# “Is Anybody Listening?”

**Relocation, Sovereignty, Civil Rights, and Public Law 93-531**

**Teaching Notes**

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**Learning objectives:**

1. Study the history and culture of the Navajo and Hopi peoples;
2. Understand the history behind the reservations and their creations;
3. Become familiar with the lived experience of Navajos at Big Mountain and other areas on Hopi Partitioned Land;
4. Understand the forces behind the Navajo-Hopi Land Settlement Act of 1974;
5. Consider the legal and human rights issues at play in the relocation of 12,000 Navajos;
6. Understand what precipitated relocation and the role of the United States government;
7. Debate whether mineral development by energy companies such as Peabody Coal contributed to the relocation law;
8. Consider Western-based property law versus traditional Navajo and Hopi political structures based on community consensus;
9. Discuss why the Navajos on Hopi Partitioned Land (HPL) were unsuccessful in having P.L. 93-531 repealed;
10. Debate whether or not Jenny Manybeads et al. were denied their indigenous rights as stated in the *U.N. Declaration on the Rights of Indigenous Peoples.*

### Audience

This case is suitable for college classrooms. It can be used in a wide variety of disciplines, including ethnic studies, political science, history, law, sociology, philosophy, environmental studies, composition, and Native studies.

**Implementation**

P.L. 93-531, the Navajo-Hopi Land Settlement Act (1974), its antecedents and aftermath, are exceedingly complex. The case is not black and white and students generally know little if anything about the Navajo and Hopi, nor have they heard of the Hopi-Navajo Land Dispute. I’ve taught the case in two 2-hour blocks as follows.

During the first 2-hour block, as an introduction to the case, I show the documentary film *Broken Rainbow* (70 minutes), and then I use the rest of the period to discuss the film, focusing on the basic vocabulary and geographic and cultural knowledge they will need to understand in order to analyze the case.

Between classes I ask them to read, annotate, and write a 2-3 page extended summary of the case, which gives them a working knowledge of it. When we reconvene during the second 2-hour period, I have students work in six small groups to answer the following discussion questions. I randomly divide the students into six groups; I find groups of 4-5 students work best, but this depends on the size of the class. Random assignment can be accomplished quickly through counting off. If the class is larger, create two sets of groups doing each set of questions.

If the students have read and summarized the case in advance, it usually only takes about 20-25 minutes for them to answer the questions. I give students the discussion questions with enough space for them to record their answers. I then reconvene the class, and leading the discussion, I ask each group to present their answers. In this way I can save time by filling in additional material, as needed, and help them understand the significant issues. This usually takes at least an hour or more. In my class I save the last 20 minutes to introduce the short essay assignment I have them do as part of our case study (see writing and research questions at the end of these notes).

**Discussion questions:**

**Group #1: History and identity of the Navajo and Hopi peoples**

1. Who are the Navajo and what are their origins?
2. Who are the Hopi and what are their origins?
3. How are Navajo & Hopi origins and histories similar and how are they different?
4. Why are Hopi and Navajo origins and histories important to P.L. 93-531?
5. When and how did the U.S. government get entangled with these histories and origins?

**Group #2: Roberta Blackgoat and Mae Tso**

1. Who was Roberta Blackgoat? Where did she live and how did she come to reside there? How would you describe her lifestyle (be specific)?
2. Who was Mae Tso? Where did she live and how did she come to reside there? How would you describe her lifestyle (be specific)?
3. Why were Blackgoat and Tso faced with relocation? Why were they resisting relocation? Did the relocation law violate their civil rights?
4. How did Hopis respond to the creation of a tribal council? What sort of political reality is reflected in the labels “progressive” and “traditionalist”?
5. What typically happened to the Navajos from HPL who were relocated?

**Group #3: Creation of Navajo and Hopi reservations**

1. When, why, and how was the Navajo Reservation created?
2. When, why, and how was the Hopi Reservation created?
3. Is there a difference between executive order reservations and treaty reservations? Why is this difference important to P.L. 93-531?
4. What’s the difference between Hopi progressives and traditionalists? How does are relationships affected between Hopi and Navajo?
5. Why was the 1882 executive-order reservation partitioned into HPL and NPL (Navajo Partitioned Land)? Could the 1868 treaty reservation be partitioned similarly? Who was most affected by the partitioning?
6. Why has partitioning of the reservation, forcing relocation of many of its inhabitants, been a cultural disaster?

