

Comment IND-02

J. Tonny Bowman
P.O.Box 3582
Yahtahey, New Mexico 87375
June 28, 2007

Mr. Rege Leach
Western Colorado Area Office
835 East Second Avenue, Suite 300
Durango, Co. 81301

Dear Mr. Leach:

At the outset, my primary language is Navajo. I am still attempting to speak and write in a foreign language: English.

I attended a short meeting in Shiprock Chapter House, Shiprock, New Mexico on June 5, 2007. The meeting was from 6pm to 9pm. There were perhaps 25 people. Certain people were informed that the meeting on San Juan River Project was canceled. I was one of those who was told that the meeting was canceled. And the only meeting was in Farmington, New Mexico. However, I attended to some businesses in Farmington, New Mexico, and I was on my way home to Twin Lakes, New Mexico in the evening when I saw some vehicles parked at the Chapter House, so I stopped at Shiprock Chapter by accident. I believe I was the only person who stopped at Shiprock Chapter House, after being told that San Juan River — Gallup Water Supply Project meeting was canceled.

First of all, Navajo Reservation is not one whole country, agreeing on everything with one strong leader, one interest, and so on.

I live in Twin Lakes, New Mexico. As a matter of fact, my ancestors lived here forever, way long ago, even before the birth of God, the birth of Jesus Christ. My ancestors observed Nakai. Which means "wanders". They were Spanish explorers back in 1500's. My ancestors also had observed and named "Nakai Le'Jhe'Ni". Which means 'Black Wanders'. The black wanders were apparently black slaves who traveled with the Spaniards.

So, my ancestors and myself had lived in Twin Lakes valley for several centuries. My grandfather was imprisoned as a child in U.S. Death Camp in Fort Sumner, New Mexico. My great grandmother as a child was imprisoned in U.S. Government Concentration Camp in Fort Sumner from 1860 to 1868. Her mother, father, brothers and sisters died in the U.S. Death Camp, or were taken as slaves by the whites, Spanish and Mexicans. My grandmother was born in 1869, and she told me that the "people were bones, nothing but bones." I had no idea what she meant, until I went to Holocaust Museum in Washington, D.C. and saw photographs of skeletons of Jewish inmates of Nazi Prisons, or Concentration Camps, at Dachau, fitting the very descriptions of "U.S. Concentration Camp or Camps in Fort Sumner, New Mexico" by the U.S. Government of my grandparents. Navajos were not allowed to vote in both the State of New Mexico and General Election truly until 1965, for various reason, racial and U.S. Constitution. My older brothers were drafted into U.S. Army by the Mexicans and White Draft Board of McKinley

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County, even though they were not allowed to vote. One of my older brothers was shot in Germany in March of 1945 and was serious wounded. After World War II, I was stationed in Munich, Germany at MacGraw Kaserne with Rainbow Division, the U.S. Army Division that freed Dachau Concentration Camp on April 29, 1945. Exhibit 1.

Note: General Dwight D. Eisenhower, ordered that photographs be made of all Concentration Camps to guard against claims that Americans and Allies are making false claims by the German population. On the other hand, Excavation of U.S. Concentration Camp in Fort Sumner, New Mexico should be made for the remains of Navajo dead at the U.S. Death and Concentration Camp.

How do I know that Navajos were taken as slaves? I read the treaty. During Peace Treaty discussion, the subject came out. U.S. Treaty with the Navajo, 15 Stat. L. 667, June 1, 1868. And U.S. General William T. Sherman said, “we just had a great war. There will be no more slaves. Don’t go over there, we will take care of that.” General Sherman apparently did not want confrontations between slave holding and owning white settlers, Mexican and Spanish Settlers and the Navajo relatives of the Navajo slaves. General Sherman did not want the Navajo to rescue their relatives which might inflame further war. There were no further discussions after that.

In the U.S. Treaty with the Navajo as above cited contain certain important agreements and they were entered into Articles and made permanent parts thereof. At that Peace Treaty, the Navajo people expressed that they have homes, cultivated land, sweat houses, hogans, and there were no other tribes in the area. The Gods of the Navajo People have created the land for them between the Four Sacred Mountains. In Twin Lakes, my grandmother expressed to me, “our ancestors have died and are buried between rock crevices on these mountains.” She is right again, as a shepherd, I saw where my ancestors are buried on our land in Twin Lakes valley. Land was discussed and agreed to as:

Article V. of the U.S. Treaty with the Navajo, 15 Stat. L. 667, June 1, 1868 expressed:

“If any individual belonging to said tribe, or legally incorporated with it, being the head of a family, shall desire to commence farming, he shall have the privilege to select, in the presence and with the assistance of the agent in charge, a tract of land within said reservation, not exceeding one hundred and sixty acres in extent, which tract, when so selected, certified, and recorded in the “land book” as herein described, shall cease to be in common, but the same may be occupied and held in the exclusive possession of the person selecting it, and of his family, so long as he or they may continue to cultivate it.

“Any person over eighteen years of age, not being the head of the family, may in like manner select, and cause to be certified to him or her for purposes of cultivation, a quantity of land, not exceeding eighty acres in extent, and thereupon be entitled to the exclusive possession of the same as above directed.”

