

AMERICAN INDIAN HISTORICAL RESEARCH PROJECT

University of New Mexico

Tape Number: #

648  
SIDE 1

Tribe: NAVAJO

Informant: DAN VICENTI

Informant's home address:

WINDOW ROCK - DNA

Band or Clan:

Date and location of interview: July 20, 1970 WINDOW ROCK

Field Worker: JOEL H. BERNSTEIN

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and Reform Unit of DNA

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good

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Tape #648

Dan Vicenti  
Navajo  
Window Rock, Arizona  
Interviewer - Joel Bernstein  
July 20, 1970  
Side 1

This is an interview with Mr. Dan Vicenti a counselor for the DNA assigned to the Navajo Law Development unit. The interview is being held at the DNA headquarters in Window Rock, Arizona on July 20, 1970. The interviewer is Joel Bernstein.

- Q. Mr. Vicenti, would you give us a little bit of your background, how long you've been working with the DNA and how you got into this kind of work.
- A. I've been with DNA for three years and they way..... I was in Community Development with the Navajo Office of Economic Opportunity before. Before then I was working for the United States Public Health Service. I might mention that my real training is in the area of education and that I drifted into working with public health service through Health Education and I am trained and like to be a teacher in both Arizona and New Mexico and I was trained in..... I did my graduate work at the University of North Carolina after working with public health service for about 3 years.
- Q. Did you go to school here on the reservation as a child?
- A. Yes, I did. Not specifically on the reservation but in an area off the reservation which is very much like the reservation but it's called the Checkerboard Area and thats the brown part of the reservation.
- Q. That's at the edge.
- A. The legal land basin.
- Q. What is this Navajo Law Development unit you're assigned to? How is it, say different from the rest of the work that goes here at DNA?
- A. The Navajo Law Development and reform unit is staffed with three Navajos, three experienced Navajo counselors. The main difference is that we have, we spend more time on cases, on certain cases. Right now we're carrying most of the appeals,

cases for the whole reservation from, we get an opportunity to either co-counsel with counselors who are appealing their cases or we take over certain appeal cases where the counselors who are appealing their cases or we take over certain appeal cases where the counselor who handles the case on the trial level is not want to follow the case through, or if the client agreed that we should take over the case totally. When these cases..... after these cases have been appealed during the time that they are being appealed and that's one area of work that we're doing. The other area is in handling some of the special cases and these are some of the cases which are, which require more time and also require a more experienced counselor to be able to handle the cases. These cases in the latter instances are represented on the adverse side by professional attorneys from the Navajo Legal Aid Service or even from the Navajo Tribal General counselors office. These two very contemporary cases are the Bob Musket versus or the Nelson Demon versus Bob Musket case. This is the case where the vice chairman of the Navajo tribe has brought a suit against his sister and had been using the court quite at his whim or at his will because he is in a powerful position and as we all know there is a problem as far as the Navajo lack of a division of power is concerned between the three main branches of the tribal government that we have.

Q. What is this case about? What is he being out for?

A. It is a land dispute within the family and what the allegation that the plaintiff has in this case that the vice chairman has that in the matter of his mother, his late mother's estate he was awarded a ranch which belonged to his mother, and he has not used the land surrounding the ranch but some other people have grazing permits in that area and this includes a nephew by the name of James Musket and the reason why....the action that he's bringing is now against James Musket, his nephew. But for a long time it was brought against his sister, Bob Musket. But the real objective is to get James Musket out of that area for which he has a grazing permit but the thing that seems to happen is that Mr. Demon purchased parts of 3 other permits and had these permits consolidated and by that he, by that and by the deed which decreed him a ranch without a grazing permit, he is trying to evict his sister and his nephew out of that area. His sister is not in the area so the court, actually he really has no cause of action against his sister, but against his nephew I think he does. The defense he has is that he has a grazing permit and has been using that area for more than 15 years now. But these actions that he has been bringing against his sister started less than 5 years ago.

