something that we own?"* Mrs. Smith is concerned that Black Mesa mine will reopen and she is not in favor of this. There are too many personal and Diné Life Way issues that needed to be addressed by the leaders before discussion on reopening the mine. Mrs. Smith knew Japanese people in the United States were compensated for the wrong doings inflicted upon them by the U.S. Government during World War II. She insisted she also be compensated for all the harm and wrong doing that was inflicted upon her by relocation.

Ms. Marie Gladue, the daughter of Mrs. Katherine Smith, spoke to the cultural issues that concerned relocation. She made it clear that amendments were attached to P.L. 93-531, which

made it difficult for resisters to survive at their designated home sites. Ms. Gladue's cultural teachings recognized Black Mesa Mountain as a female mountain that lie North to South. Traditionalist, say Peabody Coal Mine has mined her lungs and they took away a valuable resource that breathed life into the area. The male mountain is the Chuska Mountains situated just east of Black Mesa, both mountains represent male and female mates. The destruction of this important deity and the sacred offerings made and entombed by Black Mesa was a human rights violation of her and other Navajo families. She advocated closing all mining activity in the area. The Navajo Nation Government, Peabody Coal Company, the Hopi government and other subsidiaries ignored her pleas. Ms. Gladue described some of the complications in the Accommodation Agreement. She perceived the agreement as a law that divided the people. Provisions in the agreement allowed relocation officials to create different lists that identified who signed and who didn't. From this list another list was developed. If you are on one list you have more rights than someone on another list. Mrs. Gladue believed that regardless of what list you were on, there was a need to help the people. Many governmental programs turned away relocatees for assistance, others got the run around and still others submitted applications and never had action on them. Mrs. Gladue objected to the pervasive ploy she witnessed that discriminated against relocatees. She also repeated earlier accounts of mismanagement, corruption and the lack of accountability of elected officials responsible to serve the relocatees. Ms. Gladue recommended the Human Rights Commission compile a community assessment and impact statement, which would serve as a basis for planning and for the revitalization to the land. She recommended the construction of a healing center that would serve relocatees. Her final recommendation to NNHRC was to look at ways to keep money spent in border towns on the Navajo Nation.

Mr. Tom Yazzie testified his entire family was relocated from the joint use area in both Districts seven and five. They were restricted by the Bennett Freeze provisions of no construction or home renovation. He was not included in his father's application for benefits. He was in school in California at the time the application was taken. It took his father over twenty three years before his home was built (twenty years to get approved and three years to build after that). Mr. Yazzie applied for benefits after returning from California and was denied. He pointed out that the application required family members to record income during the period of 1974 to 1989. He was only a child without an income. This was the basis for his disqualification. Mr. Yazzie believed this mechanism was designed to filter out as many individuals as possible, which to him was discriminatory and a violation of his human rights. He asked NNHRC to look at the process that an application goes through. Mr. Yazzie's case is under appeal. He repeated that the one acre plot provided to relocatees was not large enough to raise livestock or to conduct traditional ceremonies. He thanked NNHRC.

Mr. David Johns reported he grew up on the Hopi reservation. His grandmother who raised him was adopted by the Bear clan of the Hopi tribe. Mr. Johns wanted to make the point that his historical and ancestral roots dated back to when no boundaries existed. Navajo and Hopi families lived together and depended upon one another for survival. He like others, attended

school off the reservation and when he returned he learned he was not included in the relocation application of his grandmother. When his grandmother died, his uncle was appointed legal guardian. He learned he was not listed on his application either. Mr. John applied for benefits himself. His case is in limbo and he was instructed to hire an attorney to represent him. He was grateful that his own children have land.

Ms. Mary Begay provided testimony at the public hearing at Nahatá Dził Chapter and was present to support NNHRC. She was raised by her grandmother and they relocated three times from the Low Mountain, Arizona. Ms. Begay's family was completely dismantled. She did not know where family members were. She was not allowed to renovate or repair her grandmother's home. Livestock could not graze near the home either. Her request for a grazing permit had been denied many times. She had an Arizona state registered brand that both the Hopi tribe and Navajo Nations did not recognize. Ms. Begay worked for the Navajo-Hopi Land Commission and spoke out about the management of the relocation funds. Shortly after this she was instructed to step down. She has no communication with the Navajo-Hopi Land Commission Office since.

Mr. Jack Ahasteen spoke about his involvement with relocation. Relocation impacted his entire family. He had a family lot that measured 90' x 100' feet in Window Rock, Arizona. He had no room to expand or to give land to his grandchildren. Mr. Ahasteen reported the process to get where he was today was difficult and painful. He did not want his children to go through this same process. Mr. Ahasteen believed there was political maneuvering from the far left that financed Washington politicians to work against the Navajo People. He was concerned that the United States had not supported the United Nations Declaration on the Rights of Indigenous Peoples. He asked NNHRC to send letters to the U.S. Congress requesting support for the Declaration.