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The Navajo people living on the Navajo Reservation in Northwestern New Mexico have fulfilled all the requirements of the Treaty of 1868, and at the present time all of the land is occupied and used.

I believe, I have an established the right to express my view on this San Juan – Gallup Water Project.

I read in the books of Navajo -- Gallup Water Supply Project that Ed T. Begay had signed a letter. Mr. Begay was one of the Bank Commissioner of American Indian National Bank in Washington, D.C., it's sponsor was Regis National Bank, now non-existent. The American Indian National Bank cease to exist, sometime in 1980's. And what happened to all the money that the Navajos deposited in the Bank? The Navajo people were never told about the disappearance of the American Indian National Bank. Mr. Begay lives in the City of Gallup, New Mexico, he is an outsider to the Northern New Mexico Navajo Reservation. The Northern New Mexico Navajo Reservation fits the descriptions of the "Winter Rights Doctrine" where an established Indian Reservation was involved in the litigation.

I remember, the statements made by two Navajo individuals. One was by Loranzo Bates, a Navajo Tribal Councilman from Upperfruitland, New Mexico. Another was the President of Huerfano Chapter, Mr. Casuse. Mr. Bates and Mr. Casuse are relatives. Names are spelled differently, Hesuse, Casuse, Jesus, etc. Their great grandfather was a Mexican, Jesus Arviso. Mr. Bates misconstrued the "Winter Rights Doctrine." And, I replied, that I am only talking about the Navajo Reservation in Northwestern New Mexico. Not about Navajo Reservation in Utah. Not about Navajo Reservation in Arizona, not about Navajo allotments, or anywhere else. Winters v. U.S., 207 U.S. 564 (1908). Please, see Exhibit 2.

Mr. Loranzo Bates lives outside the Northwestern New Mexico Navajo Reservation boundary. Upon information, he lives on a private Navajo Allotted land in Upper Fruitland, New Mexico and he is surrounded by water of San Juan River. And further, upon information and belief, he did not grow up on the Navajo Reservation, but instead he grew up in Flagstaff, Arizona.

Mr. Kelsey Begay was the President of the Navajo Nation for only one term. He was never an effective President. He was like a sheep tied-up by the Navajo Tribal Council in two years, and for the rest of his last two years, he was a lame sheep, a lame duck and ineffective. For some strange reason he wrote a letter to Gallup. And Mr. Kelsey Begay lives 20 miles Southeast of Page, Arizona in a small community of Kaibetoh, Arizona. Which is approximately 150 miles west of San Juan River and Shiprock, New Mexico.

Kelsey Begay's signing and writing letters is a scheme that would be similar to if one of the distant relatives of the President of the United States, George W. Bush, from Scotland signing his name to the Nuclear Peace Treaty with North Korea. People would be screaming that the agreement is bad and it should be declared null and void. Well, so are the signatures of Mr. Edward T. Begay and Mr. Kelsey Begay agreeing or supporting the San Juan – Gallup Water

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Project when they don't even live in the area. The Navajo people who must be involved in the discussions on San Juan --- Gallup Water Project are the current residences of the Northwest New Mexico— Navajo Reservation.

1. There are huge U.S. Congressional created legal barriers for development in the Northwest New Mexico Navajo Reservation. The barriers are in addition to the natural barrier to individual ambition to develop a plan and built a house, for instance.

A. The number one obstacle is “Historical Preservation Act”. On the Navajo Reservation no one can construct or develop a structure without a survey. The cost of survey is in hundreds of U.S. Dollars per acre to complete and have it approved by responsible federal agency.

Public Law 89- 470 et seq, October 16, 1966. 16 U.S.C. 470, National Historic Preservation Act, or Anasazi.

2. United States Public Health Service, or Indian Health Services, Title 42 U. S.C. A. Section 2001, et seq. More particularly water development and sanitation. Years ago, United States Congress mandated and expressed that:

Indians live in rural areas, and they get their water from local streams, rain water, standing water and largely polluted and unsanitary. The Indians bring polluted and unsanitary water home, and they drink the water, and their children drink the water, and they get sick. They are treated at the P.H.S. hospital and are released, and they repeat the process all over again. United States Congress determined that it would be cheaper if running sanitary water is developed for the Indians and brought into their homes. But today, there are few houses, but lots of mobile homes, and shacks without indoor plumbing and no sanitary running water. And, today, more particularly, most of the Navajo people in Northwestern New Mexico do not have running sanitary water to their residences. Some Navajo people have vehicles, and they haul water from a distance. I am one of the water haulers. See Exhibit 3. Others, who do not have vehicles, continued to practice the old way of bringing unsanitary water to their homes, in buckets. Surgeon General – Indian Sanitation Facilities, Public Law 86-121, 73 Stat. 267 (July 31, 1959).

3. There are statements made that the Northwestern New Mexico Navajo Reservation belongs to all the Navajo people. Again, no matter how bad the “Death Camp” in Fort Sumner, New Mexico was, the agreement was that the Navajo people were going to return to their homes that they left in 1860. Navajos traditionally did not live in villages. Navajo is a Matrilineal Society. They live in family units separated from their neighbors. So, Navajos returned to their old homes in 1868. Now, there are many Navajo families who lived in the same geographical area for generations and for hundreds of years.

