

# Local Governance and Reform: Local Empowerment



By Michael Parrish, B.A.

Policy Analyst, Diné Policy Institute

September 2018

Diné Policy Institute

Franklin Sage, Ph.D., Director

Majerle Lister, Research Assistant

Contribution by: Gilberta Yazzie

Edited by: Jen Byers

## **Abstract**

Navajo Nation Chapter House Governments are sub-political units of the Navajo Nation government, and they have not significantly changed since their inception. As a result, many communities have not seen much development in their local government. This Chapter House study examines the current state of Chapter House management and their social roles. In this report it takes a closer look at multiple government departments to see if the current Chapter House structure can fulfill the needs of Navajo Nation citizens. Over the course of a year, Diné Policy Institute interviewed Chapter staff from approximately ten Certified and Non-Certified Chapters, and we interviewed Navajo Government offices to investigate how the Chapters can operate better. We researched non-Navajo municipalities to compare local government programs for development on and off the Navajo Nation.

*Keywords:* Local governance, 164 process, grazing permit, certified chapters, non-certified chapters

## Table of Contents

1. Abstract	2
2. Introduction	4
History of Local Governance	7
3. Methodology	12
In-Depth Interviews	13
Surveys	14
a. Findings	15
Survey: Chapter House Participation	15
Interviews: Navajo Nation Tribal Offices	16
4. Recommendations	22
Steps for Reform	22
Implementation	27
5. References	29

## **Local Governance and Reform: Local Empowerment**

Local government in the Navajo Nation has existed long before Americans came to Diné Bikeyah. Navajos have always assembled in a collective way to discuss local important issues during times of war or peace; this assembly was called the Nááchid. There have always been male and female leaders that deliberate on war or local disputes between community members. Local leaders came from the people that they served. Historically, the local people put government and leaders in power; the people would support leaders who were well-versed in cultural knowledge. The people would not vote, per se, but different groups of people from individual communities followed people who were from their communities who held ceremonial knowledge and possessed diplomatic skills. These leaders would represent them. The important part of this historical government is that this happened “organically,” meaning these local structures established themselves out of years of tradition. These structures were established by the local population, and thus, they had the support of the local population. The modern, local Navajo government was proposed by the Bureau of Indian Affairs which forced the local Chapter (Chapter House) system onto local communities instead of allowing government to occur “organically” (Wilkins, 2013).

It is essential that local ruling bodies are created by the people they administer. It is essential that these government institutions empower people in their daily lives. Local empowerment only happens with local involvement — the people must interact with the entities they create. When government entities are not “organically” produced, there is a disenfranchisement with the local people. Modern local Navajo governments have a hard time finding people to participate in the Chapter House government, as many people have lost hope

with the Chapter House system.

Historically, the Navajo local social organizations have had an impact in the communities they served, as local governments address the peoples' needs directly and quickly during the Nááchid, the meeting or ceremony was for the people to make grievances. Because the people created and supported their local government, the Nááchid's effectiveness was greater than the effectiveness of current governing practice today.

In modern day times, there are major issues such as roads, public safety, after school programs, local markets, and social issues that need attention. The only way local people have an outlet to their government is through their Chapter House. However, the Chapter House is not empowered to make any policy decisions, but rather only recommendations in the form of resolutions either supporting or not supporting political issues. Resolutions are decisions that are made by the local Chapter House community members on which they vote. Legislation or decisions proposed by elected officials are voted on and when the vote is in favor of a proposal then it becomes a resolution. Since colonization, the power of the local government has significantly decreased. Before the Americans came, the local governance was the main form of governance. Today, Navajo Nation's local governments have no real authority in their domain. The Chapter Houses are constrained by lack of funding and lack of power to make policy decisions. At best, the Chapter Houses can request different services and agree or disagree with legislation, research proposals, or local development like mining, but that is the extent of their power. The Chapter House has no authority to regulate roads, grazing, land use, and local disputes, the majority of their authority is limited to resolution making. Almost all services and decisions must be routed through the Navajo Nation Central Government in Window Rock. According to a government official, many people go to the Chapter Houses to bring up issues

facing their community. For example, one of these issues are road conditions, as there are many unpaved roads. After a rain or snow storm, roads become impassible, so many people go to the Chapter House to advocate for maintenance. However, many unpaved roads are managed by non-Navajo entities, such as the county, the public school, Arizona Department of transportation, or the New Mexico Department of Transportation. Only in a very few cases are the roads managed by the Navajo Department of Transportation. When this is the case, the Chapter House can request road maintenance, but it is up to the other entities to respond because the roads are in their jurisdiction.

There must be reform in the local Navajo governments, focusing on how they work and their ability to make policy changes. Local governments must be able to make decisions regarding revenue-generating abilities, land management, business, and home-site leases. The local Chapter Houses must be empowered to address local issues and to reform themselves into places that can unify the people. A Chapter House must be a constructive outlet between the people and the government. Several empowerment policies must be created and implemented, and additional people must be staffed to create the modern, local government the Navajo people need.

In this report about the Navajo local government, we will be asking, “What are the current political conditions and recommendations to improve local governance?” Today the Navajo Nation faces several issues economically, socially, and politically. During these times of uncertain revenue for the Nation, now it is more important than ever to reform and restructure local governance at the community level. Increasing the capacities and authority of the Navajo local governance is one way of addressing Navajo’s national challenges, as most people’s lives would be directly impacted by change at the local level. Title 26 was a piece of legislation that

was passed in 1998. Title 26 outlines the power and authority of Chapter House government and gives more political authority to the Chapter House. Certain authority that was given was homesite and business site leasing and creating a community land use plan that is certified. The original intent of Title 26 was to decentralize Navajo Nation authority to the local governments. Now, it is more important than ever to make these changes.

*Note: References for the study of Chapter Houses are limited, as there is little research regarding the Chapter Houses in a contemporary context; the bulk of Chapter House research is historical. Most research about Chapter Houses focuses on the central government and the relationship between the U.S. federal government and the tribal central government.*

### **History of the Local Governance**

Before the Americans came and occupied Navajo lands, the Navajo people had their own local governance called the Nááchid. According to Kluckhohn (1946), the last Nááchid was held in the 1850s, and no one currently alive has seen or attended a Nááchid. The Nááchid became extinct after the Navajos' were held for four-years as prisoners at Fort Sumner. Young (1978) explains that, since that time, there have been many different accounts depicting the Nááchid. There are conflicting accounts as to what the Nááchid was, there is literature that it was a ceremony, meeting, and government function all at once. There are also oral stories that it was a combination of ceremony and government function, since it hasn't been seen in at least a hundred years there is not really a consistent explanation but rather suggestions by oral accounts. Various Navajo people say it was a ceremony; others say it was a warrior class society; though, many agree it was a ceremony and a form of governance combined (Young, 1978). The Nááchid were held in local areas, and when it was wartime, the war leaders took the lead. During

peacetime, peace leaders took charge. Different items were put in centralized Hogans at different times. When it was wartime, weapons were gathered and placed in the Hogan; when it was peacetime, tools and baskets were gathered and placed in the Hogan. After the Long Walk, the Nááchid never took place again, and this formal way of meeting to address public matters was no longer practiced, the Navajos that came back from the Long Walk never practiced their traditional form of government again (Iverson,1981).

