



## THE NAVAJO NATION

OFFICE OF THE PRESIDENT & VICE PRESIDENT

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CONTACT: GEORGE HARDEEN  
COMMUNICATIONS DIRECTOR  
OFFICE – 928-871-7917  
CELL – 928-309-8532  
pressoffice@opvp.org

# Presidential Task Force on Government Reform clarifies misrepresentation of reforms made by Speaker's office

**WINDOW ROCK, Ariz.** – The Navajo Nation Presidential Task Force on Government Reform would like to correct misrepresentations being distributed by the Navajo Nation Council Speaker's office about two government reform initiatives proposed for the Nov. 4, 2008, Navajo Nation election.

In a May 29 news release, Speaker Lawrence T. Morgan criticized Navajo Nation President Joe Shirley, Jr., about comments reported in a Gallup Independent news story.

In the story, the President is quoted as saying that Navajo Nation Council standing committees “have subcommittees, and those subcommittees have subcommittees.”

Taking the President's intentionally facetious comments literally, Speaker Morgan accused him of not being astute about Navajo governmental operations or the organization of the subcommittees while adding, “Certainly, we do have subcommittees.”

In fact, the Council's 12 standing committees have 29 subcommittees. Only three committees – Economic Development, Public Safety and Resources – do not have subcommittees.

Council delegates also sit on 14 of 24 Navajo Nation boards and commissions whose plans of operation do not specifically prohibit their membership, but on none that do not pay.

Research published by the Government Development Office has found that Council committees micro-manage Executive Branch functions, and that numerous

subcommittees add to the growing expense of the Legislative Branch because delegates are paid to attend.

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In addition, delegates are now paid \$300 to attend chapter, agency council, district council, planning and other meetings, and to sponsor legislation.

Speaker Morgan approves all delegates' meeting claims and requests for special meetings, stipends, travel, and expenditures. So long as a delegate signs in to a meeting, he or she is paid regardless how long they stay. There are no participation or time requirements.

In the news story, President Shirley was paraphrased as saying tribal department heads and division directors are required to use valuable work hours to attend subcommittees meetings, often waiting for a subcommittee quorum to assemble.

Speaker Morgan's news release said President Shirley issued an executive order to discourage division directors and executive branch staff from lobbying the Council for program funding, saying that the President “is not willing to work with his own divisions in advocating for much-needed funds for their programs.”

In fact, no executive order to that effect exists.

The President has said that when divisions seek supplemental appropriations, Council delegates use the opportunity to add millions of dollars of unrelated funding to the appropriation requests as “riders.”

In his news release, the Speaker said “the Council has been doing the President's job by appropriating funds” and that the Legislative Branch “continues to provide needed government services to the Navajo Nation.”

In fact, only the Council, rather than the President, is authorized to appropriate funding although it is not authorized to administer Executive Branch programs.

A 2005 study commissioned by the Legislative Branch Effectiveness Subcommittee titled, *Final Report to the Navajo Nation Council Subcommittee on Legislative Branch Effectiveness*, found that over the six-year period studied the Legislative Branch intruded into Executive Branch functions.

“Many of the administrative actions considered by the Navajo Nation Council are functions more appropriately handled by the administrative agencies within the executive branch and should be delegated accordingly,” the study states.

The report is available online from the Navajo Government Development Office website at [www.ongd.navajo.org/files/frnnc.pdf](http://www.ongd.navajo.org/files/frnnc.pdf).

The Council's practice of appropriating money to chapters without plans for its use or accountability requirements occurs at the expense of tribal programs that are historically under-funded, such as the Navajo Nation Scholarship Office and the Veterans Affairs Department, the President has said.

Line item veto authority would allow the President to selectively delete Council spending items determined to be ill-advised, frivolous, exorbitant or counter to Navajo law.

Despite the Speaker's most recent protestations that he wants to work with the President, last July the Council defeated line item veto legislation by a vote of 41 to 25, with 22 not voting, that would have given the President that authority.

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Should Navajo voters approve granting the President line item veto authority, it is expected to help curb the Council's practice of amending legislation which often add millions of dollars of unrelated and non-emergency appropriations, and to stop the Council's practice of repeatedly waiving the Navajo Nation Appropriations Act and other laws.

In February, the President vetoed the Permanent Trust Fund Percentage Increase Act of 2007. The legislation would have increased the amount of money placed into the fund from Navajo Nation earnings but would have cost the Executive Branch the most funding and cut into the delivery of services to the people.

In his news release, the Speaker also said President Shirley's criticism of the Council is dividing the Navajo Nation.

However, a local newspaper online poll, letters to the editor, online comments to news stories, and the quickly increasing numbers of petition signatures show widespread support for both initiatives rather than opposition to them.

In the first of several agency-wide public meetings about the initiatives held at the Shiprock Chapter House on June 6, not a single person spoke in opposition to the initiatives over a five-hour period.

