



STATE OF THE NAVAJO NATION ADDRESS

PRESIDENT JOE SHIRLEY, JR.

PRESENTED TO THE

20TH NAVAJO NATION COUNCIL

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Speaker Morgan, Navajo Nation Council Delegates, staff, guests and relatives, greetings. It saddens my heart to once more report that we lost another Navajo soldier on Friday, January 20, 2006. Twenty-three-year-old Sgt. Clifton Yazzie from Fruitland, New Mexico, lost his life fighting in the war in Iraq. Clifton was with the Army's 101st Airborne Division, and on his second tour of duty. He was married and was the father of a three-year-old daughter and 18-month-old son. Before military service he was a basketball champion and 2001 graduate of Kirtland Central High School. I ask that you pray for his family, and all of our soldiers fighting in this war.

Also, I'd like to wish each and every one of you a happy, healthy and prosperous new year. I'd also like to thank and recognize the charitable works of the Diné Power Authority, the Navajo Tribal Utility Authority, the Women's Commission, the Fort Defiance Chapter, and the Office of the First Lady during this past holiday season. Through their volunteer efforts, many Navajo children experienced the joy of receiving a gift at Christmastime, many elders and children received coats to endure the cold winter weather and many families received



donations for a holiday meal. It is selfless efforts like these that demonstrate the true meaning of giving and of the holiday season.

Ladies and gentlemen, it is an honor to present the State of the Navajo Nation address and to share with you our accomplishments, challenges and vision for the future.

Our administration and the negotiation team continues to work to develop an agreement to address several issues to reopen the Black Mesa Mine. We remain cautiously optimistic that an agreement is possible among all the stakeholders.

Until such time that happens, our administration has been working to assist the dislocated miners and pipeline workers impacted by the closure. I've contacted the U.S. Department of Labor to inform the Secretary that the Navajo Nation is working on a National Emergency Grant to provide transition training and other assistance during this difficult time. We are also seeking Rapid Response Funds from the State of Arizona to develop a comprehensive service program for the impacted workers. The comprehensive program, consistent with the Workforce Investment Act, will offer job interest inventory assessments, basic refresher skills, remedial work, and computer workshops. The program will also include a job database to locate and make job postings available to participants. My Office is working closely with the Division of Human Resources and the Navajo Department of Workforce Development to ensure effective service delivery to these individuals.

I am pleased to report that our administration, through the Department of Justice, negotiated an interim right-of-way agreement with the El Paso Natural Gas Company. The Resources Committee of the Navajo Nation Council approved the agreement on January 4, 2006. El Paso has made a significant payment for the period from October 17, 2005, through April 17, 2006. If no final agreement is reached sooner, the company will make other substantial payments on or before July 17, 2006,



and October 17, 2006. I commend the Resources Committee and the negotiation team for securing this agreement. This deal provides revenues for continued operations of our government and critical services to the Navajo people and will replace some of the revenues lost from the closure of the Black Mesa Mine. Outstanding issues do exist and must be resolved prior to the issuance of a final right-of-way. I've authorized the negotiation team, headed by the Navajo Nation Attorney General, to do what's necessary to resolve those issues in the best interest of the Navajo Nation.

The Executive Branch continues to advance the interests of the Navajo Nation at the National level. In the area of environmental protection, I am pleased to report that the Navajo Nation Environmental Protection Agency's Water Quality Program recently received primary enforcement authority from the United States Environmental Protection Agency. This authorization allows the Navajo EPA to administer the Navajo Nation Water Quality Standards and Certification Programs under the Clean Water Act. This is a significant achievement towards Navajo Nation self-determination. It will enable the Navajo EPA to further protect designated uses of surface waters through water quality certification, permitting, and enforcement of water quality standards. I commend the hard work of Mr. Stephen Etsitty and the Navajo EPA staff, and the Department of Justice for achieving this milestone in environmental protection. I also thank the USEPA, Region 9 officials, and the members of the Resources Committee for their valued input and support making this primacy delegation possible.

I am also pleased to report that under the leadership of Sampson Cowboy, the Division of Public Safety has achieved outstanding results in the areas of recruitment and retention of Navajo police officers, acquiring state-of-the-art equipment, and



negotiating agreements with the Indian Health Services and McKinley County to house and address the health care needs of inmates.

When I was elected into office, I promised to increase the number of police officers on the street. That promise has been fulfilled. The number of commissioned officers since 2003 has increased from 191 to 349. By March 2006, 27 more officers will graduate. That will increase the number of commissioned personnel to 376. The increased police presence provides needed security and protection to our Navajo people and is the result of an aggressive recruitment and retention program implemented by the Division of Public Safety.