Dobyns said, “The Navajo probably bound to each other by no ties other than speaking a common language and sharing a common culture and genetic kinship” (1972, p.8). About 500 years ago, the people of the Navajo tribe called their leader “Nátánní,” which translates to someone who guides (Iverson, 1981). The Nááchid was a type of ceremony, and there are certain aspects about the ceremony people remember. However, historical accounts were done orally, and few people know the specifics of why or what was practiced, but there is a general understanding of the ceremony. “According to story and legend, general meetings, partly for ceremonial purposes, known as the Nááchid, this was a ceremony, it formerly was held that last on reportedly as late as the 1850s, it involved twelve Peace Chiefs, Twelve War Chiefs” (Young, 1978, p.17). The Nááchid was something that brought the people together to assess the socio-political situation (for example. war or peace) and to decide and plan what happened next. Nááchid were older people of the group or people with higher knowledge that gave orders to others. In Young’s (1978) opinion:

As the account indicators, a war organization concerned on one hand with planning and execution of raids, and on the other with a cooperative approach to the growing and storing of food (to thus free the warriors for raiding during the winter), it was, in effect, a type of political organization. As such, it transcended local groups, requiring a high degree of inter-cooperation approaching tribalism in scope (p. 23).

Nááchid helped bring together a large group of the Navajos despite war or peace. They were like a medicine man who appointed orders to the group, and the people respected them. The group of Nááchid was counted for twenty-four men that danced and planned for their next move. There were meetings that happen during a certain time of the year, meetings only happened during the winter, and lasted all winter, from the fall harvest until the spring planting time (Young, 1978). The Navajo name for the Headman or Chief is Nátánní, a word used today to describe the high-crowned, flat-brimmed western hat so often affected by prominent Navajo leaders. The Navajo people respected Nátánni as leaders but not as chiefs of the whole tribe but rather local leaders that people respected (Downs, 1972). They made decisions and organized the community. All other Navajos looked up to them, as they kept all families in line. The men that were selected to be Headmen or Chiefs were highly educated or were elders who were older. Downs (1972) has stated that “the position of the Nátánní was never formal, and no man could claim the position by virtue of inheritance or even because he had been so considered in the past” (p.123). There were some rules that Nátánní had to follow; Nátánní could not commit crimes when being a Headman or Chief. If a leader committed a crime, there were consequences:

In such a context there could, of course, be no crimes against the body politic or against the state. Rather, actions were seen either as violations of the natural order and thus threatening to the individual, his or her family, or the entire people or as torts, damaging acts committed by one person against another. Punishment for the first category was, of course, automatic and supernatural. For the second, negotiation between the interested parties or retaliation was the norm. If agreement could not be reached, appeals to public opinion and to the good offices of a respected leader or Nátánní might have been sought (Dobyns, 1972, p. 123).

Traditionally, the community handled crime collectively. Today, people steal money under the modern local governments, the Chapter Houses, and no punishments are made by local people.

According to Young (1978), “Headmen remained a leader so long as his leadership enlisted public confidence or resulted in public benefit.” (p.15) It seemed like, if no one else could fill the shoes of the previous Headman/Chief, then the same leader would remain leader until the spot was filled.

Today, the Navajo Nation has local, sub-political units called Chapter Houses that were initially established by BIA Superintendent John Hunter in 1922 (Young, 1978). They were first established as farm clubs and were referred to as Chapters of a Livestock Association. They were primarily established to handle farming and grazing issues (Linford, 2000). Navajo Chapters filled the void for political community gathering left by the loss of the Nááchid. Chapter Houses filled the need to distribute public information, and they were a place for members to express themselves in a formal collective order. In the 1930s, there were more than one hundred Chapter Houses, and by 1966, ninety seven Chapter Houses remained, showing that this local political unit survived mostly intact (Young, 1978).

When the Livestock Reduction Act happened in the 1930s and 40s, Navajo people used the Chapter Houses to voice their opposition to the act. Once the Navajos adopted the Chapter House system into their social and political meeting areas, it became an outlet for expressions of discontent (Linford, 2000).

From the 1930s to the 1950s, no new Chapter Houses were created. The peoples’ opposition to the Livestock Reduction Act was so strong that, in 1934, the Bureau of Indian Affairs cut funding to the Chapters (Young, 1978). In the 1930s Livestock Reduction was implemented by the Bureau of Indian Affairs to reduce Navajo livestock forcibly and many Navajo protested the reduction. From the 1930s to the 1950s, the Chapter House governments declined dramatically to 30 units (Linford, 2000). The Chapter House was created and proposed

by the Bureau of Indian Affairs and since that time the people used the Chapter House system, however, the Navajo Tribal Government didn't politically have authority or say in Chapter House issues since the Tribal Government didn't create it. The Navajo Nation did not formally recognize Chapters as sub-political units until the 1950s (Wilkins, 2013). On June 20, 1955, the tribal council resolved to recognize the Chapter House as a local government, officially adopted by the Navajo people.

During the 1950s, oil revenue and other resource extraction gave the Navajo Nation a huge increase in cash revenue that it never had before (Wilkins, 2013). For example, the money from mining gave the Nation resources to revive the Chapter governments and to incorporate them into the government (Wilkins, 2013). Beginning in 1954, the council authorized \$25,000 to repair a few dozen Chapters Houses across the Nation. After the passage of legislation to recognize the Chapter House as a political entity, the Nation decided to invest in the Chapter House government. The Nation did this for the Chapter Houses because it no longer received BIA support (Young, 1978). The revenue from the natural resource extraction allowed the Nation for the first time to invest in local government units and supplies: building equipment and financial support for the construction of Chapter improvement. The Navajo government initiated a building program in the mid-1950s, and by 1962, they had built modern buildings, and older buildings were fixed. In 1956, revenue was \$1,479,697; then in 1957 the revenue was \$34,807,982 (William, 1964). The Nation established the Chapter House in Title 2 of the Navajo Nation code, which outlined the policies, rules, and procedures for the Chapter House government. In Navajo, the word for Chapter House is T'áá Naaznilí, which means the "group of three," and this is a reflection of the three elected officials (Linford, 2000). Title 3 outlines and defines the Navajo government authority and roles of the offices and departments within the

central and local government. However, in 1998 the council passed legislation to change the local government description in Title 3. The elected positions included the President, Vice President, and Secretary. The Chapter Staff included the Community Service Coordinator and Account Maintenance Specialist. The Chapter House also has temporary employees that are hired for several months at a time. Prior to the 1998 Local Government Act (LGA), each Chapter House had a set number of two staff and three elected officials, and most Chapter Houses did not hire for any other positions.

Táá Naaznilí is a reflection of the three elected officials since the beginning of the Chapter House creation (Linford, 2000). With the staff and elected officials number set, Chapter Houses attempted to take the lead in development for their communities, whether the population was 8,000 or 100. Local communities with a higher number of residents were capped at the number of people who worked at the local government. This cap makes it harder to operate, since Chapter Houses provide direct services, such as electrical wiring, indoor plumbing, and scholarships. The money a Chapter House expends to meet the needs of the people is not enough, and there are not enough staff to handle projects. The large population worsens the problem, as a Chapter House must implement large programs with limited staff. Smaller Chapter Houses with the small staff can handle projects better, however, the Chapter Houses are funded based upon its registered voters; if a community is small with low registered voters, the smaller Chapters have less funding for their projects.