Mr. Jonathan M. Nez a Navajo Nation Council Delegate from Shonto, Arizona stated, *"Discrimination to relocatees is well and alive in the community of Shonto, Arizona."* He is married to a Diné from Big Mountain, Arizona and based on personal and professional experience people do discriminate against him and relocatees. *"If you are not from this area, the people choose to oppose and deny services that are requested,"* Mr. Nez added. The Navajo partition land extended into the Shonto area where people have no right to acquire grazing permits. This matter was to have been resolved through the Navajo Nation and the Bureau of Indian Affairs, but has not been resolved. Council Delegate Nez speculated the conflict between Navajo Nation and Hopi tribe was developed by politicians in Washington, D.C. Mr. Nez spoke of the Declaration on the Rights of Indigenous People. He implied that the Navajo Nation Government could reconsider its investments with companies that do not support Indigenous issues, or who exploited Indigenous nations and who do not support the Declaration on Rights of Indigenous Peoples. Mr. Nez stressed NNHRC educate the people correctly on land issues and the dilemma that Navajo leaders are confronted with in tribal government. Councilman Nez offered his assistance where NNHRC might need his help.

Mrs. Berta Benally resided in an area called the Big Mountain Ranch. She began her testimony about Peabody Coal Mine's underground testing. Mrs. Benally recalled a short verbal exchange with a Peabody representative that was conducting a soil assessment. She asked, "*What are you doing?*" and then told, "*It was none of her business.*" Mrs. Benally recalled when Roberta Blackgoat, Katherine Smith, herself and other relatives and friends marched into Flagstaff and demanded to meet with Bureau of Indian Affairs officials (BIA). BIA officials refused to meet with them and repeated "*P.L. 93-531 was the law of the land and nothing could be done to change the law.*" Mrs. Benally recalled the day bulldozers came to her home, mowed down a tree and cut through the sheep corral. The next day they cut down a tree where her daughter's umbilical cord was buried. They cut off all water. It was a rude awaking for Mrs. Benally. She recalled the day Katherine Smith, fired a gun into the air to scare off the individuals that put up the fence. Ms. Smith was jailed for that incident which made national news. Mrs. Benally spoke of the hardships Navajo families encountered when they relocated into Flagstaff, Arizona. Many lost homes. Relocates had limited understanding or knowledge of mortgage payments, utility bills, home insurance, and property taxes that were to be paid. These concepts were all foreign to them. Many turned to alcoholism, suicide, depression, and others just died. Mrs. Benally pressed NNHRC to be sensitive about these issues because Navajo families that were relocated paid a high premium.

Mr. Francis Tso signed an accommodation agreement and is concerned the United States and Navajo governments had not carried out their portion of the agreement. He lived in Flagstaff, Arizona and does not have a home site. Mr. Tso's parents relocated to Nahatá Dziil, Arizona while his maternal grandparents remain in Big Mountain. It is difficult for him to care for family when he has to travel long distances among relatives. Mr. Tso hoped the Navajo Nation Human Rights Commission will help him take relocation back to court.

Ms. Rachel Tso echoed a desire to return to the land that the family once occupied. She recalled the land was cared for by relatives and ancestors who lived there long before the land dispute began. She asked that NNHRC to be cognizant about the children who cannot live on the land now but who may one day return to the Navajo Nation. She wanted a place preserved for them.

Mr. Clayson Benally the final presenter explained his relationship to Mrs. Bert Benally and Alberta Blackgoat as maternal matriarchs of the family. Mr. Benally was raised in Big Mountain and spoke of many activities he was involved with to stop relocation. He called for the consideration of a class action lawsuit against the federal government. Mr. Benally believed that the rights of Diné citizens to practice traditional ceremonies and Life Ways were violated by the United States government and continued through generations of relocated Diné families. To him cultural genocide is no different today then how it was carried out many years ago. Mr. Benally believed the strategy of cultural assimilation was well planned to where no development could ever be realized on the Navajo Nation because the land was rich in minerals and natural resources.

Tuba City Boarding School
Tuba City, Navajo Nation (AZ)
January 14, 2010

Mrs. Jean S. Williams-Horseson is a member of the Forgotten People and was also relocated. She explained the purpose of the organization, introduced officials and spoke about the public relations capability of the Forgotten People. She began her testimony with wanting to know what happened to the funds that were allocated under P.L. 93-531. According to her the funds had been allocated annually in the millions to the Navajo Nation and were to be used for the people directly affected by relocation. She asked NNHRC to look into what happened to those funds. She informed the audience that the Forgotten People obtained signatures from Navajo citizens demanding to know about the status of these funds. The signatures were submitted to Washington, D.C. Mrs. Williams-Horseson spoke about relatives that relocated to Nahatá Dził, Arizona and the social calamities they faced. Alcoholism and discrimination are two significant factors that affected the people there. She also spoke about the concerns raised with the homeless. She is aware of the hardships in Benefit Freeze and that no one cared about the inhumane conditions the people lived with all these years. She reported the Black Falls people had suffered the most. They had been literally living out of cars or busses. Mrs. Williams-Horseson blamed the Navajo Nation Government for being insensitive and failed to address the hardships the people lived with.

Ms. Anna H. Begay also wondered what happened to the funds that were allocated to the Navajo Nation for use by families affected by P.L. 93-531. She was concerned that any money allocated for relocation is already spent by the time it gets to the people. She had not gotten any assistance. She recalled being verbally and physically harassed by Navajo and Hopi members in the early days of relocation. Ms. Begay remained on traditional family land and was the only resister there. Many Navajo elders and friend had passed away. She believed they died early because of stress and hardship brought on them by relocation. Ms. Begay spoke about a dream where Navajo veterans got the land back from Hopi. She is a Diné medicine woman with a special gift. Her final issue was with the reduction of the Council Delegates. She feared that a reduction in delegate numbers would lead to them becoming tired.

