



## THE NAVAJO NATION

OFFICE OF THE PRESIDENT & VICE PRESIDENT

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# Presidential Task Force on Government Reform corrects misrepresentation of initiatives' benefits to Navajo Nation

**WINDOW ROCK, Ariz.** – The Navajo Nation Presidential Task Force wishes to correct misinformation being disseminated about the two initiative ballot measures proposed for the Nov. 4, 2008, Navajo Nation election.

For instance, it was erroneously reported that the initiatives will change the entire organization of the Navajo Nation government, and give a substantial amount of political power to the President alone.

This is incorrect.

Only the number of Navajo Nation Council delegates will change. How the legislative branch chooses to reorganize is its decision, according to the language of the initiative to reduce the council.

President Shirley will not – and could not – benefit politically from a reduction in the Navajo Nation Council.

The President's second term will be complete and he will leave office on the same day a new council of 24 delegates is inaugurated – January 11, 2011.

Should the line item veto initiative be approved by voters, the only increase in Presidential power will be authority to veto budgetary line items rather than the entire resolution. This authority fine-tunes the Presidential power that already exists.

Rather than harm the Navajo Nation, line item veto authority will be the best incentive ever enacted to encourage the legislative and executive branches to work in true cooperation on money issues, and end the tendency of the Navajo Nation Council to waive the Navajo Nation Appropriations Act and other laws.

The effect of the line item veto initiative will be immediate. That means President Shirley would be able to exercise line

item veto authority immediately, but he will benefit from that authority for less than the remaining two years of his second term.

*President Shirley will not benefit politically from a reduction of the Navajo Nation Council. He leaves office on the same day a new council of 24 delegates is inaugurated – January 11, 2011.*

The most significant addition to Presidential authority would actually accrue to his successors.

Other misrepresentations about the initiatives are:

► *The President's Task Force is duplicating services of the Navajo Government Development Office.*

Incorrect. The Navajo Government Development Office is not currently working on any project that seeks a reduction of the Navajo Nation Council nor one that seeks line item veto authority for the Navajo Nation President.

In December 2007, the Navajo Nation Council eliminated citizen participation in government reform that could occur through the Navajo Government Development Office and its projects.

After overriding President Shirley's Oct. 29, 2007, veto that sought to preserve the Navajo Government Development Commission, the council abolished the Commission and moved the office under the authority of the Speaker, effectively ensuring it would pursue projects only he or the council agreed to. Its director resigned, a new one was appointed by the Speaker, and its attorney was involuntarily transferred to the legislative counsel's office.

By definition, rather than being a government-sponsored project, the President's initiative is the people's initiative by which Navajo voters themselves place an initiative question on the election ballot rather than having the government do it for them.

This ensures that the Navajo people have a voice in the composition of their government.

► *The reduction in the council's size will not improve government efficiency and effectiveness but increase tribal government bureaucracy.*

That is unlikely, but whether it occurs or not is up to the Navajo Nation Council, and not the President, divisions or voters.

According to the council reduction initiative language, "*Upon approval of this initiative to reduce the number of Council delegates, the current 21<sup>st</sup> Navajo Nation Council will immediately begin standing committee and Legislative Branch reorganization consistent with the Council reduction.*"

Currently, Navajo Nation Council delegates sit on 80 committees, subcommittees and commissions. One of the principle purposes of reducing the size of the council is to reduce its costs to the Navajo Nation. A significant – but hidden – amount of those costs come from council delegate participation at meetings that compensate them to attend.

It is hoped that that 21<sup>st</sup> Navajo Nation Council diligently reorganizes for their successors in a way that reflects the wishes of the Navajo people to reduce a great deal of unnecessary spending and decrease tribal bureaucracy.

► *President Shirley criticizes the council for micro-managing the tribal divisions and departments without regard to its oversight responsibility.*

Incorrect. President Shirley's recent observation of the council's inefficiency and micro-managing is based on the council's own 2005 study, "Final Report to the Navajo Nation Council Subcommittee on Legislative Branch Effectiveness."

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The 82-page report documents that over a six-year period council oversight committees spent more than half their time micro-managing executive branch functions. This information was provided to the researchers by the legislative branch.

"Delegation of decision-making authority to the executive branch and its respective agencies would allow the Council and its legislative committees to focus more exclusively on policy development and would preserve the balance of power that a three-branch government provides," the report states.

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

► *The initiative process is not a democratic form of government.*

Incorrect. The initiative process is both democratic and established in Navajo law as a process available to the Navajo people.

The Navajo people have long embraced voting to elect leaders and to decide issues of national concern.

