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THE NAVAJO NATION

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Navajo President Joe Shirley, Jr., to join subcommittee to inform chapters of proposed Freeze settlement

WINDOW ROCK, Ariz. – Navajo Nation President Joe Shirley, Jr., will accompany members of the Navajo-Hopi Land Commission 1934 Subcommittee and Navajo Attorney General Louis Denetsosie when they inform residents of several western Navajo chapters about the proposed Intergovernmental Compact between the Navajo and Hopi Tribes to lift the 40-year-old Bennett Freeze.

On Monday, President Shirley met with 1934 Subcommittee members Thomas Walker, Leslie Dele, Evelyn Acothley, and Harry Williams to work on a schedule of visits to Chapters in the western and southern portions of the reservation.

“The Freeze will be 40 years old come July 8,” the President said. “We’ve lost a lot of people. People are hurting. The land is hurting. We have a chance to thaw out this Freeze.”

The President has asked Navajo Nation Council Speaker Lawrence T. Morgan to place the proposed settlement agreement on a schedule for approval by the Navajo Nation Council. Council Delegates Raymond Maxx, Leslie Dele and Evelyn Acothley, among others, are sponsors of legislation to adopt the Intergovernmental Compact.

The Bennett Freeze, named after former Bureau of Indian Affairs Commissioner Robert L. Bennett, was administratively imposed in 1966. Congress enacted its own freeze into law in 1986. The law has restricted Navajo residents from constructing and repairing homes within approximately 1.5 million acres of land. Attempts to end the Freeze include failed Congressional legislation and a failed appeal to the U.S. Supreme Court.

The Bennett Freeze originally embraced some nine percent of the Navajo Nation’s land base, affected 10 chapters and kept nearly 8,000 people in living conditions that have not changed in half a century. Since 1966, the population of the area has increased by 65 percent and has forced generations of families to live together in homes that have been declared unfit for human habitation. Only three percent of the families affected by the Bennett Freeze have electricity. Only 10 percent have running water. Practically none have natural gas.

The Subcommittee members apprised the President of the urgent need for the Navajo Nation Council to approve the proposed settlement agreement with the Hopi Tribe, the delicate nature of the long negotiations, and expressed their concern that lengthy debate over a period of time could stall the agreement and, consequently, prolong the Freeze and the hardship it is causing. The delegates also expressed concern that the Council would be hesitant to act during an election year.

"This is beyond any one delegate," the President said. "It's beyond any one president. People are suffering. Election year politics should have nothing to do with this."

In 1992, the hopes of the Navajo residents of the area were buoyed when the Arizona District Court ruled that the Hopi Tribe had legal title to 64,000 acres in the freeze area and awarded the balance of the Hopi land claim to the Navajo Nation. This had the effect of lifting the freeze on such lands.

Construction plans involving millions of dollars for new homes were proposed to raise living conditions and increase economic development in the area. Disappointment returned after the Freeze was reinstated in 1995 when the Ninth Circuit Court of Appeals reversed the Arizona District Court on the question of whether Hopi religious practices gave rise to rights of occupancy. This issue, and other issues as well, have been resolved by the Intergovernmental Compact between the tribes.

After four years of negotiations and many more years of litigation between the tribes, the Compact was reviewed on June 9, 2006, by the Solicitor's Office of the U.S. Interior Department and the Acting Assistant Secretary for Indian Affairs. Through these officials, the federal government has informed the two tribes that there is no legal impediment to approval of the Intergovernmental Compact, clearing the way for it to proceed to the Navajo Nation Council and Hopi Tribal Council for approval. Prior to that, no agreement was ready for consideration by the councils. When approved by the U.S District Court for Arizona, the Compact will have the effect of lifting the Freeze.

Approval and adoption of the Intergovernmental Compact by the Arizona District Court would end all litigation between the tribes, establish the boundaries of the Navajo and Hopi reservations in Arizona, and permanently end the 40-year-long prohibition on development of lands of Western Navajo Agency, including providing water, electricity and business development. It would also ensure that the religious practices of both tribes are protected.

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