Mrs. Velia Yazzie is a retired elder who moved into a large four bedroom house after relocating. The home is overcrowded now. Mrs. Yazzie reminded NNHRC of traditional Diné living practices, where families lived together. She was confined to an acre of land and because she was in a residential area, cannot build another house on the lot. To accommodate everyone, the family made a schedule to rotate members in and out of the house weekly. It was the only way to make room for everyone. She wanted NNHRC to know this. Mrs. Yazzie was deeply troubled with the health of Diné citizens. She believed physicians and other healthcare advocates were not doing enough to address these health and social issues.

Mr. Leonard Benally came from Big Mountain and was fenced off from Hopi Partitioned Land (HPL). Mr. Benally claimed P.L. 93-531 took the lives of many Diné that lived in Black

Mesa, Arizona. He recalled the days when the Sun dance was held in Big Mountain. Mr. Benally blamed Peabody Coal Company for the desecration of the grounds where the sun dance took place. This was a direct violation of his right to practice his religious freedom and ceremony. Mr. Benally urged NNHRC to look at the human rights violation from this angle. In ending his testimony, Mr. Benally hoped NNHRC could do something. He believed the United States and the Navajo government committed a great injustice against the relocatees.

Mr. John Benally presented the Commissioner with a written book comprised of information of his concerns. He added that what he had heard so far was true.

Mr. George Kee is a Navajo Veteran. He questioned why Navajo veterans don't get the same benefits as other non-Indian veterans get off the reservation. He correlated the difficulty with getting services for Navajo veterans and Navajo relocatees. They are discriminated against, given the run around and valuable documents are lost. Mr. Kee is not happy with the Navajo government. He complained about Navajo officials that run for office, after they are elected they do everything they can to avoid you or the issue at hand. Mr. Kee concluded the only leader that really tried to prevent relocation was Mr. Peter MacDonald.

Ms. Gleana Begay lived near Peabody Coal Mine in the HPL area. She recalled many court hearings she attended because of citations the Hopi rangers issued to her. One citation involved the expansion of her home which was stopped. She had hearings in Phoenix and claimed nothing came out of the hearings. Her livestock was impounded on numerous occasions, and each time the family managed to come up with the impoundment fees. Ms. Begay reported mining officials told her there was coal in the area where she lived. She refused to move and spoke with Navajo Nation President Joe Shirley, who implied he would support her decision to remain. She made several trips into Window Rock, Arizona and when she met with President Shirley, he would change the subject and avoid talking about Peabody Coal Mine. Ms. Begay learned President Joe Shirley cannot commit to help the people.

Mrs. Marie H. Yazzie siblings were present at the hearing. She reported she was denied three times and appealed every denial. She heard the Office on Navajo-Hopi Indian Relocation was taking application and might submit another request. Mrs. Yazzie is a retired school teacher and was in school at the time relocation applications were taken. Mrs. Yazzie had the grazing permit for the family. She looked to NNHRC to help her get a house as well.

Mr. Robert Begay expressed frustration with the Navajo government after several attempts were made to get help to the people on Bennett Freeze area. He is a member of the Forgotten People. Mr. Begay accused the Federal, State and Navajo government of violating the human rights of Navajo citizens with the inaction of the governments to response to the suffering of the people. He scolded Navajo Nation Council Delegates for putting their personal interests first. He supported the ideal of appointing non-elected officials to the Navajo-Hopi Land Commission. To him the current appointees do not respect the people. Mr. Begay also questioned whether taking issues to the United Nations was going to help. In his personal review of recent actions by the United States, he saw that the United States did not follow the recommendations from the United Nations. Mr. Begay also spoke about an aquifer that Peabody

Coal Company had contaminated. This aquifer was never to be accessed, but Peabody drilled and contaminated the only water source for the people in that area. He wanted NNHRC to know this.

Mrs. Augusta Gillwood spoke on the impact of relocation. As a fourth generation to relocation, she experienced discrimination, neglect, emotional abuse, physical and psychological trauma. She inherited a stigma as a squatter. Mrs. Gillwood spoke on behalf of elders that lost homes to deterioration and poor construction. She spoke about young children that lost their cultural identity because families were not allowed to practice the cultural traditional ways as relocatees.

Ms. Cecelia Joe expressed feelings that she is a forgotten Navajo. She spoke about a voluntary group in Coalmine, Arizona that served residents to help them get assistance with their homes and themselves. She reported chapter programs and other social agency programs are reluctant to help. Elders are in need of services yet they are denied. Ms. Joe cared for her elderly mother and is depended on the Homeowners Association for help. Ms. Joe did not grow up in a house. She was raised in structure made of tree limbs with a dirt floor. She thought conditions would be better with relocation but that concept was short lived. Ms. Joe recalled a period of time when they lived out of a vehicle and she was told her kids smelled like sheep manure. This is how she raised her children. Ms. Joe had a house built near the corn field. She hoped NNHRC would bring jobs to the area as well.

