

1955

Tuesday morning, January 11th, 1955:

The Chairman:

Item No. 7 on the Agenda - Upper Colorado Stream Commission, etc. Do we have a Resolution on that? Will you make a report on the Resolution, Howard?

Howard Gorman:

Mr. Chairman and Members of the Council: Yesterday we made a report to you on the Upper Colorado River Commission Compact; also the four States who endeavored to organize under the name "Aqualante" and this matter has been presented and reviewed by the Advisory Committee and the Advisory Committee has drafted a Resolution so I am going to read the Resolution to you at this time.

Resolution of the Advisory Committee of the
Navajo Tribal Council

Recommendation for Appropriation -

Has this been distributed?

Bob Young:

No. They are not available. I can check with the Tribal Office as to a definite time when they will be ready.

Howard Gorman: (reading)

Recommendation for Appropriation of Funds for Upper Colorado River
Project Promotional Program.

WHEREAS:

1. It has never been possible, since the establishment of the Navajo Reservation, to expand the Navajo land base rapidly enough and sufficiently to meet the requirements of the growing tribal population, and
2. It is essential that existing Reservation resources be developed promptly and to the greatest extent possible, and
3. The development of the Shiprock-San Juan Irrigation Project has been recognized for nearly a half century as one of the greatest resources potentials of the Navajo country, and
4. The feasibility of the project as an aspect of the Upper Colorado River Storage Project has been amply demonstrated by the Bureau of Indian Affairs, the Bureau of Reclamation, the Navajo Tribe and others, and

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5. Interested residents of the several States which would benefit by development of the larger project have sought congressional authorization thereof through the Upper Colorado River Commission, and in the form of H. R. 4449 and S. 1555, but have so failed to achieve that objective because there has been insufficient publicity and education of the public in States other than the Upper Division States concerning the project, insufficient education of members of Congress with regard to the merits and scope of the project, failure to secure editorial support of nationally known writers and of nationally important publications, and for other allied reasons, and

6. At a recent meeting of the Upper Colorado River Commission the "Aqualantes" were formed to promote the project with the public at large and develop the "grass roots" support that is necessary to offset opposition and gain favorable action by Congress, and

7. As an aspect of the promotional program which the Aqualantes will pursue, the firm of David W. Evans and Associates has been retained, plans have been laid for the raising of necessary funds, and the Navajo Tribe has been invited to participate, and

8. As a vitally interested party, it is essential that the Navajo Tribe take an active part in securing authorization of the project.

THEREFORE BE IT RESOLVED THAT:

1. The Advisory Committee hereby urgently recommends to the Navajo Tribal Council the appropriation of \$10,000 of tribal funds on deposit in the Treasury of the United States to be used as a contribution for the promotional program now being carried out by the Aqualantes, and as an aspect of the active participation of the Navajo Tribe in this effort to secure early authorization of the Upper Colorado River Storage Project.

Howard Gorman:

Mr. Littell, have you a correction on what is on here?

Norman Littell:

No. This is just a short Resolution approving the Resolution of the Advisory Committee and adopting it as its Resolution. Do you want me to read it? Rather than repeat all these statements in the Resolution just read, it would be quite proper if you just refer to the Resolution and recommendation of the Advisory Committee urging an appropriation of \$10,000 to be spent for the promotion of the Upper Colorado Storage Project including Navajo Dam and related projects, and secondly, that \$10,000 be and it is hereby appropriated as the contribution of the Tribe to the Aqualantes pursuant to this Resolution.

Paul Jones:

After explaining this Resolution with reference to Part 1 and 2, I shall go into the real explanation of what the Chairman said to the Council yesterday because of the question raised by Paul Begay from District 2, where he said that tribal funds had been utilized for one part of the Reservation and not evenly divided to all parts of the Reservation. The answer of the Chairman was that it might look that way, but this is a Tribal enterprise and that all and every member of the Tribe should be interested in it to recommend its passage. A man does not necessarily have to be engaged in agricultural pursuits to get benefit from that. He could be a service station operator adjacent to the land operation and get benefit. He could be just a wage earner and this would benefit him also. He could be engaged as a merchant and this would be a help in the operation of his enterprise. It would be a help and he would get benefit from it. There are many ways in which you will receive benefits and there is hardly any room for us to say the Tribe, as a whole, are not getting benefit from this enterprise we are talking about and, for this reason, we cannot justify ourselves and say: "Why was \$10,000 spent for publicity purposes and not for other reasons?" It has been explained to you by the Chairman and Mr. Gorman here that this \$10,000 will be utilized to put the Navajo Tribe on the map in ways never before undertaken by us.