In 1998, Title 26 the Local Government Act (LGA) was approved in Council by a vote of 61-10-3. The idea behind the Local Government Act was to empower the local community by giving more authority to the local government. If a Chapter House wanted to be LGA certified, the Chapter House would have to do two things. First, the Chapter House must operate under the

five-management system, which requires accounting, procurement, filing, personnel, and property management for the implementation and creation of projects. Second, the Chapter had to get the community land use plan certified. The Community Land Use Plan (CLUP) Committee does zoning in their community and identifies where future development will happen. Once this is done, the zoning recommendations are sent to the Resource Development Committee for approval (Wilkins, 2013).

To reiterate: before the Americans came and forcibly set up a local government structure, the Navajo people had their own form of local traditional government called the Nááchid. This local government was formed by the people, and it was “organic”: it was created by the people who it represented, and it was more legitimate and effective than the American-imposed government. Since the American occupation began, the Navajo people have had to endure the Americans’ local and central government. Since then, the Navajo Nation is in conflict, and by-and-large, the people feel that their government does not adequately represent them. Despite the imposition, the Navajo have been trying to make the Chapter House organization system successful. Unfortunately, these attempts do not address the reality that the centralized government holds immense power over local issues. Proper empowerment and support must be given back to the people and to local government in order for communities to succeed.

## **Methodology**

In the winter of 2018, Diné Policy Institute released a report on the current Navajo Nation Land tenure system called “Land Reform in the Navajo Nation: Possibilities of Renewal for Our People.” This report highlighted the current issues that the Navajo people face when dealing with land issues and how these issues can impede local development. We identified that empowerment of the local Chapter House should happen as part of a larger strategy for local

development.

This study contains both quantitative and qualitative data. The qualitative data was gathered over a period of 6 months in 2018 for the current report called Local Governance and Reform: Local Empowerment to get in-depth data. The quantitative data gathered by surveys was gathered in fall 2017 for the survey report called the “Chapter House Participation Study” at local community events such as the Shiprock fair, Tuba City Fair and Flea markets in Chinle and at Diné College.

The project called “Chapter House Participation Study” in 2017 was initiated to determine how the Chapter House should be empowered and to inventory the current tools at the Chapter Houses’ disposal. While many would argue for the complete elimination and replacement of the current system, this report looks at existing adopted structures and examines how the local government can be improved. Local governance should be an ongoing evolution of improvement to fit the needs of contemporary times, as well as to provide local people with an outlet to interact with their government.

In this report, we look at the current structure of the local government and how it interacts with the central government: where has Title 26 fallen short, and where can it be improved? There is a focus on the social and political challenges the local government faces when they are trying to develop their communities. As we identify necessary bureaucratic reforms and crucial structural, reorganizational changes, we propose governmental rearrangements to reflect the pressing demand of a growing population.

### **In-depth Interviews**

During spring and summer of 2018, Diné Policy Institute (DPI) interviewed several Navajo Nation departments and divisions that work with Navajo Nation local governments.

There are several different offices that operate at the centralized government, and their role in the local communities are key factors in developing the local communities. (See Appendices C page 39) for questions.

DPI also interviewed eight Navajo Chapter Houses, which is the local government. We interviewed Chapter Houses that were both certified and non-certified, which gave us a different perspective on the same issues. The Certified Chapter Houses were in areas with populations of at least 5,000 people with high tourist traffic, yearly. The Certified Chapter Houses that were interviewed were Kayenta Chapter House, Chinle Chapter House, Dennyhotso Chapter House, Mexican Water Chapter House, and Shonto Chapter House, as they have some of the biggest populations on the Navajo Nation. The Non-Certified Chapter Houses we interviewed were remote communities with populations of a few hundred, with one exception: Shiprock Chapter House, which has a base population of at least 8,000 people. The interviews represent a sample size of large and small communities and Certified Chapter House and Non-Certified Chapter Houses.

DPI interviewed two different municipalities that have a high amount of tourism in their area: Moab, Utah and Sedona, Arizona. These two were chosen based upon their tourism industry and a comparable size in population. (See Appendices C page 39 for questions).

### **Surveys**

DPI surveyed 250 participants at Shiprock fair, Tuba City Fairs, Chinle flea markets, and Diné College in Fall 2017. We investigated how the local people perceived their Chapter House, which gives us an idea of why the participation level is where it is at now (see Appendices A page 32 figure 1 for survey).

## Findings

### Survey: Chapter House Participation

Of the 250 people we surveyed 63% were female, and 34% were male, and 3% did not answer (see Appendix B page 35 Figure 1 for results). Also 22 were between the ages of 16-19; 70 were between the ages of 20-29; 63 were 50 and older, and 14 did not answer. 28% of the participants were between the ages of 20-29, and 25% were 50 and older (see Appendix A page 35 Figure 2 for results).

We asked the education level of the people surveyed, and their answers ranged from, less than High School to a Master or Ph.D. The results showed 44% had two years of college, 31% had a High School diploma, 15% had a Bachelors, 4% had a Masters/Ph.D., and 3% had less than a high school diploma (see Appendices B page 35, Figure 3 for results).

We asked the people what they thought was the “purpose” of the Chapter House. We left this question open-ended so survey respondents could fill out their own responses. The top three answers for this question were “Govern the community,” “To help/improve the community,” and “Communicate with the community.” This helped DPI directly see peoples’ expectations and the ideas they had for their communities (see Appendix B page 35 Figure 4 for results).

We asked the people, “How many meetings do you attend,” to find out the highs and lows of population participation. Most people answered one to three times a year (see Appendices B page 35 Figure 5 for results).

The next question we asked was: “What are your expectations of the Chapter House?” We left this question open-ended, and the top three responses of the survey results were: “Serve the people”, “Improve Chapter Management”, and “Work with the community” (see Appendix B page 35 Figure 6 for results).

The next question we asked was; “Why don’t you go to the Chapter House”. The top two answers were “Prior commitments” and “Chapter conflicts.” The same amount of people responded “Nothing new” as “Live off the reservation.” These were open-ended questions (see Appendices B page 35 Figure 7 for results).

### **Interviews: Navajo Nation Tribal Offices**

We conducted interviews with several different Navajo Nation officials who work in the Nation. These offices we interviewed are a part of the centralized government and they control local issues from a centralized location.

When we interviewed Navajo Nation officials, the tribal officials declined to be recorded, and they provided rough estimates of grazing permits in the Navajo Nation. There are approximately 10, 000 grazing permits on the Nation. However, only approximately 5,000 permits are being used. If there is an average of 3 people on a permit, then 15,000 people would control at least 90% of the land. 15,000 people makes up approximately 10% of the population that live in the Nation. For the Nation to take over reissuing and cancellation of grazing permits, the Nation has to submit a range management plan for the entire Nation to the BIA for approval. Once the Nation gets the approval from the BIA, the Nation could issue its own permits with its own rules and regulations. The Nation could input its own way to regulate grazing, whether the traditional way or a new, contemporary plan.