Q. Now these go through the Navajo Tribal Courts, is that correct or these go into the regular Arizona courts?

A. These are through the Navajo Tribal court and we are just.... the counselors on the Navajo reservation or with DNA is owned by the tribal court. So this is an example of a special case and you might ask more about these kind of cases later but I'll just tell you briefly some of the other things we do. One of the other areas that we think we have a real role is in the training of our court, the other counselors. I think that DNA has never had a special funding or has never had a real concentrated on going program for its counselors and we feel that there is a real need and we hope to be exploring more in this area. The other, I hate to go back to the special cases, but what I was talking about was the idea of spending more time on certain cases was that of a stop gap type of approach to a comprehensive approach, that is if we can know if we can pave a way for a better way to handle some of the cases which keep coming up as repeaters, such as land cases. We hope to be able, land cases where the real problem is lack of law and the lack of effective measures by which these cases can be better handled by the people themselves or by the grazing committee and all those concerned. We hope that we can concentrate on these areas so that we can develop some laws with the Navajo Tribal Council or anyone who is, or maybe even with BIA so that if a more comprehensive type of approach can be developed and this doesn't only, this is not, this type of activity is not be restricted only to grazing problems but for now the grazing area is, you know, is one of the biggest problems and problems that are very difficult to solve because we have laws which are inadequate. So, I might mention also that, that this is some what of an answer to the professional attorneys law reform unit. We have a law reform unit which is head of our right now, but we have been meeting with the, the units have been having joint meetings to decide where one side takes over and where the limitation of area are and so forth. And I think we can say that this is a very young unit and that it is an idea which was thought up by the Navajos themselves.

Q. How many years has this unit been in existence?

A. I would say less than 4 months.

Q. Oh, it is very new.

A. Yes, very new. It's very new and we hope that it can develop into something that the Navajos themselves would be doing to effect laws on the reservation and the way things develop and the way problem solving is provided for on the reservation, because we feel that our legislative, our government body, our legislative government has not really been filling this role. As we know, you know the Navajo Tribal Code is the codification of most of the administrative provisions from the Bureau of Indian Affairs. We have had quite a number of resolutions which have been added to our tribal code as law, so

in the context of the way we are working we hope that we do in some of the things in bringing about some of the things that we hope to bring about as we are more formally recognized that this would be a Navajo idea of doing something for the Navajos themselves.

Q. How many people do you have in this development reform unit?

A. We just have 3. Three counselors.

Q. Three counselors. Do you plan to add more or would you like to or what?

A. Well, I just don't know whether we have been recognized as one complaint I have as far as DNA is concerned is the training. We feel that there is a need for training of counselors so that the whole idea of Navajo jurisprudence can be better improved with the better guidance and with a better trained staff because we feel that the counselors have a definite role along with the judges and some of the officers of the tribal court in helping the whole jurisprudence to grow. So, we hope that in the present request for funding that we have been considered as far as some of the plans we have and some of the ideas but again as I said we have not taken a look at the present proposal, I don't know what has so we, we need the adding staff, but now we have three and one is in law school and should be returning but if he is accepted to continue on as a regular student he'll be leaving us for a duration of his being involved in the law school.

Q. How does one get to be a counselor. I know you don't have to have a law degree to be a counselor. So how do you get the counselors here?

A. So far, I would say the original staff, the original hiring was done a lot more uniformly than now. Now when we have a vacancy we announce the vacancy and the applicants come in and there basic requirement, a very elementary requirement but as far as being particular as to who we get. Most of the times we have been almost forced to accept the best of the applicants that we get at that time. The reason why I say that we have been forced to accept the best of what is available is because we require that they be high school graduates and be bi-lingual; we give preference to someone who is, is able to speak both Navajo and English equally well because the court is conducted preferably in Navajo whereas most of the most of the pleas that are submitted, most of the writing that a counselor does as far as writing up motions and briefs and so forth they all have to be in English. So we kind of have a very awkward situation there where you would need someone with equal competence both in English and Navajo.

- Q. Why do you think it is necessary for DNA to have its unit here, why would this unit that you're talking about the Navajo law development reforming, why wouldn't that be in the regular Navajo legal aid society?
- A. I think that as far as the need for both, I think there is a need for at least two legal aid services at the present time because there are very few private counselors and the reason why I feel that there is a need for both is that it is, you know as far as counseling cases are concerned where we receive cases which are already represented by DNA where we are asked for services by our adverse parties we can always refer them to Navajo Legal Aid service and vice versa; they refer us cases which develop into complicated cases for them. That basically I think is the reason why I would believe in the existence of the two legal aid services because as I said there are very few private counselors or private individual tribal court advocates, but more specifically the reason why I would consider, I would prefer that, well first of all I wouldn't have no objections, I would probably very much like a unit in the Navajo Legal Aid Service too. But the reason why it is important, why DNA having a law reform and law development unit as it is, the reason why I think we have advantage is because of the power that the Navajo Tribal Chairman has and I think that even though the, a compromise is made whereby DNA or whatever legal aid service is funded through the Navajo Tribal Council is that the code, the Navajo Tribal Code definitely would give control to the Navajo tribal chairman. I can look up the provisions in the code in a little while and I'll show you exactly where that it states specifically that no matter what it is, a resolution by the advisory committee or a resolution of the council given, specifically given the advisory committee the power. Whatever the resolution states it really doesn't make any difference because the code itself, provisions in the code, specifically gives the power to the tribal council, to the tribal chairman to do whatever he can, whatever he can to carry out the wishes or resolutions of the tribal council and if the, a legal aid, OEO from the legal aid service is funded through the Navajo tribal council it would be very difficult for us to handle cases which are law development type cases the law development implication that the case Demon versus Musket has, starts with the Navajo tribal grazing regulations, which of course is related to many of the problems of the DNA counselors are handling now throughout the reservation and the grazing regulations, if one studies it carefully or maybe even if a trained person goes through the tribal grazing regulations provides absolutely no, for no due process at all. It is so this particular case the Demon versus Musket case was relanded by the court back to the grazing committee, but at the present time it means the court has most probably under correction of the tribal chairman, vice chairman has, is entertaining its own motion to vacate the order