Ms. Vina Horseherder asked why P.L. 93-531 cannot be terminated. It was a bad law and it caused more harm to the people than anything else. She was stressed. Mrs. Horseherder said she lost her hair from the worry and hurt relocation brought to the people. Her house had deteriorated and is overcrowded. Grandkids are brought in at night while the parents sleep outside in the cold. They cannot expand the existing home. The chapter turned down the request for an addition to her home. She agreed to relocate because roads to her home would be paved, water, pumping and septic services would be available and installed. Yet, none of that happened. She did not have a good word to say about the people in Washington, D.C. This was all she wanted to say to NNHRC.

Ms. Ruth Benally brought to NNHRC attention the day she and other family members fought with Hopi law enforcement when they learned they were going to be fenced in. Family members literally fought with Hopi officers when they were being pressured to leave the area. She reported many of the families that lived in the Big Mountain area were not fully informed of the agreements made with the Navajo government. Ms. Benally did not blame Hopi for the land agreement but placed blame on the Navajo government and the Federal officials. Ms. Benally appreciated the help she received from those concerned with her life. She learned some Diné regained their land back. Ms. Benally claimed where she is from, people worked against one another.

Mr. Paul Clark reported there are no stories that tie the Hopi to the land. He believed the law (P.L. 93-531) is based on hearsay where Hopi claimed to occupy the land many years before the Diné arrived. Mr. Clark said the law is not written in a good way. The law does not understand the Diné Life Way. The Diné Life Way is an important inherited asset that the Diné

own all these years. Mr. Clark accepted that relocation impacted the Diné Life Way. According to Mr. Clark the Navajo-Hopi Land Commission acknowledged this but they chose to accept the relocation law and tied the hands of the Diné. Mr. Clark also talked about recent news reports of the abuse toward Navajo women and children. The laws were an example of the hypocrisy that exists in the Navajo Nation. He asked a simple question, of why the government told its people not to abuse women and children, when they were without homes. He questioned the wisdom of this statement when women and children are denied benefits and discriminated against. Mr. Clark spoke at length about the natural mineral reserves that were at the heart of relocation. Like others, he believed relocation was an excuse to get to the coal reserves that Washington knew about many years ago.

Mr. Kerry Begay started his testimony and recalled reading a history book that described the Indians and the Navajos as uncivilized. This made him angry and he dropped out of school. He heard United States Congress lifted the sanctions on Bennett Freeze. Mr. Begay was impatient and wanted action right away to revitalize the land. He proposed the fence be cut where livestock were impounded and families take livestock home immediately!

Mr. Bobby Bennett, Sr. was raised in Tuba City, Arizona and wanted NNHRC to look into concerns surrounding the use of the Navajo-Hopi Rehabilitation funds. He asked NNHRC to insist the fund be used for the people affected by relocation. Mr. Bennett felt this fund was wasted on other projects that had no direct benefit to relocation. Mr. Bennett's final comments were about the Council Delegates and the lack of respect they present toward the people. He felt Council Delegates removed the rights of Navajo people and manipulated laws to where the people lost their authority to govern. He ended hoping NNHRC will find a solution that will end the people's suffering.

Mrs. Lita O'Daniel also spoke about hardships confronted by family. The hardship for them turned into discrimination against the grandchildren. Chapter personnel told them they were not from the area originally. They can enroll in the chapter but if they were not raised in the chapter they were not eligible for services. Mrs. O'Daniel wanted NNHRC to know that discrimination and abuse came from Navajo citizens as well. She heard funds were appropriated to help the families of relocation, yet she had not seen any improvement in the homes, roads, utility infrastructure or medical care for the people. She knew the funds were appropriated to the chapters, but she cannot get answers as to how the funds were spent. Mrs. O'Daniel reported other funds were appropriated from the Land Acquisition fund to buy land. She was not informed as to where these funds were. Mrs. O'Daniel identified a community based committee that use to look into these matters but reported that the committee is no longer effective. Mrs. O'Daniel asked NNHRC to look into where the funds went.

Mrs. Lisann Sloan parents resisted leaving the land they were born and raised on in Dinnebito, Arizona. They both passed away and she was denied benefits. She had submitted several applications only to receive denial letters. At the time her parents were offered a benefit package she was in college. She stated the application process was confusing and required dependents to have an income to be eligible for benefits. Mrs. Sloan wanted NNHRC's attorney

to represent her on the next appeal. She had no income to hire an attorney. Mrs. Sloan also wanted NNHRC to know she applied for housing with the Navajo Housing Authority and was denied. The denial was based on her status as a relocatee and she was directed to apply at the relocation office.

Mr. Clarence Blackrock voiced his concern that the children were left with nothing. Mr. Blackrock said parents were taught to take care of the children no matter how old they maybe. They were still children and deserved to be assisted and helped. Relocation did not recognize his children as living and dependent. They were ignored and were denied homes. Mr. Blackrock did not agree with this policy and said it was not right.

Chapter 5 Relocation Findings

The statement of Loretta Flatrock of Coalmine, Arizona, perhaps best exemplifies what relocation has meant to more than ten thousand Diné citizens. After returning home from school one day (she was ten years old at the time), she said, *“I remember getting off the bus at a place that looked familiar but nothing was there. They bulldozed over the house, the Hogan, the corral and the livestock were gone. The land was completely cleared and as I stood there the bus driver drove off. Everybody was gone and everything was gone.”*

For those Diné who agreed to take the relocation package, a significant number now say they were misled and misinformed about what it would mean to leave their lifelong homes. Of the handful of Diné who steadfastly refuse to relocate or to sign an accommodation agreement with the Hopi Nation, they live in a constant state of anxiety and stress because they don’t know when either the federal or Hopi authorities will come to physically force them off the land. By the standards of the United Nations Declaration of the Rights of Indigenous Peoples, the Navajo people’s human rights are violated and many of these violations occur on a daily basis. It is incumbent on this NNHRC to hold the United States accountable for its treatment of the Navajo Nation and its citizens. According to the provisions in the Treaty of 1868, the United States has sworn to support the Navajo people until such a time comes that the Navajo Nation is able to assume all responsibility for its own future. Further, NNHRC once again calls upon the Navajo Nation and its citizens to continue to claim the right to practice, preserve, and protect cultural traditions and values, for these are fundamental to our identity as Diné.