Mr. Chairman also mentioned yesterday that we tried to employ the publicity individual to keep the public informed of our activities as a Tribe, but that was not accomplished. On the other hand, the program we hope to put on here, on the 24th, using \$10,000 as expense money, we will put on some ceremonial. We will also review a picture called "The Basin Development" and it will be picturing the growth of what has been planted, such as corn, never growing to full growth, but only to about one foot or so high, and then it just withers away, depicting the want of moisture as the reason it did not grow. Our Navajos, going ten or fifteen miles with a load of barrels, getting water for the family, indicating there is no water available where the family live. We live in a desert where water is not available. All those things will be put on television and over the radio to give the people in the United States an understanding, a real understanding of the condition under which our Navajos live here. That is the main purpose of this publicity and I dare say any right thinking individual Navajo should readily approve that - not because of the benefit he will receive but, as Mr. Chairman says, we old and elderly people may not see that project but we want to plan, like other people plan, for the future. We want to plan one hundred years hence for our children. One of the illustrations he made was Denver, a city, which is planning seventy years in advance for water. He said: "Why do we not do that?" "Why do we not plan for the future of our people?" "Why just two or three years?" The Chairman said: "Let us think a little bit further." This is what he is referring to. We, who are advanced in age, may never see the project completed or, if we did, we would not be active enough to have an income from it ourselves, but,

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nevertheless, it is so important that we should approve this to go right through. I hope I made myself clear on that.

The Chairman:

Let me also explain further that the Government has recognized us as having water rights, particularly to the river of San Juan and tributaries thereto. That is the information the Government has on the book, having rights to the rivers of the North. In that connection, there is something worthwhile that could be undertaken as mentioned by Mr. Begay. Why do we not stake out a place where we will have a monument that will indicate that it belongs to the Navajo Tribe like the Hopis have done. That is worth considering.

The use rights to the waters are apportioned by the white men from one to forty, possibly more or less, but, anyway, they are apportioned and when the waters that are apportioned become less, it starts with the 40th right which one has to a river. If the water gives out, the 40th person loses his right to that because of the unavailability of water to the 40th individual. It comes out to the numbers, even to one, if the water dries up. That is the way they apportion water rights to people living along the river. We do not have such a regulation. We do not have a regulation among the Navajos about the river. We know definitely that New Mexico has been apportioned 11.25%. They have been apportioned that right without our knowledge. That was done in 1922 and, at that time we, as a Navajo Tribe, were not apportioned any percent of the river which we claim as ours. During that time, in 1922, oil was discovered - the Rattlesnake Oil Wells. We realized an income from that source and its name is also mentioned. We call it the oil money. The entire money went into the tribal fund. We have never said at any time that there are certain groups in our Navajo Tribe who have no right to that Tribal fund. We have been diligent in seeing to it that it has been equally apportioned where it was needed and you have, in the various places of your homes, your own areas, received benefits from that fund alike. Let me say the same will be true as far as the waters that will be developed for the Navajo Tribe are concerned. It will be apportioned in such a way that, tribally, you will have an equal share to the waters we are talking about.

In that connection, I also want to bring before you the planning ahead. I believe the coming generations, 100 years hence, will be grateful to us for undertaking the job before us. Without that, it will be up to them to do something but, at that late date, it is doubtful if they can receive such recognition, but the time is now, and I would like your serious consideration of this project.

Undoubtedly you have many questions to ask on it but, remember too that in all of our ceremonials, those things that we

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mention, some of the most outstanding besides the holy mountains and holy places are the waters which are so important to life. So, think about it seriously, and ask questions about it.

You have been told yesterday that even though Mexico, being far away from our part of the country, Mexico is recognized to have a right to say something about the rights of the river that runs down there from our part of the country. They have every reason to say something about it and know there are so many people who are interested in the rights to the waters of our rivers, we certainly cannot deny ourselves of that right. We want to claim all of it. It is on our land we say. We have all the rights to the waters of that river. California is complaining about its rights and also Arizona, We, too, do not want to be left out. We want to be included and have a right to the rivers of the Upper Colorado Basin. There are many hands extended there believing they have a right to that river and by objecting to what is to be developed on it, are we willing to deny ourselves of having any rights to these waters? That merits serious consideration on your part. It is what it will mean to the Navajos that will follow. Let us not oppose it to where someone will take an advantage and have it their way and not recognize the Navajo people. We are interested in the Bill that is being introduced in Washington to be approved. We are interested with the white people up north who feel that from it they will derive good benefits. Why should we say that we do not want to be included in the benefits the white man will be getting? I think we need to be included and be recognized as being a part in the development of that project to the North of us and, as such, I think it is up to us to say we want to be included in the benefits to be derived. We do not want to be denied any right that the whites will have. We want to be included in that since the white man recognizes us. When they recognize us, why should we hold back? I want you to think on this subject from that standpoint.