which remanded the case back to the grazing committee which the grazing committte has prior jurisdiction we argue. So we are in agreement with the first action of the court but the case, the courts only motion to vacate its order remanding the matter back to the grazing committee is going to be heard on August 6 and at that time we're going to argue that the grazing committee having prior jurisdiction should first give its recommendation in this case before it is appealed to the resources committee which is the central grazing committ ee then it goes into the tribal court. So, we not only we are definitely trying to stick with the a definite procedure whereby the people who are more directly concerned with the administrative remedies are exhausted before the court entertains the case and the other area is as far as representation the right to council by letting in any matter on the tribal court. Before the court, after the court shortly after the court remanded this matter back to the or to the grazing committee upon our motion and the court's own motion and agreeing with our motion shortly after that occurred...we... the vice chairman who is the plaintiff in this case tried to get us a meeting of the grazing committee without notifying or even by notifying the....our clients on a last minute basis. But the grazing committee fortunately did not have a forum so the meeting was postponed until a week later when our tribes had noticed and we appeared with our clients and at that time the vice chairman of the Navajo tribe came up to me and ask me what or demanded to know what I was doing; I had no business being there and he also asked me if I read the court order and the court order said nothing about me being at that meeting; I had no business being there. I explained to him that I was there because or we were there two of us were there, we were there because we were being retained by the Muskets and we feel we had a right to be there cause we are representing the Muskets and then he again demanded if we read the court order we explained that we were instrumental in getting that court order and that his councilor or his representative was present at the time we argued that motion and that we helped the court to get that order out and then again stated that we have no right, the court does not, the court order does not state that we had a right to be there so we told them that the 1968 Civil Rights, I told them the 1968 Civil Rights Act stated that the Muskets had a right to council and by that right and he said, I have civil rights too, don't I? Of course you have civil rights too and that it would be good if his comes through like that at that meeting too.

Q. That 1968 Indian Civil Rights Act that was a federal law wasn't it?

- A. Yes. So by that law, that is a confrontation that we had and so he just left us alone and went back to the court and a day after the court, the day after the grazing committee after.... the grazing committee never had a meeting because the forum did not assemble at that time because the meeting was called first of all, on very short notice and it was at that time most of the people who, most of the stock people were doing their sharing and were having a landing so they said that the meeting at a much later date would be better. So Demon went back to the court and reprimanded the judge. According to the judge the following morning, the day after the grazing committee meeting fiasco we got back to work the following morning and the judicial consultant contacted us and asked first if we could attend the meeting concerning the case and it was very short notice so I told him that perhaps if he gave us a day it would be better and he said no, we would like to have the meeting at 9:00, his call was around 8:15 and he said that we should have the meeting at 9:00 and so I said well let me contact my client. Fortunately my client had a telephone but when I called him I couldn't contact him so I kept calling his house and I was unable to contact him. About 5 minutes to 9 the judicial consultant called me and told me that they are going ahead and having that meeting anyway so I told him that well we'll be over there thinking that perhaps that would be reflected very badly because they would say that we were given notice but we didn't, we failed to appear so we went up there and at that time the judge, Judge Wilson, the judge who was handling the case.....
- Q. He is a Navajo judge?
- A. Yeah, Judge Wilson is the person who remanded this case back to the grazing committee and he explained when he started off, he explained that, that some strong comments or criticism of the court were made by Mr. Demon yesterday. And Mr. Demon charged that the court is no good and so forth. And after he explained this he said that and all sort of things that the judge had reprimanded him, I mean the chairman had reprimanded him and that, that the session, the meeting that we were having as a result of our, of his being reprimanded. The decision was as a result of that reprimand he explained that his case was based on a probate and the probate had already been decreed, then the matter to him had been, settled and that there was no, there seemed to be no purpose in reopening this case and to him the whole matter was settled then he also explained that the reason why Judge Yellowhair who is also a tribal judge from the Tuba City office, Tuba City, Arizona office, which is one of the 5 agencies where the courts are located. In each agency there is a court. The reason why he had asked Judge Yellowhair to be present was he had, he was the judge in the decreed that was in



the decree that was under question and so Judge Yellowhair spoke and explained that he was in agreement with Judge Wilson and that Bob Musket had relinquished her right and had expressed it in court and the decision was made within the presence of some of the prominent leaders in the area and he had thought that Mr. Demon was quite satisfied with the decree and he didn't hear anything about any of the dissatisfaction with the decree until much later and he was, he said that he had heard that the deed was appealed by the Muskets but so that was his statement.