The Navajo Department of Agriculture tribal office in 2014 made several recommendations, it was called the “Rangeland Improvement Act 2014” one would replace local elected officials with full time staff positions. Current grazing official positions are elected to represent the people, however in recent times this election has become politicized by the officials wanting to be reelected. According to tribal officials, elected officials are tasked with carrying out range policies that include counting and limiting livestock. These tasks can become an issue

when elected officials seek reelection, since sometimes grazing officials do not enforce livestock policies that limit the number of animals. Favors like lack of enforcement can be enticing to officials that seek reelection. Favors from elected officials can include ignoring tallies, which can lead to overgrazing. It is recommended that Grazing Officials have technical expertise in land management to depoliticize the role. Grazing permit holders have been identified as a potential barrier to development in the local communities, as permit holders can stall or block development in local communities. Grazing issues currently cannot be handled at the Chapter House level because the Chapter Houses have no authority to oversee disputes. At best, they can host mediations. Chapter Houses can sometimes provide a space where negotiation can take place, providing a neutral location. Most disputes must be handled at the courts, meaning there is no outlet for community input to affect grazing policy changes locally. The courts take time and money and the Chapter formally cannot do much about disputes. The grazing officials are housed at the Chapter House, though they are supported by the Department of Agriculture, not the Chapter House. The Chapter House is a place where the community should interact with the government, but grazing policy cannot be addressed at the Chapter House.

Diné Policy Institute interviewed tribal officials who work with development at the local level. These tribal officials help people to obtain business site leases and review the application. These tribal officials withdraw land for future development. The idea is to create economic zones that are ready for development for local communities. One tribal official mentioned that the primary issue was not obtaining land from permit holders for development, but rather, once the land was withdrawn, there was no funding for infrastructure on the withdrawn site. The cost for bringing infrastructure to the business site is on the person that wants to develop it. This discourages businesses from developing because of the cost of installing infrastructure along

with building their business. The lack of existing infrastructure on the site is a huge financial discouragement for development.

The last question asked was, “What can the Chapter House do to help development?” The answer was “Land withdrawal.” Land withdrawal is when the land that was reserved for the permit holder to have first priority to say what the land can be used for is now taken out of the permit holder control. The person or organization that withdraws the land from the permit holder now has first priority. This is done with the consent of the permit holder. This identifies that the Chapter House should also proactively withdraw land with recommendations from the Community Land Use Plan Committee.

Another interviewed official talked about Home Site Leases on the Nation. All the home site leases are handled at the centralized government in Window Rock, AZ. Many issues with home site leasing deal with the permit holders. Grazing permits were given out decades ago. The majority of permit holders are held by the elders in the community. Since elders have different ideas and values compared with the youth, many development projects are being bottlenecked or sometimes rejected as Home Site Leases or Business Site Leases. Many people have trouble with the application process and the cost associated with the lease. The main challenge to obtaining a home site lease is access to land, as there are usually land disputes among families. Another challenge is the cost to pay for surveyors and historical examiners to examine if historical sites are in the home site area. This frustration is exacerbated by the fact that historical examiners must be credentialed with academic degrees and specific university coursework, which can be inaccessible or costly to certify. On the ground, access to infrastructure (roads, water, and electrical lines) can cost an excessive amount of money to construct. Expanding infrastructure to homes in remote areas (e. g. laying water pipe underground or setting up electrical poles) can

cost tens of thousands of dollars — much more than any person can afford.

Because the BIA controls and regulates the land, the BIA has strict regulations for development because trust land is federal land, and federal lands have stipulations that Native people must complete in order to develop it. Business site leases are obtained through the central government, which goes through several offices, where the process for approval often stalls for months. This extremely slow application process affects financing and development, keeping many business from developing. Land policies are controlled by the BIA. The application process is slowed through the bureaucratic process located at the centralized government office. Title 26 allows for certified Chapter to grant home site and business site lease, however no Chapter has developed ordinances for home site leasing, and only a handful of Chapters have business site leasing authority.

DPI interviewed another tribal official, who declined to be recorded and remained anonymous. They explained that the Navajo Nation has offices that are tasked to support and empower the Chapter House governments in reaching certification. Many offices that support the local governments are not organized. They are understaffed and have no authority to discipline the staff they oversee. This creates an atmosphere where institutional support for the local governments is inconsistent and unable to meet the challenges, such as internal disputes, addressing grievances against Chapter House staff and officials, investigating financial issues and disciplining Chapter House staff or officials. The support offices for the Chapter Houses are centralized, which creates a divide between local governments and the centralized government. Because the support offices are in poor condition, the Chapter Houses have inadequate funding and a lack of political authority to enact many of their community's goals.

DPI interviewed certified local governments, staff, and officials, and they all declined to

be recorded and wished to remain anonymous. Navajo Nation Certified Chapter Houses are supposed to be empowered by Title 26, the Local Government Act that was passed in 1998. However, since that time, only about 50 Chapter Houses have been certified. Some certified Chapter Houses mentioned that upon certification, “there wasn’t much difference than being non-certified.” Furthermore, when a Chapter House reaches certification, they “lose support from Window Rock.” Many certified Chapter Houses reached certification and do not know the next step. Some Chapter Houses that feel empowered think there are still many constraints on the Chapter House. While becoming certified should lead to more decision making at the local level, this is not entirely the case. Only a handful of Chapter Houses have the ability to implement their own taxes and issue their own business site leases. None of the Certified Chapters have the ability to issue their own home site leases, and while Title 26 allows for the Chapter House to receive external funding, it still requires external funding to go through a signatory process, called the 164 process. The 164 process is where leasing and contracting, external funds and other things go through a process where several different central offices have to sign off on the document for approval and this can take months (Curley& Parrish, 2016). This process is not only limited to external funding; it also applies to business site leases on behalf of the Chapter Houses. It has been 20 years since the passage of Title 26, and to this day, not one Chapter House has achieved full political authority.

DPI interviewed Chapters that are not certified. The majority of the Chapter Houses in the Navajo Nation are not certified, and there are many reasons why. Several tribal officials who work locally say, “There isn’t much difference when a Chapter House becomes certified.” Many officials see that when a Chapter House becomes certified, they lose support from the central government — often, technical support. For example, the staff loses their insurance plan, and

Chapter Houses have to take over the hiring of staff. Once a Chapter House becomes certified, business site leases still must submit their proposed business site leases to the Navajo Department of Justice. These proposals then go to the Navajo Presidents office because only the President of the Navajo Nation can sign off on leases. The lease proposal then goes to the BIA office for signatures and records, as the BIA records the leases in their real estate records. While this is shorter than the 164 process, this still takes time and shows strong oversight over certified chapters. Many Chapter Houses see the leasing process as having the same barriers and the same problem: submission to the centralized government. There is a bottleneck with receiving external funds. Whether the Chapter House is certified or not, external funding still must go through the 164 process which can hold up the expenditure of funds. The delay of expending funds can jeopardize the funding for the Chapter House, as some funds have to be expended in a specific time. Missed deadlines can jeopardize future funding as well as delay a project, causing it to cost more than estimated. The 164 process, the signatory process and lack of technical assistance in drafting local ordinances are challenges for certified Chapters. This can discourage local governance from pursuing certification.

According to Chapter officials some Chapter Houses express more willingness to break away from the central government. The Chapter Houses see that their policies and procedures for the procurement of supplies or consultants can be changed. The Chapter House Manager would have the authority with the support of the elected officials to change Chapter House policies. Coordinators could then reevaluate who could receive assistance, and community members' projects could be better reviewed to see where the Chapter House assistance could be most effective. The Chapter Houses see the possibility to tailor their policies to their community, this would open the way for a better process of administering funds. Also, the ability to hire

consultants like lawyers and auditors would benefit the Chapter Houses, since this can help Chapter Houses acquire new technical expertise.

DPI interviewed a staff official with the city of Moab, Utah who declined to be recorded. Moab has a Business Resource Center, and their purpose is to assist new businesses in training and advise on the local area where their business will be established. The state of Utah also provides incentives for small businesses to open in rural areas of Utah. The state approve grants for business owners to set up businesses in areas like Moab as a way to assist business owners and give them incentives.

