



THE NEED FOR MEANINGFUL CONSULTATION, THE LACK OF MEANINGFUL CONSULTATION

NAVAJO NATION PRESIDENT JOE SHIRLEY, JR. 'S ORAL STATEMENT
BEFORE THE TRIBAL BUDGET ADVISORY COUNCIL &
BUREAU OF INDIAN AFFAIRS NATIONAL BUDGET MEETING

*WASHINGTON, D.C.,
FEBRUARY 22, 2006*

We, as tribal leaders, continue to address the need for meaningful tribal consultation. It seems we don't have that. I've been going to Budget Advisory Council meetings for four years and feel that we haven't really accomplished anything.

We keep getting cuts. Tribal leaders come to Washington to put forth recommendations that we need money for programs to do an adequate job out there in Indian Country. But it seems like every time we're getting cut. So where is this meaningful consultation? I really don't see that, and I'd really like to see it addressed.

Heaven knows, tribes need to be consulted. We need input as to what the U.S. government is doing out there in Indian country. I'm really trying to understand as President of one of the biggest tribes in North America. I'm really trying very hard to understand what we mean by trust responsibility, what we mean by treaty rights, what we mean by entitlements. It seems like these words are just ringing hollow at this juncture. It's just not good.

The Navajo Nation has soldiers serving in the countries of Iraq and Afghanistan defending the United States of America as well as Native America. The Navajo Nation has lost seven soldiers so far and some of these soldiers had families, spouses and little children. Now these little children don't have dads and spouses don't have husbands anymore. That's our contribution as Navajo people. We've paid a lot. We've given a lot. But where is the appreciation? It seems like the appreciation is not there.

The least that the government can do is adequately fund these programs that serve Indian Country. But we don't see that, and I think that's what tribal leaders are talking about here, this lack of meaningful consultation, albeit tribes are serving this country at a sacrifice, just like Navajo.

CONTRACTING TERMINATION

It seems like the contracting of federal programs is not working anymore. The Navajo Nation has contracted several programs; social services, law enforcement, vital statistics, forestry. But every one of those programs is hurting. Contracting is supposed to be of the utmost importance. But it seems like when a tribe contracts a federal program, it's not contracting self-determination, it's contracting termination. That's what I'm reading into what's going on. If we're going to be self-determining, we need help. We need financial help in order to really go back to our independence and to standing on our own two feet.

"It seems like the contracting of federal programs is not working anymore. We need financial help in order to really go back to our independence and to standing on our own two feet."

- Navajo President Joe Shirley, Jr.

Regarding GPRA and PART, those things ring hollow, too. We harp on it. We need to do it. But then I hear Oglala Sioux Chairwoman Cecelia Fire Thunder mention yesterday, what about Katrina? What about Iraq? There are all kinds of monies being misspent, being misappropriated, but they still continue to get increases. When tribes don't go with GPRA or don't go in accordance with PART, programs get cut. It doesn't sound very fair.

I want to touch on only four priorities we have put forward in our written testimony. Of course, we have other priorities. It seems like every issue that is out there in Indian Country is a priority because of lack of adequate funding. It doesn't matter what issue, whether it's related to the land or a federal program that has been contracted. Each is a priority, and I just wish there was enough money to address all of these issues.

Regarding economic development, we really need help to streamline the bureaucracy and red tape surrounding leases for commercial activity on tribal land. Navajo is trying to do its best to get input but we're not receiving corroboration to do a streamlined approach. As President of one of the biggest tribes, I'd like to see the U.S. government look at a loan program. The Navajo Nation can borrow money into the millions of dollars, and I feel that we're good for it. Maybe that's the way to do it.

Right now all that is happening is the U.S. government is putting forth some funds to try to help tribes. The Navajo Nation needs upwards of half a billion dollars to adequately address our needs.

But we're not getting that. The Navajo Nation could borrow a billion dollar. We can cover that. I think we could really start meeting our needs with one billion dollars that we borrow from the federal government, interest-free. That's what I'd like to see. That's going in a totally new direction as far as having a relationship to help a nation. I know that the U.S. government does it all the time, lends money to other countries. Why can't it lend to Indian Country, to tribes? That's what I'd like to see.

“Without a bold approach, I continue to see us quagmired in impoverishment. And we're just not getting anywhere.”

The U.S. government should also look at allowing tribes to work with other countries. Let's say the Navajo Nation wants to do business with another country, maybe borrow money from China, from Mexico or from Japan, Canada. That should be allowed. That way, I think we can really begin to start talking about tribes doing for themselves, getting back to their independence and going toward standing on their feet as a nation. That's the way it was once upon a time. Without a bold approach, I continue to see us quagmired in impoverishment. And we're just not getting anywhere.

