
Interim Report to the Speaker
Navajo Nation Government Reform Project



Diné Policy Institute
in collaboration with the
Office of the Speaker of the Navajo Nation

Interim Report

To: Lawrence Morgan
Speaker of the Navajo Nation Council

Fr: Diné Policy Institute,
Robert Yazzie, Director
Moroni Benally, Policy Analyst
Andrew Curley, Research Assistant

Re: Navajo Nation Government Reform

August 24, 2007

Diné Policy Institute (DPI) was charged by the Speaker to research “alternative” forms of government for the Navajo Nation. DPI answered this charge and is currently researching government reform in the Navajo Nation. Today the Navajo Nation faces a gargantuan challenge but one that is not unique to nation states throughout the world. The Navajo people, like that of the Russian, German or French faced at one time the same challenges of cultural identity, language retention and concepts of citizenship that the Navajo people face today. Germans, for example, spent the better part of two thousand years under the yoke of feudal lords who were married (i.e., closely aligned) to a foreign theocracy (e.g., the Roman Catholic Church). These nation-states too emerged from the collapse of empire and foreign tutelage.

Nation-states and nations

Today most governments attempt to forge strong national identities. This sense of political and cultural citizenship is rooted in the rise of the nation-state in the 18th Century. A nation-state is the political appropriation of cultural identity. Nations, as is defined in political science terminology, is “a large group of people who are bound together and recognize a similarity among themselves because of a common culture; in particular” or set of values, beliefs, etc.¹ Nation-states attempt to forge a political identity based on cultural affiliation.

Navajo Nation striving for nationhood, the task before us

Despite the Navajo people’s many disadvantages, we are fortunate to have historic precedence that can serve as a guide for future action. We are not approaching a situation that is anomalous to groups of people throughout the ages, and there are many examples of like peoples forging governments and thereby creating stable societies while at the same time enduring huge shifts in their cultures and economies. But the Navajo Nation’s level of control over its future is weak vis-à-vis these other states, due to two

¹ W. Philips Shively, Power Choice: An Introduction to Political Science (2003.) pg. 46.

contemporary US ideological notions: 1) trust responsibility and 2) plenary powers that are attributes of a greater US ideological underpinning of “manifest destiny” in which Indian people are treated as “dependent nations,” or insular colonies.

But the Navajo people have faced similar changes in the past, and have proven adaptive and resourceful. For example, when the Navajo people first came to the southwest, or historic Diné tah, their hunter/gather ancestors were faced with great challenges from the agricultural Pueblo nations. The Navajo people proved resourceful, adapting much of the Pueblo way of life while maintaining a distinct “Athabascan” flavor.² And from the Spanish the Navajo learned distinct Moorish art styles and silversmithing craft techniques.³ At this time sheep become the center of the Navajo economy, the Navajo lived in spread-out pastoral/semi-agricultural communities based on clan identity.⁴ In this sense, our political system for the greater portion of Diné history has been primal anarchism, or a loose confederation of pastorally-based clan networks.

Post-1868, our forging as a nation-state

After the 1868 treaty, Navajos returned to what is today the Navajo Nation, a set-aside piece of land for the Navajo people originally intended by the US government as a place for agriculture.⁵ This change in economy eventually led to the most organic political body in the Navajo Nation today, the chapter house. Chapter houses began in the mid-1930s as “agricultural clubs,” designed to utilize economies of scale in the simple, yet arduous task of agriculture in the southwest. Chapter houses originally established themselves as a parallel system of government to that of the Navajo Nation Council. They were later incorporated into the official system of government, creating the immense bureaucracy and local/centralized tensions in existence today.

Post-1989 and government reform

Culturally, the Navajo people have had decentralized systems of governance, identifying first with their exact communities before identify with a greater nation state (i.e., the Navajo Nation.) With the establishment of the tribal council in the 1920s, a chairmanship or central leader was created in the governing apparatus of the Navajo people. This was the first time that the Navajo people had one, central figure head and was in cultural disharmony with Navajo notions of leadership at the time. Here there was a sudden emergence of the Navajo people into the role of a nation state, something that has proven difficult for the Navajo people without the ideological underpinning that has served like western efforts when they approached this situation. This system lasted until 1989, when

² Based on conversations with Harry Walters, Center for Diné Studies and Museum director at Diné College.

