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Current Efforts of Navajo Nation to Return its Governance to Traditional Values in Broader Context and Implications in Completing the Circle: Indian Efforts to Return Tribal Governance to Participatory Values and their Implications as of March 21, 2026

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Western reductionist thinking, while very powerful and accomplishing a great many important achievements, generally has failed to appreciate the value of the Indigenous view that everything is interconnected, while each being and place is unique. Thus, the U.S. Government's attempts to create or restore democratic governments abroad and in making trans-cultural transfers have often produced poor results in large part for failing to sufficiently take account of local values and conditions. That includes that when the U.S. government and others honestly tried to improve tribal economies, their actions usually produced less than optimal results. The same was the case of the U.S. government's imposition of culturally inappropriate forms of tribal government, which generally has caused quite serious problems. Similarly western consultants often falsely assume that what works well in one place will work well in another.

By comparison, American Indian Nations, struggling to overcome the problems of the U.S. government's imposition of culturally inappropriate forms of tribal government have achieved some instructive successes in returning governance to traditional inclusive participatory values, while providing useful lessons in some incomplete or aborted cases. This paper focuses on the efforts of the Southern Ute Tribe, The Comanche Nation and the Navajo Nation. This has involved applying traditional values through appropriately adapting contemporary means along with traditional ways for current circumstances with an eye for future development. The Southern Utes have been quite successful over time in providing numerous ways for everyone involved in a decision to participate in its making, ending community division over the imposed governmental system. The Comanches overcame deadlock and tribal infighting by adapting a contemporary consensus planning process successfully to provide member input into tribal council and local community decision making, but failed to fully institutionalize it. Navajo Nation has developed a number of interesting proposals for central government improvement leading up to a current effort at constitutional revision, while launching a not yet fully realized decentralization of functions to its 110 chapters.

The American Indian Experience

Today, a great many Indian Nations are struggling to overcome inappropriate forms of government that were directly or indirectly imposed by the U.S. government. These alien modes of governance conflict with traditional tribal culture and values, causing ineffective governance, and contributing greatly to community disharmony.¹ Among the most interesting recent and current attempts to improve tribal government are the application of an inclusive participatory community planning process by the Southern Utes of Colorado, Comanche Nation of Oklahoma, in the 1990s, and the ongoing process of government development at Navajo Nation. These efforts, along with those of a number of other Indian nations, involve movements to reinvigorate traditional values into tribal political institutions, in ways that are appropriate for the conditions of the current and unfolding era.

Traditional Tribal Governance

Traditionally, tribal and band societies in North America, for the most part, functioned harmoniously through inclusive ways of building community consensus that balanced individual and community needs and concerns. Although each of the tribes had its own particular culture and way of governing, the general practice was that no decision was made without involving everyone who was concerned. Usually issues were discussed until consensus was achieved. This was attained in large tribes and in multi-tribal federations, such as that of the Huron which in 1634 consisted of 30,000-40,000 people, by using consensus decision making in meetings at each organizational level (e.g., clan segment, village, tribe, federation) with discussion back and forth across the levels until general consensus was reached.² Particularly important in making this system work very well was the strong emphasis in this, as in other tribal societies, on kinship relations in conditions where people needed and enjoyed, mutual support.

Leaders (who have mistakenly been called "chiefs") functioned primarily as facilitators, consensus builders, and announcers of decisions. In general, they had little or no decision-making power of their own, though usually they had influence. They were chosen for positions of leadership on the basis of their high moral character and ability to represent the people and lead in the long term interests of the community as a whole.³

This inclusive process of egalitarian, consensus decision making, normally limiting civil leaders to being facilitators and advisors of the people, was built upon cultural and structural foundations that, while varying in detail among Indian nations, generally followed the same basic principles. Culturally, people believed in, and related on the basis of, mutual respect, identifying with the band or tribe as an extended family, in which members supported each other in their individual endeavors to the extent that they did not contradict the common good, while they collaborated out of mutual interest and a strong sense of shared consensus. This emphasis on building, maintaining, and restoring good relationships was an important factor in avoiding and resolving conflicts. Structurally, in different ways and to different extents among various peoples, political and social power and function were widely dispersed - generally beyond the division of powers and functions in U.S. government (though for similar reasons). At the same time, economically, as well as socially, the structure of living caused people to need each other's support, while economic power was at least not so concentrated as to upset egalitarian relations, and was most often broadly dispersed in economies based upon reciprocity (usually even more so than is supposed to be the case in current, mainstream economic theory to maintain a "free" market economy). Thus, by developing cooperation and a sense of unity through honoring diversity on the basis of mutual respect, these communities usually maintained a very high quality of life.⁴

The Impact of Colonialism

As U.S. colonialism developed in the late Nineteenth Century, Indian nations were denied the right to govern themselves, and their traditional leadership was undermined as part of an attempt to assimilate Native Americans into mainstream U.S. society. When the assimilationist policies were reversed in the 1930s, the Indian Reorganization Act (IRA) of 1934, the Oklahoma Indian Welfare Act of 1936 and the Alaska Reorganization Act of 1936 forced a form of government on most tribes that, with variation, generally provided for government by a tribal council elected at large, with a strong tribal chair to make decisions.⁵ This form of representative government usually did not separate or diversify power, in many cases giving the council the power to review (and thus overrule) judicial decisions. Even by western standards, this form of government has serious potential problems. For tribal people, who by various means were used to having a direct say in decision making, with leaders acting as facilitators and respected guides rather than deciders in a system with widely dispersed power, the IRA type governments are contrary to their traditional values, contribute greatly to community disharmony and difficulty in getting things done. A major impact of this alien governmental system has been to compound the difficulties from physical and cultural genocide that tribes are working to surmount.

Moreover, IRA government election arrangements contradicted and weekend traditional kinship relations relevant to governance.⁶ These were further eroded by western influences and attempted assimilation. This undercut the fabric of interpersonal interaction, often narrowing the understanding of kinship, increasing the likelihood of open conflict while reducing the means of restoring harmony. One result has been a reduction in the understanding of kinship among tribal members toward the narrower western conception of family. The results of this have included increased conflict between "families," contributing to the contemporary plague of tribal members suffering disenrollment, along with the rise of nepotism. While it may not be possible to recreate the full traditional understanding and feeling of interconnection among tribal citizens today, educational efforts to do so, including appropriate ceremonies, may have a substantial effect now that Indian nations are renewing and there is an increasing interest in returning to functioning according to traditional values, especially among many younger members.⁷ It may also help to adopt a modified version of an African Indigenous tradition, having tribal leaders adopted as relatives by all tribal members.

Traditionally, inclusive forms of consensus decision making worked to make each member of the community feel that membership through their participation, because direct participation in deciding about community affairs was a major source of each person's identity as a community member and feeling of connection in the web of relationships. The current practice of holding elections in which there are winners and losers, and the electing of councils that make decisions, rather than announce decisions made by the people as a whole, are divisive. Indeed, communication has broken down on a considerable number of reservations, so that people are often not aware of decisions being made, and in numerous instances have false impressions of what has transpired. This alienation has also been reflected in low

levels of participation in elections and public meetings in many Native communities, accompanied by often vicious gossip and infighting. Those who lose an election often perceive that they have been rejected by the community, and believe that their honor has been impugned (where, for mainstream Americans this would not be the case). People who are not included in the making of a decision, even if they are invited to a meeting to state their opinion to the decision makers, tend to feel left out. Indeed, today many people are, in fact, left out as their interests are not effectively represented in the tribal electoral systems. It is important to note that the effective exclusion of people from the electoral process is a result of the nature of the system itself, and, in general, not because of who the particular leaders happen to be.