The initiative procedures developed from the historic participatory democracy of the Navajo people. The Navajo Nation Supreme Court has ruled that Navajo courts are compelled to interpret Diné fundamental rights in light of the Navajo Bill of Rights, as informed by *Diyin Nohookáá Diné Bi Beehaz'áanii*, or Diné common law.

The Fundamental laws of the Diné provides guidance on Navajo leadership and how traditional law has established the people's right and freedom to choose their leaders.

► *President Shirley wants to establish a government that works in his favor.*

Incorrect. The President's term in office will end by the time a Navajo Nation Council of 24 delegates is seated.

► *The Navajo people will lose their voice in their government.*

Incorrect. The Navajo Nation Bill of Rights will remain intact and untouched, and nothing affecting the people's right to vote or express themselves will change through these initiatives.

► *The Navajo people will be limited to who they choose to send to the Council.*

Incorrect. While the number of council delegates seats would be reduced to 24 through one initiative, the Navajo people's ability to select who they want to represent them remain entirely guided by the qualification requirements of the Navajo Nation Board of Election Supervisors. Voters would be no more limited to who they send to a council of 24 than they are today.

► *Navajos will lose representation relative to their chapters.*

Incorrect. Representation is not a matter of quantity but quality. Even in a council of 88 delegates, some delegates are more effective, knowledgeable, persuasive and influential than others, and consequently get more done for their constituents and the chapters they represent.

Reducing the Navajo Nation Council to 24 delegates will only increase competition among better-qualified candidates. All candidates will be expected to bring the level

of experience, education, character and quality voters demand in an increasingly-complicated world.

*These initiatives, and interest in the next two Navajo elections, will encourage record levels of Navajo political participation and involvement rather than discourage and hinder it.*

The 110 chapters, all of which have their own elected chapter officials, should expect to see a corresponding increase in their influence at the centralized government as they work with the council delegate who represents them.

Reducing the Navajo Nation Council to 24 delegates will allow it to return to its policy- and law-making function for which it was established.

► *The Navajo Nation is applying a federal model to its government through the initiative to reduce the Navajo Nation Council to 24 delegates.*

Incorrect. The council long ago embraced a federal model, and reducing its size to 24 delegates will improve its operation and effectiveness.

According to the Diné Policy Institute and other sources, the Navajo Nation embraced a western, or federal, model when it accepted a council style of government in 1923. Today's council operates under a system of western rules based on the federal model.

The representative model of Navajo government existed at the signing of the Navajo Treaty of 1868, continued with the establishment of the Navajo Business Council in 1923, was unaffected by attempts at tribal reorganization in 1934 or by the political turmoil of 1989, and will be unchanged by a reduction of the Navajo Nation Council to 24 delegates in 2008.

► *Reducing the Navajo Nation Council from 88 to 24 delegates will hinder and discourage the involvement of the Navajo people in their government.*

Incorrect. With the success of the current petition drive, Navajo voters will decide the ballot initiatives on Nov. 4, 2008. On that date, they will also elect new Navajo chapter officials.

The election coincides with the U.S. presidential election which, according to the Center for the Study of the American Electorate, is expected to produce the highest voter turnout since the national record was established in 1968.

“November could see the highest turnout of my lifetime,” Arizona Secretary of State Jan Brewer told Politico.com in March. “Turnout could be up to as much as 80 percent.”

Political observers say they expect a “tsunami” of voter turnout across the country in November.

There is no reason to expect Navajos will not also turn out to vote in record numbers for this election and again in 2010 when they elect a new Navajo Nation President and a new Navajo Nation Council of 24 delegates.

There is every reason to believe that interest in these initiatives, and interest in the next two Navajo elections, will encourage record levels of Navajo political participation and involvement rather than discourage and hinder it.

► *A reduction to 24 council delegates will result in less contact with constituents.*

Incorrect. A council of fewer delegates will serve to increase the responsibility and accountability of each delegate from what we have today.

Rather than devoting more time to constituent contact now

as is implied, the majority of the 88 delegates attend meetings of some 80 committees, subcommittees, commissions, school boards, national committees and commissions, to say nothing of chapter, agency council and caucus meetings for which they are paid beyond their annual salaries.

*The level of constituent service and contact will be as dependent on a delegate's time management, work habits and work ethic in 2011 as it is today, rather than being a function of how many delegates are on the Navajo Nation Council.*

Today's delegates' schedules are filled with meetings because they are compensated to attend them. With a council of 24 delegates, their membership on many of these bodies could be replaced by local representatives, as it should be.

The level of constituent service and contact will be as dependent on a delegate's time management, work habits and work ethic in 2011 as it is today, rather than being a function of how many delegates are on the Navajo Nation Council.

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