

THE TRUTH WELL TOLD

Indeppendent



The Independent—Gallup N.M.—Friday, August 6, 2010.

Ulaaine Hardy gathers buckets to haul water at her home in Tuba City, Ariz., in this Nov. 27 file photo. Hardy lives in a bus after her home burned down several years ago. Hardy's home was on Bennett Freeze land so she has had trouble getting assistance to rebuild.



Independent file photo

Group wants full accounting of Navajo Rehabilitation Fund

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By Kathy Helms
Diné Bureau

WINDOW ROCK — Elders from Black Mesa, Diablo Canyon, and Bodeway/Gap stood in the rain Wednesday at Veterans Park, ignoring the lightning flashing around them, as attorney James W. Zion announced a lawsuit being filed on their behalf to seek accounting of Navajo Rehabilitation Trust Fund monies.

The Forgotten People — a grassroots group made up of former Bennett Freeze residents — and 12 individual victims of the Navajo-Hopi Land Dispute, filed a civil complaint against the Navajo-Hopi Land Commission, the Land Commission Office, Executive Director Roman Bitsuie, the Navajo Nation and unnamed individuals, seeking an accounting of all funds and monies set aside for victims of the land dispute. Zion, a former attorney with the Navajo Nation, has been around the Navajo-Hopi Land Dispute since 1981 when he planned the marches in Keams Canyon.

As he drove from Albuquerque to Window Rock Wednesday morning, he said. "I was thinking about Rena Babbit Lane," an elderly Black Mesa resident and resister living on Hopi Partitioned Land. "The question that lawyers get that we get real tired of is, 'Would you represent someone you knew was guilty?' and the answer is 'Yes.'"

"I thought of Rena. Rena did it! She cut the barbed-wire fence," he said, and was arrested by Hopi Rangers. "I think of Rena and her wire cutters, and I think of the Forgotten People ... maybe wire cutters should be the symbol of the Forgotten People."

He said they used wire cutters to set legal precedent "by establishing the right of a citizen group to get into the Navajo Nation courts to challenge stupid government action."

The problem has been how a small community group can use litigation to make a difference, he said. "We could supposedly go after the Secretary of the Interior, but we don't have the money. We don't have the power. You're seeing what's happening to the Cobell lawsuit — a lot of time, a lot of energy, a lot of nothing."
"What we're going to do is we're going to go after all the

money that was supposed to come down from the Secretary of the Interior for the benefit of the Forgotten People."

Zion said there is supposed to be revenue coming in from the Navajo Nation's Paragon Ranch, the Navajo-Hopi Compact, and possibly other sources for the benefit of the people.

The Navajo Rehabilitation Trust Fund was established by Congress in 1974 for improvement of the economic, educational and social condition of families and Navajo communities affected by the division of the former Navajo-Hopi Joint Use Area, including relocatees and those victimized by the Bennett Freeze.

"Maybe we'll actually find out what happened to the money that was collected for fees during the Bennett Freeze period that was supposed to be divided between the Navajo Tribe and the Hopi Tribe," he said.

The complaint filed is an accounting lawsuit, according to Zion.

It basically says, "OK, somebody held the Forgotten People's money in trust for the Forgotten People. Where is it? What happened to it? Who spent it? What did you spend it on? How much is there? How much is left? How much do you project that there is going to be in the future?" he said.

"It's about time that we got some answers to those questions." Don Yellowman, president of Forgotten People, said that in the years he has been involved with the group, the burning question has been: Where is the money?

"I have yet to see an official from Window Rock come to the western Navajo Nation and give us an update of what's occurring and allow the public to ask questions about some of the concerns and some of the questions they may have about this funding that has been talked about for years."

As Forgotten People, he said, they have been dealing with issues such as uranium-contaminated water in Black Falls and advocating for water in the Hopi Partitioned Land area.

Residents of the former Bennett Freeze area have lived in substandard homes for more than 40 years. "To this day there are people living in homes that are barely mended together with baling wire, cardboard, tarps and whatever they can salvage," Yellowman said.

They want to see the money that was supposed to go to build them new homes. "We want to develop a program to rebuild. We feel it's time to rebuild. How long do we need to wait? We're tired of waiting."

"We're not asking for luxury things — just basic necessities that all human beings have a right to have access to," he said.