Moreover, tribal government authority became more dispersed in the 1960s, as the War on Poverty broke the Bureau of Indian Affairs (BIA)'s monopoly in overseeing Indian affairs by having each federal agency arrange the local implementation of its programs directly with each Native nation. The results were twofold. On the one hand, the opportunity of tribal people to run their own programs was an essential educational and nation-building experience. On the other hand, the new programs were often not adequately integrated into tribal governments. This often brought about a fracturing of the governance process by the development of separate services, originally reporting to different federal agencies with disparate regulations and reporting requirements. This tended to create competing serfdoms, sometimes at odds with the elected leadership.

In addition, because of institutional racism, Indian people have not been taught in school the validity of their own ways, even though traditional Native American governance had a profound effect on the development of American democracy.⁸ Thus, Indian people have not been educated to view public policy from a tribal government perspective. As a result, tribes are often encouraged to create codes that mimic U.S. statutes, rather than developing measures that fit their own tradition and circumstance. Because Indian people, for generations, were undermined in following their own cultures, time and energy often needs to be invested for tribal members to clarify how their traditions can be effectively applied in current circumstances.

This is especially the case as a variety of perspectives have developed as to just what those traditions are, while new traditions have come into being, such as the rise of the Native American Church, or importation of some form of the Sun Dance by a number of Indian nations. Moreover, to varying degrees, and in a range of ways, members of Indian communities have adopted, or been affected in their ways of seeing, by non-Indian ways and institutions (including churches, as most Indian people today are at least nominally Christians, regardless of the extent to which they may also follow traditional ways and be involved in traditional ceremonies). This has tended to create a variety of differing views of what tribal governments should do, while in many cases separating people into distinct groups that often do not participate in processes to create mutual respect and understanding. However, countering the colonizing and splintering impacts of the forcing of Western religions on Indigenous peoples, Native peoples have a long history of making the imposed (and sometimes strategically adopted) religion their own by Indigenizing it.⁹ This transformation is increasingly being undertaken as Native nations revitalize.

The Development of Current Forms of Tribal Government

The development of current forms of tribal government has taken place over a considerable period and has gone through many stages.¹⁰ Over half of the federally recognized tribes have governments organized on the IRA model. Some tribes, such as the Crow and the Yakima, have organized themselves through their own tribal agreements. Most tribes have an elected governing council of some kind (under a variety of names) that often combines legislative with executive (and sometimes judicial) authority. A few tribes, including the Haudenosaunee confederacy and its member nations, some Pueblo groups, many smaller bands in California and most Native communities in Alaska, continue to use more traditional forms of tribal governance. Many of the Indian nations that do not have IRA governments have been influenced by it in developing their own governmental forms, or have developed other western, rather than traditionally based forms, as did Navajo Nation, that mirrored the federal government in establishing a three branch system of government with checks and balances. Many of these tribal governments have suffered some of the same problems as have been typical of many of the directly U.S. imposed Indian governments.

The problem of the inappropriateness of the more widely used current general form of tribal governance has become of greater significance since the 1960s. Prior to that time (despite the intent of the 1930's legislation enacted under the leadership of BIA Commissioner John Collier), tribes and tribal governments had little autonomy, and much of the function of the elected council members was to act as brokers for the tribe and its members in dealing, first, with federal, and second, with state and local officials. The Civil Rights movement and the War on Poverty led to an increase in the authority of tribal governments to make significant decisions in their affairs, that generally continues to expand¹¹

Thus, the difficulties experienced by many Indian nations with inappropriate governmental processes have been intensifying over time. For some tribes, the problems have been relatively minor, while for others they have been quite serious. In too many instances, infighting has left tribal governments locked in deadlock, or quite unstable. In extreme cases, volatile conflict relating to governance has broken into violence, and/or led to a take-over of tribal government by the Department of the Interior to restore or maintain peace.¹² Currently, tribal governments are facing increasing challenges that are making community disharmony more likely and more intense. These include demographic shifts, rapid cultural, social and economic change, growing concern as to whether economic development is occurring

compatibly with tribal values, and increasing responsibility for tribal governments as the federal government devolves authority to the tribes, states and localities.

Recreating the Circle: Indian Nation Efforts to Apply Traditional Values to Improving Tribal Governance

Over the last several decades, a number of Indian Nations have been making developing efforts to improve tribal governance by integrating traditional values and methods to contemporary situations, with an eye to the future. Three examples are focused upon in this paper, The Southern Ute Tribe, the Comanche Nation and the Navajo Nation, with short discussions of several others.

Reviving Inclusiveness at Southern UTE

The Southern Utes, consistent with the inclusive participatory decision making of their traditional bands, are an interesting example of a Native Nation enlarging tribal member involvement in government in stages. In the mid 1980s, when this author began regularly visiting the Southern Ute reservation in Colorado, the IRA style tribal government, headed by an elected chair and council did not have mechanisms to regularly communicate with the membership.¹³ This situation was compounded by an historical lack of trust in the U.S. government imposed form of Southern Ute tribal government, which in it's earlier years was greatly limited and pressured in its operation by the BIA. The initial, and to some extent remaining by 1986, marginal legitimacy of the tribal council made it more difficult for the nation to heal various splits. An important one for a number of years following World War II was the difference in understanding and view of the modernists and the traditionalists. The modernists were those who had returned from fighting World War II, obtained mainstream education, understood federal government bureaucratic procedures and mainstream economics and business, while to varying extent were disinterested in traditional spiritual and other Ute cultural ways. The traditionalists generally had less mainstream education and knowledge, while strongly valuing traditional spiritual and other cultural practices. This situation began to be healed with the first election of long time Southern Ute tribal chair Leonard Burch in 1966, who integrated both perspectives. By the mid-1980s the underlying differences of view on basic perspectives had considerably lessened. By then, political disagreements largely involved specific issues, such as how much tribal income should be paid out to members, and how much invested in tribal development.

Although the frequently reelected chair and the council succeeded in providing good things for the nation, there was a significant group of members disaffected with the system. When one tribal member was asked why he objected to what appeared a very favorable agreement the tribal council had approved, he said his objection was that the members had not discussed it. An indication of the extent of tribal member dissatisfaction was an attempt to recall the chair and most of the members of the council. It failed when the vote ended in a tie. It would have passed if the rules had allowed an absent member to vote by proxy. Interestingly, one of the few council members not included in the attempted recall was quite an old-style traditional leader, who most likely favored making public decisions by building consensus.

Not long after that recall vote, a tribal member, Pearl Casias, was elected to the council who had campaigned on the need for member input into tribal decisions. At that time, the council began piece by piece establishing the methods described below for tribal members - indeed anyone involved in a decision - to have input to it. The methods used are contemporary, but they follow traditional principles of inclusive participatory decision-making: respecting and including the voices of everyone one affected in reaching a decision. Applying new methods is itself traditional, for what is most important is to apply traditional values appropriately for changing circumstances. Hard evidence that returning to respectful inclusiveness in innovative ways is beneficial to the community will have to wait for the extensive discussion of developments at the Comanche Nation below. The author's impression is that the result at Southern Ute has been better decision-making with greatly increased appreciation of the political process and the council by the community. This is reenforced by a recent discussion of just this question with a former long-term member of the Southern Ute Council and one time chair.