This brings up the point, in Indians – Hopi and Navajo Tribes — Lands, Public Law, 93–531; 88 Stat. 1712, December 22, 1974. The late U.S. President Gerald Ford signed the above ACT into law. The land in question was already awarded to the Hopi Tribe, but the Navajo families lived

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on the Hopi land, perhaps, their misunderstanding of the Treaty of 1868 and they returned home, and land was awarded to the Hopi.

However, read carefully, Section 5. (a)(4) of the above ACT, “to recommend, in exceptional cases where necessary to prevent personal hardship, a limited tenure for residential use, not exceeding a life estate, and a phased relocation of members of one tribe from lands which may be partitioned to the other tribe in the joint use area.” The above law solved one of hardest refugee problems of at least 15,000 Navajos, but only because the Navajo people were declared to have “Life estate” of the land they occupied. The Government bought them out and they left without much fusses. There were very serious negotiations for peaceful resolutions of critical issues with dignity. The same serious endeavor and professional attitude and approach should be utilized in the Northwestern New Mexico Navajo Reservation on the Navajo–Gallup Water Supply Project. If the Navajo people in joint use area were perhaps trespassers, but they received a life estate to land they lived on, then the Navajo people who now live in the Northwestern New Mexico Navajo Reservation definitely have more than a life estate, perhaps they should now receive allotments that is only to prevent further raids on their land by the outside Navajo Tribal Council. The late Wayne Owens, a Congressman from Salt Lake City, Utah introduced the bill above on life estate.

The Navajo people who claim that the entire Navajo Reservation belong to all the Navajo people are mistaken and they live in Arizona, Utah, or on allotted lands in checker-board areas. The Navajo people have lived in the area for thousands upon thousands of years, that’s indisputable fact. Their presence is legitimate since time immemorial. Everybody knows the whites are illegal aliens, so were the Mexicans. Our Black brothers and sisters are descendants of their ancestors who were brought to Western Hemisphere in chains, to do work which the whites and Mexicans didn’t want to do.

4. The City of Gallup, New Mexico is sitting at the junction of Interstate Highway 40 and Highway 491. It is also a border town outside the Navajo Reservation. Hundreds of motels, hotels, shopping centers, cafes, restaurants, bars, gas stations, truck stops, trailer parks, Walmart, Home Depot, supermarkets, etc were built, are being built and are in plans in Gallup. The investors in these businesses have money, and make and have made monetary political contributions to the United States Senators, Congressional Delegates, and local politicians. These politicians have also invested their money in these businesses and enterprises. So, they have personal financial interests in obtaining water for Gallup. There is a huge land speculations going on in and around Gallup, New Mexico. As soon as there is water, the price of undeveloped land is going to sky rocket. But, without water Gallup will blow away.

But, racism exist in Gallup. The present Mayor Harry Mendoza, who is a Mexican, has publicly made racist statements about Navajos. Gallup High School students, Mexicans, made racist remarks against Navajo students, and about the Navajo Reservation. A Doctor who is a Mexican working as Indian Health Services Psychiatrist, made racist remarks about Navajos, but the question remains about his medical treatments of Navajo patients. There are studies and reports

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made about “race hatreds” in border towns against Navajo people by Navajo Tribal Council.

Full blood Indians and Afro-Americans are the most hated racial groups in these United States by whites and Hispanics. Dred Scott v. Sanford, Opinion of the Court, p. 490. “Congress might, as we before said, authorized the naturalization of Indians, because they were aliens and foreigners. But, in their then untutored and savage state, no one would have thought of admitting them as citizens in a civilized community.” If perpetuation of racism continues against full blood Indians and Navajos, who needs Gallup? Built a wall around Gallup but the Navajos have been in Western Hemisphere for thousands of years and they will continue to exist. See also, Elk v. Wilkins, 112 U.S. 94 (1884).

5. Joint Ventures. If San Juan - Gallup water is to be build, there also must be joint ventures. Joint Ventures, contractors with Navajo and non-Indian contractors. Otherwise, the San Juan River will continue to flow west into the Colorado River and into Pacific Ocean. Similar statements were made by the late Black Mayor, Maynard Jackson, of Atlanta, Georgia, after Voting Rights Act was signed into law by the late U.S. President Lyndon Baines Johnson in 1965 and after Maynard became the Mayor of Atlanta, Georgia. He made the statement to white contractors who were going to bid on Atlanta Georgia International Airport in Atlanta, Georgia. Mayor Jackson said, “I want Black and White Joint Ventures, otherwise, that land will grow over with grass.” There were joint ventures and many Black contractors became successful through that joint ventures.

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I want Navajo joint ventures in building Navajo-Gallup Water Supply Project, in every aspect of the construction, supplies, operations, workers and more.

6. Suspend the Historical Preservation Act for at least 30 years to encourage development on the Navajo land on and off the Navajo Reservation, especially in the Northwestern New Mexico Navajo Reservation.

