

NATIVE AMERICANS

Defenders of the Hopi Way make a stand at Oraibi

By Tom Barry

OLD ORAIBI, ARIZ.

BARELY VISIBLE FROM THE road, the Hopi pueblo lies low on the windblown, desert mesa. The brown stone homes seem part of the dusty mesa. Sixty miles south rise the sacred San Francisco Peaks—the home of the Hopi eagles and one of the four corners of their universe. Neither telephone nor electric wires breaks the natural unity or destroys the peace that comes from Oraibi's isolation from the non-Indian world.

The people of this Hopi village intend to keep it that way. Immediately stopping the curious and the tourists, a handpainted sign at the village's entrance warns: "No outside white visitors allowed, because of your failure to obey the laws of our tribe as well as your own."

A harsh message, but for the Hopis it's a lesson learned from many generations' experience and a resolve they feel necessary if they're to remain independent and culturally whole.

This determination to stay apart helps explain why Oraibi is the oldest continually inhabited village in North America.

It may also explain why the ancestral town of Oraibi is the mecca of a new movement to ensure the continued existence of the Indian people and the land they call Mother Earth.

Since 1100 A.D.—separated from the white world by miles of barren mesas—the Hopis in Oraibi have farmed their corn in the desert flood plains and steadfastly maintained their traditional religion and other cultural ways.

But with the advent of the energy crisis and the discovery of coal under their reservation, the Hopi's hiding place from the 20th century is no longer safe.

Danger time.

"We are coming to the Danger Time," says Hopi religious leader John Lansa, an elderly traditional Oraibi leader who sees Hopi land and traditions being threatened by the greed of the energy corporations and of the Hopi Tribal Council. "The younger generation on the council are going for the money. But we depend on the earth to make our living; it's our social security. The councillors tell our people there's no danger from strip-mining, but it's money, money, money that they are going for."

Over the vigorous protest of traditional religious leaders, the Hopi Tribal Council in 1966 signed a 35-year lease with Peabody Coal to strip-mine the Black Mesa for bituminous coal. Also signed away, in this water-short region, were rights to 37 billion gallons of water, to transport coal by slurry lime to the Navajo and Mojave power plants.

To the Hopi religious leaders Black Mesa is the resting place for the Heart of Mother Earth and a centering point for the planet, and to disturb Black Mesa is to disturb the balance of the universe.

With help from the Native American Rights Fund, Hopi traditional leaders brought suit claiming the Hopi council didn't represent the Hopi people and had no authority to lease the tribe's land.

Ever since the Bureau of Indian Affairs (BIA) first organized the council in 1935 over the objections of the traditional religious leaders, the legitimacy of the tribal council has been at the center of Hopi politics.

In their suit against the Peabody lease the traditionals said, "The land is sacred and if the land is abused the sacredness of Hopi life and all other life will disappear." The court dismissed the suit and

the strip-mining has begun, but the debate continues.

The religious leaders from Oraibi and the other traditional villages like Hotvilla feel the council is intent on smashing the remaining vestiges of traditional power so that it can proceed to open up the rest of the reservation to energy companies eagerly waiting at their border.

The Hopi way.

In a letter to President Carter in October 1977, four Hopi religious leaders claimed the council "was imposed upon the Hopi people through a fraudulent election."

The leaders told how they began boycotting the council when they realized that the council was established "to function basically as a branch of the U.S. government, as a puppet government with the Secretary of the Interior as their ultimate authority."

The Hopi leaders explained to Carter that before the establishment of the council government by BIA agents the Hopis had their own form of government and decision-making and had lived in peace for many centuries, and that the Hopi people have for the most part disregarded the policies of the council and held to the

authority of the Hopi religious societies.

"We have now become aware that [the council's] ultimate intention is to strip the traditional religious leaders of all power and authority over our land and our life. Something must be done to stop the dictatorial manner the tribal council has been operating. The views, opinions, and wishes of the traditionally established village people have been totally ignored. This is a violation of our freedom of speech and religion and of our basic human rights," the Hopi leaders wrote.

The Friends of the Hopi, a white support group for the Hopis, estimates that over 30,000 telegrams have been sent to Carter supporting the Hopi statement.

The tribal government is the white man's government, says Thomas Banyacya, official spokesman of the traditionals, not the government of the Hopi people. "We have our own religion and our own way of life and our own laws. We don't depend on anybody's ideas on how we should manage ourselves because we already know how to live and respect nature since our livelihood comes from the earth."

