

**United States Senate-- Committee on Indian Affairs  
Hearing on S. 531: Repeal of the Bennett Freeze  
May 15, 2008**

**Testimony of the Hopi Tribe--Chairman Benjamin H. Nuvamsa**

Chairman Dorgan and members of the Senate Committee on Indian Affairs, the Hopi Tribe appreciates the opportunity to provide testimony on Senate Bill 531, the Repeal of the Bennett Freeze. My name is Benjamin Nuvamsa, and I am Chairman of the Hopi Tribe. Before I begin, I would also like to thank Senator McCain for introducing this legislation and for his ongoing leadership on this very important issue.

The Hopi Tribe supports the Committee's effort through Senate Bill 531 to end the Bennett Freeze and thereby assist the Hopi and Navajo people in resolving the long-standing dispute between our people over the lands of the 1934 Act Reservation. Congress' repeal of the Bennett Freeze will close a long contentious period in the history of our two tribes. We can now move forward into what I hope will be a new era of cooperation between the Hopi and Navajo on issues vital to both tribes.

The Hopi people live on a Reservation in Northern Arizona set aside by Executive Order of President Chester Arthur in 1882. The current Reservation is but a small part of the Hopi's aboriginal lands and only slightly more than 60 percent of the land originally set aside for the Hopi by President Arthur almost 125 years ago. Through a long history of action and inaction by the United States, the Hopi Tribe lost over 40 percent of its Reservation—approximately 911,000 acres--to the Navajo Nation. The Navajo Nation occupies a Reservation of over 17 million acres stretching across parts of Arizona, Utah and New Mexico. As a result of Congress's creation of the 1934 Act Reservation, the Navajo Reservation completely surrounds the remaining lands of the Hopi Reservation.

For more than 100 years, the Hopi Tribe has worked to prevent the loss of its lands to the much larger Navajo Nation and to preserve the Hopis' right to control its lands against intrusion. Beginning in 1958 the United States Congress enacted a series of laws intended to lead to a final resolution of the disputes between the Hopi and Navajo over the lands of the 1882 Hopi Reservation. The Navajo-Hopi Land Settlement Act of 1974 authorized litigation between the Hopi and Navajo to determine the tribes' respective rights in both the 1882 and 1934 Act Reservations.

The Bennett Freeze was named after the late Commissioner of Indian Affairs Robert Bennett who in 1966 imposed a prohibition against construction, repair and other development on a 1.5 million acres area within the much larger 1934 Act Reservation. The Bennett Freeze was intended to preserve the status quo between the Hopi and Navajo tribes while the tribes litigated their competing land claims in federal court. Congress authorized the 1934 Act litigation as part of the 1974 Navajo-Hopi Land Dispute Settlement Act. Forty years and numerous federal court decisions later, the Hopi and Navajo, realizing that any court ordered solution would be imperfect at best, decided to resolve the dispute themselves..

In November 2006, Secretary of Interior Dirk Kempthorne approved an Intergovernmental Compact between the Hopi Tribe and the Navajo Nation ending more than 40 years of litigation between our two tribes over lands within the 1934 Act Navajo Reservation. In December 2006, The United States District Court for Arizona approved the Compact.

This agreement between our tribes accomplishes several important objectives. First, it ends the long, contentious and expensive litigation between the Hopi and Navajo over the lands of our respective reservations. Secondly, it grants to the members of both tribes certain religious access and use rights on the lands of the other. Thirdly, the agreement secures to Hopi religious practitioners the right to gather eagles on parts of the Navajo Reservation. And finally, this agreement ends the development moratorium imposed by the Bennett Freeze. All that remains is for Congress to amend the 1974 Act to repeal that section of the Act that codified the freeze.

Passage of Senate Bill 531 will symbolize the close of a long and difficult period in the history of our tribes and will set the stage for a new period of optimism for Hopi and Navajo people in the area, one which allows Hopi and Navajo to pursue economic and resource development initiatives rather than litigation. In our cooperation we hope to improve the quality of life enjoyed by our people while allowing access to and regular use of sacred sites and shrines on our respective lands. We hope that passage of SB 531 will lay a foundation for cooperation not only between the Hopi and Navajo but also between the two tribes and the United States. A foundation that will support our joint efforts to develop the lands and resources and the economies of our two tribes into the sustainable homelands that the tribes and the United States intended them to be. Our cooperative efforts toward this end will benefit not only the Hopi and Navajo, but the Nation as well as we jointly move the tribes forward into an era of greater self-sufficiency made possible by mutually beneficial economic development.

Chairman Dorgan, let me again thank you and the members of this Committee for the opportunity on behalf of the Hopi Tribe to testify concerning Senate Bill 531. We look forward to working with the Committee to resolve any issues raised by this legislation and moving it closer to passage. I am happy to answer any questions that the members may have.