

ZahPeterson-2010-06-23.doc

F: [00:00:00] (inaudible)

PI: [00:00:01] OK.

F: [00:00:02] Yeah. You are all set to go. So --

PZ: [00:00:03] Good.

F: [00:00:04] -- let me know if you need anything.

PI: [00:00:05] OK. (inaudible)

PZ: [00:00:07] You want to use this one?

PI: [00:00:08] Sure.

PZ: [00:00:17] Good!

PI: [00:00:18] Yeah. Well... Here are some things we might talk about in connection with the Hopis and the Native American Church, if any of those seem worthwhile. What I thought would help also would be if you wouldn't mind sort of introducing a few of these people in a little more detail, a little more information or characters of -- like Mr. Sidney.

PZ: [00:00:57] Mmm-hmm.

PI: [00:00:58] Just the kind of person he is, and his willingness to meet you, you know, partway at least on some of these matters, and the struggle to be Chairman of the Hopi tribe at any time, it seems like. The government doesn't seem to be very well accepted there by a lot of people. But anyway, I thought we could -- you might want

to speak to some of these points. You already have to some extent, but it might just round it out a little bit. And then if we make our way through that and still have a few more minutes, I've got a couple of other things jotted down also.

PZ: [00:01:33] OK.

PI: [00:01:33] OK? Well, let me say this for the recording. This is Peter Iverson. I'm speaking again with Dr. Peterson Zah. This is June of 2010, and we are going to begin by talking about two major issues during his life and political career. One of them is the relationship between the Hopis and the Navajos over a variety of matters, and the other is about the Native American Church, a church that was -- that originated outside of Navajo country and Navajo culture, but became increasingly incorporated into Navajo life as time went on. I thought maybe we could start by talking a little bit about Mr. Ivan Sidney and your relationship with him, and with the Hopi people. I remember that that was a -- you were quite willing to drive your time-honored pickup truck down to talk with him, and to -- and he was distinctive also in his willingness to try to find a way to build better relations, and to understand each side of this longstanding disagreement.

PZ: [00:02:52] Ivan Sidney went to Phoenix Indian School. He was in back of me maybe [00:03:00] a couple years, maybe even three years. And I got to know him some back then. And then subsequent to both of us leaving Phoenix Indian School, our path cross here and there periodically, with him as a police officer, and then me working at DNA People's Legal Services, where, you know, I was contacted by Navajo people who were incarcerated on some occasion in Hopi courts, and by the Hopi police, and because of the work that DNA must do in protecting our clients' rights and all of that, that we were able to kind of maybe see each other every once in a while. And I liked him; I always did, his demeanor and his openness to things, suggestions, and all of that. And as a result of my being acquainted with him, then I got to know his family. His wife was one of those individuals that was a very cordial, pleasant individual, and Ivan was very dedicated to the Hopi people, Hopi culture, and she was also dedicated to the work that Ivan was doing. And so I got to know them fairly well even prior to the election. And then when I came to ASU, their daughter went to school here at ASU and was a student at ASU West. And I had some conversations with her, and on some occasion counseled with her, and she approached me seeking some explanation on the issues, and maybe even

seeking help from the University. And so I also know his boys and other children that he was very close to, and maybe the children of his own relatives. And so he was one of those individuals that was very important in my [00:06:00] life. And when I was prepared to run for the Navajo Nation Chairman back in 1982, he came to my announcement at Low Mountain sometimes in January of 1982. And I remember that day, it was -- it had snowed the night before, and we were kind of concerned about -- that the snow and the mud, and all of that, and the cold air coming in from the north, it looked like it was going to bring in some more snow, and we were concerned about the people coming to Low Mountain, and that we may not have that many people coming. But we were surprised. I was completely taken by over 1,000 people showing up at that opening announcement. And in the crowd was Ivan Sidney and some of the Council delegate from the Hopi Nation. And they were there to observe and to get acquainted with people, and they were -- because they were people that came from Pelaca (sp?). And Pelaca and Low Mountain is maybe some ten, 12 miles apart, and many of the Hopi people went to Kearns Canyon store and trading post, and many of them also went to Kearns Canyon Boarding School, as did the Navajo. And so they knew each other from the past, going to school