DPI interviewed a staff official with the city of Sedona, Arizona who declined to be recorded. The city of Sedona has a Department of Economic Development whose goal is to help businesses. The department provides seminars and networks about other sources of assistance, and it gives technical advice about the policies and procedures of starting a business. There are classes and presentations on how to structurally assist and best organize businesses in the startup.

### **Recommendations**

The Navajo Nation should take a holistic, systematic approach empowering the local communities. In order for local communities to have the tools and teeth to properly serve their members, the Navajo Nation will have to implement several reforms to address the short falls of the Local Government Act (LGA). It is not a fair assumption that the LGA has not worked; in the last 20 years about half of the Chapter Houses in the Navajo Nation have been certified, and none have achieved all the political empowerment entitled with certification. For the Nation to really see whether LGA can work, at least one Chapter House needs the political authority that was authorized 20 years ago. Not one Chapter House has obtained the political authority it was granted and maybe if a community has a certified Chapter House, with all the political authority,

then that would be a fair evaluation of its success. At the very least, empowering a Chapter House with the political authority for a trial period of several years would need to be tested to see how the LGA actually works.

The critical changes that need to happen will have to be done at the centralized government, and the local level (Curely & Parrish, 2016). These two entities must work in conjunction with each other to implement reforms. With the current, falling tribal revenues and uncertain funding, now is the time to enact these changes. There is a definitive need to diversify the economy, as the tribe's biggest revenue source is natural resource extraction. In the future, the Nation should: expand its tourism industry, expand renewable energy development, invest in the informal economy by supporting small businesses, invest in infrastructure, advertise at the local flea markets, and invest in developing gaming industries and hospitality in the deeper part of the Nation, rather than just the borders.

The Navajo Nation consistently develops ventures in the outer part of the nation to attract border town and outside dollars, however, Navajo needs to build local facilities, so Navajo members can spend money at their nation's businesses — hotels, casinos, restaurants, gas stations, and entertainment venues, similar to the proposed development at Twin Arrows Casino.

The Chapter House today needs critical support to initiate the power from the central government to the local government. The centralized government must initially provide the proper technical support, which means changing the institutions that help and empower the Chapter House. This also means changing the way the Chapter House operates to an institutional model that can effectively help the people. Proposed changes to supporting institutions and the Chapter House itself are a reflection of the changing times and the new challenges that the Chapters face. The Chapter House today has to meet the challenges of climate change, a hostile

U.S. administration, development of renewable energy, and the proposed consolidation of the local governance. Not much has changed since the creation of the Chapter House; most major changes were introduced in 1998, and even those changes have not been properly implemented as of today. Chapter Houses have been criticized recently, as their development, support, and empowerment have been the most stagnant.

Several different departments from the Chapter Houses will need far-reaching, systematic changes. While this is not a simple fix, these recommendations are a result of extensive interviews with people who play major roles in their local communities. It is important to assess why there is low participation from the people, though the graphs above show that people see the Chapter as a place to govern and improve the community. Essentially, the Chapter cannot govern the community, since it has not been functionally empowered politically, despite the passing of the Local Government Act. The Chapter House cannot improve the community if it has no real authority over its land, roads, leasing authority, and public services (Lister, Curley & Parrish, 2018).

#### **Listed are the steps for reforming the government**

- The Navajo Nation Land Department should empower the Chapter Houses by drafting a template for home site lease ordinances, so that local governments can issue their own home site leases. The Land Department and the Department of Justice should work in conjunction to best formulate an ordinance. The authority to issue home site leases will give power to the Chapter, once the Community Land Use Plan Committee has finished zoning. This will help cut down on the bureaucratic process to obtain a home site lease. A reformed Chapter House is the best authority to oversee housing in its own area, where community members have input on their zoning and implementation. The current Chapter

House system isn't adequate to handle housing policies and implement home site leases, however, a reformed local government has the potential to streamline the current system.

- The Regional Business Development Office, RBDO, should educate applicants who apply for the business site lease about how to run and operate a successful business. Two cities (Moab, UT and Sedona, AZ) have a department where the director provides business owners with technical support on business education. If the RBDO assists in the application, they should take the lead in educating them. The RBDO should also help find financing for local businesses; RBDO needs to help locate and connect business owners with financiers. RBDO needs to take a more active and aggressive role in supporting formal businesses. Better partnerships and communication should exist with the local Chapter Houses. RBDO could pursue both withdrawing land and proactively designating a specific site for renewable energy development that requires huge tracts of land.
- The Department of Agriculture should create a range management plan for the entire nation, so that the tribe may issue, cancel, and reissue grazing permits. The tribe needs to be directly in charge of regulating grazing. Grazing officials need to be staff who handle educating in ranching and land management. Also, there needs to be an on-hand ecologist to handle each agency's land situation as a response to climate change and desertification. Grazing staff should be housed at the Chapter House to help make the Chapter House a one-stop shop for the community. Once the tribe begins to regulate grazing permits, the department should cancel inactive permits. Permits that hold land in reserve for ranching should be withdrawn and given to the Chapter Houses, so that the Chapter can control the land that is not being used. Ecologists who make recommendations to withdraw land to

fight desertification should be given priority, since desertification is threatening communities on a large scale.

- The Administrative Service Center, ASC, should have oversight of the Chapters that it helps, and it needs to help create policies as an advisor. The staff for the ASC needs to be increased by three more positions to help the Chapter technically on a monthly basis. The ASC needs to have an auditor who can help the chapters with internal audits, a Certified Public Accountant that can help with the Chapters accounting, and a lawyer to help the Chapters draw local ordinances, so the Chapters can create and enforce policies that are tailored to their communities. The ASC should be seen as a place where Chapters can go for guidance and assistance when it comes to technical issues for local governance. The ASC will also continue to assist non-certified chapters to certification.
- Certified Chapters should reexamine their mission, purpose, and philosophy on a case-by-case basis. They need to create missions, policies, and philosophies with the community's input. They then should begin by creating programs that will serve the community with a combination of direct and indirect services, depending on the needs of the community. Institutionally, the certified chapter should adjust its structural operation in terms of its staff. The Chapter needs to increase its staff by reclassifying positions and adding additional positions. Elected officials need to be eliminated, to make the President an elected staff position. This will make the president an advocate who represents their community who will have authority over all of the staff in the Chapter House. The elected VP position will be eliminated. The Treasurer will be a staff position to take care of the financial situation of the Chapter. The Treasurer will be an elected staff position required to have at least a B.A./B.S in business or in a related field. The Chapter will

reclassify the AMS position to have a B.A./B.S in business or in a related field, and the AMS will be in charge of handling any revenue of grants and account receivable. The Chapter will create an accounting tech to handle petty cash and accounts payable. The Coordinator will oversee the staff on a daily basis and will handle the HR duties as well as oversee projects and interact with the ASC and the central government. The Chapter will also have an administrative assistant to interact with the community members, who will be the administrator for all the staff positions there.

### **Implementation**

Implementation incorporates the Navajo paradigm utilizing traditional thought which shows the way Navajo people traditionally understand the decision-making process. The paradigm used is shown below starting with thinking, planning, living and ends with reflection. This paradigm is used by the two colleges on the Navajo Nation in their policies.

