

UCLA

American Indian Culture and Research Journal

Title

The Navajo-Hopi Land Dispute: An American Tragedy. By David M. Brugge.

Permalink

<https://escholarship.org/uc/item/7zh3z38c>

Journal

American Indian Culture and Research Journal , 20(1)

ISSN

0161-6463

Author

Clemmer, Richard O.

Publication Date

1996

DOI

10.17953

Copyright Information

This work is made available under the terms of a Creative Commons Attribution-NonCommercial License, available at <https://creativecommons.org/licenses/by-nc/4.0/>

Society of American Indians), and their addition to the story would make it richer. Rushing's study highlights the need for a book-length history of Native Americans' participation in and response to the appropriation of their art.

These final observations are intended not as criticisms of Rushing's book but as demonstrations of the stimulating effect his book will have on anyone interested in the topic of Native American art.

Erik Trump

The Navajo-Hopi Land Dispute: An American Tragedy. By David M. Brugge. Albuquerque: University of New Mexico Press, 1994. 307 pages. \$35.00 cloth.

This book is a very pessimistic commentary as well as an engaging narrative about some events that brought the Navajo-Hopi land dispute into U.S. courts. Brugge introduces the topic with two chapters on the Spanish and early American eras as they affected Hopi and Navajo people. But the bulk of the book concerns the preparation for, and negotiations during, the various lawsuits and legislative initiatives between 1958 and 1973.

The book's primary contribution is its firsthand account of the behind-the-scenes machinations of this landmark lawsuit, to which Brugge was eyewitness and participant. Anthropologist Brugge served as an expert witness for the Navajo tribe for a decade beginning in 1958 as part of a team of archaeologists and archival researchers dedicated to building an ironclad case to support the tribe's claim to a substantial portion of the 2.47-million-acre Hopi Reservation set aside by Executive Order in 1882. From Brugge's "insider" participant-observer perspective, readers learn about the expectations that drove the research team and about the team's logic in translating scholarly discoveries into legal arguments; about the attorneys on both sides—Boyden for the Hopi and first Littell, then Mott for the Navajo; and about the internal political machinations within the Navajo tribe at this time.

Also covered is commissioner of Indian affairs Robert Bennett's establishment of the "Bennett Freeze" area in 1966. The "Bennett Freeze" severely restricted the remodeling and construction of housing and infrastructure. It covered the 1882 reservation outside of district 6 and more than 95 percent of the western Navajo

(1934 boundary) Reservation. The freeze became one of the most contentious issues in implementing the 1974 partitioning of the reservations into exclusive Hopi and Navajo areas. The logic behind it was that the Hopi claims on the 1882 and western Navajo reservations constituted a kind of property lien and that the Hopi's ultimate success in regaining even part of this territory would make it all that much harder to implement if there were substantial Navajo property improvements to compensate. It was lifted in the western Navajo Reservation only in 1993 and continues to be in force in the portion of the 1882 reservation still inhabited by Navajo. A startling revelation by Brugge is that former Navajo agency superintendent E.R. Fryer and then secretary of the interior Stewart Udall actually drew up the freeze order and that Bennett probably did not even read it before signing it.

Another extraordinary revelation is that Emory Sekaquaptewa, Sr., chair of the Hopi tribe's negotiating committee in 1968, made an offer to the Navajo tribe for settlement of the dispute in exchange for 1,556,582 acres of the 1882 reservation. The Navajo negotiating committee voted unanimously to reject the offer. The irony of this offer is that, ten years later, following two more series of fruitless negotiations; the hurling of accusations and counter-accusations; hearings in Congress and passage of the 1974 Settlement Act; nonstop court battles beginning in 1970 (and not yet terminated); and the engendering of acrimonious feelings among all parties, the final division of the land under a U.S. court order sanctioned by Congress resulted in the Hopi getting just about that: 1.55 million acres of the 1882 reservation.

Several "pet" themes run through Brugge's discussion. One is that of "Hopi factionalism." Another is a festering irritation with the stereotype of the Hopi as "peaceful" as opposed to the Navajo as "warlike." Brugge's irritation with these stereotypes is understandable, but the reason for his concentrating on Hopi factionalism is puzzling. Altogether, in a disturbing undercurrent that continues throughout the book, he seems to dismiss and devalue Hopi culture and viewpoint. For example, he describes the "Smokis" as a group of whites from Prescott celebrating the romance of Hopi life in a performance of "the Hopi snake dance with an attention to authentic representation that even some Hopis might envy" (p. 67). This is nonsense. The performances were laughably clumsy and arrogantly insulting. The Smokis finally acquiesced to years of Hopi protests (culminating in a

picket line outside a performance in 1990 led by then-Hopi tribal chairman Vernon Masayesva) and halted the dances.

Some parts of Brugge's narrative are downright misleading or exhibit important omissions. For example, he ignores the establishment in 1923 of a commissioner for the entire area encompassing the Navajo Reservation and the Hopi Reservation. This commissioner, H.J. Hagerman, was in charge of negotiating and approving leases rubber-stamped by the puppet Navajo Council. His actions resulted in coal being mined as close to the Hopi towns as the Hopi Buttes. This jurisdictional sleight-of-hand was part of the Bureau of Indian Affairs' justification for turning over jurisdiction of 75 percent of the 1882 reservation to the BIA's Navajo agency in 1942.