together and meeting each other at the trading post. And so he knew some Navajo families, and other people knew him. So it was kind of just natural that he came to my announcement back in 1982. I guess some political advisors from distance away from Low Mountain and in that vicinity, they thought it was all constructed in such a way that this would happen, and it would have a major political impact, because at that time, the Hopi Nation was having a rough time at least getting the attention of the Navajo people. So I guess generally, people thought that it was all orchestrated for political reason. But what they don't know is that it was just a natural thing [00:09:00] for that to happen, because they were neighbors. And it's one of those things when you're a friend of someone, you -- a major event is taking place in your community, you go visit, greet, and you converse with them. And so that's basically what happened. And our relationship has been very cordial right from the beginning. Of course, people know that during my inauguration, we invited him, and he was there at the inauguration ceremony, participating in all of the events and ceremonies that took place. And so that was kind of a relationship that I had with him.

PI: [00:09:54] My impression about the Hopi government is that it's struggled some to be accepted and to be representative

of the people, and that ongoing difficulty -- I think there is a period of some years where it did not meet at all, or very rarely. And I wondered about Mr. Sidney's efforts being hindered somewhat by that difficulty.

PZ: [00:10:20] Well, I -- when I looked at the Hopi situation now, this is 2010, and what has happened let's say the last two or three years especially, and it's one of those situations where I think most of the Indian people is going through what they are going through. Which is that to some degree, many of the Hopi people still believe in the traditional old ways, and they want to maintain some of those qualities that tradition brings on, and that the tradition -- that the Hopi people, as they know their own tradition, they still want to continue living that. And then you have -- on the other side, you have people who are progressive -- maybe some might label them that way. They are a little more modern in their outlook on life, and maybe in the political setting. And so if you put those two together, the old and the new, the traditional and the new, you will always have some degree of contention, and there will be some spirited discussion that takes place between the two parties. And so that's no different [00:12:00] anywhere else. Even in the United States, we are experiencing that right now. People -- some groups of

people believe in certain political persuasions or situation, and others may disagree. And democracy and our country promotes that. And it just so happened that among the Indian people, in Indian country, you have, you know, the modern concept that sets in because of the schooling that the Indian people go through, and then you have the traditionalists continuing to live in the traditional way. Neither is bad. I think people just need to understand it. And the Hopi people are having that discussion right now among the community members, the villages. And they have their own government at the local village level, and then they also have a centralized government. And they are trying to make things work so that the government is responsive to the wishes of, perhaps, maybe the villages and some of the local people. And that's going to take time, to understand clearly what that all means to the future of the Hopi Nation. Personally, I just wish them well, and then hope for the best, because they are just like any American Indian tribe: small group, small government, and they are going through those trying times right now. And the Navajo, on the other hand, is also going through the same process. There is a lot of questions about the way the Navajo government is set up; there is a lot of questions about the illegal activities of

tribal government officials, and, you know, how their constituents are not agreeing with, perhaps, some of the demands that they put on their tribal Council delegate. And so that kind of a discussion is taking place. It's really about accountability, where they like to see the Council delegate being accountable for anything that they do and everything that they do. And so it -- we are having the same kind of a problem. And then if you look at -- in the state of Arizona here in the Southwest, you have the Apaches that are going [00:15:00] through the same process. And it's basically almost the same issue. And the economic hard times right now in the year two-oh-ten, 2010, isn't helpful. It just puts a lot of stress on the tribal government, and I think a lot of the Indian people are feeling that. And it certainly has filtered down to Hopi, Navajo, Apaches, and other tribes here in the state of Arizona.