First, in the late 1990's, the tribal council increased the number of general tribal meetings from quarterly to once a month. Shortly thereafter, they instituted monthly sessions for members with concerns or complaints about tribal government and services, to meet individually with the Tribal Council.¹⁴ Next, in 1999-2000, the Southern Utes became the first Indian nation to participate in a project, funded by the U.S. Children's Bureau, to build coordination among social services that effected children, with ongoing community input. At the request of the tribal chair and council, a consulting team from the Social Research Institute at the University of Utah was brought in to help facilitate a Design Team. The team included administrators from a wide range of tribal services, since, at least indirectly, all services and the community members they interact with have an impact on children. Community consultants, including former social service recipients and elders, collaborated in building teamwork among social services, with responsiveness to community needs and input. The goal was to provide culturally relevant, supportive and integrated services to ensure that all Southern Ute children are successful in school and in life. In February 2006, the Southern Ute Indian Tribal Information Services Department, building upon inter-agency cooperation and coordination begun under the Design Program called a meeting of Southern Ute and La Plata County, CO social service agencies to renew and expand a 2003 memorandum of understanding, which included bringing in the Mental Health Center as a collaborator. The meeting focused on working together as a consistent policy, the need to create a service directory, and the desire of non-tribal entities to increase tribal awareness of efforts to create a La Plata County Health District. Thus, inclusiveness and cooperation among tribal agencies continued to foster collaboration with outside entities for more appropriate and

effective delivery of services to Southern Utes. The tribe's combining member participation with collaboration with neighboring entities has continued. This is exemplified by the tribe and the Ignacio Public School Board jointly inviting Southern Ute parents to attend an Ignacio school policies and procedures meeting on October 16, 2023. The town of Ignacio and its schools are within the boundaries of the reservation. This is a collaboration that has gone on for well over a decade. It is part of a yet broader collaboration with area entities encompassing such areas as law enforcement, including cross-deputation of police officers and cooperation with the City of Durango, CO in building a new hospital and undertaking economic development of the area around it. As has been the case with numerous other Indian nations, most of the Southern Ute collaboration with non-Indian entities has unfolded with the tribe becoming an important economic power in the area and the increase in education and professional competence of its personnel.

In December 2025, the Southern Ute Tribe joined a program to improve the capacity of its administrative staffs to function collaboratively.¹⁵ Project Rural Upskill Network (RUN), a collaboration between Fort Lewis College and the LaPlata Economic Development Alliance, provides six weeks of training to help participants clarify their leadership style, communicate with intention, support team accountability and navigate workplace dynamics. Among other things, the training helps participants facilitate conflict, increase emotional intelligence, improve communication self-awareness, and understanding of how to improve team performance. While short of full team process management training, a modern application of traditional Indigenous collaborative interacting, RUN does much to enhance workplace collaboration.

In 2001, there was a heated dispute over who should lead the Southern Ute nation's most important spiritual ceremony, the annual Sun Dance, when it should be held, and how it should be undertaken. The tribal chairman, for the first time, called for the Sun Dancers, and any other interested community members, to meet to resolve the problem.¹⁶ After three contentious meetings, the issues were worked out. The previous Sun Dance Chief resigned. Another experienced Sun Dance chief agreed to run the ceremony according to the wishes of the assembled Sun Dance community for one year, until a new Sun Dance Chief could be chosen. After the meetings, some of those on each side of the major set of issues that had been talked out in the sessions went to some of those who had been on the other side, out of concern that they had been too hard on them. Thus, some significant reconciliation occurred before the year's Sun Dance, which took place smoothly. At the end of the ceremony a new Sun Dance Chief was announced to run the 2002 ceremony, which ended with more harmony than the community had experienced in several years. Applying traditional, respectful, decision making involving all concerned greatly enhanced the solidarity of the people.

One widely experienced problem in instituting processes for reapplying traditional inclusive participatory values that arose at Southern Ute, is that even though increased community involvement may bring tribal governance more into agreement with the basic values of the culture, it takes time to firmly establish the new ways of doing so. Until that occurs, a new tribal chair or council majority may not appreciate them, and may eliminate them. That occurred at Southern Ute, when even while initiating the Design Team, a new tribal chair led the council to discontinue monthly general meetings. However, that chairman was recalled by a vote of the tribe because he was seen as too unresponsive to the membership. His replacement returned momentum to expanding community participation by initiating the meetings to resolve the Sun Dance issues. The Southern Ute Tribe has since begun using focus groups to provide member input on tribal issues (which also has become a regular practice at Navajo Nation).¹⁷ Representative focus groups parallel the traditional use by many Indigenous peoples of having representatives of kinship groups meet to decide or propose solutions of issues. In spring 2004, the Council began holding 'open forum' general meetings, with no prior agenda, to allow tribal members to raise concerns with the tribal council as the members saw fit.¹⁸

Since 2004, the Southern Ute Tribe has continued to increase its inclusiveness with a variety of different vehicles. For example, in spring 2009 the Utes took another step in moving toward traditional participation in government by expanding its use of focus groups to inviting all tribal members to come to one of a number of meetings followed by small focus group sessions to review the nation's financial plan, the current tribal government structure, as well as how well the nation is meeting the needs of tribal members. Each meeting would begin with a presentation on the issues by tribal council members, who would not attend the focus group sessions that follow, in order not to bias the discussion by tribal members.¹⁹

The Southern Ute Tribal Council also began including tribal views through surveys. It sent out a survey to tribal members, in January 2012, to sound out their views on the tribe's proposed natural resources plan. When only 83 responses of almost 1000 sent out surveys came back, the council made a second request in order to try to have a representative opinion. The council has regularly ensured broad member input by extending opportunity to comment when the council felt it had not heard from enough members. This was the case, in February 2016, when the Council finalized the amended traffic code only after a period of public commentary. And when at first the council received few replies to its query to the membership about the revisions, the council extended the comment period.²⁰

The Southern Ute Tribe, over the years, has taken a range of steps to bring back traditional participation and consensus building.²¹ Meanwhile, the council and other tribal entities continued to involve members in-person participation. For instance, on February 16, 2012, the Southern Ute's Sky Ute Casino Resort Management Team held an open community meeting to invite tribal member input into the future development and enhancement of the Casino.²²

Increasingly, the Southern Utes have applied a variety of vehicles for bringing back aspects of traditional participation. In moving to develop an improved tribal healthcare system, in Spring 2013, the tribe undertook a survey of tribal members, as well as interviewing healthcare staff, and discussing the matter in general tribal meetings.²³ Building on member input, the tribe put its new health benefits program into effect on October 1, 2013.²⁴ While the details of the process are contemporary, they apply the traditional principle values of including the voices and concerns of everyone affected in making decisions and insuring they are properly carried out. Indeed, in traditional times these values were often applied by different peoples in various ways, and by the same people in different ways overtime to meet changing circumstances or places. With the rise of modern bureaucracy, it becomes necessary to include the voices of all affected by its decisions as well as all of those involved in the agency, to ensure that its decisions are good for all those concerned.²⁵

In the spirit of community policing, in October 2016, members of the Southern Ute Community Police Department and Tribal Rangers met informally with community members in a "neutral space to discuss community issues, build relationships and drink coffee."²⁶ In October 2016, the tribe, with the assistance and facilitation of a consultant, undertook the first of a series of meetings to be held around the reservation to develop an updated comprehensive land use plan for the tribe.²⁷ The Southern Utes also instituted an annual survey of tribal members concerning their satisfaction with tribal government, programs and services, in 2015.²⁸

The Southern Ute's, who have relatively good internet coverage, initiated working with that as well as other media, to increase communication, and thereby inclusive participation, in tribal discussion and decision making. In order to reach as many tribal members as possible for the tribal educational meeting on April 10, 2017, to discuss the issues raised in a member proposed referendum on how to allocate \$45,515,000 remaining of the Sisseton Settlement Funds received by the tribe, the tribal council arranged for membership-only live streaming of the meeting on the internet. Members could log in via the web sites of the tribe or its newspaper, the Southern Ute Drum, or via tribal Facebook. The referendum and the meeting about it were announced in all of those media.²⁹ The tribe also moved to expand member information about, and participation in, its affairs by persisting in carrying out virtual dialoguing town hall meetings via internet, only accessible to tribal members.³⁰ Similarly, the tribe held a virtual Open House for tribal members to discuss tribal long range transportation planning, February 17-21, 2022.³¹