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7. The Navajo Tribal Government of Window Rock, Arizona has become dysfunctional and lost reality and touch with the Navajo People of Northwestern New Mexico Reservation. Many Navajo People have expressed that there will never be a Navajo Nation President from Northwestern New Mexico because the population is too small. But, there is already existing laws under 25 U.S.C.A. § 476. Organization of Indian Tribes; constitution and by-laws; special election which provide for self-determination for common welfare. The law expresses in selected parts:

“Any Indian tribe, or tribes, residing on the same reservation, shall have the right to organize for its common welfare, and may adopt an appropriate constitution and bylaws, which shall become effective when ratified by a majority vote of the adult members of the tribe, or of the adult Indians residing on such reservation, as the case may be, at a special election authorized and called by the Secretary of the Interior under such rules and regulations as he may prescribe. Such constitution and bylaws, when ratified as aforesaid and approved by the Secretary of the Interior, shall be revocable by an election open to

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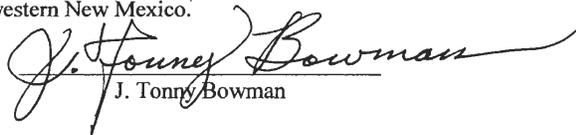
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the same voters and conducted in the same manner as hereinabove provided.
Amendments to the constitution and bylaws may be ratified and approved by the
Secretary in the same manner as the original constitution and bylaws.” See EXHIBIT 4.

The Northwestern New Mexico Navajo Reservation be set apart from the Arizona, Utah and Checkerboard allotment lands to determine their own government and development. All we need is support by our New Mexico Congressional support. And support by our local elected officials to the New Mexico legislation. And rename the Northwestern New Mexico Navajo Reservation as Navajo County, New Mexico. Exhibit 5.

Navajo — Gallup Water Supply Project while it sounds “innocent” will have a “final solution” of the Navajo problems. Germany, Italy and Japan were allies during World War Two. Senator Pete V. Domenici tearfully told a story about his mother getting arrested in Albuquerque, New Mexico because “she was an enemy illegal alien.” Many people remember what Italy did to a poor African country — Ethiopia. It slaughtered poverty stricken civilians and poorly armed soldiers of Ethiopia. That was the Axis first attempt in their Conquest of the world and attempted to commit Genocide of the whole race of poor people. What about the ruff, tuff, rooting and tooting cowboy from El Paso, Texas, Senator Jeff Bingaman? What are the Senators attempting to do with the poverty stricken Navajos? Are the Colonialism, imperialism and Genocide still their answers in the United States against the poverty stricken Navajos of Northwestern New Mexico? Please see Exhibit 6.

This concludes my statements on Navajo – Gallup Water Supply Project, and I believe substantial and more in-depth discussions with the local Navajo residents need to implemented and completed. Don’t get consultations only from Joe Shirley because he has no knowledge of San Juan River and Northwestern New Mexico.


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WINTERS v. U. S., 207 U.S. 564 (1908) -- US Supreme Court Cases from Justia & Oyez

EXHIBIT: 2

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WINTERS v. U. S., 207 U.S. 564 (1908)

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U.S. Supreme Court

WINTERS v. U. S., 207 U.S. 564 (1908)

207 U.S. 564

HENRY WINTERS, John W. Acker, Chris Cruso, Agnes Downs, et al., Appts.,
v.
UNITED STATES.
No. 158.

Argued October 24, 1907.
Decided January 6, 1908.

Page 207 U.S. 564, 565

This suit was brought by the United States to restrain appellants and others from constructing or maintaining dams or reservoirs on the Milk river in the state of Montana, or in any manner preventing the water of the river or its tributaries from flowing to the Fort Belknap Indian Reservation.

An interlocutory order was granted, enjoining the defendants in the suit from interfering in any manner with the use by the reservation of 5,000 inches of the water of the river. The order was affirmed by the circuit court of appeals. 74 C. C. A. 666, 143, Fed. 740. Upon the return of the case to the circuit court, an order was taken pro confesso against five of the defendants. The appellants filed a joint and several answer, upon which and the bill a decree was entered making the preliminary injunction permanent. The decree was affirmed by the circuit court of appeals. 78 C. C. A. 546, 148 Fed. 684.

The allegations of the bill, so far as necessary to state them, are as follows: On the 1st day of May 1888, a tract of land, the property of the United States, was reserved and set apart 'as an Indian reservation as and for a permanent home and abiding place of the Gros Ventre and Assiniboing bands or tribes of Indians in the state (then territory) of Montana, designated and known as the Fort Belknap Indian Reservation.' The tract has ever since been used as an Indian reservation and as the home and abiding place of the Indians. Its boundaries were fixed and defined as follows:

'Beginning at a point in the middle of the main channel of Milk river, opposite the mouth of Snake creek; thence due south to a point due west of the western extremity of the Little Rocky mountains; thence due east to the crest of said mountains at their western extremity, and thence following the southern crest of said mountains to the eastern extremity thereof; thence in a northerly direction in a direct line to a point in the middle of the main channel of Milk river opposite the mouth of People's creek; thence up Milk river, in the middle of the main channel thereof, to the place of beginning.'