- Q. In other words without you and your staff the Muskets would not have been able to fight this in anyway? The Muskets would have been without any recourse of the court?
- A. If the Muskets were..... the Muskets, see Mr. Demon, is represented by the tribally paid legal aid staff in this case, but he is represented by the general counselors office too, so I would find it impossible for a Navajo tribally paid court advocate to function effectively or to be able to give equal representation to that given by someone who was advocating on behalf of the tribal vice chairman. In fact the counselor who was handling this case, he has stepped out of the case and has even resigned and is presently in this special Indian law program which is being sponsored by the New Mexico University. So he's out of the case and as far as we know, as far as I know, Mr. Demon has not or I don't know exactly who he has retained in place of Mr. Kaper(?) who is handling this case, but the development there after have been definitely simplimatic of intimidation of the court and so far we still have that disadvantage, although we are fairly free as far as doing what we can to represent the Muskets. The court itself is making awfully peculiar moves, in fact Judge Yellowhair, after Judge Yellowhair spoke at the session I brought the pact around the decree which they said was basic to this dispute is a probate decree. And but I was in disagreement with both judges in that the decree is specific or the decree is or adequately discribed anything, all the decree states is that a certain ranch is being probated to Mr. Demon. And certain grazing rights and that and I also brought up that Mrs. Musket who was a New Mexico welfare recipient at the time of her death did not have a grazing permit because of the property, the value requirements by the welfare department, cause she had sold her permit before her becoming eligible for welfare and then before her death also. Cause she was without a grazing permit and that the court did not have the jurisdiction to decree or grant grazing permits in the absense, I mean grazing rights in the absense of a grazing permit that all grazing rights on the reservations was covered by permits and therefore it being that she was without a grazing permit, no grazing rights could be probated in the matter of her estate and Judge Wilson agreed then that he didn't know that that was how it was written out and that what the decree was suppose to state was that only a certain infenced area was the property that was decreed in the

in the matter of that estate and the grazing rights outside that area was not being disputed and that was not what the court probated and that the court clerk had made the mistake and he signed it without reading it and we, I said if this could be corrected then there would be no dispute at all because the Muskets were alleging no claim to that infenced area, only on the outside was being disputed. So we thought that the whole matter was cleared up and the Judge Yellowhair would be coming through with a correction of this decree but it never happened. When I contacted him he said that, well that matter I have nothing to do with that matter. Judge Wilson is the one that is handling this case and I stated didn't you correct the decree at that time? He said no I don't know anything about it and I said well what do you think we should do in this case. I had understood that you corrected it and that you would have a correction order coming through correcting that matter so we wouldn't have that dispute anymore and he said well I have nothing to do with that case, contact Judge Wilson. I was in a very awkward position, see I hated to tell you know the judge that he was telling a lie.

- Q. Yes. Other than land claims what are the other kind of serious cases that you have to handle?
- A. I guess a good example would be the case that we have, the exact action type of case on behalf of the Ship Rock chapter.
- Q. What is that case about?
- A. The chapter, of course, you might know well what the, it's a local government type of organization which was started by the BIA years ago. It has developed more and more to where it is a part of the or more grass roots I guess sort of a counter part to the house of representatives, kind of a local government now as opposed to the Navajo Tribal Council and in this case large amounts of money have been handled by the chapter officers and this certain chapter officer had, came on the promise that he would account to the people as to what is happening to the money, to the money packed through the tribal operation the chapter operation, but failed to do so and the complaintants in the case are being represented by the Navajo, by DNA counselors, Charlie John who is a co-worker of mine and I have been sort of pitching in with him, co-counselor with him. So he would know more in detail as to what amounts of money are in this case but just, I'll just state generally what the case is all about. The action, all of the action the complaints or press reports state that the chapter members want the public accounting of what happen to the money. The reason is that the chapter itself is a large business operation in the community of Ship Rock.