Meanwhile, in February 2017, the Southern Ute Tribal Council began producing a half hour biweekly radio program, "Council Connect," on the tribal station, KSUT. The program has been featuring the agenda of the upcoming council meeting and updates on the council's calendar, along with information on tribal and community events. The council has been using the show to discuss tribal business, including new initiatives and membership meetings. Particular council members and guests have participated in the show to develop the topics the council has been discussing. The program's upcoming agenda has been posted on the tribal website and on its Facebook page.³²

To ensure that all concerned would have a say in decisions that affected them, the Utes, in planning the development of a new skate park, invited elders who had raised questions about the project to a meeting of the skatepark planning and development team to comment on the planning, and by ensuring that youth - who would be the prime users of the park - were involved in the development.³³ Including the youth is also important as part of the process of educating them in traditional values and their application in current circumstances. An important part of achieving this acculturation is the Southern Ute Indian Montessori Academy, a grade school that teaches in both Ute and English, and provides learning in Ute culture and history, with elders coming in to speak with students.³⁴ Having their own tribal schools or having learning of traditional culture offered to their youth in non-tribal schools is now a major undertaking by many Indian Nations. And like numerous other nations, the Utes recognize the importance of education being a life long process. Today, with many tribal citizens having little or no background in their people's traditions, it is important for both the individual and the nation's revival to provide the opportunity for all members to become deeply involved in their culture's ways. Meanwhile, the Tribe has continued to regularly seek member input into proposed changes in tribal code, as exemplified by the Tribe asking for member input into the Proposed Amendments to Southern Ute Indian Tribe Severance Tax Code and the Southern Ute Indian Tribe Environmental Programs Department's (EPD) Air Quality (AQD) Annual Air Monitoring Annual Network Plan in fall 2025. These invitations for input often include opportunities to come to public discussion of the issues at meetings providing food, which helps increase attendance, as seen in "Notice of Proposed Amendment to Title 17 - Employment Rights Code," and "Notice of Proposed Amendment to Title 13 - Wildlife Conservation Code," in the Southern Ute Drum issue of January 23, 2026. Tribal members have also been invited to monthly Johnson-O'mally meetings, to discuss issues of tribal children's education in the town of Ignacio's schools.

In continuation of the Southern Utes Tribe's ongoing return to traditional participatory democracy, the southern Colorado nation has involved all concerned in every stage of developing a new economic development strategy. The policy development began in September 2022. As was reported in the *Southern Ute Drum*, "This update to the CEDS is the result of an extensive strategic planning process that engaged Southern Ute tribal members, tribal staff, and regional partners to conduct research, interviews, and provide input. This process was led by a 16-member stakeholder committee known as the CEDS Committee that consisted of Economic Development staff along with representatives from Tribal Council, tribal departments, and tribal business entities."³⁵ The process began with discussion of the project at a tribal general meeting to give the CEDS committee guidance from the membership. Once the committee had developed a set of proposed priorities, these were made available to tribal members. "A survey conducted at the General

Meeting on July 13th [2023] provided confirmation that the priorities developed by the CEDS Committee were on the right track. The survey had participants vote on what types of on-reservation development should be prioritized to best improve quality of life and enhance the tribal economy.”

The committee developed a detailed plan based on tribal member input. The completed plan was then made available to tribal members only on the on the Tribe’s Economic Development website. Members were asked, “Please take some time to read through the updated plan and submit your comments in the submission box provided. Comments can be about the plan or share additional ideas and suggestions for enhancing the economic environment of the Southern Ute Indian Reservation.”

A fall 2023 development shows how council response to tribal member concerns and collaboration among Southern Ute entities can lead to resolution of member issues. In early 2023, the Southern Ute Tribal Council had become aware of instances where propane fuel suppliers had failed to make timely deliveries, leaving Southern Ute tribal members without reliable and consistent heat during the winter months, in some cases for extended periods of time. Tribal Council requested the Fund’s assistance to evaluate and propose options for improved reliability of propane delivery to tribal members.

To assess tribal members’ experiences, the Growth Fund partnered with Tribal Information Services to conduct a survey, which was released in July 2023 on the Tribal Member Portal and paper surveys were mailed to tribal elders for inclusion of all voices.³⁶

At the same time, the Growth Fund completed a survey of alternative suppliers and undertook an analysis of all the information collected about them, even considering the possibility of the tribe initiating its own propane supply company. The fund then narrowed the choice to the best group of suppliers taking in the full range of concerns. Further consultation led to one of these firms offering a favorable deal. This firm was recommended to tribal members, but left them the choice of which firm to select for themselves. To assist tribal members in their choice, and make the whole Growth Fund process transparent, the survey and analysis were placed on the tribal member on-line portal along with relevant contact information to the firms and knowledgeable staff at the Growth fund.

The Southern Ute Tribe has a number of structural mechanisms that work toward keeping its government representative which are set forth in the tribal code (<https://www.southernute-nsn.gov/government/tribal-code/>). While these governmental forms are not traditional, in the contemporary context they very well follow the traditional values of inclusive participatory decision making and insuring it by diversifying power.

The government consists of a Tribal Chair and a legislative Council for staggered three- year terms. Elections are overseen by an election board, with appeal to an independent tribal court. Tribal chairs can only serve two terms in succession, but may run again for chair after one term out of office.

The chair and council members can be recalled in a recall election upon petition by a sufficient number of tribal members. All persons in tribal positions are subject to an ethics code with complaints investigated, and if found plausible, considered in a hearing following rules of due process by the Ethics Commission. If a complaint is upheld, the commission can remove a person from office and bar them from serving again for a fixed period. Decisions of the commission can be appealed to the independent tribal court.

In addition, tribal citizens can petition to have a proposition placed on the ballot for consideration by the electorate. All of the above provisions are practicably available, as seen by there having been utilized, including a two recall elections and several ethics hearings, during the last 30 years. The two recalls were of tribal chairs. This contrasted the earlier recall vote that involved a general dissatisfaction with the lack of broad member input and was directed at most of the council as well as the chair. The two more recent recalls involved dissatisfaction with the actions of the chair and the executive officer appointed by the chair. The first of these involved the chair who had suspended the holding of monthly open council meetings. He was widely perceived as overly controlling and unresponsive to the views of others. Both he and his executive officer were found guilty of ethics violations for abuse of power and barred from tribal office for a period of time. It appears that the recent recalls were aimed at keeping the tribal government responsive to its citizens.

In the area of tribal finances, the Southern Growth Fund, responsible to the Council, and regularly holding general meetings with the tribal membership, increases its representativeness of the membership by appointing a Member-A-Large to its Management Committee (GFMC). The committee invites volunteers from among the tribal membership to apply for the at large position, choosing, on the basis of their qualification, one of the volunteers to serve as Member-A-Large, providing a membership voice to the committee and Growth Fund information to the membership. In order to fulfill that function, the Member-A-Large is required to attend the regular meetings of the GFMC and various Growth Fund/Tribal Council sessions.

A major force for transparency and fairness is the weekly tribal newspaper, the *Southern Ute Drum*, which is in print and on the web. The Drum reports on tribal affairs, gives all candidates for office space to make statements and carries

letters to the editor. Again, the means used are not traditional, but in the current situation they play an important part in insuring the traditional value that all members know what is being decided and are heard.

