THE NAVAJO NATION
DEPARTMENT OF JUSTICE

TELECOPIER COVER LETTER

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FROM : Stanley M. Pollack, Water Rights Counsel
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DATE : March 9, 2005

TOTAL PAGES : This page and the attached 6 pages.

Recent attack on settlement by former State Senator Henderson. Please note second page: "The reducing our already reduced settlement and sovereignty will become more clear with each passing month." Need to get the agreement executed.

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MEMORANDUM

TO : Hon. Speaker of the Navajo Nation Council
     Hon. Members of the Navajo Nation Council

FROM : James Henderson, Jr.

DATE : February 7, 2005

SUBJECT : NON-NAVAJOS SECRETLY CHANGING THE SAN JUAN SETTLEMENT AFTER YOU APPROVED IT?

First Issue: Pulling the Wool Over Our Eyes?
On January 22, 2005, the "Farmington Daily Times" reported on the San Juan Water Commission. They allegedly violated the New Mexico Open Meetings Act. The real trouble for the Navajo Nation had to do with what the meeting was allegedly about and who was there.

The newspaper reported the meeting was between the San Juan Commission and representatives from Senators Bingaman and Domenici. There was also a lawyer from the U.S. Senate's Energy and Natural Resources Committee. The Commission was recommending "changes to a Senate bill on the Navajo Nation Water Rights Settlement Agreement."

Did you know about this? Did your lawyer? If he did, did he tell you? Is he helping them? Are some non-Navajos trying to pull a fast one over on the Council and the Navajo people? What are they changing that you already approved? Why is this happening? Who is behind it? Everyone of these is an important question.

Second Issue: Senator Hiding Behind Another Tribe's Water Settlement?
On January 27, 2005, the "Gallup Independent" had a water settlement article. It was titled "Navajo water rights fight not finished." It talked about how an Indian water rights law suit issue in a court in Santa Fe County, filed in 1966, was going to cause a problem for Navajo. The water rights payment for the U.S. over there for the Pojoaque, Tesuque, Nambe, and San Ildefonso pueblos and other parties was to be $200 million. But the U.S. Justice Department lawyers now say they will try to limit it to only about 5% of that amount, $11 million. That is about 95% reduction. Sounds a lot like a broken treaty promise. That is not all.

Senator Domenici is pretending to support the New Mexico water settlements funding. But his arguments are weak. He says "It is my sincere hope that the administration will reconsider its position." This is not the language of a "strong supporter." Look at what went on in Farmington. Add what is going on for those pueblos. Add also Mr. Domenici's already reducing theNIIP settlement money by about $375 million. I have respect for Mr. Domenici, but I can see so easy the political maneuvers that are going on. The Bush administration wants to rebuild Iraq; not
NIIP and not the Navajo Nation. Mr. Domenici and our own water rights negotiators have already done us great damage. Now they are ready to do us more. The best way to protect ourselves is to inform ourselves. But, we still only get our water rights information from one source. What a big mistake that is proving to be. It will only get worse.

The reducing our already reduced settlement and sovereignty will become more clear with each passing month.

The settlement part of the Independent newspaper report says, "The final San Juan settlement package likely will reduce the development fund, reduce the rehabilitation money as well as groundwater components of the Navajo-Gallup water project, and increase the non-federal contribution (which means put the cost on us and Gallup).

It is more and more broken promises, like I said about broken treaties. We started out with a weak negotiation position in the settlement. That position was weakened even more by the time the Council "approved" the settlement. Now the final settlement is not going to be what the Council "approved" in December 2004. Isn't this sounding like there is some deception somewhere?

How much have we been led on? How much have we been tricked? How much have we been weakened? Who is behind it outside the Nation? Who is behind it inside the Nation?

Shouldn't the Council pass a special resolution? Shouldn't it declare that any changes to any of the settlement documents already "approved" by the Council are void. Doesn't the Navajo Nation Council have the sovereign authority for our people to decide what it approves and what it doesn't? Are the actions and approvals of the Navajo Nation Council meaningless, like the playground activities of children? I say NO. I encourage you to say NO also.

Please stand up for our people on this or it is only going to get worse and worse.

Thank you for considering my perception and what I have to say.
Open Government Act

Foundation for Open Government

Water Commission Violates Open Meetings Act

Why should I notify you of pending meetings?