PI: [00:15:37] I was thinking about that in getting ready for our visit. And I think one of the things, as an outsider, that occurs to me, and occurs to some others, is that the declining proficiency in the Navajo language is sometimes -- or the Hopi language -- on the part of some of the younger people has made it -- these discussions, which were already difficult even if everybody *does* speak the

language, even more complicated, perhaps, in that regard. But I wondered if you could sort of step aside here and use that segue, and you could tell us a little about the changes in Navajo political -- the Council structure and the chapter relationships that have occurred really, you know, quite recently, and are ongoing issues for the Navajo people today? Wasn't there a vote on, you know, revising how the Council delegates were put together? They were going to reduce the number of Council delegates?

PZ: [00:16:42] Well, with the Navajo situation, it's an issue between the Office of the President and the Council. And we have 88-member Council elected by the local people within those precincts throughout the Navajo nation. And they have certain powers, responsibilities as a Council delegate, and they are fully exercising those powers that have been given to them by the Title 2 amendment. And on the other hand, the Office of the President is questioning some of those powers, and perhaps even the exercise, you know, of those powers, and the responsibilities. And that's the discussion between the two entities that led to this whole idea of trying to reduce [00:18:00] the Navajo Nation Council from 88 to 24. And as I understand it, back several years ago, the Navajo Nation had voted on tribal government reform to reduce the 88 all the way down to 24.

In that voting, the Navajo people were given certain numbers. One was 88, and I think the other one was 48 or 44, or something like that, and then 24. And the Navajo, through referendum vote, chose the 24. But then the Council came back --because they had the power to discuss those kinds of situations in their own Council meeting. They came back and they said that they had to have a supermajority, which meant that at each of the Chapter Houses, there has to be a majority that went for the 24. And they therefore discarded the simple majority, and although the 24 Council delegate [members?] had won during that year, the Navajo Council still did not accept that, and because their lawyer advised them that there had to be a supermajority. And so this time around, in the year 2010, the President essentially did the same thing, and it was a replay of what happened back then.

PI: [00:19:47] This is Mr. Shirley?

PZ: [00:19:47] And -- yes. And it was just a simple replay, but to have the rules also be decided first, and which was that there would be -- a simple majority would have precedence over anything else. And so that's what happened, and as a result, a majority of the Navajo people voted for the 24. And that raised a lot, a lot of question. It was an eye-opener for political observers

away from the Navajo -- and even on the Navajo Nation, and -- that the 24 Council delegate, suggestion of having 24 Council delegate, won over the 88. The Council fought very hard to maintain the 88, and -- but the local people disagreed. Now, subsequent to all of that, then came this whole idea about how do you then reapportion those 24 seats? [00:21:00] And so that was left out in the open. Clearly, the Council's responsibility was to overlook that, and then maybe come out with some kind of a reapportionment through the local Election Office, the election administration. And -- but the President kind of beat them to the punch, because he was already working on some reapportionment plan -- several reapportionment plan. And he took those reapportionment plan throughout the main chapters, agency governments, on the Navajo Nation, and had people look at it and discuss the reapportionment plan. And there was one or two, or even three, that they liked from the local area. And so what he did is that he just took those two or three that the people liked, and then came back together with his administration, and they presented one plan to the Election Office, and then the Election Office agreed with the plan, and they approved the plan in terms of how the reapportionment throughout the Navajo Nation was to be drawn, those lines. And so it was

something that -- you know, very controversial. And the President couldn't do that alone, and he had to go to court and challenge some of the position that was taken by the Council. And then the Council did the same thing. They didn't fully agree with what the President was doing. And so the courts had to again bail out the Navajo government, as they did in 1989, and -- when the Chairman at that time was put on administrative leave. And in this situation, the year 2010, the same thing happened. It was the tribal court; it was the Navajo Nation Supreme Court that came out and basically saved the Navajo government from a complete chaos. And when we were putting the Navajo Supreme Court together way back in 1984 or nineteen-eighty- beginning of 1983 and '84, we thought about that. We discussed all of those kinds of situations, and that we didn't want to see it again. When you have people that are clubbing one another and they are hurting each other, you don't want to [00:24:00] ever see and revisit those kinds of scenes. And so because of that, it was important that we created a Navajo Nation Supreme Court where they would take on some of those issues. And so I was very proud the day that Navajo Nation Supreme Court made those rulings, because it -- they set the record straight; they look at it in the legal way, in a very independent review, what was