Justin Shirley:

Mr. Chairman, Members of the Council and Friends: So far we have been expressing our thoughts outside of the main question but, as a matter of explanation, we can come down to the subject itself. That is what I intend to do - speak of the \$10,000 which is a part of this Resolution; also to dwell on the several reasons given why we should be concerned about it.

The first reason I want to set forth why we should be definitely concerned about this as a part of the Navajo is that there are 75,000 Navajos at the present time in whose behalf I want to express myself as approving the program as it is stated. Further, not only the 75,000 Navajos but the increase of the Tribe from year to year as we have known it to be, that there is a constant increase in the number of Navajos. Being that it is getting bigger

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and bigger right along, I want to favor something that will benefit that group of people. I believe in the establishment of the Committee, there has been brought to our attention, that it is a move in the right direction and I want to say that it has my approval. I would like to approve something that is beneficial to the Navajo people. I would like to have them recognized by outsiders as having a part in this undertaking regarding the several rivers being discussed here and I have been sitting over here as this discussion has been going on. We have something worthwhile that has been made the subject of discussion at the present time. If it is handled as it should be, it can be a matter of tremendous value. It needs to be handled carefully and thoughtfully, with the best knowledge as to how it could be beneficial to the people. There are many ways I can see, if handled correctly, it would be of benefit to the Navajo people in the things that they have to do to make a living would be beneficial. The livestock owner - he will receive benefits, as far as obtaining stock feed could be realized from that source. Many enterprises could be established by people not working on agricultural pursuits over there. Indirectly connected with the land itself are service stations, merchants, and what other business that I cannot mention but there will be many businesses which will be beneficial from that source. One of the things that would be of direct benefit to us is one that we have been engaged in and have kept on - grazing, where there is little room left on the Reservation. It will mean considerable when people at one place give room here and there relieving crowded areas to some extent. The best method used to be beneficial is my thought and since four States will be a part to work this out, we, the fifth person, we must use the best method of handling this to be getting the most benefit for our Navajo people. It has been told us in 1922 that an agreement was reached between the four States regarding the apportionment of the waters of these rivers. At that time we were not recognized as having any share, but now they are ready to recognize us and, as such, they are including us in this project.

The ten thousand dollars which is being asked us can be utilized not for any purpose but for bringing about the educational program to follow. That would be very helpful, I am sure. As far as actual possibility being realized, the benefit will go to any type of enterprise. Merchants, while not working on the development of the land or agricultural projects, he will get benefit just the same. The man who works his land and gets a crop, can sell his crop in various ways - hay, corn, etc. and the merchants sell to the stockowners or whoever has need for their harvested material so, round about, like a circular movement, many will be receiving benefits from this enterprise and one of the best things that could happen is that it would benefit the future generations that would follow. Their benefit will be greater than anything we could see for ourselves, such as stores, schools and livestock owners. Room will be greater here. We have been talking about crowded conditions over our Reservation; that we have no room to place

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our livestock, at least to a great number that we have been used to in the past. That has been disappearing from us. There is some hope there will be some consideration in another area for livestock. Those are some of the things we are looking forward to. We are looking for those things that could be beneficial to livestock owners, who are hard up for sheep at the present time. That would be beneficial and I hope in such a way that it could come in our time. Naturally, some of our people will be directly benefitted, but many more indirectly. That is the way I feel about it and I feel you all understand what we are talking about. What the use of that \$10,000 will mean in the development of that project and, further, before I terminate my talk, I want to ask a question.

As far as the water right is concerned, we have every right to say that we own 100% of the river of the north because we were the first people here, but nevertheless, we do not want to say that at this time. Yesterday, Mr. Gorman mentioned what a former leader, Barboncito, had said about the four rivers the Navajos own. He mentioned them by name. From then on, we have every right on the basis of that statement by our former leader to claim 100% of the river of the north but, nevertheless, I would like to leave that for what it is worth. However, I want to ask Mr. Littell a question. In 1922 the four States allotted among themselves a certain portion of water which, here in New Mexico, is 11.25%. At that time we were not mentioned as having any rights to the waters of the north with the exception of the four States. Could we now regulate or according to regulations, if there are any, set forth a statement to the effect that we should be entitled to a given amount and should not that be expressed by us at this time. Do you also know whether Mexico has been apportioned a certain percentage, or were they left out like the Navajos when the four States apportioned the water among themselves?

