



THE NAVAJO NATION

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Navajo Nation Council overwhelmingly approves Bennett Freeze Inter-governmental Compact to lift 40-year-old Bennett Freeze; now moves to Hopi Tribe

WINDOW ROCK, Ariz. – By an overwhelming majority, the Navajo Nation Council today voted to approve the Navajo-Hopi Intergovernmental Compact aimed at lifting the 40-year-old Bennett Freeze.

Following passage of the legislation, Navajo Nation President Joe Shirley, Jr., who strongly supported it, arrived at the Council Chambers and shook hand with council delegates and the public.



Navajo President Joe Shirley, Jr., addresses the press following the overwhelming 75-3 vote by the Navajo Nation Council to adopt the Navajo-Hopi Intergovernmental Compact to lift the 40-year-old Bennett Freeze. With him, from left to right, is Tonalea Delegate Leslie Dele, Bodaway-Gap Delegate Evelyn Acothley, and Bodaway-Gap Delegate Duane Tsinigine.

Despite threats of a lawsuit, misinformation and negative press that had to be corrected by the Navajo Nation attorney general, the council voted 75-to-3 to adopt the Compact and move it on to the Hopi Tribe and Interior Secretary Dirk Kempthorne for their approval. Once that is done, it goes to Federal District Judge Earl H. Carroll who is expected to order the construction and development freeze lifted.

“I think it’s so important,” he said. “We’ve lost a lot of elderly, we have lost a lot of medicine people, a lot of young people to the metropolitan areas because they couldn’t build on the frozen land. Now, what it means is once the land if thawed out, we can build houses there, we can build farms for our livelihood. We can build schools. We can build gas stations, grocery stores. We can pave our roads. That’s what it means. It’s getting back to living.”

Also attending the council session were about 18 mostly-elderly residents of the Bennett Freeze Area in the western portion of the Navajo Nation who came in the event they would be called upon to voice their support of the Compact.

Before the vote, legislation sponsor Duane Tsinigine of Bodaway-Gap asked his colleague to “give these people a chance to live like other Navajos do, please.”

Opponents had alleged that the historic legislation had been brought before the Council now because of nearing Navajo elections. But both Mr. Tsinigine and President Shirley said that was not the case.

Mr. Tsinigine said he first wanted to bring the legislation forward for the Council's spring session. President Shirley repeatedly delayed announcing his bid for re-election last spring for as long as he could specifically to avoid the charge of linking the successful, four-year-long negotiations with the Hopi Tribe and the Bennett Freeze Compact to the elections.

He also requested a special session last July to consider the Compact but Mr. Tsinigine withdrew it in order to schedule presentations about the Compact.

"We wanted it thawed out ASAP," President Shirley told a press conference following the vote. "We're 40 years too late. But I'm just glad we've done it today as a Navajo Nation, as a council, as the leadership of the Navajo people. The land should never have been frozen to begin with."

Legislation co-sponsor Raymond Maxx of ToNanees Dizi and Coal Mine Mesa, told the Council before the vote that the sponsors had enough time for presentations and that numerous chapters had expressed support of the legislation.

"After they get the full presentation, after they ask all their questions, and after raising their concerns, they support the Compact," he said.

Bodaway-Gap Council Delegate Evelyn Acothley told reporters that the Navajo-Hopi Land Commission is already at work on legislation to acquire money to improve deplorable conditions in the area.

"We're already working on the rehabilitation trust fund," she said. "We're already requesting it to the Congress. We already have a legislation working with (Rep.) Rick Renzi. So once this is approved, that process will continue."

Leslie Dele, vice chairman of the commission's Navajo-Hopi 1934 Subcommittee, said members have traveled to Washington, D.C., frequently to meet federal lawmakers to address the conditions of the area.

"They said, 'Get this together. Get it approved. When it gets here, we'll support it.'" he said.

He said the Navajo Nation will seek to have rehabilitation money appropriated over a period of time rather than one-time funding. The request will not be limited to houses or home

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getting back to living."*

— Navajo President Joe Shirley, Jr.

improvements but include range management programs and other needs.

He said the Freeze residents who came to Window Rock in support of the legislation held ceremonies to ensure its passage by the Council.

Asked by the press about how Navajos will know which areas are considered sacred to the Hopi Tribe, Navajo Nation Attorney General Louis Denetsosie said the locations are known.

"We do have the locations of those sacred sites," he said. "The Hopis have specifically authorized the release of that information to our elected officials and the officers of the Navajo Nation."

He said only eagle nesting sites and springs are in question regarding development.

He said attorneys for the Hopi Tribe accompanied Navajo representatives to Washington last May 25 where they indicated before the Interior Department and U.S. Fish and Wildlife officials that they will act on the Compact.

Attorney Terry Fenzl, who has worked on Navajo-Hopi legal issues for decades, told the Council it was at "a very historic threshold."

"This is an opportunity for the Navajo Nation and the Hopi Tribe to settle a dispute between themselves as a result of their one-on-one negotiations instead of simply booting it to a federal court to decide," he said.

He added that the key point to understand is the Compact would ensure no loss of Navajo land and no Navajo relocation.

"The Hopi Tribe will not get one more square inch of Navajo land. That is important," he said. "If the lawsuit goes on, there's every possibility the Navajos will lose some land and the Navajos may be forced to relocate. This settlement would be an immediate end to the litigation and an immediate end to the effect of the Freeze."

He added the Compact would also avoid future claims for damages and use of the 1934 lands by the Hopis, and guarantee the religious freedom to Navajo traditional practitioners to engage in traditional Navajo religious practices on Hopi lands.



"It is not going to cost the Navajo Nation a thing to settle this lawsuit," he said. "It avoids a very big risk. It avoids a very big delay."

"This does not turn back the clock and solve 40-plus years of suffering," Mr. Fenzl said. "There's more work that needs to be done. But this is a first step toward ending the suffering of the people on the western reservation, and certainly to avoiding a repeat of the relocation pain and suffering that could very well happen on the rest of the reservation if the lawsuit is allowed to go forward."

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President Shirley meets residents of the Bennett Freeze Area who support the Compact following the Council's vote. One resident said the Compact means the residents are freed from bondage after four decades.