Yurok and Alaska-British Columbia Inclusiveness

The Southern Utes are not alone in using new methods to restore community involvement. For Example, the Yurok Tribe, in 2005, undertook a comprehensive, long range Tribal Transportation Plan, "Taking Back a Traditional Trail." Through an inclusive discussion process, involving tribal members, community residents and other relevant stakeholders identifying community priorities, unmet needs, and the unique circumstances relating to tribal transportation, under a grant from the California Department of Transportation.³⁷

It was reported in May, 1996 that a few Native nations in Alaska and in Western British Columbia took a different approach to adapting a new method for applying traditional governance principles. Historically, these bands were sufficiently small and cohesive to collectively make decisions informally. With that circumstance changed, they adopted the Baha'I "consultation" method of decision making, which is essentially a consensus decision making process.³⁸ This consultation method involves an elected council which is trained to listen respectfully to all sides and views on an issue as expressed by community members, either in open community forums, or by representatives of different ways of approaching an issue. Only after carefully hearing the full range of concerns on a question, will the council move to crafting a policy. It attempts to do so as inclusively as possible, balancing the full range of concerns in any decision. Policies can later be reviewed by the same process, to take into account changing circumstances, and/or difficulties created, or inadequately addressed, by the earlier action. This is essentially the same as the specific traditional way a number of nations used to apply the values of inclusive participatory decision making. In preserving tradition the means used usually have a value, but what is essential is keeping to the values and applying them in changing conditions appropriately for the current moment with consideration of the future.

The Application of the Indigenous Leadership Interactive System (ILIS) by the Comanche and Three Other Nations

An especially interesting attempt at overcoming problems of culturally unsuitable government by using contemporarily relevant means for applying traditional values, is the implementation, beginning in February 1990, of the Indigenous Leadership Interactive System (ILIS) [previously called Tribal Issues Management System (TIMS)]. ILIS is a participatory strategic planning process applied by the Comanche in Oklahoma in order to recreate traditional ways of building consensus and maintaining harmony in the community.³⁹ This experience with the use of a particular dialoguing method in a single setting, has implications for tribal people, elsewhere, renewing inclusive participatory democracy in forms that fit their particular traditions and circumstances.

Typical of most tribes in the United States, the Comanches felt themselves divided and often paralyzed in deciding major issues because of the clash in values between their traditional culture and the premises of their contemporary government processes, based upon modern European- American understandings. In order to overcome the problems caused by that cultural dissonance, the Comanche community, with the assistance of Americans for Indian Opportunity (AIO), Oklahomans for Indian Opportunity (OIO), the Department of Communication at George Mason University, and Christakis & Associates, decided to utilize a collaborative process for tribal decision making by applying the Tribal Issues Management System. So long as the Comanche used ILIS to create consensus on community issues, the process made significant contributions in overcoming gridlock in tribal decision making and in initiating a beginning in restoring tribal harmony. Where neither ILIS, or any other method of broadly inclusive decision making was used, the nation continued to have difficulty in reaching decisions, and when the Comanche stopped using the process at the tribal level, considerable disharmony returned to the community. The Comanche experience with ILIS suggests that a process of inclusive participatory decision making, if appropriately designed and applied for a specific tribe or group and its unique circumstances, may be useful for other tribes in overcoming many of the remaining problems of colonialism, if the process is used long enough to firmly establish it. The Comanche are one of four Tribes in Oklahoma that initially applied the ILIS process,⁴⁰ and have gone considerably further with it than any of the others.

The Comanche Experience to 1990

The Comanche experience with tribal government is unique, yet representative of the general pattern described above. The Comanche people call themselves Nununuh, meaning "The People."⁴¹ Their present name was given them by the Spanish, using a word derived from the Ute term Komantcia, meaning "enemy" or, more precisely, "anyone who wants to fight me all the time."⁴² Anthropologists consider the Comanche to be members of the Shoshonian group of peoples, including the Shoshone, Ute, Paiute and Bannock Tribes. Prior to 1700 the Comanche were mountain people living in what are now the States of Wyoming and Montana, though there is some speculation that their living area may have extended out onto the plains.⁴³ Little is known of their history and customs before the first reported contact with them by the Spanish in 1705, but it is believed that the Comanche lived in small, autonomous, family bands.⁴⁴ With the coming of the horse, life on the plains became quite feasible and the Comanche, at first alone, and then supported by their Kiowa allies, became "Lords of the South Plains" living in bands across what is now Kansas, Colorado, New Mexico Oklahoma and Texas.⁴⁵ They were extremely skilled horse people, adept at buffalo hunting and masterful as warriors.

Social life involved a balance between strong autonomy for the individual and participation in the cooperative life of the people.⁴⁶ In terms of social organization, the Comanche were organized into a number of bands ranging from 50 to 1500 people (with mid- Nineteenth Century total population estimated as 20,000 to 30,000).⁴⁷ Within each band important civil decisions were made by consensus at council meetings of the men (women occasionally attended meetings and spoke on rare occasions).⁴⁸ Elder men, respected for their wisdom in community affairs, generosity, kindness, and, to a lesser degree, courage and physical fitness, had considerable influence. The best thought of among them would be considered as leaders, one of whom would become the band leader, or in European-American terminology, Peace Chief, of the band.

There was no formal process for choosing the band leader, he simply became leader by consensus over time, and would cease to hold that position if he lost the respect of the community. On matters of importance, he had no authority to decide anything, but could influence decision making and mediate (but not arbitrate) disputes. His main job was to facilitate for the community in finding and maintaining consensus and harmony. On minor, daily matters, he could make decisions, but anyone who did not like a decision ignored it, and if enough people did so he would no longer be a leader. Military leaders, who were separate from and subordinate to civil leaders, did have considerable dictatorial power when leading a war party. But they could only become and remain war leaders as long as men would join, and remain with, their parties.

This limited authority of leaders, combined with a strong belief and practice of individual autonomy, did not lead to disruption in Comanche affairs. Practically, people needed each other, and the culture emphasized collaboration based upon mutual respect. Public opinion and consensus were major forces in a society with a strong emphasis upon honor. To a high degree, Comanches valued themselves by the extent to which they could contribute to the wellbeing of the community and be recognized for doing so. Since, in the century and a half of the "Lords of the Southern Plains" period, many Comanches were adopted, usually having been captured as children on raids, active participation in the community, rather than birth, defined one as a Comanche. Even today, being "a real Comanche" is an active relational concern, and not just a biological matter, as is the case generally among Native Americans.⁴⁹

The encroachment of whites onto the plains effectively ended traditional plains life for the Comanche by 1875, when they were confined to a reservation of close to 3 million acres in Southwest Oklahoma with their Kiowa and Apache allies.⁵⁰ The reservation was disbanded in 1901 when each Comanche was relegated to 160 acres.⁵¹ Although Comanche life and culture has undergone considerable change since 1875, the relational sense of "being Comanche" and a strong cooperative sense of community have persisted along with other elements of the traditional culture.⁵²

Comanche governance has also continued in a way that is particular to the tribe, yet consistent with the general pattern of tribal governance in the United States. Following from the placing of the Kiowa, Comanche and Apache on a single reservation, the three tribes combined efforts to lobby for economic and other interests through the Kiowa-Comanche-Apache (KCA) Business Committee, until the Comanches withdrew in 1966 to form their own Comanche Nation.⁵³ The KCA Business committee was largely disbanded with separation in 1966, but continues in a smaller role to handle matters concerning lands and businesses jointly owned by the three tribes.⁵⁴

The Comanche Nation was formally established in 1969, under the Comanche constitution in force at the time ILIS was being applied, to provide a way for the Comanches to manage their own funds and programs, allowing them to participate more actively in the politics of Indian affairs and in the Anglo economy.⁵⁵ At that time, the Comanches largely adapted the previous, IRA style, KCA Constitution⁵⁶ to their own situation. To be a member of the Comanche Tribe (as of 1991), a person had to be a direct descendent of a Comanche, receiving an original allotment of reservation land and was required to possess 25% Comanche blood. The Comanche population of 8,690, in 1991, with a majority under 40, was divided geographically. Approximately 4500 lived in southwest Oklahoma, primarily in four communities: Lawton, Apache, Cache and Walters. There were also sizable concentrations of Comanche in Texas and California.⁵⁷

