

STATE OF THE NAVAJO NATION

**Presented to the
20TH NAVAJO NATION COUNCIL
SUMMER SESSION**

**By the
HONORABLE PRESIDENT JOE SHIRLEY, JR.**

July 21, 2003

Ya ah tae, Honorable members of the Navajo Nation Council, Vice President Dayish, Speaker Morgan, staff, relatives, friends. I am pleased to present to you the State of the Navajo Nation.

The times are special because we are moving on a path called progress. Some of our progress is reflective of small steps being taken for our communities. We are also beginning to see great movement on the Navajo Nation and for Navajo people. All of us should be filled with gratitude, humility, and determination for the Nation's progress and prosperity.

We have great goals, worthy of the great Navajo Nation. We all know that we will not reach all of our goals in one year, but we will reach them. The greatest goals are reached step by step, always building on progress, always gaining ground. I am proud to announce that the Shirley-Dayish Administration is moving forward. Our agenda is becoming reality. You cannot gain ground if you are standing still. Many say that, for too long, the Navajo Nation has been standing still, ignoring the Peoples' agenda, standing still on some of the most pressing issues, such as education, unemployment, and government reform.

Each of us are accountable to the Navajo People. Navajo People continue to be our driving force. Each of us must remember our promise to the People. This Administration continues to push the agenda that the Navajo people have chosen for us. We are working on quality education, government reform, revenue generation, a true economy that will produce jobs, trust accountability, our sovereignty and the well being of the Navajo people at the local, state and national levels.

At the moment, we are still living under a temporary form of government. We must move forward with government reform and complete the reform of our government. I believe as strongly today as I did the first day I got here, the only direction forward for the Navajo Nation is through meaningful government reform. Permanence needs to be had and local governance needs to be implemented meaningfully.

It is time to revisit the Title Two amendments of 1989 and discuss with the People proposed changes, whatever it might be. Changes need to be made within all the branches, e.g., Is there too much power in one branch? Is it time to balance that power among the branches and the local communities? We are ready for the challenges that lie ahead in bringing about true government reform. Government reform continues to be a priority.

Presently, the Navajo Nation and other Native Nations are joining forces against attacks on our sovereignty. It is unfortunate when our trustee, the Federal Government, develops legislation that incorporates decisions we have not been consulted about.

This is true in S. 14, the Energy Policy Act of 2003. S. 14 includes an Indian Energy Bill that will grant the federal government the power to develop and implement energy programs without tribal consent and to waive federal liability for any damages those energy programs cause. We were involved in one of the largest civil suits ever brought against the United States by a Native Nation for failing to hold our trust above the interest of energy companies willing to engage in fraud. Unfortunately, the decision in the case was decided against us by the U. S. Supreme Court. However, the fight continues in the sacred halls of the U. S. Congress and we cannot stand idly by and give permission to have the U. S. Government do what it wants with our treaty rights. Navajo People are leading the charge nationally.

The lack of tribal consent contained in S. 14 means that the federal government could override any decision or opposition we may have prohibiting uranium-mining activities on our land. The bill is scheduled for a floor vote in the Senate one week from today, on July 28.

Working with our Navajo Nation Department of Justice, our Navajo Nation Washington Office, we have actively converged upon our congressional offices voicing our opposition to the termination of the federal government's trust responsibility contained in the bill and have gained widespread support from other Native Nations, including the National Congress of American Indians, in addressing this blatant attack on tribal sovereignty. The fight is not over and we ask for your prayers in joining forces to defeat this bill in its present form. I applaud the Intergovernmental Relations Committee for supporting the Navajo Nation's opposition to S. 14. I understand the Nation's Council will entertain a Resolution also opposing S. 14, the vote on the Resolution should be unanimous.

We will continue to make it our priority to protect our sovereignty and the dignity of the Navajo Nation. Unfortunately, our trustee is ignorant of the treaty between us and who we are as a People and what trust responsibility means, thereby, we must continue to educate Congress of the basic fundamental principles of a government-to-government relationship between Native Nations and the U. S. Government and who the rightful owners of this land we call Indian Country are.

Exercising our sovereignty includes working across jurisdictions and across sectors to achieve our goals. We are here before you now to say that we must jointly work together to meet the challenges facing us. We also need our relatives and friends, who are the states, counties, and neighboring cities. By using our tribal sovereignty to work with other sovereigns, we will go a long way towards ensuring that we build a viable economy that comes with the exercise of genuine sovereignty, so that all jurisdictions can prosper. We are all in this together.

Our sovereignty, our ability and power to control our land and resources, maintain and practice our religion, protect and educate our children, and preserve and express our unique and beautiful culture stems from the sacrifices that our forefathers, our elders, and our medicine people endured for our continued survival. We owe it to them to continue that legacy.

