



# THE NAVAJO NATION

OFFICE OF THE PRESIDENT & VICE PRESIDENT

FOR IMMEDIATE RELEASE

MAY 7, 2008

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*'This is the People's initiative.  
Before Joe Shirley's time, the people already decided'*

## Navajo President Joe Shirley, Jr., says 2008 reform initiatives belong to the People, sought reduction in 2000 but were denied

WINDOW ROCK, Ariz. – Navajo Nation President Joe Shirley, Jr., says the reasons for the Presidential Initiative on Government Reform are to bring needed accountability to the Navajo government, to protect tribal money from wasteful spending, and to allow Navajo citizens greater participation in their government.

"The people have been asking for this all along," President Shirley said Tuesday. "In 2000, the people voted 24. The people say, 'We do want 24,' and I don't think we're going to be hurting anybody. I think it's going to be a big help to the people."

The President announced the formation of a Presidential Task Force on Government Reform during his State of the Navajo Nation address on April 21. One week ago, his office submitted ballot language to the Navajo Nation Election Administration on the two initiative questions.

Both were certified, and the circulation of petitions to gather Navajo voters' signatures began last week.

The first initiative question seeks to reduce the Navajo Nation Council from 88 to 24 members. The second seeks presidential line item veto authority.

Almost immediately, however, the initiative was criticized in the media by Navajo Nation Council delegates led by Speaker Lawrence T. Morgan. On Tuesday, Speaker Morgan again found fault with the initiative, saying it does not represent reform.

President Shirley responded by saying that if the initiative changes the makeup of the council, he would be hard-pressed to define it as anything but reform.

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He said a reduction in the council's current size would greatly improve government efficiency and effectiveness, balance power between the legislative and executive branches of Navajo government, significantly reduce micro-management by Council oversight committees, return the legislative branch to its intended policy-making function, and slash the costs associated with the council's operations and expenses.

The Speaker alleged that the reform effort "is not a democratic form of government," and that the Navajo people would lose representation by supporting it.

President Shirley noted that eight million Arizonans are represented in the U.S. Senate by two U.S. senators – one of whom is seeking the Presidency of the United States – and in the Congress by eight U.S. congressmen.

"And that's not democracy?" he asked. "That's what the war in Iraq is about, to try to create a democracy over there. That's what the war in Afghanistan is about, to try to create a democracy over there. And you're telling me reducing the council from 88 to 24 by the people signing petitions to get this on an election ballot is not a democracy? If this is not democracy, I don't know what is."

In September 2000, 22,081 Navajo voters – more than 70 percent of those who voted – supported reducing the Navajo Nation Council from 88 to 24 members. However, because that election was a referendum brought by the council, the law governing its outcome required a majority vote in each of the 110 chapter precincts.

The measure failed to achieve the required super majority and the effort to reduce the council was abandoned until now.

“Using the Navajo Nation Council’s law that borders on near impossibility, the majority of every precinct had to vote yes before it can become a law,” the President said. “But this is coming from the people. This is the people’s initiative. A simple majority will work.”

Both current initiative measures contain approved language that states, “If approved, this initiative may be repealed or amended by the initiative process only.”

The President disputed as disingenuous the Speaker’s assertion that a reduction of council delegates would “hinder and discourage the involvement of the Navajo people.” Rather than encourage representation in government, he cited recent examples where the council sought to disenfranchise voters and limit citizen participation.

For instance, he said legislation introduced during the council’s spring session would have stripped the Navajo Nation Board of Education of its members who were elected barely a year-and-a-half ago. In addition, the legislation called for slashing the authority of the board and giving it to the council’s education committee.

The action would have been so egregious and marginalizing, the President took the unusual step of raising the issue in his April 21 State of the Navajo Nation address to urge delegates to disapprove the legislation.

In another example, he said he vetoed legislation on Monday that would have reformed the Eastern Navajo Land Commission’s plan of operation because its revision called for the Speaker to appoint six council delegates as members, leaving no local officials or citizens a place on the commission.

“The commissioners, all of them except one, are council delegates,” he said. “And in that same plan of operation it calls for local governance. They need to be deciding affairs for the people in the Eastern Navajo Agency. But with six council delegates, is that using local governance? I don’t think so. Why aren’t there any chapter officials? What aren’t there any citizens on the commission?”

