

Subject Matter - Water Rights: Arizona v. California  
 Council Minutes - May 1956 Meeting: 516 - 517  
 Discussed - 517 - 523  
 Council Action - Passed May 24, 1956  
 Vote - Page 523 (67 for; 0 against)

RESOLUTION OF THE  
 NAVAJO TRIBAL COUNCIL

Indian Water Rights Involved in Case of  
Arizona v. California Before Supreme Court  
of the United States

WHEREAS:

1. The United States has intervened in the lawsuits between the States of Arizona and California for the adjudication of water rights in the lower basin of the Colorado River, now pending before the Supreme Court of the United States. One purpose of the intervention by the United States, acting through the Department of Justice, is to protect the rights of the Indians and Indian Tribes of the Lower Basin. It is the legal and moral duty of the United States as trustee of Indian lands and waters to protect such rights against all conflicting claims and rights whatever.

2. At a pretrial conference for the purpose of simplifying the issues in the case of Arizona v. California, held in San Francisco beginning April 9, 1956, the attorneys representing the United States, and purporting to represent the Indian tribes of the Lower Basin, admitted that they had no theory of the case, and appeared unprepared to try this extremely complicated lawsuit.

3. The attorney in the Department of Justice who was assigned to this case, and who prepared evidence to uphold Indian rights, has been transferred to other duties, and apparently has not even been allowed adequately to brief his successor. The engineer retained by the Government to prepare its technical evidence in support of Indian rights has hardly been consulted by the Department of Justice.

4. The case is set for trial on June 14, 1956, before a special master in San Francisco, California. Hence time for adequate preparation of a case to protect Indian rights no longer exists.

5. The Navajo Tribe and other Indian Tribes of the lower basin have heretofore refrained from attempting to intervene directly in the case of Arizona v. California, because they relied on the Department of Justice of the United States, to protect their interests as their guardian and trustee.

6. The Department of Justice so far has not acted to protect Indian rights in the Lower Basin, and perhaps cannot do so at this late date because of its negligence or worse in failing to prepare a case.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Tribal attorneys are hereby authorized to file a petition on behalf of the Navajo Tribe in the Supreme Court of the United States requesting the Court to investigate the action of its officers, the attorneys of the Department of Justice, in purporting to represent the interest of the Indian people of the Lower Basin of the Colorado River and to enter such orders as may be necessary to insure that Indian rights will not be forfeited because of negligence or disloyalty on the part of the attorneys who have the duty to guard the rights of the Indian wards of the United States.

2. The Commissioner of Indian Affairs and the Secretary of the Interior are hereby respectfully petitioned to remonstrate the Attorney General of the United States to do his duty in the case of Arizona v. California and sincerely and vigorously advocate the rights of the Indian wards of the United States against all conflicting claims.

3. The Chairman of the Navajo Tribal Council, with the approval of the Advisory Committee, if such action appears to him to be useful or necessary, is hereby authorized to consult and hire special counsel to advise or represent the Navajo Tribe in the pending case of Arizona v. California.

#### CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Tribal Council at a duly called meeting at Window Rock, Arizona, at which a quorum was present, and that same was approved by a vote of 67 in favor, and 0 opposed, this 24th day of May, 1956.

s/ Scott Preston  
Scott Preston, Acting Chairman  
Navajo Tribal Council

APPROVED: June 1, 1956

s/ G. Warren Spaulding  
General Superintendent