happening. And so we are now at a point where people are preparing -- and in some cases, running -- for those 24 seats that was announced last week. And so that's where the Navajo Nation is right now. There will be a primary election, as I understand it, on the 24th of August this year, and then a general election will be on November 2nd. And then we will have a new 24 Council delegates ready to be seated, and taking oath of office at the inauguration in the middle of January 2011. And so that was Navajo people coming together, putting pressure on the government, because Navajo people were just tired of all of the publicity surrounding individual Council delegates and how they were misleading the people, how they were really...operating without any kind of strict accountability to the Navajo people. There were a lot of controversy over the manner in which they use Navajo people's money, in many cases to take care of their own personal things. And so they didn't like that. They got tired of all of that. And because of that, I think they did what they did, which was -- 88 is just too many. And there is no magic thing to the number 88. And it was just through all these years, it got to that number, but there is nothing magic about that "88." There is also nothing really magic about the 24 either. And what the Navajo

people really in essence thought was maybe if there's less of them, there wouldn't be all this, you know, activities taking place [00:27:00] within the Navajo Council. So I think that was the overriding factor that caused them to vote like the way they did, and [then coming?] to reduce the Council to 24.

PI: [00:27:13] There has been some expression of concern on the part of some Navajo people that with the reduction in numbers, maybe some of the more rural areas, which are struggling in regard to their own well-being or the decline of the livestock industry and other matters -- and whether the new [form?] will give greater voice to urban people and urban concerns in Shiprock and Chinle and so forth, and maybe not so much attention to what's going on in Chilchinbeto or other more rural environments.

PZ: [00:27:49] Well, I think in the reapportionment plan that I have seen thus far, they took an extra careful review of that issue. And I think that's why they have -- like before, when there was 88 Council, areas like Shiprock, and Tuba City, and Fort Defiance would have anywhere from two, three, or even four Council delegates from one community. And now, that didn't really work out to the advantage of the local community. In fact, many of them were just in each other's way. And they never were able to really get a

lot done. So this time, when the Council was reduced to 24, those areas only got one, and so that they couldn't dominate the small, local chapters. And they made it so that there was a balance between small chapters versus the big chapters. And that's some of the features of the new apportionment plan that Navajo will be using for voting in November 2010.

PI: [00:29:15] Do you think -- one final question on this matter: do you think it will make any difference in regard to the number of women who are possibly elected to the Council? Or do you see -- will they be primarily hindered or helped by a different kind of number, different kind of --

PZ: [00:29:33] You know, I haven't really looked at the -- carefully --- the number of women versus the men that are running for those 24 seats. But I think just by glancing over, the women folks will have their share. And I think in almost -- *almost* -- every precinct, you have [00:30:00] a woman candidate, with the exception of maybe two, three, or four precincts where they were men, all men. And -- but you had some young ladies that has aspirations to become local leaders that are throwing their hat in the ring for election in November.

PI: [00:30:27] One of the things that you and I didn't quite get to because of the timing of things was the overall assessment in regard to the role of casino gaming in the Navajo economy. Until fairly recently, there weren't casinos, and now there are several, and ongoing discussions about several more. My understanding is that your position on the institution of these casinos has primarily been favorable, if it's done in the right kind of way. I wondered if you could just comment a little bit on where things are in that regard, and what are some of the achievements or, you know, sort of issues that are with us right now?