1. Nitsahakees (Thinking and Conceptualizing) Looking at the report, becoming familiar with the local government reform report and becoming familiar with the different offices and their involvement with the local communities. Rethinking a whole systematic approach to making reforms that would involve multiple offices. Proposed amendments to Title 26 to adjust the Chapter positions.
2. Nahat'a (Planning and Gathering Information) Meet with all the departments on how to implement the reforms and plan a transition from the current government to the new one. Funding, reclassification, and new positions will have to be created along with a national land management plan for the nation. Pass legislation on amending Title 26 to implement new changes to the Chapter House.

3. Iina (Living and Achieving) Gathering and collecting data for a new range management plan, orienting the new staff, and educating the Chapter concerning its new political power. Educate the community members and Navajo staff from the central and local government. Help the staff and community members understand the amendments in Title 26. This is to get the people an idea of what to expect from the changes and what they should expect from the new government.

4. Siihasin (Evaluation and Competency) This is to evaluate the changes that have been made and to set up benchmarks as to see how the Chapters are implementing the changes. The Chapter will set up deadlines to make sure its political power is attained then to see what type of developments happen a few years after full local power has been attained.

## References

- Bingham, S., & Bingham, J. (1987). *Navajo chapters*. Tsaile, AZ: Navajo Community College Press.
- Curley, A., & Parrish, M. (2016, May 1). *Local governance and reform: A conceptual critique regionalization and Title 26 taskforce*. Tsaile, AZ: Dine Policy Institute Press.
- Curley, A., & Parrish, M. (2016). *Local governance and reform: Considering 20 years of the Local Governance Act*. Tsaile, AZ: Dine Policy Institute Press.
- Iverson, P. (1981). *The Navajo Nation*. Albuquerque, NM: University of New Mexico Press.
- Kluckhohn, C. (1946). *The Navaho*. Cambridge, MA: Harvard University Press.
- Lister, M., Curley, A., & Parrish, M. (2018). *Land reform in the Navajo Nation: Possibilities of renewal for our people*. Tsaile, AZ: Dine Policy Institute Press.
- Dobyns, H. (1972). *The Navajo Indians*. Phoenix, AZ: Indian Tribal Series.
- Downs, J. F. (1972). *The Navajo*. Long Grove, IL: Waveland Press.
- Linford, L. D. (2000-04-05). *Navajo Places: History, legend, landscape*. Salt Lake City, UT: University of Utah Press.
- Wilkins, D. E. (2013). *The Navajo political experience*. Lanham, MD: Rowman & Littlefield.
- William, A. (1964). *The function of the Chapter House System in the contemporary Navajo political system*. Ann Arbor, MI: Michigan University Microfilms, Inc.
- Young, R. W. (1978). *A political history of the Navajo Tribe*. Tsaile, AZ: Navajo Community College Press.

## Appendix A

The Diné Policy Institute of Diné College and the Office of Navajo Government Development are conducting a joint research on Navajo Nation Chapter system. A report will be published in December 2017.

Instructions: Please circle the choice after each question and any comments should be written after each question.

### Respondent Demographics:

Gender: Female \_\_\_\_\_ Male \_\_\_\_\_

Age category: 18-25 \_\_\_\_\_ 26-40 \_\_\_\_\_ 41-55 \_\_\_\_\_ 56-70 years \_\_\_\_\_ 71 & older \_\_\_\_\_

Chapter affiliation: \_\_\_\_\_

### Education Level:

\_\_\_\_ Less than High School

\_\_\_\_ High School

\_\_\_\_ 2 years of college

\_\_\_\_ Bachelor Degree

\_\_\_\_ Masters/PhD

1. What is the purpose of the Chapter?

---

---

---

---

2. What are the immediate needs for your chapter community? Select five in order of importance: 1) economic development, 2) more housing, 3) more social services (i.e., veterans, elderly, students), 4) improved farming, 5) improved land-use planning (i.e., grazing), 6) more community events, 7) improved chapter management (i.e., chapter manager).

- 1. (most important) \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_
- 5. (least important) \_\_\_\_\_

3. What expectations do you have for the chapter?

---

---

---

---

4. How many chapter meetings do you attend in a year? If yes, see question #5. If none, see question #6.

- 1. None
- 2. 1-3 meeting per year
- 3. 3-6 meetings per year
- 4. 9-12 meetings per year
- 5. Attend all chapter meetings