The governing body of the Comanche was the Tribal Council, which consisted of all tribal members 18 years old or older. In 1991 there were approximately 6100 eligible voters.⁵⁸ The Tribal Council elected seven members at large to staggered terms on the Comanche Business Committee. These include a Chairman, Vice-Chairman and Secretary Treasurer, who also served as officers of the Tribal Council. Terms were for three years, and an individual might serve only two consecutive terms. Nominations for officers and other members of the Business Committee were made at the annual Tribal Council Meeting in April. Polling places were provided for primary and run-off elections in the four communities and absentee ballots were made available upon request for tribal members living outside the tribal area. The members of the Business Committee could be removed by vote of any officially called Comanche meeting (such as a Business Committee meeting) at which 250 or more tribal members were present, and the Business Committee was required to receive approval of a Tribal Council Meeting to make a long-term commitment of tribal resources.⁵⁹

The Business Committee's primary role was to regulate some important aspects of Anglo- Comanche economic relations, but it did not play a major part in directly regulating Comanche- to-Comanche relations.⁶⁰ The Committee was a combination executive and legislative body that oversaw a staff, headed by an appointed tribal administrator, who managed the daily operation of tribal programs. The tribe had an annual budget of over \$3 million in fiscal

year 1990, from a number of federal programs and tribal sources, including a bingo operation. The nation operated a number of social service programs. These included a jobs program, a family violence program, aid to the elderly, and burial assistance), The Indian Child Welfare Program (offering counseling, crisis intervention and recruiting of foster homes, a food distribution program (providing USDA Commodities), the Home Improvement Program, The Job Training Partnership Act (JTPA) Program, a senior citizens center, the Community Health Representative Program, a non-emergency transport system and a substance abuse program. The nation did not have sole ownership of any business in 1991, but shared ownership of two businesses with the Kiowas and the Apaches: The Native Sun Winter Park and KCA Apparel, a clothing manufacturer.

The Business Committee's main problem in carrying out economic projects, aside from difficulty in arranging adequate financing, was resistance to forming and maintaining enough consensus to support long term development.⁶¹ This was partly because of continuing difficulties many Comanches had in acquiring sufficient resources for everyday life, but it was also because of the inappropriateness of the IRA style governmental form for Comanche culture and society. The primary problem was the elected nature of the Council, as a body working separately from the various Comanche communities. This difficulty was compounded by having all the council members elected at large, so there was no direct representation of the geographically dispersed communities. Foster reports,⁶² "there is considerable alienation among Comanches with respect to taking an active part in tribal government (as opposed to talking about tribal politics). Rumors of scandal and wrong-doing by tribal officials are common. In a recent election for chairman, less than one forth of the eligible voters cast ballots." Moreover, because the use of elections with winners and losers runs counter to traditional Comanche culture, "there is a tendency for tribal leaders voted out of office to spend the rest of their lives being obstructive to leaders in power, no matter who the current leaders are....These dynamics are not unique to Comanches, but are present in every tribal community attempting to make these imposed institutional structures work for them."⁶³ This situation was about to change by the establishment of The Indigenous Leadership Management System (ILIS). ILIS is a contemporary strategic planning process that was modified to provide the Comanches with an input into Business Committee actions following the values of traditional tribal inclusive participatory decision making.

The Indigenous Leadership Management System (ILIS)

The ILIS was developed over two years in a collaboration among Americans for Indian Opportunity (AIO), Oklahomans for Indian Opportunity (OIO) and the Department of Communication of George Mason University, in the course of meetings involving Native Americans from a number of Tribes. ILIS is based on "Interactive Management" (IM), which is a computer-assisted group design process aimed at identifying and resolving complex issues through consensus.⁶⁴ The collaborators worked during 1989 and 1990 to adapt IM for use with tribes, calling the resulting product ILIS.⁶⁵ The decision to develop ILIS was made after several successful experiences from 1987-1989 in applying IM with a number of tribes on issue of economic development and long-range planning. Following the initial development of ILIS, the Comanche Business Committee invited AIO and OIO to assist the tribe in setting up an ILIS process as a complement to its normal governance procedures. The invitation from the Business Committee and the active support from the tribal chairman were extremely important for legitimizing the process. The institution of a design process of this kind is likely to be seen as a threat to the status quo and opposed by the tribal leadership, unless the leadership understands the advantages of introducing the process and is actively involved with it as it is carried out. If the process develops successfully with the support of the Council, it can strengthen the position of its members. As harmony and consensus are created in the Nation, and tribal members no longer are, or feel, left out of the political process; complaints about tribal government and officials can be reduced even as they gain positive support. Moreover, as tribal members become empowered by participation to take charge of creating their own future and to focus less on receiving services, they tend to expand tribal resources. Infighting on the part of tribal members tends to give way to a return to focusing upon how each person can contribute to their community and make the tribe strong again.⁶⁶ Evidence supporting the above analysis is given by the Comanche experience with ILIS and is well supported by the extensive experience with workplace participation.⁶⁷

There are, of course, risks as well as opportunities for business committee or tribal council members in deciding to initiate a process like ILIS, just as there are with the making of any political decision or non-decision. If the process works badly, its supporters may be blamed. If it works well, it might give rise to new leaders who challenge and even replace members of the committee or council, even if they support the new process. However, supporting a politically successful program usually enhances one's position. In the Comanche case, three members of the Business Committee who were not involved in the ILIS process were replaced by tribal members who were involved and had become active advocates for it, particularly at the local level where they built strong bases of support as representatives of their local communities. (One of these Committee members later resigned for health reasons, leaving two ILIS active participants on the business committee.) In addition, the more harmonious atmosphere created by the ILIS process was a major factor in the next tribal chair elected after its initiation being the first in a decade to be reelected for a second term.

A related point is that both the principle of inclusion upon which ILIS is based, and the necessity for developing broad support for it throughout the nation, make it essential that all identifiable groups within the tribe be represented in the process from the beginning. Failure to be inclusive destroys the integrity of the process, and if this is not corrected will usually undermine its legitimacy and lead to its demise, as can be seen in numerous workplace cases where improperly executed employee participation has been short-lived).⁶⁸ Just how to ensure that the process is and remains inclusive

needs to be decided according to the particular situation. Inclusiveness was provided for in the Comanche case by inviting to the first session representatives from the four traditional rural Comanche communities (Lawton, Apache, Cache and Walters), the newer urban Comanche Communities, members of each living generation, tribal staff and employees, former council members, members of old political divisions (e.g. those who voted "yes" and "no" on whether to establish a tribal government separate from the Kiowas and Apaches), and all other identifiable relevant groups.

The Stages of ILIS

In general terms, the ILIS process begins with a problem definition phase that enables the nation to develop a deeper understanding of its current situation. It then moves on to a second design phase that provides the tribe with a clearer vision of its direction for the future. In a third phase, participants proceed to define activities to bridge the gap between current reality and the desired future. This is followed by the assignment of roles and responsibilities for carrying out those activities. In this way the tribe can create a vision of its own future and then empower itself to become that vision. The process is an ongoing one, in a sizable nation moving back and forth between general meetings, usually involving members of the tribal council (or Business Committee in the Comanche case) and selected community representatives, with local meetings in each participating community, so that the results of all the forums are aggregated into a common vision statement and program. Once the first round of planning is completed, the tribe begins a new cycle to update its vision and program, or to extend planning to new areas of concern.

ILIS is based on facilitated group interaction, guided by trained group facilitators and supported by computer assistance. The process is designed to aid group participants with diverse viewpoints to get below the surface of discussion to explore the deeper logic of issues. During each of the phases of group work, ILIS takes the group through several stages, beginning with an idea generation session in which responses are provided to a triggering question.⁶⁹ The triggering question, which is carefully worded to stimulate ideas about the primary issue of the participants' concern, is chosen prior to the beginning of the design sessions by the participants with the help of the facilitators. It is important that the participants develop the triggering question themselves so that the process is truly theirs, and does not result in their being intentionally or accidentally manipulated by others in directions different from the collective will of the group.