**Group #4: Mineral development, tribal councils, and sovereignty**

1. Discuss the connection between energy development on Black Mesa and the Hopi and Navajo tribal councils.
2. Why was groundwater important to the coal mining operation on Black Mesa? What concerns did this raise?
3. What was the difference between Hopi “traditionalists” (“hostiles”) and “progressives” (“friendlies”) regarding sovereignty?
4. Did mineral development by outside energy companies, such as Peabody Coal Co., lead to the partition of the Hopi Reservation?
5. What role did John Boyden play in the partition of the Hopi Reservation into HPL and NPL?

**Group #5: Federal-Indian law versus traditional Hopi and Navajo decision-**

**making structures**

1. Why did the Hopi Tribal Council sue the Navajo Nation in *Healing v. Jones*? Why is it called *Healing versus Jones*?
2. How did the 1962 decision in *Healing v. Jones* lead to P.L. 93-531 and the partition of the Hopi Reservation into HPL and NPL?
3. Are there any parallels to other 20th century historical and legal precedents: e.g., Palestine, India, Ireland?
4. How did Western-based property law erode traditional Navajo and Hopi political structures based on community consensus?
5. Did the Bureau of Indian Affairs (BIA) and John Boyden undermine tribal sovereignty? Explain.

**Group #6: Repeal of P.L. 93-531**

1. Who supported the repeal of P.L. 93-531? What were some of the consequences of this support?
2. Why did the *Manybeads* case argue that P.L. 93-531 and relocation violated their First Amendment right to religious freedom?
3. Why did the 9th Court of Appeals dismiss the *Manybeads* case?
4. What’s the Accommodations Agreement (1995)? Why is it important? Why did Blackgoat and Tso reject it?
5. In the case of the Navajo-Hopi Land Settlement Act, why does sovereignty trump civil rights?
6. Why did the Navajo relocated from HPL lack sovereignty?

**Suggestions for writing**

After two 2-hour classes studying the case, I have students write a short essay (750 - 1,000 words) responding to one of the following questions:

1. Were the civil rights of the Big Mountain Navajos violated? Were they victims of discrimination?
2. Was there a conflict between the Hopi people and the Navajo people?
3. Did differing cultural views toward the environment contribute to P.L. 93-531 and relocation?
4. How did a history of colonialism contribute to P.L. 93-531 and relocation?
5. Is federal-Indian policy different in the Northwest when compared to the Southwest? How do you account for any differences?
6. Did energy needs and mineral resource extractions contribute in anyway to P.L. 93-531 and relocation?

**Suggestions for further research**

Forming research and presentation groups can be an additional way for the class in small groups to do additional research. Divide the class into the different stakeholder groups and use a 2-hour class period for additional library research answering the following specific questions for each stakeholder group. In a subsequent class session I have students bring laptop computers to class and create a PowerPoint poster answering their research question; I then have the posters printed for a concurrent poster session during an upcoming class. I also test the students on the information presented on the posters (usually 3-4 questions per poster).

In addition, if this is a composition class, students can write an argumentative essay in support of one of the stakeholder groups.

Group 1: Navajos living on HPL

What would their reasons be for resisting relocation?

Group 2: Traditional Hopis

What would their reasons be for supporting the Navajos living on HPL?

Group 3: Hopi Tribal Council with Legal Counsel

What would their reasons be for wanting to partition the 1882 Executive Order Reservation and relocate Navajos living on the Hopi side of the partition?

Group 4: Navajo Tribal Council

What was the position of the Navajo Nation toward P.L. 93-531 and relocation?

Group 5: Senators and Congressmen

Historically most of the representative from the Southwest supported Arizona Senator Barry Goldwater’s position advocating for partitioning of the JUA. Why do you think they reasoned this way?

Group 6: Representatives from Peabody Coal

What were the arguments for the mineral development of Black Mesa?

Group 7: Environmentalists

What were the arguments against the mineral development of Black Mesa?