The Division also implemented state-of-the-art technology for all department vehicles. This technology allows wireless connectivity from the field offices to the police officers within a one-mile radius of each of the 110 chapters. The technology will also provide instantaneous criminal background information from local, state, federal, and international data bases. The Division also acquired 97 new police-package vehicles. This is the first time ever the Nation purchased vehicles specifically manufactured for police usage. This is an essential investment to provide our officers with the tools they need to adequately perform their jobs. One hundred percent of the funds used to purchase this equipment came from the 1994 and 2000 carryover grant funds. Mr. Cowboy has consistently demonstrated his tenacity and resourcefulness for improving the quality of service provided by the Division of Public Safety, and I thank him for his commitment to the Navajo Nation.

I also want to welcome our new Police Chief, Jim Benally, and am confident that he, too, will perform his duties responsibly and in the best interests of the Department of Law Enforcement and the Navajo Nation.

With the people's approval of gaming, our administration has worked diligently to establish the Gaming Regulatory Office. The Executive Director has been on



board for three months and will provide a report of his progress to the Council later today. As we move towards fully implementing the Regulatory Office, we've discovered a serious operating shortfall. In order to address this funding issue, my Office is in the process of executing an inter-tribal transfer agreement of gaming devices with a tribe in southern Arizona. If approved, the transfer agreement will provide \$1.5 million dollars for the lease of 200 machines for two years. The agreement will be crafted in a way to ensure that the Nation does not lose the ability to operate the four Arizona gaming facilities allocated to the Nation through the Arizona Gaming Compact. The agreement will provide an upfront payment of \$750,000 to the Regulatory Office to allow the office to incur one-time expenses normally associated with implementing a new office. When the agreement is presented to the Intergovernmental Relations Committee of the Navajo Nation Council for approval, I am hopeful that the committee will support our efforts to acquire outside resources to finance our Regulatory Office.

My Office is also in the process of conducting due diligence of selected developers who responded to the Request for Proposals issued in July. The Nation received more than 20 responses and will make a selection of our developer upon completion of our due diligence efforts. I am also pleased to report that the first site selected for development is the *Nabata Džill* Pinta Road exit. This area is an excellent location and is based upon the market study conducted by GVA Marquette Advisors. The study analyzed potential geographical areas and ranked the locations based upon factors such as population, median household income, proximity to tourist income, proximity to competitive gaming facilities, traffic counts, and accessibility. The information contained in the study reveals that this general location will serve the Nation well in terms of revenue-generating potential.



Our administration is working diligently to develop a revenue-sharing plan designed to benefit each of the 110 chapters, the central government, and the host chapter. I believe that each host chapter should receive impact revenues because of the increased populations coming into the community which will impact road conditions, require additional housing, and waste and sanitation facilities, and will require increased public safety and fire protection. The revenue-sharing formula will apply to each gaming development and host chapter, with the exception of the *Tobajillee* Chapter. Before this proposal is finalized, I plan to seek local leadership input to ensure that chapter and host chapter needs are fully addressed. I am hopeful that upon completion of this input process the Council will approve the plan. With your support, we can all move forward to make gaming a reality on the Navajo Nation.

The decision of the U.S. Federal District Court for the District of Arizona to allow the U.S. Forest Service to desecrate our sacred *Dook'o'osliid* is extremely heartbreaking and devastating to our *Diné* way of life. Over the past months, the Navajo Department of Justice and my Office have been involved in the case to save *Dook'o'osliid*. The decision to allow the expansion of the ski resort by clear cutting forest and to use reclaimed waste water to produce artificial snow will cause irreparable harm to *Dook'o'osliid*. To preserve and protect our *Diné* culture and way of life, I have authorized the filing of an immediate appeal and injunction. In order to finance the costs associated with the appeal, I request your support for additional funding to the Department of Justice through its supplemental funding request.

In closing, members of the Council, I want to express my opposition to proposed Legislation No. 0736-04 which will require the Navajo Nation President, and consequently the entire Executive Branch, to seek Intergovernmental Relations



Committee or Navajo Nation Council approval for all matters relating to other governments and private companies.

Obviously, this is an attempt to diminish the authority of the President and the Executive Branch, and would interfere with the administration of the Executive Branch.