³ John Adair argues that Navajo silversmithing techniques developed during the mid-1850s whereas Margery Bedinger believes that such technique didn’t develop until after 1868, this according to Robert A. Roessel, Jr. in “Navajo Arts and Crafts,” 1983.

⁴ Clyde Kluckhohn and Dorothea Lieghton, *The Navaho*, 1946. pg., 113-118.

⁵ Article Six, “U.S. Treaty with the Navajos,” 1868. http://www.lapahie.com/Dine_Treaty.cfm, Last accessed: 8/23/07. Here the treaty reads: “In order to insure the civilization of the Indians entering into this treaty, the necessity of education is admitted, especially of such of them as may be settle on said agricultural parts of this reservation.”

political scandal created a sudden but legitimate distrust in the institution of the chairmanship in the Navajo Nation government.

Since then the Navajo government has been in flux. After 1989, a three-branch system of government was created that directly reflects the set-up of the US federal system (which was established in this manner to satisfy its own unique circumstances.) This three-branch presidential system of government doesn't reflect the organic political culture of the Navajo people, nor the unique political interests operating on the Navajo Nation. The fact that this three-branch presidential government doesn't reflect the political culture of the Navajo population is evident in the executive branch's realized power within this government. Often, and appropriately, The Navajo Nation council's power eclipses that of the Navajo Nation Council, with the later branch being the more dominant force in Navajo government. We speculate this is because the Navajo Nation Council is the only governmental branch with local polities represented. Meaning local interests (i.e., the interest of a chapter) is represented in the national government.

With this unique historical, cultural, political past, and the difficulties associated with them, the need for government reform is essential to sustaining the ethos the Diné for generations to come. As such, DPI first looked to the Fundamental Laws for guidance and supplemented that with conversations with *Hastoi dóó Sáanii dóó Hatathli*. In addition to these sources, DPI also talked with many others who constituted *bée ei dahozinii*. The following Interim Report details our research thus far:

Foundations of Diné governance

The cultural foundations of Diné or *bik'ehgo da'iinaanii bee hwizdisin* served as the departure point for this research. DPI identified several questions that needed to be addressed for further and detailed examination: 1) what extent of government reform is desired and or necessary? Is this reform a total change of the *entire* government or is it something on a smaller scale? Or does it mean simply making recommendations on current government processes to make them more efficient? 2) Who desires this reform? Is it from the grassroots? Who? Or is reform even desired at this juncture? And if so, what type of reform? 3) Will the reform be “top-down” or from the “bottom-up”?

These several questions served as guides for DPI in developing a research project for completing this assignment. One of the more salient issues that has to be continually reviewed is that of Citizenship. The primary issue that pervades all the questions DPI had was that of Citizenship. Are Diné citizens of the Navajo Nation or are they members? If the former, what does that citizenship imply? This citizenship⁶ is the unifying factor for all Diné, and is paramount for the reforming of the Navajo Nation government. If the people are not “on board” then the reform will not succeed. Thus, it became the purview of DPI to seriously consider a Navajo notion of citizenship and to focus its research in the immediate time frame on that particular issue. The larger concomitant and perhaps more important issue is that of Diné identity, rather more explicitly, the Diné political identity.

⁶ Need to define citizenship in Diné terms.

As a result, DPI began to talk with individuals across the Navajo Nation to see if they hold some common understanding, across multi-faceted religious backgrounds. DPI is in the process of developing systematic approaches to collecting more of this qualitative data to analyze to what extent a Diné political identity can be developed and fostered.

DPI also began work on developing the components of Diné citizenship based on *sa'ah naaghai bik'e hozhoo* (SNBH). That Diné political identity must be derived from SNBH, this is illustrated by the closure of many Blessingway songs, “*Sa'ah naaghái bik'eh hózhó nishlígó ádishní*” or I say I am SNBH. Thus the political identity of Diné must be founded in SNBH. If the government is to be reformed and comport with Diné ways of being, then the government must also be founded on the principles of SNBH.