PZ: [00:31:19] Well, initially, way back in something like...in the mid-1980s, when Indian people, tribal groups -- tribes and groups elsewhere had their casinos, Navajos kind of lagged behind, mainly because of two or three issues. One of them was the stance between the states having the authority to convene a compact and procedures between the states and the Indian tribe. And the Navajo being the largest Indian Nation in the United States, with a significant land base and numbers of people living on reservation, and then also many of them continuing to be a traditional person, where they had -- some had limited education -- and you just had to look at the composition of

the Navajo. And the prevailing attitude was that we are not so sure if we want to go into Indian gaming, because, [00:33:00] number one, if we go to the state of Arizona and ask them for a compact to do gaming on the Navajo, then we are giving the state an inch, two inches to open the door, and how do we know that they are not going to completely come in, open that door fully so that they would begin having jurisdiction? So there was that fear that once you submit yourself to agreeing with what the state is doing for you -- or maybe even with you -- on the Navajo reservation, among the Navajo people, then we are giving in to some degree on our sovereignty. And so they looked at the issue that way. And then the second one was the Navajo Nation is blessed with so much natural resources. We have the coal. We have the land base. We have all of these natural resources on the Navajo Nation -- the timbers. And we have those, and the Navajo people ought to develop that to gain more revenue stream to the Navajo Nation government. In other words, those natural resources are there to be developed, and if we get away from that and then go into gaming, gaming is easy money. It's a no-brainer. And all you had to do is you construct a building, and you bring in your slot machine, put people to work, and it'll succeed. And so it was that kind of

economic development *versus* developing your own natural resources, where you had to use a lot of common sense, a lot of...labor, a lot of people, skill in business management and all of that in order for one to make money. That those were more challenging than just simply having gaming. So I have heard a lot of that kind of a discussion among the Navajo people. And I guess the third issue that to the [00:36:00] Navajo people also was important, and which was the social effect that it'll have on the traditional Navajo life, and that we are going to have a lot of our people that may want to spend their spare time at the casino rather than, let's say, working their land, planting their corn, planting their food, tending business of their cattle, and all of their work that needs to be done. So they wanted a balance, and they thought that gaming might cause a lot of the social ills. And that was also, you know, one of the factors in them deciding all of the -- and the other thing was also important: when the Tribal Council passed a resolution I believe back in, oh, maybe the 1990s or early 1990s to have gaming, the Council made it in such a way that they had already named communities, which community was going to get casinos: Chinle, Navajo New Mexico; Lechee in Page, Arizona; Cameron, Arizona. And they were naming in the legislation

itself that they were approving; it already named all those sites. And, well, that really brought in a lot of fears, especially among the traditional people, and they were saying that "Hey, it's going to be in our community, and I don't know if I like that." And it was not set strategically like the way it's being planned right now. So the biggest difference between that mid-1980 resolution to the resolution that was passed was -- you know, in 2009 or 2008 was that the building of the casinos are going to be strategically set along I-40, between Gallup, New Mexico and Flagstaff. And if you do those right, then you are -- the people that would patronize the place would be tourists, people that [00:39:00] drive on the I-40, and that they would be strategically set. And I believe there is one or two being planned around Farmington, a highly-populated area. And so they are doing a better job of strategically naming those places where it would make money, while before, the resolution that was passed in the mid-1990s was just saturating the place with casinos. And I didn't think that it was going to work, and that it was going to be unworkable. Plus, to put up a casino costs a lot of money. Lots and lots of money. It's a very expensive proposition --

PI: [00:39:46] With no guarantee --

PZ: [00:39:47] And --

PI: [00:39:47] -- of success.

PZ: [00:39:48] And at that time, we didn't have the money. We didn't have the money. And so I...vetoed the resolution because there wasn't enough thoughts, there wasn't enough planning, there wasn't enough strategic planning and discussion among the Navajo people to do that. And I vetoed it, and I said, "We should put this before the public, and let the people decide what we should do, and that there should be more strategic planning involved in this whole thing." And so they, subsequent to that resolution that was passed in the mid-1990s, the Navajo people voted on it, and they rejected it. And so that was essentially what happened. Now --

PI: [00:40:45] Did they vote another time against it, too?

PZ: [00:40:46] Well, I think they voted on it three times.