The Hopi are an independent sovereign people who have never signed a treaty of

any kind with the American government. And because the U.S. has never acquired any Hopi land by conquest or agreement, the federal government cannot claim jurisdiction over the Hopi, he argues.

Battle for the land.

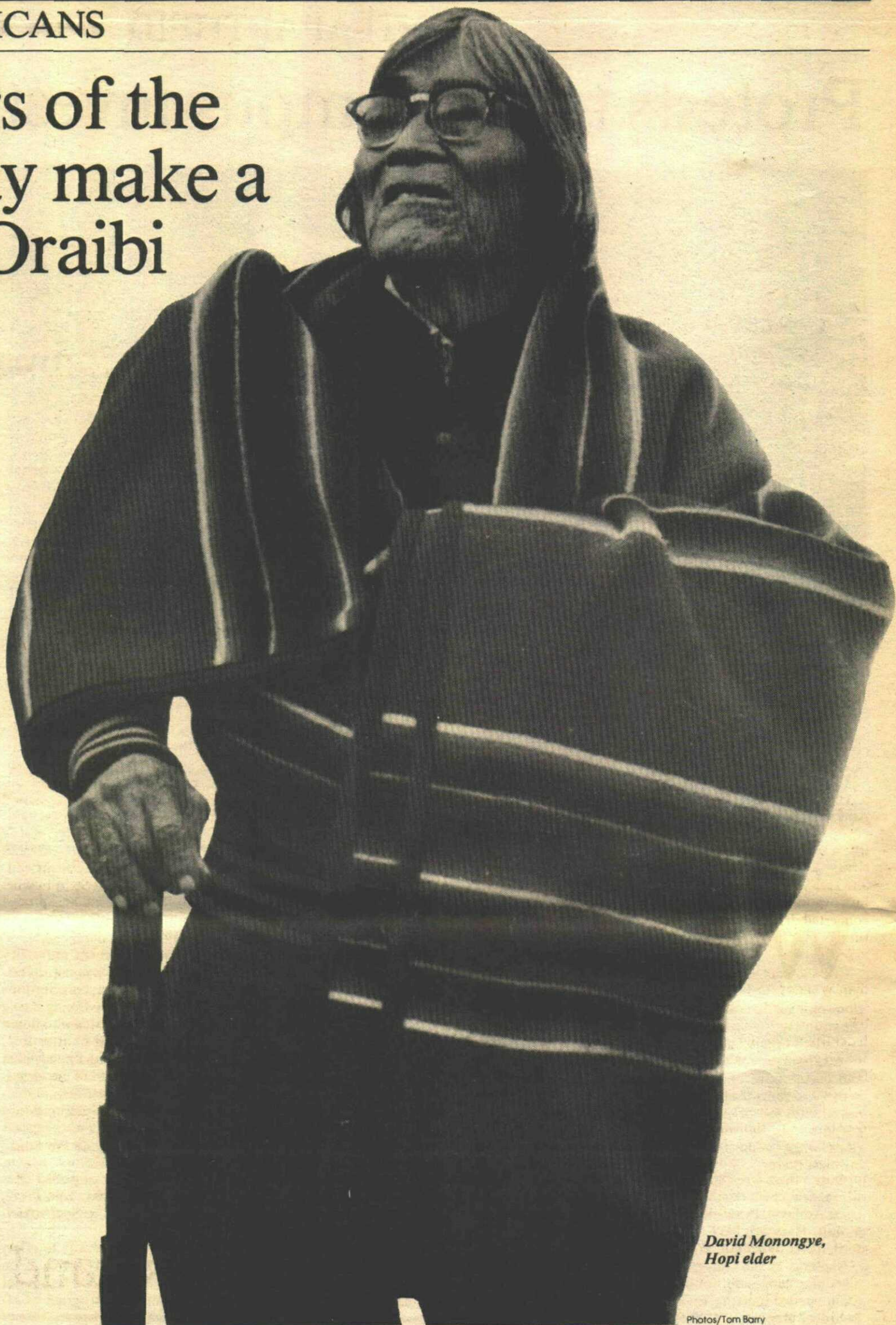
The traditional Hopis' fight for survival is embodied in a case over land jurisdiction pending in Keams Canyon tribal court. The case may determine whether the tribal council or the villages control the land.