The diminishment of our sovereignty continues through the United States Supreme Court's continued rulings against Native tribes and governments. In part, because of the recent U. S. Supreme Court decision in the U. S. vs Navajo Nation, we are now faced with legislation such as S. 14.

Because of the onslaught on our sovereignty by outside forces, there is the Tribal Sovereignty Protection Initiative behind which Native Nations are united and I and Mr. Tex G. Hall, President of the National Congress of American Indians, are playing a part as leaders spearheading the initiative. The largest Native nation in the country, the Navajo Nation, is working with the largest Indian organization in the country to develop a legislative "fix", if you will, through the Sovereignty Protection Initiative, that provides for the development of legislation that addresses and protects our sovereignty. This cannot be achieved unless all of Indian Country joins forces in this effort.

This is why President Hall and I made the call to all tribal leaders to come together and develop an agenda that would enable tribal leaders to develop short-term and long-range strategies that will bring about change in how the federal government deals with us on a government-to-government basis. The summit, One Voice for Change, held on June 14th, gathered over 50 tribal leaders and was successful in beginning our efforts for Native America. We hope the summit will lead to a National summit whereupon all tribal leaders come together in Washington D. C. and address Congress collectively.

In the effort of government-to-government relations, we are pleased that our sister states, Arizona and New Mexico, have continued to pledge their commitment to working together in forging common ground for the establishment of a meaningful relationship. Arizona Governor Janet Napolitano has recently held summits regarding Water Rights, Education, and Health. The Governor's commitment extends not only to the Navajo Nation but also to all tribes in Arizona. We all have the one common goal of addressing the needs of our people.

We are also pleased to announce that New Mexico Governor Bill Richardson and I, as President of the Navajo Nation, have executed a Statement

of Policy and Process with the State of New Mexico in May, which recognizes our sovereignty and the importance of a full and open communication and cooperation on issues of shared interest or concern, such as taxation, water rights, education, health care, economic development, law enforcement and the provision of State services to tribal members, so as to avoid misunderstanding, disagreement and disputes and to facilitate coordinated and cooperative policy formulation and implementation. This is a significant step towards government-to-government relations, and I applaud Governor Richardson in his commitment to work with the Navajo Nation and the tribes and Pueblos in New Mexico towards this end. It is good the States and local counties are working with us in addressing the needs of our people. As I have stated before, we are all in this together.

I also want to announce that last month the Senate Committee on Indian Affairs approved legislation to reauthorize and expand the Indian Reservation Roads Program. In fact, Chairman Campbell and his committee unanimously voted to refer the Indian Tribal Surface Transportation Act to the Senate Environment and Public Works Committee for inclusion in the larger federal lands highway bill, the Transportation Equity Act of the 21st Century, now being considered for reauthorization. The bill that the Senate Committee on Indian Affairs approved is a combination of proposals made by Senators Pete Domenici, Jeff Bingaman, and Ben Nighthorse Campbell to improve roads, bridges and transit throughout Indian Country. Many of those proposals are a result of recommendations first made and advocated by the Navajo Nation. As you will recall, the Navajo Nation has been lobbying for approximately \$25 million dollars above and beyond our regular allocation from the Indian Reservation Roads Program.

The Indian Tribal Road funding appropriations will increase from its current level of \$275 million annually to \$550 million over the next six years and provide the following set asides: \$15 million annually for tribal bridges and \$15 million for tribal rural transit programs. This Council and the Transportation and

Community Development Committee should be proud of this significant accomplishment.

We are also pleased to announce that with the assistance of Congressman Rick Renzi, we have achieved full funding for the Red Mesa and Pinon Health Centers in this fiscal year. I applaud Congressman Renzi in assisting the Navajo Nation to address the health needs of our people through clinics that are long overdue. The funding totals are \$9,247,000 for the Fort Defiance Hospital to hire staffing for existing facilities, 19,577,000 for the Pinon Health Center to complete construction of facility and \$30,000,000 for the Red Mesa Health Center for the construction of that facility. All those who have been involved, the communities and local leaders should all be proud that their efforts have been rewarded.

Members of the Council, in developing a viable economy we must work together in first addressing outdated methods of attracting business and developing our natural resources. My office is undergoing review of the proposed business site leasing regulations, Through the many meetings we have had, it has become obvious that there still must be addressed many obstacles in the proposed regulations, including going back to Congress to seek changes to the United State Code that returns the lease terms back to 99 years. Unfortunately, my office learned that we reduced the lease terms to 75 years, which simply will not work. We need to support meaningful business development. Most often, entrepreneurs are not able to obtain the financial lending to develop businesses on the Navajo Nation when we limit the terms. I will present legislation to you for your support seeking changes to the law from Congress and the Bureau of Indian Affairs. One element under serious consideration is the removal of the Secretary of the Interior from approving business site leases. Anymore, there is not the need for the Secretary's approval of our business site leasing process. It is part of our sovereignty to conduct our own affairs over business site leasing.