Further, the President's comments about the Council are fully substantiated in comprehensive findings commissioned by the Navajo Government Development Office, the Legislative Branch Effectiveness Subcommittee, financial data compiled by the Navajo Nation Office of Management and Budget, and his own veto messages which are based on analyses and recommendations by the OMB.

Citing no data, the Speaker surmises that a Council reduction would somehow harm the representation of chapters.

However, findings of the November 2001 report by the Navajo Government Development Office, titled *Lawmaking and Oversight Efficiency Study; Increasing the Efficiency of the Navajo Nation Council and Standing Committees*, verifies that the Council is significantly more expensive than other legislatures, is much better paid, has attendance problems, and, most significantly, has the highest percentage of representation per constituent in the country.

Even with a reduction of the Council to 24 delegates, the Navajo people would continue to have one of the highest levels of representation, according to the report's findings.

In his news release, the Speaker also said the President was mistaken to report that \$300,000 was spent for Council delegates to make their annual motorcycle ride to Washington, D.C., while acknowledging that \$300,000 was appropriated.

According to the 2008 line item budget and justification, \$300,000 "will be utilized by the Office of the Speaker for any activities related to Navajo veterans."

That amount was budgeted because it is the amount spent for the Washington event in 2007.

The Speaker's office reported that \$20,000 was paid to the Black Creek Gourd Society, \$17,000 was used by four delegates for the Washington motorcycle ride, \$60,000 was given to the Department of Veterans Affairs, and the Speaker approved several travel requests from Navajo veterans who wanted to travel to Washington.

No accounting was made for the remaining \$203,000.

Further, the Speaker's office has not said who the Navajo veterans were who traveled to Washington, how many went, who they met with to advocate on behalf of veterans issues, what the advocacy consisted of, what the trip meant to the Navajo Nation, nor why \$300,000 was not originally appropriated to the Veterans Department to administer these activities, or how the balance of the appropriation will be used.

*The President's comments are fully substantiated in comprehensive findings commissioned by the Navajo Government Development Office, the Legislative Branch Effectiveness Subcommittee, and financial data compiled by the Navajo Nation Office of Management and Budget.*

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## **Navajo Nation Committees and Subcommittees**

The Council's Intergovernmental Relations Committee has the most subcommittees, with eight.

- Gaming Compact Subcommittee
- State & Congressional Redistricting Subcommittee
- Trust Asset Management Reform Subcommittee
- Large Land-based Tribes Subcommittee
- Legislative Branch Effectiveness Subcommittee
- Glen Canyon Negotiating Team
- Navajo Indian Irrigation Project Subcommittee
- C-Aquifer Subcommittee.

The Budget & Finance Committee has seven subcommittees.

- Appropriations Act Subcommittee
- Contract Compliance Subcommittee
- Loan Programs Subcommittee
- Permanent Trust Fund Subcommittee

- Strategic Financial Plan Subcommittee
- Investment Committee
- Retirement Program Advisory Committee.

The Transportation & Community Development Committee has three subcommittees.

- Housing Subcommittee
- LGA Subcommittee
- Capital Improvement Project Subcommittee.

The Navajo-Hopi Land Commission has three subcommittees.

- Land Selection Subcommittee
- 1934 Subcommittee
- FJUA Subcommittee.

The Ethics and Rules Committee has 2 subcommittees.

- New Mexico Ethics & Rules Subcommittee and the
- Arizona Ethics & Rules Subcommittee.

The Health & Social Services Committee has two subcommittees.

- Health Delivery Subcommittee
- Social Services Subcommittee.

The Judiciary Committee has the Judiciary Policy Subcommittee, the Human Services Committee has the Veterans Subcommittee, the Education Committee has the Annual Yearly Progress Subcommittee, and the Government Service Committee has the E-911 Subcommittee.

Council delegates sit on 14 of 24 Navajo Nation boards and commissions, and on none that do not pay or whose plan of operation prohibits their membership.

Among the boards and commissions with Navajo Nation Council delegates are:

- Navajo Engineering Construction Authority
- Navajo Tribal Utility Authority
- Navajo Arts & Crafts Enterprises
- Navajo Nation Hospitality Enterprises
- Native Broadcast Enterprises
- Utah Navajo Commission
- Navajo Hopi Land Commission
- Eastern Navajo Land Board
- Navajo Housing Authority
- Diné College
- Navajo Technical College
- Investment Committee
- Diné Power Authority
- Navajo Nation Labor Commission.

The boards that have no delegates are the:

- Navajo Nation Commission on Navajo Women & Families
- Navajo Nation Water Rights Commission
- Navajo Agricultural Products Industry
- Navajo Nation Insurance Commission
- Navajo Board of Election Supervisors
- Navajo Nation Shopping Centers
- Black Mesa Review Board
- Navajo Nation Telecommunications Regulatory Commission
- Navajo Nation Oil & Gas
- Navajo Nation Motor Vehicle Authority Board.

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