Herbert Hamana, the leader of the Sand Clan in Oraibi, is challenging a tribal council decision to construct a building on Sand Clan land without permission of the clan or the village. The tribal council contends it has jurisdiction over all Hopi lands and that is has the authority to administer all tribal lands including clan property.

The 1937 Hopi constitution granted separate powers to the traditional leaders and the villages, but the council has chosen to ignore those provisions and to make decisions without the consent of the traditional leaders. If the council receives a favorable

David Monongye,
Hopi elder

Photos/Tom Barry



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Native sovereignty under attack in Congress

The long simmering war against Native American sovereignty, rekindled by discoveries of vast coal and uranium deposits on Indian lands, has entered an intensified phase. In recent months federal and state government officials, prodded by corporate interests, have launched a concerted drive to reverse a tide of court rulings tending to favor and uphold Indian rights.

The issues are similar to those in the Indian Wars of the last century: control of land, water and minerals in the West. Past battles have been fought mainly in the federal courts, but elected officials are showing a new boldness in entering the fray.

In September 1977 the Western Conference of the Council of State Governments fired a warning shot with a resolution calling for the end of Indian sovereignty. "The United States Constitution provides for only two sovereign powers: the United States and the states," declared the state officials. "Indian tribes," they added, "are political subdivisions of the United States and are not sovereign in their own sphere."

The Western Conference specifically recommended that:

- Final authority over Indian land-use planning be held by state planning agencies;
- Congress prohibit Indian taxation of non-Indian business on Indian lands;
- Legislation be enacted to prohibit Indian courts from exercising criminal or civil jurisdiction over non-Indians;
- Congress allow state governments to levy taxes on Indian lands and business.

The western states—where most of the Indian tribes live—feel threatened by recent federal court rulings on Indian land claims and jurisdictional disputes. The new military and political sophistication of the country's tribal leaders is also a cause for concern.

Rep. Jack Cunningham (R-WA) termed a recent court decision that reserved 50 percent of all the salmon and steelhead trout in his state for Indians "only the tip of the iceberg" of the Indian threat.

Cunningham has introduced the "Native American Equal Opportunity Act," a measure that would abrogate all treaties entered into by the federal government with Indian tribes and end all special provisions for Indian fishing and hunting rights.

"The U.S. has always been a country of equals," says Cunningham, "with no individual or group subjected to subor-

dinate or special rights. Indian policy must reflect this same fairness and not continue the special patchwork of separate governments scattered throughout the land."

Cunningham claims that Indians were free of the federal trust status they would fare better as American citizens. But John Redhouse, a director of the National Indian Youth Council (NIYC), denounces this approach as really a corporate, governmental, industrial effort to deny Indian people their tribal and individual rights.

Cunningham's Washington colleague, Rep. Lloyd Meeds, a longtime supporter of Indian rights, reversed his position after he almost lost his last election. Meeds has introduced the "Omnibus Indian Jurisdiction Act of 1979," which would have much the same effect as the Cunningham bill.

Meeds claims there exists "a direct conflict between Indian tribal aspirations and the constitutional rights of American citizens. I believe where tribal aspirations collide with constitutional principles the tribe's interests must yield," he says.

The backlash by state legislators has also already taken some drastic turns. One bill introduced last year in the New Mexico legislature would have denied Indians the right to vote—along with the state's other disenfranchised: idiots, the insane and convicted criminals—unless they submitted to the civil and criminal jurisdiction of the state.

The advocates of tribal sovereignty view the legislative backlash as a giving in to corporate interests. Del Lavato, chairman of the All Indian Pueblo Council, charges that the politicians are "politically motivated by economic interest and they promote it under the banner that it is essential to the social well-being of the citizens of this state."

"Obviously the entity that controls the land will also control the development of the resources," he says. "By gaining control over Indian lands—control of hunting and fishing, recreation, the expansion of municipalities and utility easements—development will occur regardless of what the Indian thinks or what happens to the Indians."

"To the Pueblo people," adds Lovato, "tribal sovereignty means the right to self-government with all inherent powers and responsibilities. It means the right of a tribe to govern its people and its lands and resources free of external interference."

—Tom Barry
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Navajos win concessions from oil companies

Seventeen days after hundreds of Navajo Indians in southern Utah shut down drilling by four major oil companies in the Aneth Oilfield, representatives of Texaco, Continental Oil, Phillips Petroleum and Superior Oil agreed to most of their demands.