Milk river, designated as the northern boundary of the

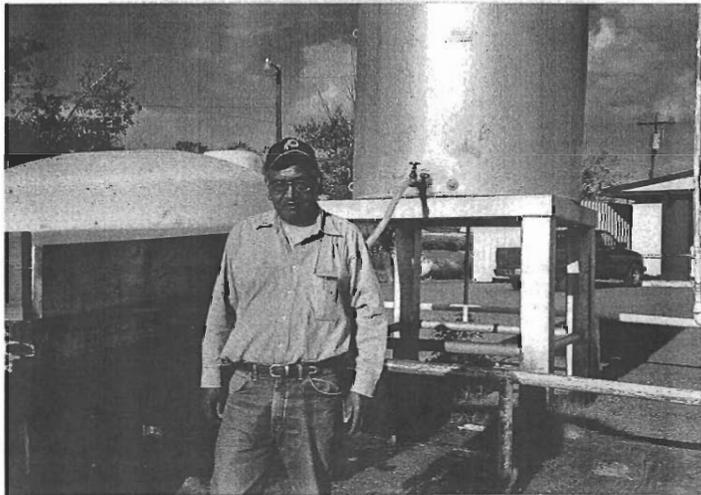
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<http://supreme.justia.com/us/207/564/case.html>

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EXHIBIT: 3



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§ 476. Organization of Indian tribes; constitution and by-laws; special election

Any Indian tribe, or tribes, residing on the same reservation, shall have the right to organize for its common welfare, and may adopt an appropriate constitution and bylaws, which shall become effective when ratified by a majority vote of the adult members of the tribe, or of the adult Indians residing on such reservation, as the case may be, at a special election authorized and called by the Secretary of the Interior under such rules and regulations as he may prescribe. Such constitution and bylaws, when ratified as aforesaid and approved by the Secretary of the Interior, shall be revocable by an election open to the same voters and conducted in the same manner as hereinabove provided. Amendments to the constitution and bylaws may be ratified and approved by the Secretary in the same manner as the original constitution and bylaws.

EXHIBIT: 4

In addition to all powers vested in any Indian tribe or tribal council by existing law, the constitution adopted by said tribe shall also vest in such tribe or its tribal council the following rights and powers: To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior; to prevent the sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets without the consent of the tribe; and to negotiate with the Federal, State, and local Governments. The Secretary of the Interior shall advise such tribe or its tribal council of all appropriation estimates or Federal projects for the benefit of the tribe prior to the submission of such estimates to the Bureau of the Budget and the Congress. June 18, 1934, c. 576, § 16, 48 Stat. 987.

Cross References

Certain tribes, application to, see sections 473, 473a and 478 of this title.
Right-of-way grant, consent of tribal officials, see section 824 of this title.

Notes of Decisions

Civil actions 6	mentioned by Act June 18, 1934 of taxation.
Membership 2	Id.
Sale of tribal lands 3	
Sovereignty 1	Full powers of internal sovereignty
State courts 4	are vested in an Indian tribe as duly
Tribal courts 5	constituted organs of government sub-
	ject only to limitation by treaty or ex-
	press legislation by Congress. <i>Barnes</i>
	<i>v. U. S.</i> , D.C.Mont.1082, 205 F.Supp. 97.
Library references	
Indians § 2, 32.	2. Membership
C.I.S. Indians §§ 9 et seq., 11, 67 et	In absence of express legislation by
seq.	Congress to the contrary, an Indian tribe
1. Sovereignty	has complete authority to determine all
Indian tribes such as Oglala Sioux	questions of its own membership, as a
Tribe of Pine Ridge Reservation possess	political entity, except where question
inherent sovereignty except only where	involved is distribution of tribal funds
it has been specifically taken away from	and other property under supervision
them, either by treaty or by congressional	and control of federal government. <i>Martinez</i>
act. <i>Iron Crow v. Oglala Sioux Tribe</i>	<i>v. Southern Ute Tribe of Southern</i>
<i>of Pine Ridge Reservation</i> , S. D., C.A.	<i>Ute Reservation</i> , C.A.Colo.1957, 249 F.2d
S.D.1956, 231 P.2d 89.	913, certiorari denied 78 S.Ct. 995, 350 U.
	S. 990, 2 L.Ed.2d 1067, rehearing denied
	78 S.Ct. 1374, 357 U.S. 924, 2 L.Ed.2d 1376.
The power to levy taxes is an inherent	For purposes of which Indian tribe has
attribute of tribal sovereignty continu-	complete control, the tribe conclusively
ing until withdrawn or limited by treaty	determines membership in Indian corpo-
or act of Congress, and inasmuch as pow-	ration, but where departmental action is
er has never been taken from it, Oglala	authorized, the Department of Interior
Sioux Tribe possesses power, as imple-	

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EXHIBIT: 5

State of New Mexico
U. S. Congressional Delegate
Mr. Tom Udall

February 22, 2007

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Northwestern New Mexico Navajo Indian Reservation

One of the largest New Mexico Navajo Indian Reservations is located in Northwestern New Mexico. The Northwestern Navajo Reservation begins from Twin Lakes, New Mexico to the Southwestern border of the State of Colorado, or to Southwestern area of the Ute Mountain Reservation.

