



THE NAVAJO NATION

OFFICE OF THE PRESIDENT & VICE PRESIDENT

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Navajo Attorney General Corrects misperceptions reported about proposed Bennett Freeze Compact

WINDOW ROCK, Ariz. – Navajo Nation Attorney General Louis Denetsosie said today recent press information about the proposed Intergovernmental Compact between the Navajo Nation and the Hopi Tribe has been incorrect and has caused misunderstandings in some western Navajo communities.

“The negotiating teams have reached agreement on the language of the proposed Compact but it is subject to approval by the Navajo Nation Council and the Hopi Tribal Council and then by the Secretary of the Interior and the federal District Court,” Mr. Denetsosie said. “The proposed Intergovernmental Compact is the result of a lot of hard work by Navajo and Hopi negotiating teams, working with a mediator for more than four years.”

“If approved, the Compact would put an immediate end to the 1934 Reservation Litigation and the Bennett Freeze, both of which have plagued the Navajo people for a long, long time,” he said.

“The proposed Compact is an historical milestone because the Navajo Nation and the Hopi Tribe are exercising their sovereignty by negotiating directly with each other to try to settle important problems affecting their people,” Mr. Denetsosie said.

The sixteen-page Compact document may be difficult to understand, he said, because the negotiators want to put an end to these problems once and for all, and, in the interest of trying to make sure the agreement is iron-clad, some parts of it contain some unavoidable legal terminology. This apparently has led to some

misunderstandings by the Navajo public and the press, he said. Some people have said the Bennett Freeze will not end until Congress takes action on the Compact, but that is incorrect, Mr. Denetsosie said. Instead, when the Compact is approved and signed, at the moment it becomes effective, the restrictions imposed by Bennett Freeze will have no further effect.

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This happens for two reasons. First, Section 7.5 of the Compact states: “On the Effective Date, each party shall be deemed to have consented, for purposes of [the Bennett Freeze], to any and all future development as that term is used in [the Bennett Freeze] within the lands of the other party covered by that statute, including but not limited to development planned as of that date...”

Second, by the terms of the Bennett Freeze statute, the restrictions apply only to “lands in litigation” so Section 7.4 of the Compact states that the Navajo Nation and the Hopi Tribe “shall stipulate to and obtain an order and judgment [from the federal District Court] declaring that

no lands are any longer 'in litigation' for purposes of [the Bennett Freeze], and that the restrictions on development contained in that statute, commonly known as the 'Bennett Freeze,' are of no further force or effect."

Both of these steps would take effect immediately, whether Congress takes formal action to repeal the Freeze statute or not.

Mr. Denetsosie said the Navajo Nation will ask Congress for legislation formally repealing the Freeze statute. Under Section 7.6 of the Compact, the Hopi Tribe is expected to support such legislation.

Mr. Denetsosie also said that the Navajo Nation Department of Justice, the Office of the President and vice President, the Office of the Navajo-Hopi Land Commission, and the Office of Legislative Counsel are doing everything they can to educate Navajo officials and the Navajo public about the Compact and its importance.

"We are trying to bring this matter to a conclusion as quickly as possible because every day that passes will be another day innocent people will continue to live under the Freeze," he said.

The "Bennett Freeze" is named after Commissioner of Indian Affairs Robert L. Bennett who issued an administrative order on July 8, 1966, restricting development on approximately 1.5 million acres on the

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western part of the Navajo Nation. In 1980, Congress passed a statute that included a modified version of Commissioner Bennett's administrative order, and that statute continues to be known as "the Bennett Freeze."

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