Various rents are paid monthly to the chapter and the chapter sponsor the Ship Rock, the northern Navajo tribal fair every year and of course a lot of money is made at that time by the chapter and by I guess individual concessions. But it seems like every year the Ship Rock chapter has to request an appropriation by the Navajo tribal council and so that means that during the year something happens to the money that all reportedly is coming into the chapter as income, chapter income, money for rent by ONEO, DNA and the highway people who rent in the area and the money is from thousands of dollars that come in as a result or as a profit from the fair and something happens to it but the complaint was that this chapter president is the only one who knows what happens to that money and nobody else knows and the complainants brought action through the court after they weren't successful on their own as chapter members to asking the chapter president to comply with his promise when he said that he would, he would make a regular accounting to the people and the chapter president has refused to do so and so finally they brought this action through the court, so the man, the defendant in this case is being represented by the general counsels office and joshingly Charlie Brown was razzing the attorney who is representing Mr. Nazz the defendant in this case and saying that since when has Mr. Nazz become a claims case. I thought that the Navajo General Counsels office was only suppose to handle claims matters for the Navajo tribe and of course that was all laughed out but that is the situation now, even the Navajo legal aid office is not representing Mr. Nazz. We don't know why but that is the case. And in this case too we thought everything was going well. Charlie has very concrete evidence to the amount of money that is coming through the counsels and also the, he has evidence as to the large amount of purchases that have been made by the defendant in this case and the implications are that Mr. Nazz the defendant is spending the chapter's money without the chapter's knowledge or consent as personal income, buying land in the state of Colorado, I can't remember how much the land cost and leasing a ranch from the Navajo tribe where he has a large indebtedness I think it's \$20,000.

Q. And he does this for himself, doesn't he? Without the council.

A. Not the council or the well not the chapter. So the chapter they knew that this was going on that Mr. Nazz has the big truck and has several pieces of large farm equipment and things like that. It's something that would cause any person to question how can a person have all those things when he's not even employed and his wife has minor employment, his son has no employment and has a new car, he has a new big car, a big truck and things like that. Things that I guess a small community

person would question so this action was brought, but the action simply means that a public accounting needs to be made and lets see what date was that. A couple of weeks ago about, no excuse me, about a month ago Charlie and I went there for a hearing on this request or on this complaint and it was heard at that time the defendents lawyer made a motion to dismiss, the motion was denied and the defendent was ordered to bring the records at this time, at this last hearing which was about a week and a half ago and the order was made so we thought we had nothing to worry about, the accounting, is going to be made to the chapter. The argument that the council for the defense put forth was very belittling as far as the Navajos are concerned, but that is the least the law reform of the law development implication in this matter. The argument was that since there are no prescribed or no written responsibilities or duties as to the chapter officers, no resolutions regarding this matter the chapter officer and the defendent in this case has no duty to account to the people as to what happened to the money and this was the argument and the and the thing that we hope can be developed can develop as a result of working with the people who are concerned about this case is that perhaps overall reservation wise there can be definite law regarding the responsibilities that these people have as far as money that belonged to them as a chapter group.

- Q. How do you go about making these changes, how, if you want to change a law or something how would you do it?
- A. I think that working with these people, expecially these people specifically that this method or the way that these people would go about developing these things themselves with our guidance as far as technicalities as far as resolutions are concerned and interpreting the matters of the people, just the technicalities part we will be concerned with. Of course, both Charlie and myself have experience as far as community development and community organization is concerned. So we think that as we work more and more with these people that these people definitely are going to think in terms of the population center as it is the Ship Rock community organization is the Ship Rock chapter and of course in population centers such as Ship Rock the chapter with the kind of date is has the kind of history it has, it's composition and the way it operates it's obsolete and what these people who are concerned about it, I'm quite sure are, they are more aware that Ship Rock needs something more than just a chapter, it need a town council or a municipal type of government and this is happeneing throughout the reservation in the various population centers, like here in Window Rock, we have a chapter which supposedly is our government but it's St. Michaels chapter but how many of the people go to the St. Michael's chapter probably about 100 or 150 people but people who have no interest in what this St. Michaels chapter talks about they don't even bother to go to that meeting and I think that t is is the same situation in Ship Rock chapter. Thousands and thousands of people

live in Ship Rock but because the Ship Rock chapter is not responsible to the majority of the population, the Ship Rock chapter itself in fact, does not represent the community is not doing, functioning as according to the needs of the total community there.