DPI is currently researching the traditional forms of government. That government organized around the principles of *Hozhooji dóó Hashk'eejii* or the nurturing and protection aspects of governance. Traditionally, those who accepted SNBH were adopted and became Diné. Thus we have today many clans whose origin is not Diné. Traditionally, citizenship was being Diné, there was an obligation and duty to uphold and protect and practice the principles of *Hozhoojii*. This was the constitution of the Diné. It outlined principles of happiness, of peace, contentment, and guidelines and norms of relationships with all creation. One became Diné by accepting the principles of SNBH. Thus, Diné is a concept that is deeply embedded in SNBH and its explicatory ceremonies associated *Hozhoojii* and *Nayeejii*.

Thus the Diné created the Naachiid whose responsibility it was to protect and nurture the Diné, and individual who was in that council was called *naalchi*. *Hashk'eejii Nataa* protected the people from any harm, from negative, and from themselves as they moved away from the principles of *Hozhoojii*. *Hozhoojii Nataa* nurtured the individual, assisting the people to live in accordance with the principles of *k'é*, to aide the community to maintain their relationships with all creation. DPI is seeking to further understand the traditional philosophical elements associated with the construction of governance. From this, DPI hopes to understand more about citizenship, a theory of rights, a theory of liberty, and a theory of authority. These concepts will assist DPI in giving cultural appropriate recommendations on reforming government.

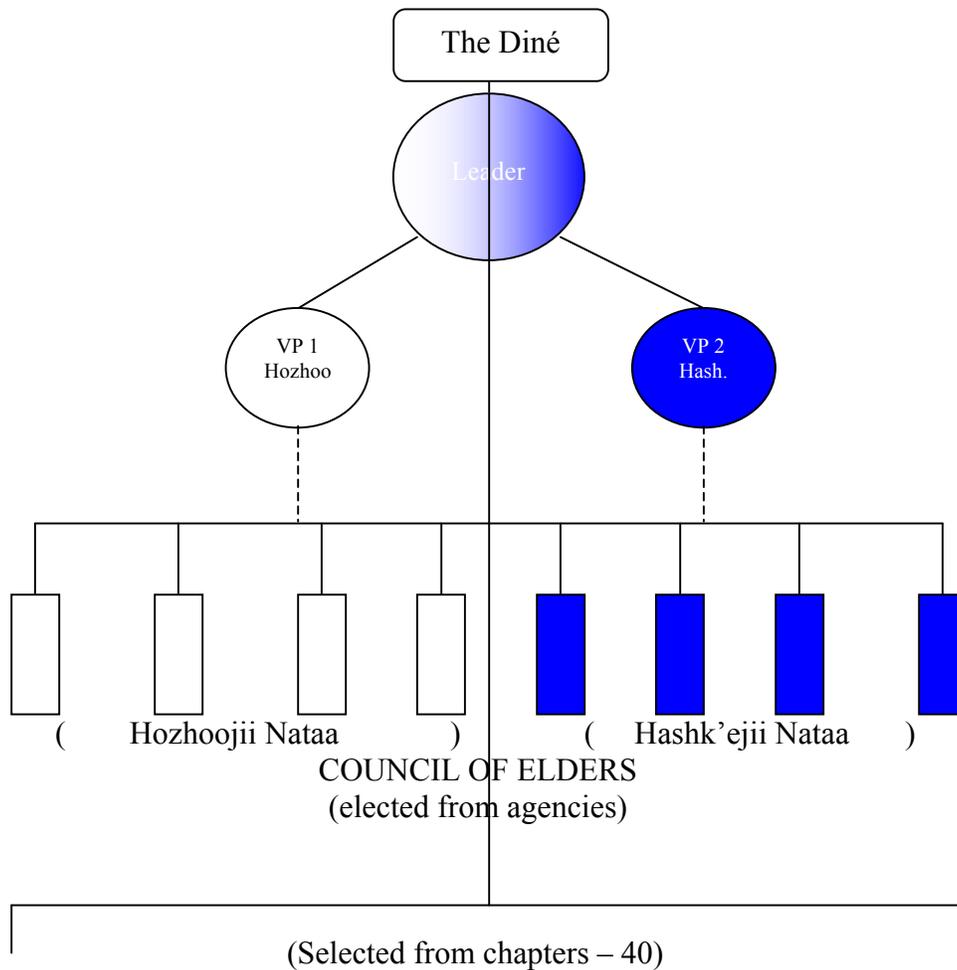
In addition, DPI is currently researching government today. Within the next week DPI hopes to complete this research. This research seeks to understand fully how western theories of governance have influenced the Navajo Nation government, and where those theories of governance are deeply embedded. This research has examined the decision-making processes, the voice of the people in the legislative process, the relevancy of legislation to constituents, and the cultural legitimacy of current governmental processes (i.e., legislation making, regulations, budget allocations, program implementation, etc...).⁷