On March 30 local residents occupied the Texaco pump station and office near Montezuma Creek to protest treatment of Navajos by the oil companies, unfair royalty schedules of the oil leases with the Navajo tribe, and environmental damage caused by the companies.

The occupation involved most residents of the Navajo communities in the Aneth Oilfield. It was led by the Coalition for Navajo Liberation and the American Indian Movement.

The companies initially refused to negotiate until the occupiers left the company offices and opened the field, which produces over 5.5 million barrels of oil each year. But after two weeks of the occupation and a bit of pushing by Navajo tribe and Department of the Interior officials, corporate representatives agreed to negotiate some 20 demands. By the end of the three-day negotiations the oil companies agreed to 18 of the demands, promising, among other things:

- To reseed and reclaim damaged Navajo land;
- To prohibit oil company employees from drinking on the reservation and from carrying firearms;
- To compensate all Navajos who have had grazing land damaged or livestock killed by oil drilling operations;
- To replace Navajo water wells damaged by drilling;
- To give preference in hiring to Navajos;
- To provide a \$5,000 scholarship for area students each year.

Navajo tribal officials promised the occupiers that they would have the Navajo Tribal Utility extend power lines

beyond the larger Arizona section of the tribe into Utah. And the oil companies agreed to use their influence with El Paso Natural Gas to have gas piped to the homes of the occupiers. Although Aneth is energy-rich in natural gas, oil and coal, the power companies have made no utilities available to the rural Navajos.

The oil companies, while meeting most of the demands of the Aneth community, refused to open negotiations on their oil leases. The leases were first negotiated in the early '50s by the Bureau of Indian Affairs (BIA)—the federal agency that administers Indian reservations in the U.S.—and were signed without the written approval of the Navajo tribe.

The 99-year leases give the tribe only 12.5 percent of the value of the oil produced. The demonstrators charged that other leases negotiated more recently brought in 60 percent royalties. They wanted community participation in renegotiating old leases and a limit of ten years on new leases.

"The question of lease renegotiation is basically a federal problem—a matter between the federal government and the tribe itself," insisted John Masson, negotiator for Texaco.

During the negotiations, the tribe and the representative of the Interior department said they would start reviewing old oil leases.

Navajo tribal chairman Peter MacDonald announced that he was pleased with the settlement. And Jonas Mustache, president of the Aneth chapter of the Navajo tribe, said "I am surprised and proud of Utah Navajos for a job well done."

Leadership of the Coalition for Navajo Liberation was dissatisfied with the companies' refusal to renegotiate the exploitative lease agreements. They decided to end the occupation, however, because of majority sentiment of the occupiers.

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Hopis stand at Oraibi

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orable decision in this case, the traditionalists fear that the last remnants of their authority will disappear.

Another issue that has brought the council and the traditionalists into conflict is a \$5 million land claims settlement awarded to the Hopis by the Indian Land Claims Commission.

The original land claims case was brought in 1951 by attorney John Boyden. Ignoring the protests of the Hopi traditionalists, the Claims Commission in 1976 determined that the Hopis were eligible for a \$5 million reimbursement for "damages caused by the federal government's failure to deal fairly and honorably with the Hopis," and for lands stolen or lost.

The council agreed to the settlement (10 percent of which went to Boyden in fees) and then brought it before the people for a ratifying vote. The religious leaders called a boycott of the vote in protest. Out of a tribal population of about 8,000, only 240 members voted—about 3 percent of the entire tribe. Despite the small vote, the federal government approved the settlement and is now planning hearings on how to best distribute the money.

By accepting the money settlement for lost reservation lands the council agrees

to forfeit any future claims on the land.

"If we fall for this \$5 million and sell our land then we've made a grave mistake," says Earl Pela, "not only for the Hopi but for all other native people coming after us. If we accept this \$5 million, our way of life will be at an end and we may soon be travelling around with our bedrolls on our backs."

Another issue of contention is a proposed division of the Navajo-Hopi Joint Use Area supported by the tribal council and the BIA. Oraibi has become the meeting ground for a Navajo-Hopi Unity Committee that is opposing the division, which would force the relocation of 3,500 Navajos and a small number of Hopis.

Although the Hopis have relatively little to lose by the division of lands, the traditional leaders have joined with Navajo groups in opposition. "The government wants to divide the land and fence off separate areas for the Hopi and for the Navajo," says Banyaca, "but we have lived with the Navajo for a long time and we can work out our problems without the government."

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