- Q. Do you envision the day when for example there will be a need for white attorneys? The Indians will be able to handle all these problems themselves without any need to bring the white attorneys into DNA, you'll have enough Indian attorneys who are admitted to the bar say in Arizona and New Mexico and can try cases in the civil and federal courts as well as tribal courts?
- A. No, no I don't, as I said that training has been neglected. I think for as long as purposeful hand over of the or transformation of this responsibility to the Indians themselves is not done in an orderly fashion. This idea is a long ways off. It could be done, like I have had this agreement with people within our own organization here that we need to bring in young people, like this summer is the first time we have what we call the wild key students assigned to us. We have 5 in each agency or 4 in some agencies and 5 in about 3 other agencies.
- Q. What, what are they?
- A. The youth opportunity program is a sort of a, its a program to give youth an opportunity to experience, to experience employment which would give them more meaning as far as their college work is concerned.
- Q. These are all college students?
- A. These are all college students, it's a program for the college students and more specifically youth under 21.
- Q. Have you noticed any changes toward more Navajo control, for example, since assumed the directorship of DNA? Has the that changed anything since they are both Navajo?
- A. I think so, yeah. I think, well, I don't know whether it's the Navajo part or the Anglo part or anything like that but I know that Mr. Haven is definitely controlled and but whether he is because, you know, if his personality.... I was under his supervision before I came with DNA and the community development OEO. So, at that time I felt that he was, you know, in control of his program. I feel that he is in control, at least for his time, I don't know what would happen to some of the Navajos but I feel Mr. Haven is in control and its hard for me to say Navajo control one way or the other, but you know the previous answer that I've given in regard to handing over this whole

program to the Navajo I feel that we have a long ways to go and the main thing I think is that we need professionally trained Navajos and as long as we don't have programs which are sort of a stepping stone type of program like maybe even the NYC. Some way of getting career development orientation as far as the law is concerned to younger people so that they can get into law, get formal training, that we are a long ways from that. The reason why I say that is that I think they, the way the Indians have been dealt with by the government for over a 100 and 1 years. Now, that is everything was done for us and as far as our ways, our lives are concerned we were to a certain extent taught to speak English and to write and things like that but a long with that there are certain gaps that exist and I think the legal, the legal anchoring of Indians, the legal and the spiritual anchoring of the Indians are tow of the areas where we have the largest gap and processing a society such as the Navajo, three generations or over three generations of that society through this process of deculturation for, as I said, for over 101 years and then suddenly this, getting sold on this new idea of Indian involvement and ideas such as termination. I think that one of the reasons why termination (determination?) has not worked or perhaps some of the older people are very frightened by it or even useas as a large, a leverage. Well if you want this responsibility are you ready to take it over now, tomorrow. This type of approach is very effective or the problem is because there has not been I don't think anywhere a purposeful, a planned transfer of this responsibility to an Indian himself, like how many, well laws especially, law the total thing has been neglected. There are no Navajo lawyers who are in practice right now so as long as there is no professional person who at least could be in this transfer, is not going to work. I think that there has to be someone who is professional because in order, professional and also educated in the Navajo way, too. Those ways I think that the person has to be very broadly exposed before he can serve as a and without that person it's going to be very hard to do that thing; to fill in this situation that was created because of the way dealings with Indians, with Navajos in particular has been done and I think whoever carries something over has this very very strenous task to take over. I think that Mr. Haven has a very hard job, he is not professionally trained.

Q. You mean as an attorney?

A. Yeah, as an attorney and as an administrator it maybe almost, I feel that it's very important to be professionally trained whether you're Navajo or non-Navajo or if you're going to be responsibility for a program, pioneering program such as DNA on the Navajo reservation because..... I think that as I said this gap means as far as law ways are concerned I believe that there really is a vacuum as far as the last two generations

are concerned. I think that many of the Navajos, no matter how much experts on the Navajo culture say that there is a Navajo way. There has been such a transformation there has such a negligence of, on the part of the government that there is a vacuum, there are many, many people, Navajo people I think who don't even know about what a Navajo would do, traditional Navajo or how the traditional Navajo took care of a certain matter. So, a definite way, I don't know how, what the whole, right now what is happening is the DNA is causing a lot of community action, total community action and that one would have to step out, out of the context of that community which is in action and observe and maybe even predict as to what would happen, but what is happening as far as the community actions are concerned, I think what that is doing is speeding up the filling of this vacuum and I think that's what it's doing but other than that I think that, you know that there is a need for definite way and whether this is the way to fill a vacuum I don't know. But as far as turning over the program as it is, totally under the Navajo present, the existing power structure because of the power complexity, the fact that we have no way of checks and balances, anything like that the strong influence anyone occupying the general counselors office and using our tribal government and in a way that this person in the general counsel..... they.....what happens is that the attorney and the chairman who is in office at that time becomes so dependent on his general counsel office that he begins to exert his power only in the light of what it's like to get to the council's office and its very hard to, for laws which have any consideration for the common people or the poor people to be put into effect.