⁷ The findings suggest, that while people talk about the need for the Fundamental Law, few fail to use it governance. This suggests two things to DPI, 1 – The people do not know what the fundamental law is, 2) the people do not know how to implement it.

With these two studies, DPI is seeking to synthesize traditional methods of governance that were largely theocratic and create a culturally appropriate government that is amenable to the different spiritual beliefs and practices of the Navajo Nation, and one in which the full potential of Diné will be realized, according to the principles of *Hozhoojii*.

DPI is studying bi-cameral systems of governance or Parliaments. This form of government might be practical, efficient and culturally fitting to Diné life. For example, DPI is currently researching the elements needed in a government for the Navajo Nation. These elements include:

1. The principles of *Hozhoojii* or nurturing individuals, by providing them a governmental framework (i.e., legal, economic, social, familial, environmental) whereby opportunities can arise for Diné to realize their full potential as Diné.
2. The principles of *Hashk’ejii* or protection of Diné, protecting the nation, natural world, economics, social fabric, and individuals from elements that might threaten or corrode the sense of Diné.
3. Remaining true to the governance structure of *Naachiid*, as a culturally appropriate organization.
4. Ensuring that *k’é* is used within the government.



DPI has also looked at several types of governments in democratic states today, but most fall under two broad categories: 1) parliamentary governments or 2) presidential governments. While most of the world's governments are parliamentary, and they have shown to be responsive to satisfying nation states with no set constitution (e.g., Israel and the UK), the Navajo Nation has assumed that it needs a US-style presidential government with a spelled-out constitution. Here we challenge that assumption.

What is a parliamentary government?

- 1) First, it is useful to note that a parliament government is a representative-body within a democratic state, though there have been parliaments in autocratic or military regimes and one-party states, (e.g., China and the former Soviet Union.) Essentially, the parliament is the legislative branch within presidential systems and the US Congress and Navajo Nation Council are the parliaments of these two governments.
- 2) The main difference between parliamentary and presidential governments is that the executive power (the management of the state's bureaucracies) lies within a cabinet in the parliamentary government and is not separate of it. In other words, there is no separation of powers between the legislative and the executive functions of government.
- 3) Members of parliament elect the cabinet, usually made-up of the majority party of the legislative, but often mixed with two like or cooperating parties (i.e., coalition governments) that retain certain cabinet positions. The head of a parliamentary government is called "prime minister" and has the power to disband parliament if it comes to a stalemate, etc.⁸

A presidential system, however, separates the legislative function from the executive function of government into separate branches. This is the system that we are most familiar with, it is the one by which the US and Navajo Nation governments operate.

What are the differences between a presidential and parliamentary systems

- 1) Policy leadership is vested in the presidential rather than parliamentary body.
- 2) Policy is more difficult to accomplish in a presidential system than a parliamentary system.
- 3) Responsibility for policy is more difficult to identify.

The main difference between parliamentary governments and presidential governments is the level of power concentration. Whereas presidential systems divide power into three, equal branches, parliamentary systems unify the legislative and executive branches of government—making government more efficient. And the judiciary remains independent.⁹

⁸ W, Phillips Shively, *Power Choice: An Introduction to Political Science*, 8th Edition., pg., 286.

⁹ Ibid. pg. 323.

Constitutions of other countries are being studied, as case studies for the Navajo Nation to learn from.

With this unique historical, cultural, political past, and the difficulties associated with them, the need for government reform is essential to sustaining the ethos the Diné for generations to come. As such, DPI is also planning to hold a Brainstorming session with Navajo Political theorists and scholars to develop the foundations for government reform. DPI's research shows that distilling and fostering Navajo principles of Citizenship is foremost and seeks to hold training and listening circles throughout the Navajo Nation to seek public comment.