In the opening stage, and all of those that follow, the group sits in a circle,⁷⁰ and each person in turn has the opportunity to respond, or to pass, until everyone feels that they have contributed all that they wish at this stage. With this process, each person becomes the center of the circle in turn, so that all have an equal chance to participate without having to fight to be heard, and all statements are valued as a contribution to the overall discussion. All of the ideas presented are recorded on butcher block paper and posted on the wall for everyone to see.

Idea generation is followed by a round for people to clarify their responses. In order to select the most important ideas for further group work, unit voting by secret ballot takes place, in which each participant votes for the 5 ideas they perceive as most important.⁷¹ In the final stage, a computer-assisted methodology, called Interpretive Structural Modeling (ISM), is used to help the group explore the relationship among those ideas that received the most votes.⁷² In both the problem definition phase and the vision phase of group work a structural "map" is developed that shows how the ideas influence one another.⁷³ In the options phase, a "field" of possible activities is produced, consisting of categories of options, from which participants are asked to select those actions that are most appropriate for the purposes they have defined. Finally, key actors are identified and assigned responsibility for carrying out the options which have been selected by the group.

Before this kind of consensus decision-making process can be undertaken successfully with any group, sufficient team building needs to take place in order that participants feel adequately connected to the group and its purpose, so that they will trust each other and the process enough to participate openly and freely.⁷⁴ Thus, as the opening part of an ILIS session with tribal people, a locally appropriate ceremony is carried out, connecting the process to tradition so that the participants identify with what they are doing as traditional, proper and comfortable. This is the first of several mechanisms that recognize the critical role tribal identity and values can play in discovering new ways out of complex and deeply rooted problems. Gift giving and public recognition of service in the interest of the tribe are appropriate additions that add to strengthening tribal identity. Blessings, pipe ceremonies and/or prayers go much deeper than the typical greeting or statement of welcome. For tribal participants, attention is drawn to their common bond and all that it means. If outsiders are involved, the ceremony tends to elevate the status of tribal identity and values and places participants in a mode of mutual respect for one another.

The bonding necessary for a successful process can also be enhanced by calling on each participant to track their kinship ties to the rest of the group. Cross-links between individuals and their inherent relational obligations immediately begin drawing the group together and help make tribal values and tribal identity the focus of the group's attention. Often the strongest component of the tribal vision statement developed by the process is the continuation of "the people" (the Numuhnuk for the Comanche). Group identity is synonymous with being tribal,⁷⁵ and where it is strong, preservation of the group and its value system become all important. The reiteration of kinship terms calls forth those values and practices that set the group apart and immediately bonds the group around a common cause.⁷⁶

In addition, asking participants to express what being a member of the nation means to them brings forth a deep affirmation of cultural values, often expressed subliminally. These values, if captured and clarified, become a useful reference point during all the subsequent steps of the process. In ILIS sessions, as much as one third of the time spent together has been absorbed with these preliminary activities whose chief function is to bind the participants together into a single collaborative group. This is far greater than is the practice with other issue management models, but it provides extremely crucial groundwork where participants have suffered from alienation and cultural dissonance. It tends to create a spirit of optimism about the potential for overcoming the immediate set of problems, given all the participants and the tribe have overcome in the past. It is important to implement these bonding activities at the beginning of the work, but it is especially important before the period of generating options for dealing with problems that the group has identified.

Key Roles in the Process

In many nations, much of the discussion that takes place during the early stages of public meetings involves a strategy by various participants to position themselves and establish a role in the group. This is partly a reflection of the importance of honor and of the relational sense of identity of traditional tribal cultures. It is also a reflection of the importance of feeling in Native American cultures and the fact that many people feel strongly about the issues under consideration (or background issues related to the discussion). Until they have the opportunity to vent their feelings, many participants will not be able to engage in open discussion and consensus building. Since ILIS forums separate the generation of issues from the generation of new options for dealing with those issues, and since each participant is awarded an opportunity to address the group in turn, posturing and venting become integrated with issue generation and become acceptable parts of the process without interfering with the more difficult generation of alternatives that takes place later on in the forum.

Two supporting roles are extremely important in ILIS forums. First, a tribal elder or visionary leader interjects statements, such as a historical overview, from time to time. This keeps the sights of the group high as the participants deal with a myriad of complex local problems that are very close to their everyday life. These vision statements provide periodic reminders of the achievements and perseverance of the tribe and the meaning of tribal membership and tradition. They work to maintain the momentum of the session and are particularly helpful in preserving a sense of unity and purpose immediately before voting on prioritized issues or proposed activities.

Second, the facilitators play a key role in empowering the participants to take ownership of the process, for the success of ILIS in developing consensus and harmony rests on the ability of the participants to fully and actively come together as a unity, with full respect for the diversity of views, experiences, etc. of the members of the group. This is a delicate task, for the facilitators need to be active enough to make sure the participants are clear about how the process works and to provide adequate guidance to keep the process proper, and in balanced motion, without ever being perceived as controlling it or as partial to any person, position or outcome. This means, especially, that outside facilitators, who serve initially as consultants to begin the process, truly act as empowerers and quickly let go of the work, training local people to replace them so that the process fully belongs to the tribe.⁷⁷ Similarly, the outside facilitators, while requiring the invitation of the tribal council or its equivalent, need to be clear that they are acting as consultants to the nation as a whole (and the participants as a group) and not to the members of the council as individuals.

The underlying point is that the dialoguing system must be established and operated in a way that gives ownership of it to the participants. There are numerous cases of supposedly participatory decision-making which have failed to meet their potential because inappropriate forms or personnel were used, or because appropriate participatory attitudes and skills were not developed. Even worse are instances in which Pseudo-participatory processes have been applied in deliberate attempts to manipulate people.⁷⁸ However, appropriate care in establishing and maintaining the discussion system can lead to very positive results in empowering the group and the larger community to meet issues in ways that are extremely representative of all who are involved. Because the process is based upon mutual respect, with each participant being given a chance to be truly heard and to have their concerns included in the deliberations in very supportive ways, the tendency of this kind of interaction is to promote increasing levels of discussion, and generates greater numbers of views in an extremely civil discourse that tends to reduce antagonism and infighting. Moreover, since the focus of the dialogue is upon mutual problem solving, rather than fighting for position, the process tends to be extremely creative as it encourages participants to react positively to, and build upon, each other's ideas, i.e. to produce synergy) Such a process tends to build community harmony, not in the sense of limiting the range of expression or of channeling discourse along narrow lines. To the contrary, it tends to produce a polyphony⁷⁹ of many diverse voices by working positively and creatively with conflict to harmonize the interests of each participant, so far as is possible, for the wellbeing of all.

The Comanche Experience with the Indigenous Leadership Management System

The first Comanche ILIS session was held at Lawton, OK in February of 1990.⁸⁰ A broadly representative group of fifteen active participants supported by fourteen observers and nine staff members⁸¹ took part in the two and a half day meeting. The deliberations began by focusing upon the question, "What critical issues do you anticipate for the Comanche Tribe during the next decade." The initial idea generation session produced 52 ideas, from which 21 were selected in the unit voting process. Discussion about the relationship among these issues resulted in a critical issues map (shown as part

of Figure 1). The item of most concern, "the trust period," involved a complex of problems created by the structures and arrangements, including governmental form, imposed upon the nation by the U.S. government beginning prior to the termination of the reservation and extending into the 1960's. The next two items of importance followed largely from the first: problems with the current Comanche constitutional structure and difficulty of the leadership in defining their governmental role. The critical issues map revealed that many of the issues which are often points of conflict in the community are primarily symptoms of the first difficulties which the ILIS process had been initiated to overcome.