SUBSIDIZING THE FEDERAL GOVERNMENT

The Navajo Nation, at this point in time, is subsidizing federal programs that it has contracted. We had contracted these federal programs with it in mind that these programs would have adequate funding to deliver the services, but that's not happening.

In December '05, the Navajo Nation used its own funds to cover federal government assistance for welfare recipients. Just a little while ago, we talked about a reimbursement of \$2.9 million to social services for its welfare recipients. Because of the federal spending cap, there's a possibility that we might not get reimbursed. But that should not be the case.

The same is true with our law enforcement. We're doing everything we can to increase our law enforcement police officers out there in the communities and on the roads. But there are no adequate jail facilities to address the crime rate. We catch these people who are running afoul of the law, but there's no place to put them, so what's the point?

We catch somebody with DWI, put them in this little jail that we have, but a couple days later we have to release them because the facilities are inadequate. So what's the point in catching these culprits if there's nowhere to put them? The crime rate continues to climb. And this is supposed to be a federal responsibility, albeit we contracted it. But we need adequate funds to work these contracts.

The Navajo Nation has put into its law enforcement upwards of \$3 million per year for police vehicles. And we have six 50-year-old jails which are very inadequate. To do an adequate job we need about \$200 million to build new jail facilities.

We need help big time. We have drug addicts. We have bootleggers. We have drunken drivers. We have perpetrators of domestic violence we can't do anything about. And yet the crime rate continues to climb, to climb. We're trying to cut into it.

“If the federal government could listen to us, work with us and advocate for us, we’d go a long ways toward working together.”

If the federal government could listen to us, work with us and advocate for us for adequate funding for some of these programs, we'd go a long ways toward working together and trying to get tribes back on their own feet and be self-sufficient. I think that's all we're asking for.

Our courts are one of the primary functions of Native American governments. In order for tribal governments to stand on their own feet, to be independent, we need a judicial system within these

tribal governments. We need to have courts that are functioning adequately. As it is on Navajoland, we don't have our courts functioning adequately. We have the Indian Tribal Justice Act which was legislated 10 years ago but it is yet to be funded. It has been an unfunded mandate for 10 years. Why is that?

Another legislation, the Indian Tribal Justice Legal and Technical Assistant Act, has had no monies for 10 years. This is what we're talking about. In the meantime, the caseload of our tribal courts on Navajoland is up to 20,000 cases, which is a quarter of the entire federal system. But tribal courts don't get the funds they need to address the caseload.

And then we need facilities. If this Indian Tribal Justice Act could be funded at \$16 million a year, I think Native American governments out there could be viable as far as operating their judicial systems. On Navajoland by itself, it's going to cost about \$13 million per year to run our judicial system.

UNFUNDED NAVAJO SCHOLARSHIPS

At this point, we have about 23,000 Navajo students who apply for scholarships every year. Using federal bucks, we're able to fund only about 6,000. We have 17,000 Navajo students out there with no funds for school. They're just out there thumbing along the highways, in town, with nothing to do. Sometimes there's no wonder why they become members of gangs. We need an infusion of money for the education of our students big time.

Some of our school facilities are dilapidated and dangerous to our students that go to school in these buildings. We need an upgrade. We need replacements, and we need new school facilities. We need funding for administrative costs for our grant and contract schools. It seems like we're not interested there because these monies continue to decline. That should not be the case.

We need money for our dirt roads. Over 80 percent of our school bus routes are dirt roads on Navajoland. During inclement weather our schools close. Schools shut down when buses can't run because of the snow and mud. Schools need to be open 171 days out of the year.

And then there is no money for technical assistance for the No Child Left Behind law. I can't overemphasize the need to be heard here. When we come up here to Washington, when we put forward a plea, when we ask for help, we need listening ears, we need action. Period. I don't know what else we can say to drive home what we want to get at.

If the U.S. government and tribes can work together, I know we can go a long ways toward helping tribes to get back at their independence, get back to standing on their own two feet. That's all we're asking. We were once that, it was taken away, now we want to get it back.

The Navajo Nation has a good chance of doing it. It's doing it in spite of the funding shortage, but we need help. People are getting hurt out there. Students are getting hurt, elderly are getting hurt, veterans are getting hurt. Our land is eroding. We need help.

So if there is anything more that I can do to help you help us, let me know. With that, ladies and gentlemen, thanks for hearing me out.

DR. JOE SHIRLEY, JR., PRESIDENT
THE NAVAJO NATION