Based upon investigation, NNHRC finds the forced relocation of over ten thousand Navajos is a clear violation of their human rights. It also finds that daily harassments, intimidations, and surveillance of the Diné who refuse to either relocate or sign the Accommodations Agreement to be human rights violations. The Navajo Human Rights Commission determined the following findings as legitimate, factual and therefore worthy of continued investigation. The findings are as follows:

- Once Congress passed the Navajo-Hopi Settlement Act of 1974 and the three-board-member of the Office of the Navajo Hopi Indian Relocation (ONHIR) was in operation, this entity should have maintained an open and transparent relationship with families and communities affected by relocation. Based on testimony of relocatees that this oversight Commission lost sight of its fiduciary responsibility and accountability to those affected by relocation. Testimony indicated that when individual relocatees attempted to approach ONHIR, they were faced with an indifferent bureaucracy. Some statements attributed to Navajo-Hopi Land Commission include *“I’ll check into it.”* The relocatee never heard back. Testimony indicates that relocatees have little trust in ONHIR, the Navajo-Hopi Land Commission or the Navajo Nation Government.
- The United States clearly infringed on the human rights of Navajo citizens collectively, whether directly or indirectly impacted by the Navajo-Hopi land dispute,

by removing them from their lands that were traditionally owned, occupied and used by them. The removal of the Navajo people infringed on the human rights to “practice and revitalize their cultural traditions and customs.” Navajos that were relocated cannot maintain, protect and develop the past, present and future manifestations of their ancestors, as recognized in Article 11 of UNDRIP.

- P.L. 93-531, as amended and other Navajo-Hopi relocation laws concentrate on a period of what existed at a given time. The Navajo-Hopi relocation laws do not intend to facilitate and foster the will of the Navajo people, which is to remain within the four sacred mountains and continue to practice and revitalize Navajo cultural traditions and customs.
- According to Navajo cultural and tradition of fundamental law, when a person is violated the well-being of this person is brought back to fullness using the standard of “nalyee,” redress. In the situation of moving a family, much less a community, that family must exercise full areas to traditional and sacred sites/places and to lands and places they named. This is fulfilling the need to bring the person whole again. The United States government has not and will not achieve nalyee in the course that it has taken to relocate Navajos.
- Relocates indicated an improvement with service and case management by the Office of the Navajo Hopi Indian Relocation once Christopher Bavasi was named Executive Director. There began also a more consistent effort to follow up with cases that are under appeal. Many relocates complained about the location of this office. They felt it was a significant distance to travel to Flagstaff. ONHIR administrative office would be more easily accessible if situated in Tuba City, Arizona.
- Navajo families relocated off the Navajo Nation could not conduct traditional Navajo ceremonies in hogans. In urban areas, all building constructions had to meet strict city building compliance codes and many families did not have the financial means to meet the code standards.
- Once families had accepted a relocation package, they were prohibited from returning to ceremonial and sacred sites, including those associated with their extended family’s history, such as burial sites.
- Families who had relocated to other chapters within the Navajo Nation also discovered they were prohibited from visiting ceremonial and sacred sites.
- Arizona Senator John McCain’s legislative effort (S.1003) to end the Relocation program and transfer responsibilities to the U.S. Department of Interior is not supported by Navajo families affected by relocation. McCain’s declaration that Navajo relocation should have been over a decade ago is not supported by the Navajo Nation Government, Hopi leaders, Navajo relocates, their children and grandchildren, and the Navajo Nation Human Rights Commission.
- Navajo relocates were not provided accurate and truthful information at the onset of negotiations for benefits. Families who relocated expressed feelings of being