5. If yes, why do you go to the chapter?

---

---

---

---

6. If no, why don't you go to the chapter?

---

---

---

---

7. Do you support the current chapter quorum system of 25 registered voters? Yes? No? IDK Explain.

---

---

---

---

8. What qualifications would you like to see in your elected chapter officials?

---

---

---

---

Figure 1. Chapter House Participation Survey

## Appendix B

# Gender

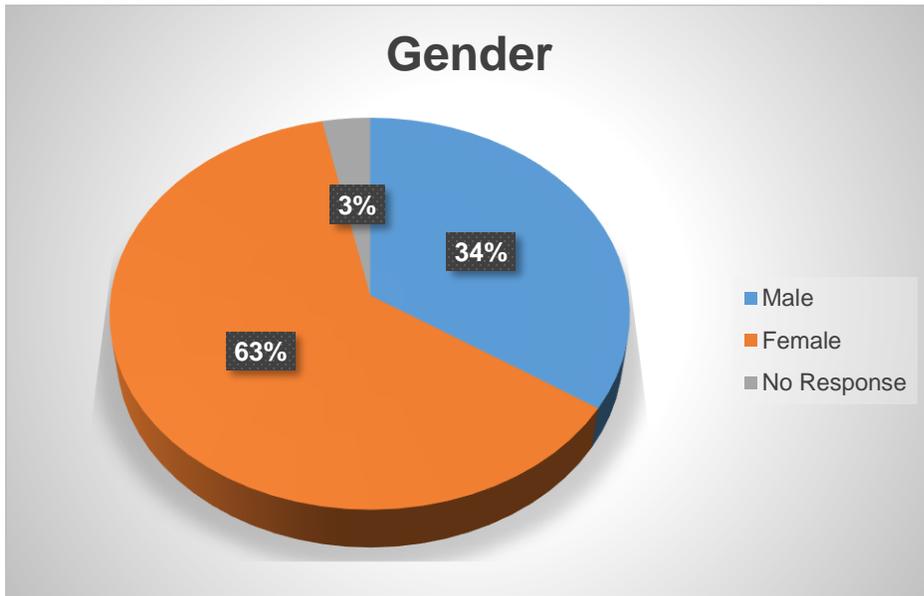


Figure 1. Gender

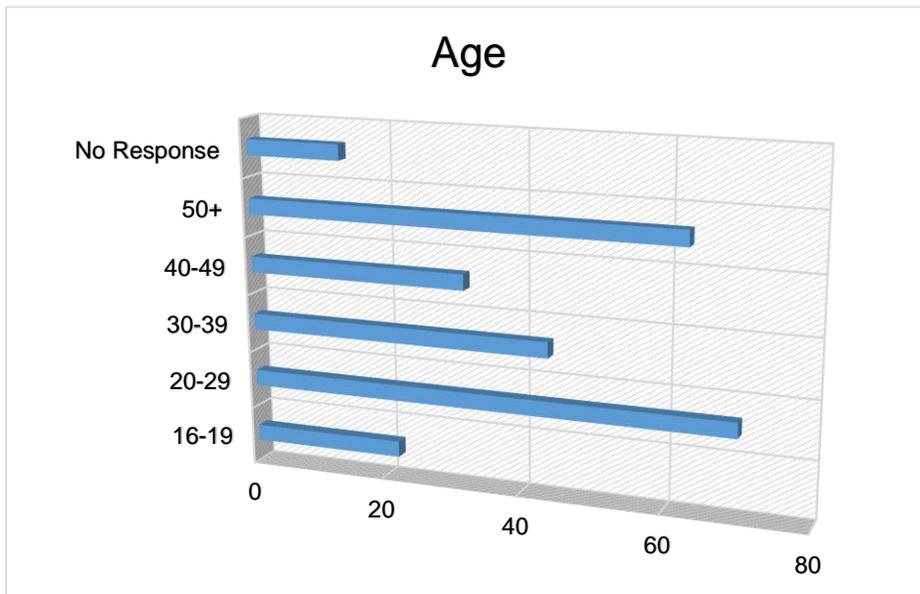


Figure 2. Age

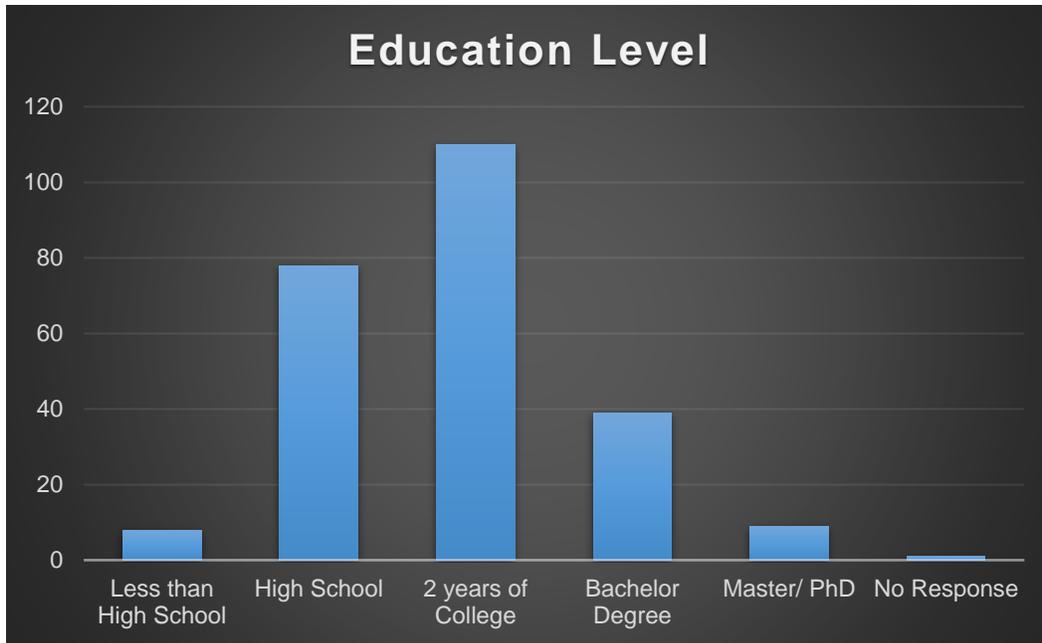


Figure 3. Education Level

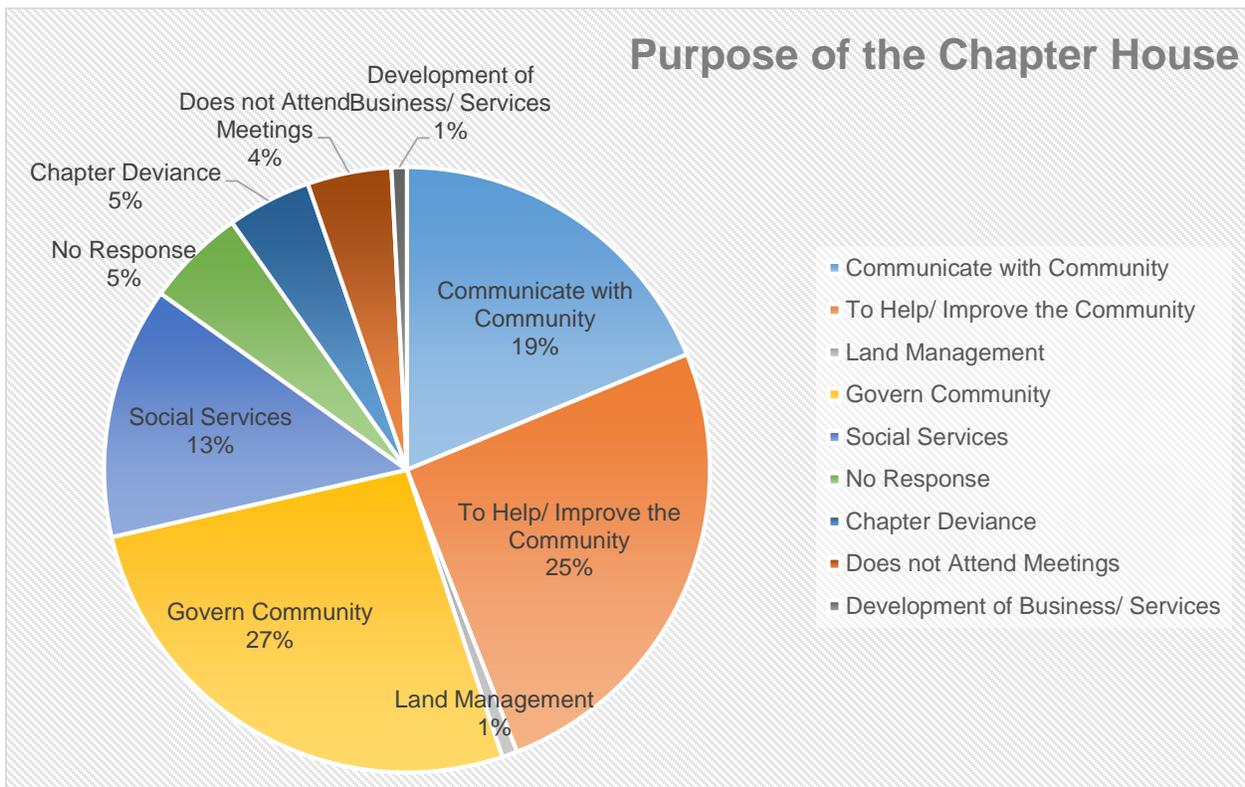