The President said the truth of the balance of power cited by the Speaker does not exist in reality because the three-branch government was never ratified and made permanent.

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– President Joe Shirley, Jr.,

“The Government Reform Commission was given 36 months to ratify that. What happened?” the President said. “Where’s the ratification? *Atin*. Our current government is still temporary. That has not been ratified by the people. That’s subject to challenge.”

The President agreed that the government should promote accountability but noted that the council tries to thwart accountability, particularly when it comes to delegate compensation.

He said the legislative branch hopes to conceal the amount of payments to delegates behind the Navajo Privacy Act while his salary and that of his staff is widely known.

“Now what kind of accountability is that?” he said. “If you’re talking about the people’s money and how that’s being used, why shouldn’t that be attached to what you’re getting by way of salary, by way of stipend, how many meetings you’ve attended?”

“The people need to know how much money the council delegates are getting,” he said. “They know how much I’m getting. Every day they’re making per diem. And they need to be accountable and share that with the people. These are public monies we’re talking about. If that’s not accountability, I don’t know what is.”

The President disputed the Speaker's statements that "costs associated with the council's operation are needed to run an efficient form of government" and that "appropriations are given to the Navajo people for direct services."

"The legislative complex? I don't think so," President Shirley said. "Motorcycle rides? Horse rides? Rings? Council delegates are getting paid to ride motorcycles to Washington, D.C., and then back? What kind of services is that? Does our elderly benefit from that? Do our little children that are orphaned benefit from that? I don't think so. A \$50 million legislative complex, what kind of a direct service is that? I hear some horror stories about what's going on with discretionary funding. It's not direct services."

The President said the waste of tribal funds that benefit council delegates and are dispersed as discretionary funds without budgeting for actual projects could be used to give Navajo Nation employees raises. He said that this fiscal year the Navajo Police Department alone lost numerous officers who joined other police departments that pay more.

Navajo Division of Public Safety Director Samson Cowboy said it costs an average of \$5,000 to train an officer. The Navajo Nation loses the training cost, the officer, and is left with less public safety in the communities when officers leave over the paycheck issue, he said.

"Wasting money has got to stop," President Shirley said. "That's why we have these initiatives, to save money to put into direct services. Rather than motorcycle rides or horse rides or a legislative complex or 'in case something comes up' line items, and gold rings. It's as simple as that. The people know what's going on."

If the council was funding in a way that benefits the people, he asked, where are the power and water line extensions, the wastewater treatment facilities, jail and court facilities, new Head Start and Senior Citizens centers? Money saved from a smaller council would be an excellent start to fund these unmet needs, he said.

The President said the 1990 government reforms that resulted in Title 2 of the Navajo Nation Code was specifically intended to prevent the concentration of power in the hands of one individual or one branch of government. Since that time, however, it is apparent to all that the spirit and intent of the law has been overwhelmed as the power and willfulness of the legislative branch has passed the turn-back point, he said.

Having the Speaker compare him to an autocrat threatening to topple a balanced, smooth-running system of government is like a captain rearranging the deck chairs on a sinking ship, he said. It's a futile attempt to redefine a hopeless situation in desperate need of rescue, he said.

"A dictatorship? I don't know," President Shirley said. "I try to make some decisions but every time it gets overridden. You call that a dictatorship?"

Finally, the President refuted the Speaker's claim that the legislative and judicial branches are running smoothly, and that his call to action through the initiative process is either incapable of producing results or unneeded.

"Man's alive, you're got to be kidding," he said. "The court system is deplorable, and the Speaker knows that. We met several times on it. Look at the Supreme Court. It's operating out of modular buildings bought 20 years ago, and you're telling me they're operating efficiently? (Navajo Nation Supreme Court Chief Justice) Herb Yazzie would disagree with you. Our judicial system is hurting and so are our jails and detention facilities."

"The people have been asking for this all along," the President said. "We're trying to make a difference. We're trying to go where we're not just a government but a caring government. It's not Joe Shirley, Jr.'s initiative, it's the people's initiative. Before Joe Shirley, Jr., was President, the people were talking about it. Before Joe Shirley, Jr.'s time, the people already decided. I hope we do it right this time and we make it stick."

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