- deceived and cheated because commitments made by governmental officials often failed to materialize, i.e. paved roads to home, access to water and electricity, transference of grazing permits, and construction of hospitals and community centers at their new locations.
- Navajo families relocated off the Navajo Nation were not prepared to manage the responsibilities of private home ownership. Many found it a financial burden to maintain a home and did not realize there were other costs including insurance, property taxes, and utility costs. They also found it difficult to navigate strict residential zoning policies. These factors are directly related to many of the relocatees' lack of formal education. With few skills and education, they were unable to find jobs that paid enough to maintain homes. As a consequence, many lost their homes.
 - Many Navajo families that relocated off the reservation lost homes to loan companies to cover homeowner and personal expenses. They listed homes and private property as collateral. In some instances, homes were forfeited for five thousand dollars loans.
 - Relocating Navajos from their traditionally owned and used lands is in essence committing ethnic cleansing and genocide, as those relocated Navajos are mentally hurt beyond repair. Some have expired as a direct result of their relocation because they are unwanted in what is now the Hopi partition land.
 - Navajo relocatees fell prey to alcoholism, depression, and suicide. They also reported pervasive feelings of isolation, alienation, and loneliness. For many, their former lives had revolved around livestock. Their cultural values are deeply rooted to herding sheep and goats; as a result, they often felt bereft because they were no longer able to keep livestock. They no longer had these responsibilities and so found themselves questioning the meaning of life.
 - Navajos who had relocated within the Navajo Nation's boundaries found their new houses to be poorly constructed. Ceilings and foundations began to fall apart shortly after completion. Roofs rapidly deteriorated with the winter weather conditions. In spite of the U.S. Congress' commitment to not relocate families into houses where utilities, including water and electricity, were not available, families moved in. The houses were pre-constructed with plumbing and electrical amenities but chapter communities and the Office of the Navajo-Hopi Indian Relation failed to develop the infrastructure needs.
 - Navajo Chapter communities that accepted relocatees could not accommodate their needs. Because many chapters had limited resources, allocations between community members and the relocatees became a divisive factor that led relocatees to feel even more isolated and discriminated against.
 - School age children who were not in the home at the time when relocation benefit applications were being circulated were declared ineligible for benefits. Because they were away at schools, they were not considered to be part of relocatee families. As

adults who are seeking relocation benefits, they were required to furnish proof of their relationships to an original relocatee and even had to provide proof that they were enrolled in an education or training program. They also were required to show proof of income in order to be considered for relocation benefits.

- ONHIR requested to secure other documents, including grazing permits and census records. Some documents were never returned. In addition, understanding the bureaucracy of the Navajo-Hopi Relocation Office and their expenditures remains hazy. Despite numerous requests to the Navajo-Hopi Relocation Commission to provide a written plan that outlines future program logistics for addressing the needs of the relocatees or a report on the impact of relocation for Chapters, communication has not been forthcoming. It is noted that on August 9, 2010 several grass root organizations impacted by relocation filed suit against the Navajo-Hopi Relocation Commission and alleged mismanagement of funds and failure to properly communicate and represent the interest of the relocatees.
- Navajos who have refused to relocate or sign the Accommodations Agreement also provided testimony at the public hearings. Those agreeing to Accommodations Agreements reported that they were each limited to one-acre lot, two sheep, one horse, and one cow. Their lots are fenced. They are not allowed access to their traditional area sacred sites. Community water wells used by both Navajo and Hopi were off limits to the resisters. Resisters also could not access grazing lands outside fenced areas.
- Resisters reported constant harassment and intimidation by the Hopi Rangers. Water wells are frequently vandalized, fences destroyed, and livestock are impounded. Dirt roads to homes of resisters are not maintained and become impassable with inclement weather conditions.
- During the course of testimony, references to the Bennett Freeze area also came up. Navajo families living on Bennett Freeze experienced deprivation because development has been at a standstill for forty years. Navajos are subjected to deplorable living conditions where residences are often shacks without running water or electricity.
- Indian Affairs Commission Robert Bennett's 1966 order to freeze any development on lands that was in dispute between Navajo and Hopis is another instance of the violation of Indigenous human rights.

Chapter 6 Recommendations

1. Because the Navajo-Hopi Relocation Act falls within the scope of human rights violations under the standards of the United Nations Declaration of the Rights of Indigenous Peoples, the Navajo Nation Human Rights Commission recommends P.L. 93-531 et al., be repealed. Navajo lands should be returned to the Navajo Nation and all efforts to complete relocation should be halted immediately.
2. NNHRC recommends the Navajo Nation President and Vice-President, the Navajo Nation Speaker, Navajo Nation Council, and Navajo Nation Department of Justice commit to the full adoption and implementation of the human rights standards in the United Nations Declaration on the Rights of Indigenous Peoples.
3. NNHRC recommends the Navajo Nation Council take appropriate action by developing, establishing, and implementing legislation that will prevent any future relocation of Navajo citizens unless there is imminent danger and the threat of life lost. Included must be provisions of free, prior and informed consent.
4. NNHRC recommends the Office of the Navajo-Hopi Land Commission conduct bi-annual public meetings with citizens impacted by relocation of its activities, plans, accomplishments and address concerns raised by Navajo citizens affected by relocation. These meetings should be publicly announced in advance. The ONHIR Director and the Navajo-Hopi Land Commission should represent the people's interest through a process using free, prior and informed consent.
5. NNHRC recommends that the Navajo-Hopi Relocation Office in Window Rock immediately address Navajo relocatees' complaints in regards to grazing permit issues, water resources, and other needed services that were promised and never materialized. Many relocatees, particularly in areas located in Nahatá Dził, remain on fee land that has not been converted into trust status; as a result, Navajos face Arizona State offices who are demanding property tax payments. As noted in other portions of this report, relocatees often do not have the financial resources to make payments on property taxes. As result, many relocatees have already lost their homes.
6. NNHRC recommends the Navajo Nation address the legal needs of relocatees who have been denied benefits. Many Diné cannot afford legal representation, especially when their appeals are denied. Legal expenses are high and the rights for due process are therefore circumvented. Almost every individual who has applied for relocation benefits is indigent and have not been able to receive fair representation.