Q. Do you find that since DNA has been here on the reservation, do you find that the average people on the reservation are now more aware of what they can do if they can't go to the courts and if they do have recourse if things aren't going their way or if they feel they've been cheated?

A. I definitely think so. We're much larger staff, I guess we out staff the Navajo Legal Aid Service, they have only three counselors and we have over 20 counselors, so we cover the whole reservation and there is one sign I found in the Gallup city jail on the seat call 871-0152, DNA they care. Anyway I think that even there that the people know where they can get help and that, you know, that reflects the service that they were given I think that what they have tried in the chapter level, the resolutions that they have passed definitely reflects that they're aware on that level but there is such a social distance between the chapter level, I guess you might call it the grass roots level of the people and the council itself. The council is way up here and the chapter is down

here and there is a great distance between them, between the two and the chapter reservation wise is not organized, but the council is organized up here. The chapter is so localized that I don't think the chapter has one end of the reservation knows what the chapter is doing at the other end.

- Q. Since the people on the reservation have now achieved a certain kind of legal consciousness to the extent that they know they do have recourse for certain things and certain and they feel they can jip other merchants in Gallup or something has this carried over, has this given the grass roots on the reservation a greater political awareness?
- A. I think so yeah, I think that it would to a certain extent that see the thing that is definitely solved I think which would make it political would be group rights versus individual rights or individual concerns over group concerns. I think that this issue or this awareness, would automatically make it a politically implicated type of awareness. But as far as the reservation or the chapters or the local levels being comprehensively organized I think that there isn't that fact. I don't think that the chapters are any better organized on the wide you know the wide area basis, reservation wise basis at all. I think if this issue of group rights versus individual rights or just individual rights, the Indian rights itself being an issue, or more politically what some of the leaders, some of the people have been saying is that what the Indians Civil Rights Act does is bridge or interfere with the....interfere with the Navajo tribal sovereignty, you know, they say. I guess because the Navajo...well one thing that if... if the Navajo, the individual is given any consideration that he has the right without you know the government, the present government deciding for him what is wrong, he has just as much right to decide that you know he has this right without the group deciding for him what is right for him. If that becomes an issue I think that it can become a political problem.
- Q. Do you think that the Navajo people can maintain their identities as Navajos and still make progress, whatever that means, I'm not quite sure what it means myself, but still make progress so that the reservation can prosper?
- A. I think that if the tribe is strengthened as far as management I think that this is possible. If there is...well, what will be required for success I think would be, so long as the Indians know how to.... no matter if they're bi-lingual or believe in the Navajo way or whatever they do, if they are taught or they learn how to manage their resources, the human resources and the natural resources and so forth. If they learn how to do



this I think they can become more self sufficient as a tribe and....but as far as, I don't think that the ethnic identity enhances or inhibits this process one way or another. I also have a question, that is, I think that Indian tribes or even groups within the Navajo reservation have a preference for certain things and they do certain things become a fad or a certain ways become popular because of what is happening on the reservation I think that it is a response to whatever are the problems like take the community of Rema, for example and maybe Canyoncito, too. But on the reservation certain areas are similar to Rema but Rema specifically, there are very few people who still with the traditional way, you know they have squaw dances and other ceremonies like people on the big reservation but most of the people I think that the Nazarene church has a very high or a very large membership in that area and the people themselves are running these churches some how without help but the preachers have ordanined, I don't know if they are ordained or not, the people who are at the pulpit and dealing with the congregation are Navajo themselves, and I think that to a great extent this has happened because....the culture or the group itself is reacting and trying to do about something about some of the problems that confront the whole society there; that is Rema in this case. People on the reservation talk about and you see editorials or letters to the editors in the Navajos Times concerned with the legalization of alcohol on the reservation but the truth of the matter is that in Rema you actually have, in fact have legalized alcohol and of course to be a member of the church or to be any prominent higher hierarchy representative as far as the church is concerned you have first of all you have to be an abstainer so the church members also are a very high value in abstinence and I think that many of the people who join the church because of this problem, the alcohol problem and they are able to live in that city and in the enviornment without worrying about or completely insolated as far as the culture or the society it's own ways of insolating itself against that problem I meant this has happened and this is the observation of Navajos on our more localized level. And this is an example of a group of people reacting to a problem of which no individual would have control over and I think that as far as tribalism is concerned and a concern by certain people sometimes from the outside you know the Indians should be Indians, sort of walking museums forever you know this type of thing. I think that a lot of times that they don't remember that the Navajo culture that was here before the Navajos were put in the Fort Sumner concentration camps were a pastoral people. It was a pastoral society and a pastoral society necessarily or economically requires or prefers plural marriage and the Navajo society was, grew out of a pastoral economy and in order for that pastoral culture to continue then, plural marriage and everything that went with it would necessarily have to be, would

have to go with it or change to accomodate what is law as far as the country is concerned, the total country is concerned and just as much as the United States has changed I think that the Navajos haven't changed, there are certain things that haven't changed, I don't think that while the world, that while the countries of the world grow are tending toward worldism and maybe as we move on as far as space exploration is concerned while the world would be tending toward even international type of a worldism of attitude. We can talk about somebody being Navajo... very difficult.