1. The size of the Navajo Reservation of Northwestern New Mexico is approximately 110 miles long and approximately 50 miles wide, in a rectangle shape.
2. In the year 2007, there are at least two New Mexico counties in this Western New Mexico Navajo Reservation, they are McKinley County and San Juan County.
3. The Navajo population in this area is not well known but it is in tens of thousands with the city of Shiprock, New Mexico as the largest Navajo community. Other Navajo communities are: 1. Twin Lakes, 2. Mexican Springs, 3. Tohatchi, 4. Coyote Canyon, 5. Standing Rock, 6. Navajo, 7. Crystal, 8. Naschitti, 9. Sheep Springs, 10. Toadlena, 11. Two Grey Hills, 12. Newcomb, 13. Burnham, 14. Sanostee, 15. Tocito, 16. Little Water, 17. Biclabito, 18. Hog Back, and other communities that are currently unidentified.
4. The areas outside the Northwestern Navajo Reservation but which have common boundaries with the Northwestern Navajo Reservation are: (1) on the eastern side are the City of Farmington, private lands and Navajo Indian allotments which are referred to as the “Checkerboard Area”. (2) On the southern section consists of Villiage of Yahatayhey, private lands and Navajo Indian allotments. (3) On the western section lies the border of the Great State of Arizona, and towns of Window Rock, Fort Defiance, St. Michael, Arizona and Arizona Navajo Reservation. (4) On the northern section lies the Great State of Colorado, and the Great Ute Mountain Reservation. The Northwestern side is the Great State of Utah which does not share a boundary with the Northwestern New Mexico Navajo Indian Reservation. The Four Corners Area is known and referred to as “Indian Country, USA”.
5. The western part of the Northwest New Mexico Navajo Indian Reservation consists of the Great Chuskai Mountain Range, the Navajo Alps, which stretches from Twin Lakes, New Mexico to Teecs Nos Pos, Arizona which is about four miles from the Four Corners of the States of Colorado, New Mexico, Arizona and Utah.
6. There is tremendous amount of water run offs, during the winter melts, and during the “monsoon season” in the summer when rain water flows into San Juan River from Chuskai Mountain range. And in addition, the winter and summer rain water replenishes Navajo aquifers inside the Northwestern Navajo Indian Reservation. The important fact is that the great San Juan River does not flow into the State of Arizona, or into Arizona Navajo Reservation. The San Juan River never touches the State of Arizona, or the Arizona Navajo Indian Reservation. The San Juan River flows west from the Continental Divide and flows into Farmington, Shiprock and into the Ute Mountain Reservation in Colorado, and then the San Juan River flows directly into the State of Utah and then into the Colorado River.

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2. There are various and numerous natural resources on this valuable land, including forests, water, oil, natural gas, various minerals, sand, gravel, and water, the San Juan River.

3. The more famous land marks are: 1. Shiprock, rock formation, 2. Chuskai Peak, 3. San Juan River, 4. Bear Ears, 5. Narbona Pass, and other less known land marks.

4. There are several thousands Navajo living in this western New Mexico Navajo Reservation in at 19 identified Navajo Chapter Houses.

5. There are Navajo Tribal Council Delegates from this area. However, their numbers are so tiny, and small, that they are completely insignificant than the combined numbers of Navajo Council Delegates from Utah, Arizona and Eastern Navajo. Our Council Delegates are so outnumbered, they feel as the Democrats felt until the last National Election of 2006.

6. Eastern Navajos are Navajos who are individual land owners or who have allotted lands. Their Capital City is Crownpoint, New Mexico where they can individually control their own government. In addition they manage their own land and property, whereas the Navajo people in the Western New Mexico Navajo Indian Reservation are restricted from managing and controlling their own land and property.

Primary Problems.

1. Recently, the Navajo Tribal Council of Window Rock, Arizona is alleged to have agreed to establish Desert Rock Power Plant, in Burnham, New Mexico, right in the middle of the Northwestern New Mexico Navajo Reservation. The alleged agreement was made by people who are outsiders to the vital region, or are foreigners from Arizona. These Navajo Tribal Council delegates do not know the people of the Western New Mexico Navajo Reservation, nor did they sought agreements from the people from this vital area.

2. The Northwestern New Mexico Navajo desire to have control over their land, water, lives and in all activities of their lives in their own home land, rather than have some people dictating to them and controlling their lives from Window Rock, Arizona.

3. The Northwestern New Mexico Navajo Tribe may choose to exercise its Indian Self-determination under the existing authority of 25 U.S. C. § 476 and § 477, as expressed in: U.S. C. § 476. Organization of Indian tribes; constitution and by-laws; special election.

The above sections express clearly that: “Any Indian tribe, or tribes, residing on the same reservation, shall have the right to organize for its common welfare, and may adopt an appropriate constitution and bylaws, which shall become effective when ratified by a majority vote of the adult members of the tribe, or of the adult Indians residing on such reservation, as the case may be, at a special election authorized and called by the Secretary of the Interior under such rules and regulations as he may prescribe.”