Norman Littell:

Those apportionments have been made and the Navajos and Indian rights in general are specifically reserved in the Compact to which you refer and, under an earlier Supreme Court decision, it protects the Indian rights to water, so that you are, in all respects, fully in this picture. You may recall our discussion in the Council meeting during the last Congress and without reviewing that, it is sufficient to say that the Navajo Dam is a part of the present plan for the Upper Colorado Basin and it is to be in the Act which we hope can be gotten out of this Congress. That is the purpose of this Resolution.

Paul Jones:

There was another question. Do you know whether Mexico has been given any apportionment that you know of?

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Norman Littell:

My recollection is that Mexico has a definite portion of the Rio Grande. Howard reminds me of the statement made by one of the lawyers at the hearing down there that the Articles provide that the Mexican amount, which is a minimum of 1,500,000 feet per annum, measured at the border, etc. You see, the river belongs to Mexico too. There is nothing you can do about this particular point which was settled by Treaty between the two Governments. Some of us have thought that they gave Mexico too much but it is pretty easy to think that about the other fellow. I am not completely up-to-date on this subject for the reason that Mr. Person, the Engineer at Wyoming, retained by the Tribe in this matter and Mr. Keesee, have attended to this matter and it has not been possible to get together with Mr. Keesee up to this moment. That is quite beside the point because by the time it reaches the drafting of an Act, it becomes a matter of your representative in Washington and I shall be thoroughly informed and on top of it and, as in the past, defend your position. To my inquiry in Washington some little time before I left, the Bill had not been introduced yet. We have not reached the stage yet of driving that Bill through this Congress. After all, Congress has only been open a few days.

The Chairman:

We will now recess until 1:30.

(Whereupon, at 12:08 the Council meeting recessed until 1:30 p.m. of the same day.)

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Howard Gorman:

An Agualante membership which means that you are protecting your water rights" (p. 49)

were accused, so we still can say that they cannot blame the Navajos only. They still have to blame these people who live south of here and north of us here for contributing to the filling up of the dam, the lower Colorado, with silt, because they have run livestock and some of these ranges in Colorado have been in bad shape at the same time that our range was in bad shape. When they construct the Navajo Dam, these people who live in these places and areas contributing to the Navajo Dam, they will have to be watched and we will have to look after it to prevent erosion, etc. Also, at Glen Canyon, if they are going to construct that dam there, the people will have to comply with the carrying capacity of the range in order not to silt up that project. I wanted to answer Mr. Gordy's question in that way.

The Chairman:

Do you understand the short Resolution that was read to you from the platform by Mr. Littell? Also, do you understand the difference between the Advisory Committee Resolution recommending the Council approval of the ten thousand dollars that is being discussed here? Do you understand all of that?

Roger Davis:

I want what I have to say off the record.

The Chairman:

Off the record.

(Whereupon Roger Davis makes remarks in Navajo off the record - not translated.)

James Becenti:

My question is, will we have a copy of the Resolution read by Mr. Littell, the small portion he read? Will we get a copy of that? We have the Advisory Committee Resolution but we do not have that short Resolution.

Norman Littell:

Mrs. Allen will read it, but you approve the Resolution of the Advisory Committee in appropriating the ten thousand dollars.

RESOLUTION OF THE
NAVAJO TRIBAL COUNCIL

Appropriation of Funds for Upper Colorado River Project Promotional Program.

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BE IT RESOLVED:

1. That the Resolution and recommendation of the Advisory Committee, urging appropriation of ten thousand dollars to be spent for promotion of the Upper Colorado Project, including Navajo Dam and related projects, be and it hereby is approved.
2. That the sum of ten thousand dollars be and it is hereby appropriated as the contribution of the Tribe toward the promotional program of the Aqualante, pursuant to said Resolution.

The Chairman:

The Motion is made by Sevier Vaughn, seconded by Walter Collins that the Council approve the Resolution just read, confirming the Resolution approved by the Advisory Committee and the Motion is made for the Council to approve this Advisory Committee Resolution as read also. All those who wish to go along with the Motion made and seconded on the Resolution may stand.

70 Council members stood.

The Chairman:

Any opposed?

None opposed.

The Chairman:

Who is on this Item 9 - Revolving Credit Program?
(At this point Chick Sandoval replaces Paul Jones as interpreter.)
We will take a ten minute recess.

(Whereupon, at 3:20 p.m. a 10 minute recess is taken.)

The Chairman:

We will continue with the session now.

The Advisory Committee last night approved of Law and Order being discussed here and a report to be made before the General Council so that is the only time that Mr. Nelson can be available to come before the Council, so now we will give him the floor to come before the Council.