- Q. Are you optimistic or pessimistic about the future of your people?
- A. I think that with the Negroes experience was a result of their own effort, because if we become more active as far as determining our own destiny I would be more optimistic.
- Q. Do you see in the white society the generation gap, the old people and the young people don't seem to get along; their ideas are so different, is that true here on the reservation?
- A. I think so. Where there hasn't been this awareness or....well what happened was well maybe in the white society you don't have the additional problem of the young people actually being ashamed of their own culture so anyone who is long hair or still with the blanket or whatever embarrasses a lot, some of the young people, and I think that in addition to just the communications or the generation gap you have this people, certain young people being ashamed of being Indian.
- Q. What are they trying to do, what kind of world are they trying to set up for themselves?
- A. I think they were taught to, probably to be a white person but they were never taught to be able to operate in both cultures. I think that they have them geared that if you go on to school then you won't have no problem but they have found out that no matter how much they do go to school they will still have this problem; they still have the traditional people, certain populations on the reservation still live uneducated and they still have to be face by this problem.
- Q. I notice that at the University of New Mexico many of the Indian students that I know there, not only Navajo but from all over the country including Alaska, their attitude is that they are now gaining an increased awareness and pride in being Indian and they way that if it wasn't for the BIA schools they would never have lost this Indian identity, they blame a lot of it on the BIA schools but the only thing they respond, the only thing they give

and that's why they like things like Rough Rock or the fact that is taking over the whole school system. Do you think if the Indians do run their own schools a lot of this embarrassment of being Indian will disappear?

- A. I think that it is generally by the BIA itself but this might be taken care of but with the present effort of what I see in the papers or what the BIA teachers advise or curriculum specialists say in response to critics, there are a lot of critics at the BIA schools but the only thing they respond, the only thing they give that response is now we're teaching the coyote tales and things like that but I don't think that the coyote tales are going to have anymore of an impact as far as the real pride that is needed by an individual, a comprehensive pride that is needed, the BIA would have to, as far as my is concerned I never gone into a BIA school to see exactly what was being done. I do have a cousin who is a teacher in the BIA school and I've often seen her prepare for her, what she calls the culture, culture classes, but all they do, all she has been doing is she has been taking these recordings that were done by, by the Navajo culture component that was OEO and also Rough Rock and just what he's recorded is what she's taken and she is also a by-product of BIA, a by-product who herself does not know about additional culture except by way of these recordings and the structured findings, the culture component so how much other realistic connections she has I don't know. What is flowing through her to the children is questionable to me.
- Q. Do you think that the Indians should run their own schools and just get rid of the BIA running the school system?
- A. As I said it depends a lot on the Indians, the Navajos own managerial ability. I think that as far as individuals are concerned we just don't know how to manage.
- Q. One final question, I.... President Nixon just announced a brand new policy or at least I don't know if it's a policy as much as an attitude toward Indian relations, do you know what that policy is, do you know what Nixon said recently?
- A. Sort of a forced or an outright self-determination type of thing.
- Q. Are you skeptical, most of the Indians that I have talked to are very skeptical!

- A. I am because its similar to the way termination (determination?) was done that has not been successful. Then suddenly you think just because your an Indian, without taking maybe some.... I would like to see actually some BIA scholarships teaching or backing selected Navajo students who are definitely going to be trained to take over this position, not some old guys but some young people, some people who are in college now to become school administrators and to become lawyers and to become..... but actually funding these people through the BIA and actually putting trained people in those positions rather than taking some old circus horses Indian like this in all physical appearances looks like a white man but at Crown Point he's been appointed as the Service Unit Director or something like that, the Navajo Times and the Gallup Independent Indians are put in the director's position; he's no more Indian then I am white it's just all the experience that he's got on throughout professional training and he doesn't have it. Mr. Plummer, Edward Plummer's been the superintendent position but what training was he given to do that so that the training that will keep him from becoming just an organization man within the long and vertical organization that we have had, bureaucracy that we have had for so long without training I don't think that you can have no independence or much opportunity to try to help that old vertically structured bureaucracy to improve or do all kinds of things. I can't see how that is possible.
- Q. All right thank you very very much Mr. Vicenti for taking time out from what I know is a very busy day. Thank you very much.

END OF TAPE