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3.

Pursuant to the authority above, the Northwestern New Mexico Navajo people have the right to organize for its own common welfare as described under the U.S.C. § 476 and 477.

This is a plea for assistances from the U.S. Congressional Delegation, Mr. Tom Udall, to assist the Navajo people of Northwestern New Mexico Navajo Indian Reservation, his constituents, to assist them to organize for its own common welfare, and to become independent from the dominant and overpowering Arizona Navajo Tribe, in every way he can, including securing adequate funding for initial feasibility study from the Secretary of the U.S. Department of the Interior, Mr. Dirk Kempthorne. This is the initial proposition for organization for common welfare under sections of U.S.C. § 476 and §477 for the Northwestern New Mexico Navajo People. The Navajo Nation of Arizona is caught up in disarray for years, now. There is little hope for positive solution any time soon.

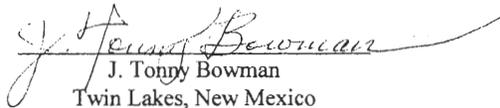
The Navajo People from Northwestern New Mexico Navajo Reservation desire to move forward to 21st Century, and improve its (1) judicial system, (2) interstate highway 491, (3) roads, (4) housing, (5) education, (6) health, and a well run (7) government, with its (8) headquarters in Northwestern New Mexico, in Sheep Springs.

United States Congress dealt with Native American land issues in the past. One of cases is the Navajo-Hopi Land Dispute, Pub. L. 93-531, 88 Stat. 1712, December 22, 1974. The act provided for final settlement of the conflicting rights and interests of the Hopi and Navajo Tribes to and in lands lying within the joint use area of the reservation established by the Executive order of December 16, 1882, and lands lying within the reservation created by the Act of June 14, 1934, and for other purposes. The late President Gerald R. Ford signed the Act. He saved countless hardships and griefs.

The Act expresses under Section 5 (a)(4) as:

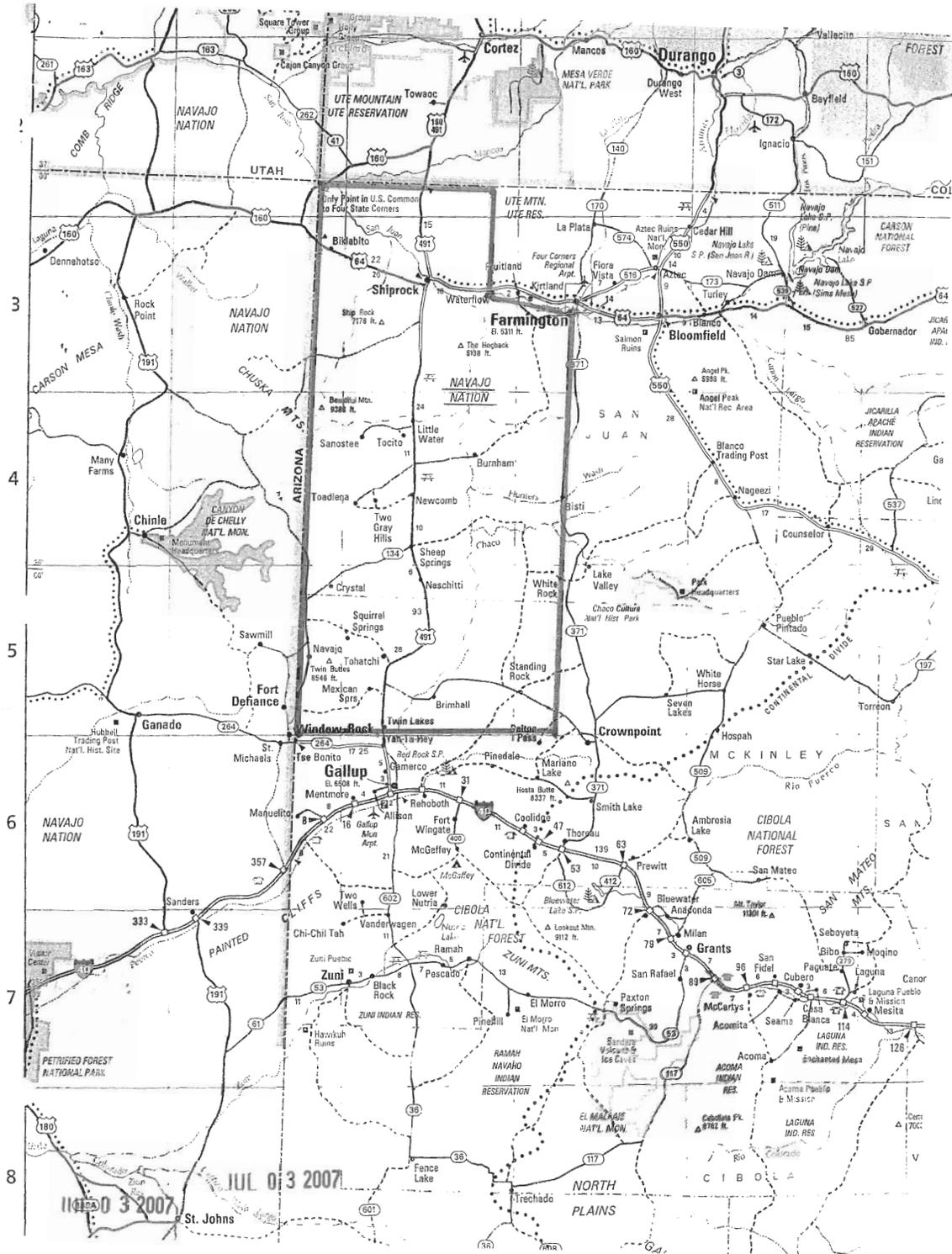
to recommend, in exceptional cases where necessary to prevent personal hardship, a limited tenure for residential use, not exceeding a life estate, and a phased relocation of members of one tribe from lands which may be partitioned to the other tribe in the joint use area...