Figure 4. Purpose of the Chapter House

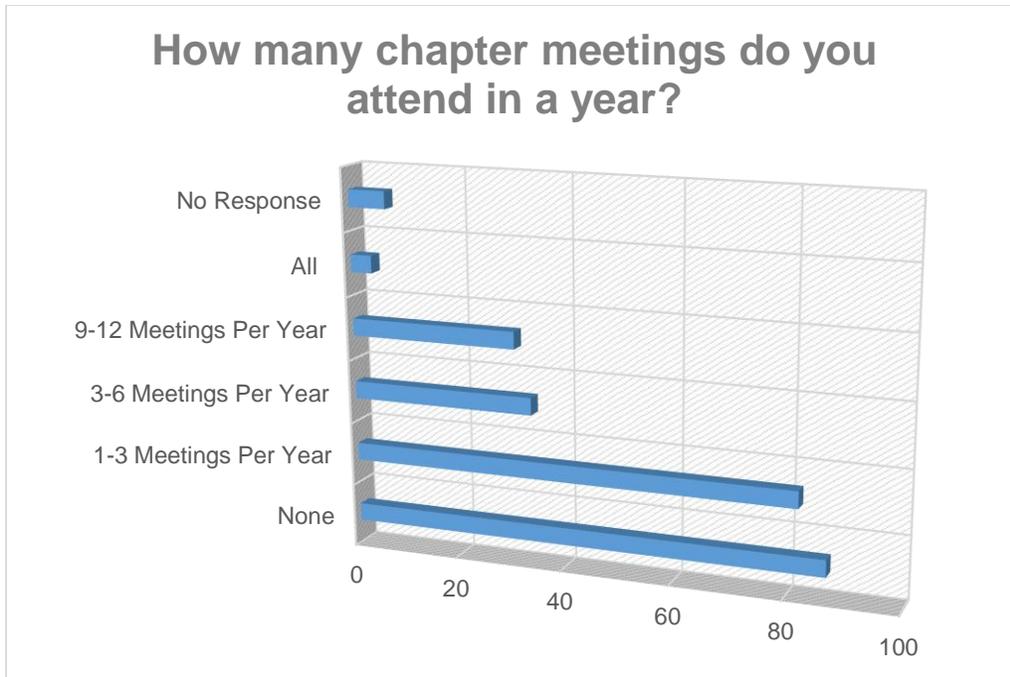


Figure 5. How many Chapter meetings do you attend a year?

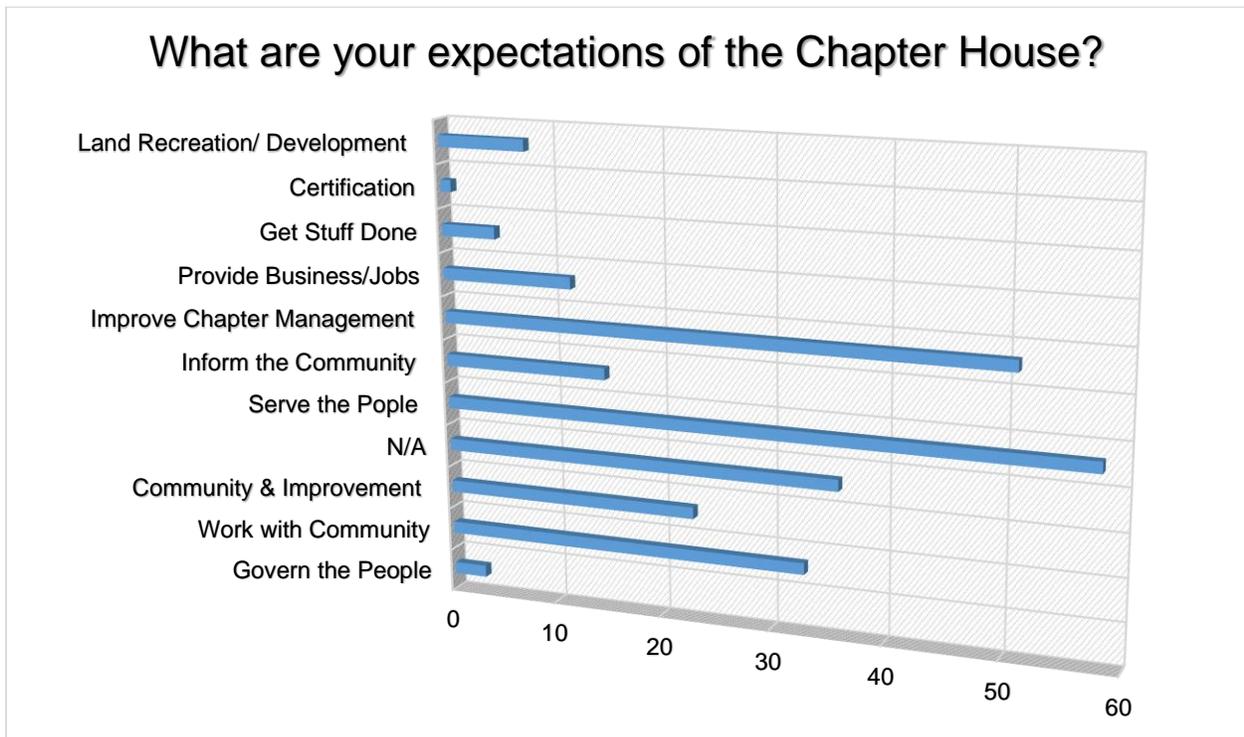


Figure 6. What are your expectations of the Chapter House?

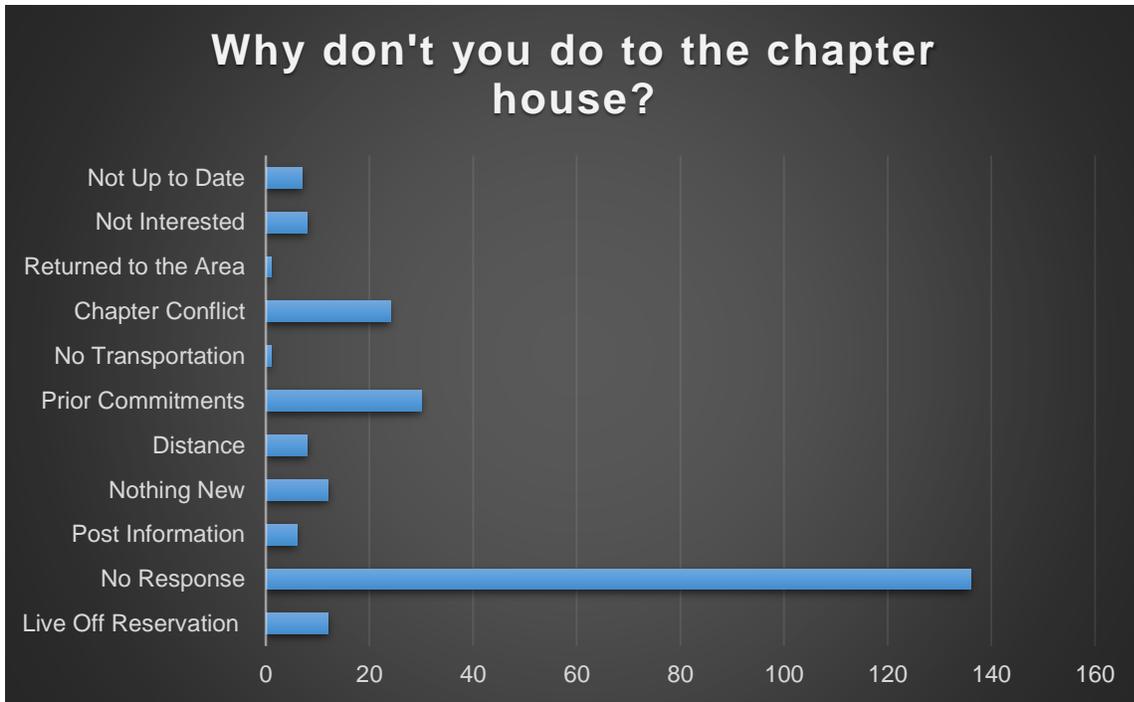


Figure 7. **Why don't you go to the Chapter House?**

## **Appendix C**

What does your office do?

What role does it play at the community level?

What role does your office have when it comes to local development?

What are some of the challenges your department faces when it comes to helping local development?

What can the Chapter do to help development?