The President and Vice President are the Navajo Nation's only elected leaders voted into office by popular vote. The President represents the Navajo people and is known by them to be the Nation's spokesperson when addressing other governments and private entities. Since the creation of our government, beginning with the Chairmanship and transitioning to the Presidency, this has been the historical practice. This recognition comes not from approval by the Navajo Nation Council or its standing committees, but from the people who elect him.

When the people vote a President into office, a relationship is created between the people and their President. It is the people alone who collectively determine who should lead and speak for the Nation. As the Nation's nationally-elected head of government, the President should not be required to seek permission from a standing committee of the Navajo Nation Council to perform his duties after being voted in by the people.

It is the people who look to the President for leadership and hold him responsible for Navajo Nation issues. Through the election process, they alone determine whether the President is performing his duties to their satisfaction.

The President is sworn into office to carry out and uphold the laws of the Navajo Nation. He is required to conduct himself in the best interests of the people at all times. Obviously, the people's decision should not be second-guessed by having the President be forced to seek standing committee approval to perform the duties he is elected to conduct.



There is a sufficient body of law contained in the Navajo Nation Code to govern the actions of the President of the Navajo Nation. No sitting President has ever been required to seek Council approval to speak on behalf of the people.

As the Chief Executive Officer for the Executive Branch, the President heads a vast bureaucracy responsible for implementing government policy and for providing policy initiatives. The Division Directors are in charge of the different facets of our government including Public Safety, Social Services, Health, Natural Resources, General Services, and other functions which total 11 divisions. Each of these divisions, because of funding issues, regularly deals with several state and federal government agencies. In preparation for any meeting with these agencies, the Divisions, upon request of the President, conduct the necessary research and analysis to present to those agencies. This often includes presentation of critical information to State representatives and members of Congress.

The proposed legislation would obviously directly affect grant management and program operations because communication, through the President, is routinely required with these entities. The proposal to restrict the power of the President would also obviously hinder the ability of the Executive Branch to perform its duties. It would create an unconscionable amount of red tape and bureaucracy and would effectively eliminate the flow of information from the Navajo Nation to these governmental entities. This legislation represents micro-management by a law-making body in its most flagrant form.

The President sets the course to create new jobs, identify new revenue, negotiate agreements, issue executive orders and to meet the needs of our chapters and our people. In this, I need help. What I do not need is to be hindered by unnecessary legislation designed to interfere with progress and Executive Branch performance.



When the Navajo Nation Council created the Office of the President to serve as the Chief Executive Officer and to oversee and supervise the Executive Branch, it intended for those functions to be separate from the law-making functions of the Legislative Branch. The Dempsey proposal, however, is entirely contrary to the intent of the 1989 amendments to Title II. In fact, the proposal would be the first-step to unravel the 1989 amendments, to further empower the Legislative Branch to control and administer Executive Branch functions, and to micro-manage the functions of the Executive Branch.

Additionally, what this proposal would do is usurp the authority of the President, to represent and speak on behalf of the people of the Nation. If the intent is to do away with the position of the President, then it should be the people who are given the opportunity to make that decision. Until that happens, the President of the Navajo Nation is and will be the spokesperson for the Navajo Nation on all matters, including those with outside governments and private entities.

A responsible Navajo Nation Council will not attempt to silence the President and the voice of the Navajo people. The day the Council legislates to silence the President is the day the rights of the people to elect their spokesperson are violated.

The President will then just become a puppet of the Council, and that is unacceptable, especially if the people have collectively decided who will represent them within our system of government.

The Dempsey proposal signifies a dire need for comprehensive government reform. The people, at the very least, should determine what the governmental structure should be. This includes a balance of power between the Branches of government and protection of individual rights.

Because this proposal is obviously inconsistent with the responsibilities of the President and the Navajo people's expressed desire to select their leader and



spokesperson through their vote, if passed, I will veto this legislation. If necessary, I will also consider all legal options available, including those under the principles of Diné Fundamental Law.

Lastly, members of the Council, I'd like to take a moment to recognize a very special person who has worked to end domestic violence, Mr. John L. Tsosie, founder of the Walking the Healing Path Project. In 2004, he organized, participated, and completed a 330-mile trek from Window Rock to Phoenix. While making overnight stops, John, his family, and staff from ADABI educated the public about domestic violence. In October of 2005, John, as an employee of ADABI, set out on another trek, this time to Santa Fe from Chinle, a total of 345 miles. Although only 300 miles were completed, John has walked 630 miles or has taken 1,609,650 steps towards raising awareness about domestic violence. Ladies and gentlemen, I'd like to introduce to you, Mr. John Tsosie.

Members of the Council, I thank you and hope that you have a successful and productive Winter Session.