In the cases of (1) Desert Rock Power Plant, and (2) San Juan River Diversion projects many Navajo residents will be adversely and seriously impacted in the Northwestern New Mexico Navajo Indian Reservation. These Navajo people have more than a life estate in their land. There needs to be more in-depth and comprehensive plan than what the Arizona and Checker Board Navajo Tribal Council are offering. Please see attached Map of the land in issue.


J. Tony Bowman
Twin Lakes, New Mexico
P. O. Box 3582
Yahatayhey, New Mexico 87375
(505)735-2485

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§ 1084

TITLE 18—CRIMES AND CRIMINAL PROCEDURE

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EXHIBIT: 6

CHAPTER 50A—GENOCIDE

Sec.	
1091.	Genocide.
1092.	Exclusive remedies.
1093.	Definitions.

§ 1091. Genocide

(a) **BASIC OFFENSE.**—Whoever, whether in time of peace or in time of war, in a circumstance described in subsection (d) and with the specific intent to destroy, in whole or in substantial part, a national, ethnic, racial, or religious group as such—

- (1) kills members of that group;
- (2) causes serious bodily injury to members of that group;
- (3) causes the permanent impairment of the mental faculties of members of the group through drugs, torture, or similar techniques;
- (4) subjects the group to conditions of life that are intended to cause the physical destruction of the group in whole or in part;
- (5) imposes measures intended to prevent births within the group; or
- (6) transfers by force children of the group to another group;

or attempts to do so, shall be punished as provided in subsection (b).

(b) **PUNISHMENT FOR BASIC OFFENSE.**—The punishment for an offense under subsection (a) is—

- (1) in the case of an offense under subsection (a)(1), a fine of not more than \$1,000,000 and imprisonment for life; and
- (2) a fine of not more than \$1,000,000 or imprisonment for not more than twenty years, or both, in any other case.

(c) **INCITEMENT OFFENSE.**—Whoever in a circumstance described in subsection (d) directly and publicly incites another to violate subsection (a) shall be fined not more than \$500,000 or imprisoned not more than five years, or both.

(d) **REQUIRED CIRCUMSTANCE FOR OFFENSES.**—The circumstance referred to in subsections (a) and (c) is that—

- (1) the offense is committed within the United States; or
- (2) the alleged offender is a national of the United States (as defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)).

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(e) **NONAPPLICABILITY OF CERTAIN LIMITATIONS.**—Notwithstanding section 3282 of this title, in the case of an offense under subsection (a)(1), an indictment may be found, or information instituted, at any time without limitation. (Added Pub. L. 100-606, § 2(a), Nov. 4, 1988, 102 Stat. 3045.)

SHORT TITLE

Section 1 of Pub. L. 100-606 provided that: "This Act (enacting this chapter) may be cited as the 'Genocide Convention Implementation Act of 1987 (the Proxmire Act).'"

§ 1092. Exclusive remedies

Nothing in this chapter shall be construed as precluding the application of State or local laws to the conduct proscribed by this chapter, nor shall anything in this chapter be construed as creating any substantive or procedural right enforceable by law by any party in any proceeding.

(Added Pub. L. 100-606, § 2(a), Nov. 4, 1988, 102 Stat. 3046.)

§ 1093. Definitions

As used in this chapter—

(1) the term "children" means the plural and means individuals who have not attained the age of eighteen years;

(2) the term "ethnic group" means a set of individuals whose identity as such is distinctive in terms of common cultural traditions or heritage;

(3) the term "incites" means urges another to engage imminently in conduct in circumstances under which there is a substantial likelihood of imminently causing such conduct;

(4) the term "members" means the plural;

(5) the term "national group" means a set of individuals whose identity as such is distinctive in terms of nationality or national origins;

(6) the term "racial group" means a set of individuals whose identity as such is distinctive in terms of physical characteristics or biological descent;

(7) the term "religious group" means a set of individuals whose identity as such is distinctive in terms of common religious creed, beliefs, doctrines, practices, or rituals; and

(8) the term "substantial part" means a part of a group of such numerical significance that the destruction or loss of that part would cause the destruction of the group as a viable entity within the nation of which such group is a part.

(Added Pub. L. 100-606, § 2(a), Nov. 4, 1988, 102 Stat. 3046.)

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