PI: [00:40:48] Three times? OK.

PZ: [00:40:49] Three times.

PI: [00:40:50] Fairly close at least one time.

PZ: [00:40:52] Yeah. They voted on it three times, and then the last time, it passed. And it passed because they took care of some of those concerns that I had, which was a better planning should be put in place, and probably they saw that we were beginning to have some extra revenues that

were coming in. Now, the reason why I like what I see now is that in the year 2010, the Navajo gaming enterprise, which is an enterprise of the Navajo government, they went to the Investment Committee and the Budget and Finance Committee, and they have asked those two committees to approve a plan where they would use some of the monies that have been [00:42:00] invested and has earned some significant amount of interest money. One of them was what they call the Permanent Trust Fund. Permanent Trust Fund, we started that during my administration, and then we started that with a deposit of \$26 million, and put it into a trust. Over that 25-27-year period, it earned all the way, and it blossomed and grew into over \$1 billion; I think it was \$1.3 billion. And so what the gaming enterprise did is they asked the two committees, the Budget and the Investment Committees, to borrow that to do their gaming. And they would pay back into the fund almost at the same rate as the going rate. I mean, the -- what was considered adequate. And I don't remember what those numbers were, but still, the Permanent Trust Fund would make money, because if you leave the Permanent Trust Fund sitting there in its present form at a \$1 billion, it earns a certain amount of interest, the money, additional money, that it generates each year. If you weigh that amount

versus the money being used to build the casino, I think what they did is they went 1 or 2% above that, so that the Permanent Fund would still grow. It would bring in more money from gaming. And the beauty of all of that is they didn't have to go to the outside bank.

PI: [00:44:13] Yeah, that's good.

PZ: [00:44:14] And they didn't have to go to outside bank and bring in, let's say, Wells Fargo, and Wells Fargo would end up making lots of money because they are financing the gaming development on the Navajo. So the gaming enterprise and the Navajo Nation was very smart in saving that money, putting money into a trust. And all of the revenues it generated, then their -- so they are -- they really just simply borrowed money from itself to do development. That's the beauty of it. And the guy who is the gaming director, Bob Winter (sp?), was quoted in the *Navajo Times* saying [00:45:00] that he knows of no other tribe that was in a position to do that. All of the other Indian gaming facilities were built using outside banks, and then the tribes indebted themselves to those banks, and some of them are being called because the casinos aren't doing very well, but they still have all this money indebted to the bank that they have to pay. And with the Navajo Nation, they just borrowed from one pocket, and then maybe from

several pockets to do what they want to do, with the idea that it's going to generate more revenues, and those monies will be put back and given back to the Navajo Nation. That's the beauty of it, and that's what you call "self-sufficiency." When we were putting the Permanent Trust Funds together way back 27 years ago, that was the goal. That's why we did what we did: that we wanted to have Navajo Nation become, using that money, self-sufficient somebody in the future. And never dawned on me that it would come in the year 2010.

PI: [00:46:17] Wow. It's really one of the major achievements of your time in Navajo political life, it seems to me. Just one or two other side questions. When we talked last time about DNA Legal Services -- and we talked about Ted Mitchell, and we talked about other people who were involved. And one thing we didn't talk directly about -- and I don't know if you want to or not, but -- is that important confrontation that took place between Mrs. Wauneka and Mr. Mitchell that ended up having Mr. Mitchell having to move his offices out of [Culvert?] Gallup, and was one of the factors in changing the ongoing leadership of DNA. There's a lot of sort of mythology at this point, and sort of guesses and suppositions, but not necessarily accurate, you know, accounts on sort of what happened that

day, or why it mattered, and I just wondered if you wanted to speak that to at all, or not?