7. Although there have been several studies conducted during the course of the implementation of relocation, there has been no recent thorough investigation of relocatees' or resisters' experiences. The Navajo Nation Human Rights Commission recommends that the Navajo Nation Council seek federal appropriations to conduct a Social Impact Study in order to illuminate the historical sociological, psychological, and physiological impacts of P.L. 93-531 on the Diné. Efforts should be made to seek out scholars and researchers who would be able to collaborate with universities who have a reputation of working well with Indigenous peoples.
8. NNHRC recommends that the Navajo-Hopi Land Commission submit a comprehensive written report on all activities administrated by the office since its establishment and also account for all funding appropriated for each fiscal year. The Navajo Nation Human Rights Commission also recommends the Navajo-Hopi Land Commission develop a strategic plan outlining long and short range plans and goals. Further, because funds intended for those impacted by the Bennett Freeze were diverted to Navajo Nation development plans, including the Twin Arrows Casino, NNHRC urges the Navajo Nation and the Navajo-Hopi Land Commission to respond to Navajo citizens' complaints and actively seek input from relocatees and pertinent chapters during the process of development and planning. The plan must be codified in Navajo law with strict referendum requirements.
9. NNHRC strongly recommends the Navajo-Hopi Land Commission be composed of Navajo stakeholders who are not elected officials of the Navajo Nation Government. A reconstituted Navajo-Hopi Land Commission should be composed of relocatees and other Navajo citizens possessing specific talents and skills that can guide and implement the strategic plan. The newly formed Navajo-Hopi Land Commission should be composed of no more than nine officials selected and nominated by the chapters affected by relocation. The Navajo Nation President and the Navajo Nation Council should affirm the people's choice. The terms of the commission members should be stagnated to allow for continuity of the people's representation and to ensure accountability to the Navajo Nation.
10. NNHRC recommends the Navajo Nation Council pursue redress to the victims of P.L. 93-531 and endeavor to treat all relocatees with fairness and equality. Moreover, it is equally important that the Navajo Nation Government recognize the children and grandchildren of relocatees and those yet to be born as also the victims of relocation. NNHRC found it very disturbing that some Navajo leaders have declared that relocation is over. To the contrary, public testimonies taken from relocates and resisters indicate that in fact, relocation is not over and several generations of Navajo citizens are still dealing with its impact.

11. As relocation of Navajo citizens continues and the abuses continue, NNHRC recommends that the Office for Navajo-Hopi Indian Relocation in Flagstaff, Arizona, be relocated onto the Navajo Nation where relocatees can more easily access services. Further, based upon on-going harassment by Hopi Rangers, Navajos may be able to lodge their complaints more easily with a closer relocation office. Finally, funding for this office must continue indefinitely.
12. NNHRC recommends Navajo Nation Council adopt legislation that codifies, recognizes and promulgates laws that allow equal recognition and representation of all Navajo citizens who have moved into different Navajo Chapter communities. Navajo citizens relocated into chapters must be accepted as legitimate chapter members. As long as the Navajo Nation Council appropriates funds to chapters to assist families with emergency needs, housing and other viable needs, these relocatee families must have the same access to available funds as other chapter members. It is imperative that stricter compliance and punitive measures be enforced at the Chapter level to avoid further abuse of the people's resources including funding.
13. The available literature on the history of the Navajo-Hopi land dispute, the 1974 Navajo-Hopi Land Settlement Act, and other subsequent American laws intended to complete Navajo relocation, indicate that Navajos were relocated based upon expert witness testimonies in which Navajos and their forebears were often cast in unflattering stereotypes of "late arrivals" and "cultural borrowers." NNHRC recommends that NNHRC staff work with other Navajo entities to support scholarly research that emphasize Navajo perspectives on Navajo history, archaeology, anthropology, and education. Recent reevaluations of Navajo origins, culture development, and oral traditions indicate that many Navajo claims about their tenure in the Southwest, their relationships with neighboring Indigenous peoples, and the geography they claim as their homeland is now being validated by non-Navajo research.
14. In disseminating Navajo-centered perspectives, NNHRC finds it imperative that Navajo educators develop curriculum that introduces Navajo students to the history of the Diné, the evolution of Navajo government and the impacts of generations of federal Indian policies that too often undermine our sense of ourselves as a distinct and sovereign nation, if haven't done so already. Further, histories of the impact of P.L. 93-531 must be part of every Navajo child's education. By understanding the history of United States-Navajo relations, students will be better prepared to protect and perpetuate the Diné Life Way.

15. NNHRC also recommends the Navajo Nation Government appropriate funds to supplement Diné education to ensure Navajo curriculum is integrated into every level of classroom instruction.
16. NNHRC further recommends the Navajo Nation Council continue to develop laws and protocols that will ensure that elected officials act in a moral ethical manner as they conduct Navajo Nation business.

Chapter 7 Conclusion

Although our declaration of sovereignty is affirmed by the United Nations Declaration on the Rights of Indigenous Peoples, in fact, our ancestors long ago recognized our right to live in a manner in which we have chosen and to live on lands gifted to the Diné People. Our right to govern ourselves is founded upon our relationship to the land, which according to our creation narratives, has its roots in time immemorial. The Diné have always been aware that we must determine our own political, economic, social and cultural development according to our own laws and principles. Like other Indigenous peoples, our ability to govern ourselves is grounded in our own principles and which manifest as values, teachings, and norms known as customary law.