Our Administration has also been actively reviewing the development of the Navajo Nation energy policy. Such a policy is long overdue and we must

seriously look at how our Nation can move forward with energy development, which does not infringe upon our sovereignty, such as the proposed Energy Policy Act of 2003 contained in S. 14.

Members of the Council, you have put forth a challenge to me to present my cabinet members. It gives me great pleasure to present to you my appointments of several highly qualified and professional Navajos that will work with you, the Vice President, and I as we lead our great Nation together. Our appointments of the Executive Directors of the Divisions of Health, Social Services, Public Safety, Human Resources, Tax Commission and the Office of the Controller are before you for your confirmation during this session. While the course of the selection process was long, we know these individuals are the right choices. We commend the Government Services Committee, the Health and Social Services Committee, the Human Services Committee and the Budget and Finance committee for their echoes of approval and recommendation for the confirmation of Anslem Roanhorse as Executive Director of the Division of Health, Mark Grant as the Controller, Lawrence Oliver as the Executive Director for Human Services, Mark Graham as the Navajo Tax Commission Director, Samson Cowboy as the Executive Director for Public Safety and Iris Peterson as the Executive Director of the Division of Social Services. We will also be seeking your full support of Mr. Ronnie Ben as the Executive Director of Division of Community Development and Ms. Karen Dixon-Blazer as the Executive Director of Dine' Education as well. We hope to obtain their recommendations during this session for your consideration. The Shirley-Dayish cabinet is near completion and ready to embark upon the Navajo people's platform for progress and accountability.

It has been almost six months that the Acting Division Directors have towed the line and assisted the Administration in ensuring that necessary contracts and grants were processed and ensuring the continued operations of the programs during this time. I want to take this opportunity to applaud their dedication and commitment and thank each one who has made a contribution. We must now move forward with the agenda that the Vice President and I have

pledged to the people: education reform, government reform, economic and community development, enhanced law enforcement, health and social service improvement, establishing a center for Urban Navajos, addressing our veteran and urban Navajo needs, and water rights.

We also need to ensure that our sovereignty is protected, even if it means that we take the fight to the United Nations in the draft declaration of Indigenous rights.

Ladies and gentlemen, we are about to embark upon a unique time and opportunity to bring about meaningful change in our government on a local and global level and I hope you share in our excitement as we move forward together.

The Executive Branch's Third Quarterly Report, compiled by our Divisions, has also been provided to you, which reveal their significant accomplishments. Please share the Executive Branch report with your constituents.

At this point, I want to highlight issues of importance and significant areas of progress from the Executive Branch Third Quarterly Report.

Members of the Council, as expected, all available information suggests that the Navajo Nation is in a severe drought and is rapidly approaching extreme conditions. So far this year we have received 50 to 70 % *less* precipitation than we receive annually. We have not had any substantial rain or snowfall in the past several years, nor do we expect to have any considerable precipitation in the next few months. Our most immediate concern is fire, as it can spread easily and quickly in these extreme conditions. As we all know, it can happen anywhere and at anytime, and be caused by anyone. With this grave concern, on July 11th, I issued an Executive Order for fire restrictions on the Navajo Nation. All fires are not allowed and no BIA burn permits will be issued, until safe.

Drinking water is also of great concern. We are at a very low water level in our wells, and urge everyone to actively conserve water. In fact, the Community of Jeddito is already experiencing the worst effects of the drought. NTUA still continues with its Stage II Drought Restrictions, and has reported a

noticeable decline in volume of water stored. We all must urge everyone, including private businesses and all governmental agencies to use less water.

As many of our springs and bodies of water have dried up, or at very low levels, range vegetation is extremely limited. We must be concerned with death of livestock and loss of crops. Many of our Navajo people engage in dry-land farming and must depend on the spring and summer rains. We face loss of crops, such as corn and alfalfa.

Various Navajo Nation programs are addressing the situation. I have directed through the Division of Natural Resources and the Emergency Management Department to assess the situation and to develop a strategy to address the drought. This effort must include the counties and the States. The Department of Water Resources, through its Annual Drought Contingency Plan, provides an effective and systematic means of assessing the drought conditions and there continues to be a risk that, without funding, our response options to minimize hardships during the drought will not get immediately addressed. Members of the Council, this drought is a part of a long-term condition. Some have said we can expect drought conditions for the next 10 years. The drought will not go away tomorrow, next week or next month. We must be prepared.