PZ: [00:47:18] Well, I don't really completely remember that day, because I was doing something else. I was not at the office. I may have been at another agency office, like Chinle or Shiprock, or -- doing something away from Window Rock when all of that happened. But as I talked to people who were there that day, there was a lot of discussion by [00:48:00] the Navajo Council on this Indian Civil Rights Act that was passed. I believe that was in 1964 or something like that when the Indian Civil Rights Act was attached to a major Congressional bill. And there was one section about "providing due process to any person," and the Navajo Council was concerned with that section, and that -- does providing due process within the Navajo Nation context, does it mean that "any person" besides Navajo, or "any person" from the Navajo Nation? What does it really, really mean, we have to "provide due process to any person?" What about tourists? What about all these other people? And if we do incarcerate or arrest somebody, how much due process do -- should be given to those individual? And that kind of a discussion generated a lot of talks among the lawyers, and -- because naturally, they were defending the civil rights and the rights of Navajo Nation,

Hopi, and Apaches, and what that all meant within the context of tribal governments. And so Ted Mitchell, the director of DNA People's Legal Services, was naturally interested, because there was a lot of discussion about his activities on the Navajo Nation, and getting involved in a lot of issues that the Navajo Nation was confronting. And here were water rights issues, there were land issues, there were issues with the Tribal General Council, the lawyers that represented the whole Navajo Nation and their activities. There were a lot of questions about schools out in the communities, and some of the events and activities that those schools were, I guess, involved in relative to students, and not giving them due process and [00:51:00] violating their rights. I think right at that point, there was a lot of discussion about long hair, the long hair issue where if a Navajo youngster wants to participate in football, the football coaches were causing them to have their haircuts first before they joined the football team. It didn't matter whether that person had skills or not, was being athletic or not. And so that all involved the civil rights matters of that individual. And so naturally, their lawyers were very, very much interested. And so as I understand it, that day, Ted Mitchell went over to the Navajo Council along with two or

three other lawyers. And so they were sitting there in the Navajo Council when an individual from the Department of Interior, from the Solicitor's office, came out to explain the new law. And when they came to that section on providing due process to anyone, to non-Indians, there was a lot of contention, a lot of emotions that were involved. And I guess the Council tried not to name anybody, but Ted Mitchell knew that he was the center of that discussion. And I guess he thought it was funny why they wouldn't name him, but he knew clearly that whatever was said, that was him. And he thought that was funny. And so he ended up laughing about the matter, and I guess at one point, another question was asked, and that made him laugh really hard, and everybody heard it in the Council. And so Annie Wauneka was one of those individual Council delegate that sat in the very, very back row, because the Council seats were assigned in the alphabetical --

PI: [00:53:24] Alphabetical? I hadn't --

PZ: [00:53:25] -- order.

PI: [00:53:25] -- thought about that.

PZ: [00:53:26] So her last name was "Wauneka," so she was the last one, sitting with the "Yazees" (sp?) and the "Yellowhairs" (sp?). And so I guess she just got out of her chair from that last row, because Ted Mitchell was

right in back of her, and maybe Ted Mitchell thought that she was going to leave, that she was ready to leave or something like that, and didn't pay much attention how angry she was. [00:54:00] And when Ted was -- as -- according to him, when he was looking away, didn't see this punch coming from Annie Wauneka, and Annie Wauneka punched him in the mouth. And so that caused a lot of controversy throughout the reservation, and DNA People's Legal Service ended up suing the tribal government, because what happened that day was the Chairman of the Navajo tribe, Raymond Nakai, sent a police over to DNA, and that police then escorted Ted Mitchell off the reservation, towards Gallup, and left him at the reservation line. And he had to walk some distances and maybe hitchhike into Gallup. But he was given instruction not to set foot back on the Navajo Nation. And as I understand it, what the tribe used is that in the treaty of 1868 between the Navajo Nation's government and the United States government, there is also a section dealing with "bad men among the Indians," or something like that -- "bad men among the Indians." And it states that if there is that individual, then the United States and the tribal government can escort -- expel that individual from Indian land, and drive them off the reservation. So they used that section of the treaty to

get Ted Mitchell off the reservation. Well, what happened, the controversy was you have the treaty that was supporting the tribe, you have a new law called "Indian Civil Rights Act" that says that you had to give due process to *anyone*, "*any person*," and the legal issue for the judge and the court to decide was the difference between those two. And Ted Mitchell eventually won, [and?] stating that his civil rights was violated. And so he was restored back to the Navajo Nation several weeks or even months later to resume his duty as a executive director at DNA People's Legal Service.