The legacy of P.L. 93-531 et al. has been a source of profound dislocation, alienation, and trauma for Diné citizens who have been forced to relocate from their homeland and based upon investigation, NNHRC finds the forced relocation of over ten thousand Navajos is a clear violation of their human rights. The handful of Diné resisters continues to face inhumane conditions. It is with faith and courage that the Navajo Nation Human Rights Commission puts this study, its findings and recommendations, forth and into the arena of the United Nations forum. As Indigenous peoples, if we cannot expect relief for our grievances from the United States, then we must look to the international community for relief and redress.

If there is a lesson to be learned from relocation, that lesson should be that Indigenous peoples refuse to compromise their human rights. It is the duty of every Diné citizen to pursue full recognition of their human rights. The right to determine our destiny belongs in the hands of the Diné people and we must demand and expect these rights remain at the forefront of the journey into the future.

Appendix

Table I. Relocation Public Hearing Participant Totals

A total of three hundred and thirty-three (333) participants attended the seven public hearings. The location of each hearing was based on the concentration of relocation populations migrating into these areas. Forty-one percent (41%) of the participants attending the hearings provided testimony.

Date	Location	Registering	Testimonies
November 17, 2009	Birdsprings Chapter House Birdsprings, Navajo Nation (AZ)	37	10
November 18, 2009	Dilcon Community School Dilkon, Navajo Nation (AZ)	59	23
December 16, 2009	Tonalea Chapter House Tonalea, Navajo Nation (AZ)	40	15
December 17, 2009	Pinon Chapter House Pinon, Navajo Nation (AZ)	59	20
December 18, 2009	Nahatá Dziil Commission Government Office Sanders, Navajo Nation (AZ)	60	24
January 13, 2010	Coconino County Administration Building Flagstaff, Arizona	20	13
January 14, 2010	Tuba City Boarding School Tuba City, Navajo Nation (AZ)	58	19
	TOTAL	333	124

Table II. Public Hearing Participants

Birdsprings Chapter House - Birdsprings, Navajo Nation (AZ) - November 17, 2009

Thomas Walker, Jr.	Thomas Walker, Sr.	Rosebelle Walker
Sarah Gonnies	Laura King	Preston McCabe, Sr.
Laurencita Tso-Barton	Sally Williams	Mazzie Yazzie
Jessie Thompson		

Seba Dilkon Community School - Dilkon, Navajo Nation (AZ) - November 18, 2009

Milton Bluehouse	Philmer Bluehouse	Paula Kanuho
Leroy Williams, Sr.	Melvin Williams	John B. Benally
Verna Clinton	Ida Mae Clinton	Norris Nez
Lena Nez	Marsha Monestersky	Rena Rabbitt Lane
Stella Y. Begay	Justin Tso	Grace Yellowhammer
Eleanor Peshlakai	Katherine Peshlakai	Chelsea Chee
Jonathan Lewis	Cassandra Martinez-Allen	Alfred Chee
Kee Walker	Virgil D. Nez	

Tonalea Chapter House - Tonalea, Navajo Nation (AZ) - December 16, 2009

Rena Lane	Caroline Tohannie	Marsha Monestersky
Richard Anderson	Harry Begay	Desbah June Birdsong
Morris Chee, Sr.	Joe Lee Mexican	Thomas Deel, Sr.
Mary Williams	Joe Klain	Norman Yazzie
Sarah Woodie	Dexter Donald, Sr.	Joe Klain

Pinon Chapter House - Pinon, Navajo Nation (AZ) - December 17, 2009

Peggy Nelson	Percy Deal	Cassandra Allen
Pauline Whitesinger	Danny Blackgoat	Charlie Begay
Clara Tsosie	Lorraine Herder	Dan Herder
Clarence Blackrock	Mary Lou Blackrock	Lena Buckinghorse
Leroy Teeasyatoh	Johnny Jack	Adrian Herder
Myra Begay	Michaelyn Begay	Caroline Begay
Jack Woody	Timothy Begay	

Nahatá Dziil Commission Government Office - Sanders, Navajo Nation (AZ) - December 18, 2009

Kenneth Jensen	Thomas Nez	Lee Todicheeney
Ben Silversmith	Jerry Yonnie	Kevin Tucker
Norman Tucker	Leroy Begay	Anderson Morgan, Sr.
Christine Deel	Harry Begay	Ella Romero
Mary K. Tso	Joann Roan	Harry Lee

Starlene Tsinniginnie
Frankie T. Nelson
Rose Zilth

Henry Bigody
Mary Begay
Jerry Thompson

Annie Homes
Helen Nez
Faron Morgan

Coconino County Board of Supervisors - Flagstaff, Arizona - January 13, 2010

Anna Walker
Marie Gladue
Mary Begay
Berta Benally
Clayson Benally

Vincent Yazzie
Tom Yazzie
Jack Ahasteen
Francis Tso

Katherine Smith
David Johns
Jonathan M. Nez
Rachel Tso

Tuba City Boarding School – Tuba City, Navajo Nation (AZ) - January 14, 2010

Jean S. Williams
Velia Yazzie
George Kee
Robert Begay
Vina Horseherder
Kerry Begay
Lisann Sloan

Mrs. Williams-Horseson
Leonard Benally
Gleana Begay
Augusta Gillwood
Ruth Benally
Bobby Bennett Sr.
Clarence Blackrock

Anna H. Begay
John Benally
Marie H. Yazzie
Cecelia Joe
Paul Clark
Lita O'Daniel