In this summer session, I have put before you, a request for an appropriation of \$500,000 dollars to address the drought conditions *immediately*. We must provide additional funds to our programs to address the severe drought conditions on Navajoland. We are coordinating our efforts to ensure that our limited funds and human resources are applied in the most efficient and effective way. While the drought affects many in the United States, we must not let that deter us from addressing other areas of the people's needs.

There are the thousands of dollars, which need to be appropriated for completion of capitol improvement projects throughout our great Nation. Working with 603 proposals submitted to the CIP office in the past ten years, half have been funded and the remainder is under review and will need continued funding. Oftentimes, chapters seek support for their projects from States and return with the lack of land having been withdrawn, environment clearances,

archaeological clearances and all other permit clearances that deter the project from ever being completed. This process must be changed and I intend to ensure that the Capital Improvement Plan is completed this quarter without further delay. We are pleased to report that we are close to finalizing our plan and look forward to meeting with the appropriate oversight committees.

With my selection of the Public Safety Executive Director, I continue to place immediate priority on the Public Safety Program, as it continues to be overwhelmed, thus stressing its resources and funds in delivering public safety services to our Navajo people. Social ills ranging from alcoholism, drug abuse, child abuse, child sexual abuse, elderly abuse & neglect, juvenile delinquency and domestic violence continue to plague our Nation which results in high volumes of calls for police assistance, thus the need for more officers, correctional facilities and operating funds.

We understand and recognize the hardships the Division of Public Safety faces so I have given my unwavering support to the police officers, fire fighters, detention officers, criminal investigators and Emergency Medical Technicians. These are the employees whom are to be commended for protecting and saving lives 24-7.

We recently sat down with the Public Safety Committee where we shared our priorities and vision for enhancement of the Division of Public Safety. We identified the need to increase manpower, the need for new public safety buildings to include police departments and correctional facilities, to have our homeland security issues and needs acted upon at the federal level so that we are prepared to respond and that our first responders are fully and properly equipped.

Progress within the Division of Public Safety includes reaching outwards, taking advantage of almost \$15 million dollars in funding opportunities from 21 grants. Over the past couple of weeks there has been division wide inspections. All police officers, emergency medical technicians, criminal investigators, detention officers, and fire fighters are participating in this inspection. We expect that these inspections will continue to identify the level of uniformity, deficiencies

and helps to assess overall performances. We look forward to reviewing the inspection report and we remain committed to continuing to move forward.

The Navajo Law Enforcement Training Academy graduated one class of cadets this year and will graduate another in August. Fire and Rescue will be starting its first fire academy in August. The four-month training will include 320 hours of curriculum, and ultimately graduate the first class of Navajo Nation Firefighters.

All the foregoing will require funding. This year our revenue is less than before, and I pledge to seek continued funding from Congress. Law enforcement is a trust responsibility that the federal government is obligated, as well as health care and education. However, there are so many funding inequities in the way funding is appropriated by the federal government. For this reason, ladies and gentlemen, my Administration will bring to you a viable bond-financing proposal. These are exciting times, and I am confident that we will develop a bond-financing proposal that will meet with your approval.

My Administration has unveiled our Initiative in Teacher Education Opportunities. This initiative is established to increase the number of Navajo secondary teachers from thirteen percent to thirty-five percent by 2008. Recently interested post secondary institutions gathered in Window Rock to discuss and be a part of this initiative.

You will recall that during the spring session of the Navajo Nation Council, we asked you to support a temporary loan from the Undesignated Reserve Fund to the fund eligible Navajo students for the spring term to offset limited funds due to a continuing federal resolution causing funds to be withheld until the federal budget was approved. Together, we were able to assist the urgent need of seven hundred and fourteen eligible Navajo students. We are proud to announce that the Office of Navajo Nation Scholarship/Financial Assistance has replenished the \$1.6 million dollars.

Also working together, we were successful in developing the NECA trust fund to be used for scholarships and financial assistance. These are only a few

examples of progress. Yet they are all positive signs of educational progress in meeting the needs of our students.

We are also pleased to report that the Three Branch Chiefs have been working to develop the FY 2004 Navajo Nation Budget recommendations, and have gained the support of the Budget and Finance Committee last week. There is still the need to build our reserves back to the \$55 million level. Our undesignated reserve continues to be at an all time low. The need for revenue generation is more important now than ever. As you are aware, there is a real threat that the Mohave Generating Station may close if we do not act fast. The PNM mine is also scheduled to close in 2008. Members of the Council, we do not have the privilege of sitting idly back and doing nothing. These are real challenges we must face together. What this means is that we must look at how we operate our government at all levels. From our tribal enterprises to the local chapters. Yes, these are exciting yet troubling times. Praying and singing our songs given to us by the Holy People together, I am confident that we can overcome all adversities inflicted upon us and move our great Nation forward.

Thank you and May the Holy People be with you.