Another red herring is Brugge's assertion that "public sympathy" favored the Hopi. What Brugge is really talking about is congressional sympathy. Legislators in the House and the Senate were indeed persuaded that the Hopi position was just, but whether by the calling in of political chips by such powerful figures as Barry Goldwater and Wayne Aspinall or by true commitment to the Hopi position is unclear. Congressional sympathy (as well as that of the courts) has been more important than public sympathy in the long run, of course. But the land dispute was virtually unknown to the public until the 1970s, when the media turned their attention to a situation that Brugge recounts: Elderly Navajo were arrested and their livestock was confiscated for trespass on the Hopi's unfenced district 6. When this event captured media interest, a crucial result was the organization of countless "defense" groups in support of the Navajo position. These defense committees generated enormous public support and an outpouring of funds, sympathy, and relief goods. The American Indian Movement also supported Navajo resistance to relocation. Indeed, for the decade in which more and more Navajo voluntarily complied with the 1974 relocation law and moved off of Hopi land but had nowhere to go except unfamiliar big cities, how could any observer of the scene help but sympathize? The record must be set straight: Public sympathy was with the Navajo, not the Hopi.

Additional corrections must be made in regard to the Hopi traditionalists. Brugge cites an appearance by traditionalists on a widely syndicated television show in June 1967 as reinforcing the "ominous threat" of the stereotype of the peaceful Hopi struggling against the warlike Navajo (p. 166). The program was the

Steve Allen Show, and the traditionalists were Thomas Banyacya and Dan Kochongva. They had seized an opportunity to present the traditionalists' side of the issue to a nationwide audience. Traditionalist residents of Hotevila were pitted against the Public Service Company and the BIA. Hotevila people had carried out passive resistance: lying down in front of bulldozers and jumping into postholes to prevent utility poles from being placed. The traditionalists' presentation of themselves and the Hopi people in general as "peaceful people" had to do with opposing the power lines. It had nothing to do with the land dispute.

A second correction concerns the Hopi traditionalists' alliance with the Navajo. Some traditionalists indeed sympathized with the Navajo, but Brugge neglects to provide two important reasons: (1) The traditionalists had trading and marriage relationships with the Navajo; and (2) the traditionalists had built much of their political movement on opposition to attorney Boyden's strategy. The traditionalists opposed the compromise of sovereignty which they felt was implied by entrance into the U.S. court system in land issues, and they opposed what they regarded as a giveaway of Hopi land that any settlement of the issue would necessitate. They wanted U.S. recognition of Hopi jurisdiction mandated to the village chiefs, not to the council, over the Hopi's claimed aboriginal land, which includes virtually all Navajo-occupied land west of the eastern boundary of the Navajo's 1868 treaty reservation, the San Francisco Peaks, and the Little Colorado River basin. The traditionalists would much rather have seen a small, exclusive Hopi Reservation under Hopi Tribal Council jurisdiction and a much larger joint Hopi-Navajo Reservation encompassing all the rest under control of the Hopi village chiefs. Traditionalist strategy rested on increasing village-based Hopi political authority and opposing the tribal council. Alliance with the Navajo was a political corollary of this basic proposition. Under the traditionalists' plan, Navajo might not have had to relocate, but it is unrealistic to assume that some compromise of Navajo land use would not have resulted.

Brugge's final chapter suggests that ethnic competition, changing political alliances, and the shaping of tribal politics on the nation-state model—in which decisions made by a few lawyers and administrators affect whole communities—were reasons why relocation became the solution to the land dispute. These reasons make sense, but Brugge's argument does not, insisting as he does that Navajo relocation was largely a product of public sentiment

born of prejudice and propaganda whipped up by “those with hidden agendas” (p. 255).

Brugge’s final chapter also presents some astonishing comments about bias on the part of some outside partisans; analogies between the relocation of the Navajo and “the destruction of Carthage, the rampage of the First Crusade, the Inquisition, and the Holocaust” (p. 256); and a lament for the historically uninformed failure of “a handful of liberal Ph.D.’s in the 30–40-year-old range” to spot elements of Nazism in the dispute. Brugge ends by asking if ethnic bias is not “inherent” in our species. I respond with the hope that ethnic bias is cultural, not biological, and that historical and economic conditions will not be mistaken for some postulated postern of the human psyche through which nebulas of ethnocentrism, racism, and hate will inevitably leak to infect and cloud every human attempt to solve complex social and political problems.

Richard O. Clemmer
University of Denver

Navajo Multi-Household Social Units: Archaeology on Black Mesa, Arizona. By Thomas R. Rocek. Tucson: University of Arizona Press, 1995. 237 pages. \$50.00 cloth.

For many years it has been a common joke on the Navajo Reservation that the basic family unit consists of a man, a woman, their children, and an anthropologist. Now it seems we must include an ethno-archaeologist in that group as well. Whenever two Navajo people squat down under a tree for a chat, it immediately precipitates a quarrel about whether they are a family, a household, a kin group or an “outfit.” To this mix, Rocek has added the multi-household unit.

Rocek’s book is an anthropological report, a study about social organization among the Navajo people living in a remote section of northeast Arizona known as Black Mesa. The author has focused on what he calls small and medium-size social units, the multi-household. These include people who live in a particular locality and who know and interact with each other in various ways, but who are not necessarily all kin related.

According to the author, there were two goals to this study, one descriptive, the other analytical. His first intent was to describe,