PI: [00:56:55] But he really couldn't in some ways, could he? I mean, he was really sort of a marked [00:57:00] man. To some extent, he already was, but it made it harder for him to, you know, carry on as he carried on before, maybe.

PZ: [00:57:10] Yeah. You know, at that point, he thought that he was a distraction among a lot of his employees and what DNA was all about. And so he just elected to go seek another legal aid program job somewhere else. And so he went to Hawaii, and then over to Micronesia, where he was -
- where he became --

PI: [00:57:46] He was there for --

PZ: [00:57:46] -- a director --

PI: [00:57:46] -- a long time. Yeah.

PZ: [00:57:47] Yeah. He was there for a long time, yeah.

PI: [00:57:47] OK. I think we've touched most of the bases that I wanted to touch. Is there anything you wanted to add on any of these points, or do you want -- you could take the papers with you if there is something that, you know, you wanted to add on in the future. I'll certainly -- when we have the sort of full initial draft finished, which I hope to have before too long, then we'll -- you can take another look at it. And we have been in -- Karen has been incorporating and I have been incorporating, you know, most of your comments at least, and corrections and changes, as we have gone along. So we are getting there.

PZ: [00:58:21] Good.

PI: [00:58:24] And I hope you feel like your --

PZ: [00:58:25] I don't think I, you know, need to add any other thing. I can't think of anything that comes to mind.

PI: [00:58:31] Yeah. I just sort of, you know, typed this up this morning, but I think we've, you know, touched a number of things, and I really appreciate your --

PZ: [00:58:39] Good.

PI: [00:58:39] -- speaking to these in a timely way. So, thank you. I'm sorry to have taken up some of your day in this way, but I think it's -- with the casino gaming as a for-example, I think it's really important to have, you

know, your perspective on that, and to see how it evolved, and that will add a lot to the, you know, related discussions.

PZ: [00:59:02] Good.

PI: [00:59:03] Good.

PZ: [00:59:05] OK.

PI: [00:59:06] OK. Well, I'll be in touch. I talked with the U of A press people, and they say it all sounds good, but get the material in as soon as we can. So I'll let you know when, you know, we have this next stage order in. Will you have -- will Annabelle (sp?) or somebody else be in your office this summer if you are not there?

PZ: [00:59:27] Annabelle will be there.

PI: [00:59:30] So we can get in touch with you one way or another --

PZ: [00:59:31] Yeah.

PI: [00:59:31] -- if we have to?

PZ: [00:59:34] I think sometimes in July, she'll be off for -- yeah, two or three days. That's about it. Otherwise, she'll be there.

PI: [00:59:45] That sounds good.

PZ: [00:59:45] Yeah.

PI: [00:59:45] That sounds good. Because I know, judging from your calendar, it sounds like you are going to be in and

out, so -- and I will be too, to some extent, so... But I think we have a very good chance of getting this done, you know, sooner rather than later, and --

PZ: [00:59:59] Yeah.

PI: [00:59:59] -- I'm real excited about [01:00:00] it. I think it's turned out very well.

PZ: [01:00:02] OK, my friend.

PI: [01:00:03] Thank you, sir.

PZ: [01:00:04] Yeah.

PI: [01:00:05] And --

PZ: [01:00:05] Let me head back over there. It's about 2:30.

PI: [01:00:08] Yeah. It's -- I -- for both of us, it's time to move on to some other things, but --

PZ: [01:00:13] Yeah.

PI: [01:00:13] -- I'm glad we could cover the ground we have covered today. Did you hit that button? OK.

PZ: [01:00:21] This one?

END OF AUDIO