The meeting went on to generate 39 proposed options and initiatives for dealing with the issues. Those which were perceived by the participants to be most important were superimposed on the critical issues map to indicate the objectives of each of the initiatives (see Figure 1). Finally, 16 key organizations and individuals were identified for carrying out the initiatives.

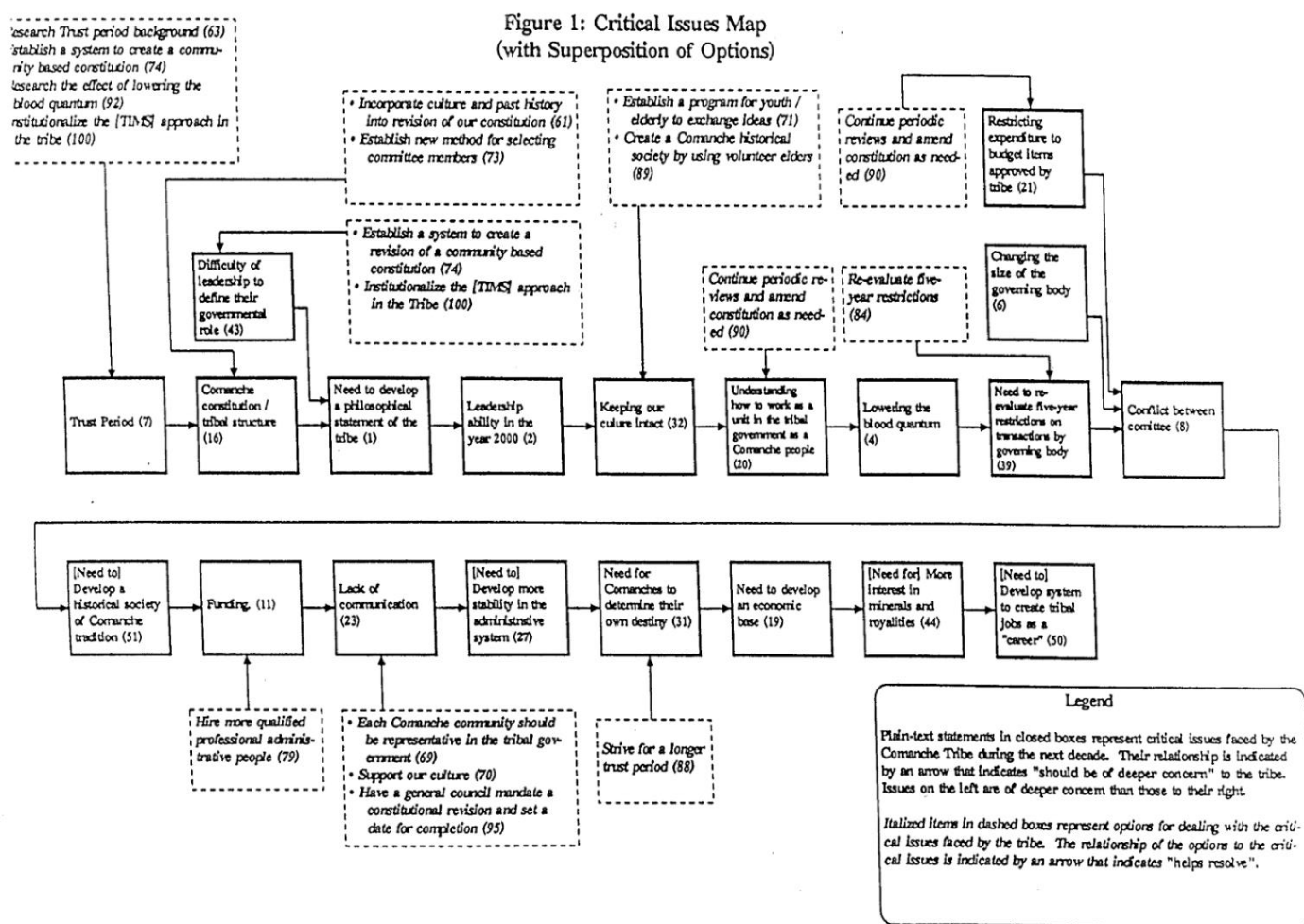


Figure 1

As the closing comments of the participants make clear, the first Comanche experience with the ILIS process was extremely successful in building a spirit of collaboration and harmony, a unity based upon mutual respect. As one of the tribal elders said, "we managed to disagree without being disagreeable," and it was generally appreciated that the disagreements, the differences in perspective, contributed significantly to the generation of better ideas. The session created a sense of vision among the participants as to the future of the tribe and produced a set of concrete plans to begin to realize that vision.

The process served as a vehicle for reestablishing Comanche values in several ways. This was accomplished first, by the fact that ILIS consensus decision-making expresses traditional values about discourse and governance. "We rediscovered the joy of working together and valuing everyone's contribution.... We discovered the Comanche version of *demosophia*,⁸² or collective wisdom, the wisdom of kinsmen, which for us has always been the locus of true leadership, as expressed in persons who manifest that wisdom in their words and behavior."⁸³ Second, the enthusiasm for the renewal of traditional ways experienced in ILIS generated proposals to incorporate the process more widely in the discussion of community affairs and to revise the Comanche constitution. Thirdly, it became clear that the preserving of traditional culture, including the Comanche language, was a function of tribal governance. A number of projects were initiated to work towards that end including the establishment of a program for youth and elders to exchange ideas and the creation of a Comanche Historical Society.

The February ILIS session revealed an underlying circle of concern, composed of three main areas, intimately related to all the important issues in Comanche communities. First, is the question of identity. Who are we and what will it mean to be a Comanche by the 21st Century? How does the blood quantum requirement for tribal membership relate to who we are? Second is the issue of government and constitution. How do we institutionally structure ourselves so that our institutions make sense in Comanche terms? Third, is the problem of communication/participation/contribution. How can we enable every person in our community to make a positive contribution to the life of the tribe by being both responsive and responsible?

Not being able to do so makes tribal people crazy and circles back around to negatively affect their self-esteem and identity. ILIS has given the Comanches a way to address these central issues both in terms of process and concrete initiatives that has extended from the first through the entire unfolding of ILIS meetings that have taken place to date.

The March and May 1991 Meetings

Following the February 1990 planning session, OIO, in collaboration with AIO, worked with the Comanche Tribe to obtain funding from the Administration of Native Americans (ANA) to train a Comanche Facilitation Team, over 17 months, to conduct community meetings and tribal forums using the ILIS process. That training was commenced at a pair of meetings, March 26-28 and May 13-15 1991.⁸⁴ The Spring 1991 sessions focused upon the tribal governance issues raised at the first planning session. The objective of these follow-up sessions was to identify major barriers to community participation in Comanche tribal governance and to develop a plan for overcoming these barriers. A broadly representative group of 16 active participants and 10 supportive observers representing the various Comanche communities and the Business Committee took part in these discussions.

In answering the triggering question, "What are the barriers to greater participation in Comanche Tribal Governance?" the group at the March meeting generated 64 statements of problems of various kinds. Some of these involved attitudes, such as a "feeling that I cannot make a difference." Several statements concerned social problems, such as, "influx of drugs and alcohol abuse." A number of statements referred to communications and educational difficulties, such as "no communication mechanisms in place to pass on information" and "lack of knowledge about tribal issues." A number of the statements focused upon structural barriers, including "inappropriate form of government laid out in the constitution." The map that was produced by the group showing the relationships among these barriers (Figure 2) placed this latter item as the primary barrier to greater participation in tribal governance. Two other leading barriers, ones that are partially a resultant of the inappropriate form of government, are "the lack of communication between leadership and tribal members" and "inadequate leadership." The problems which were perceived as primarily resulting from the three just mentioned were "failure to get involved" and "conflict between Tribal members."

Figure 2: Influence Map of Major Barriers to Community Participation in Comanche Tribal Governance

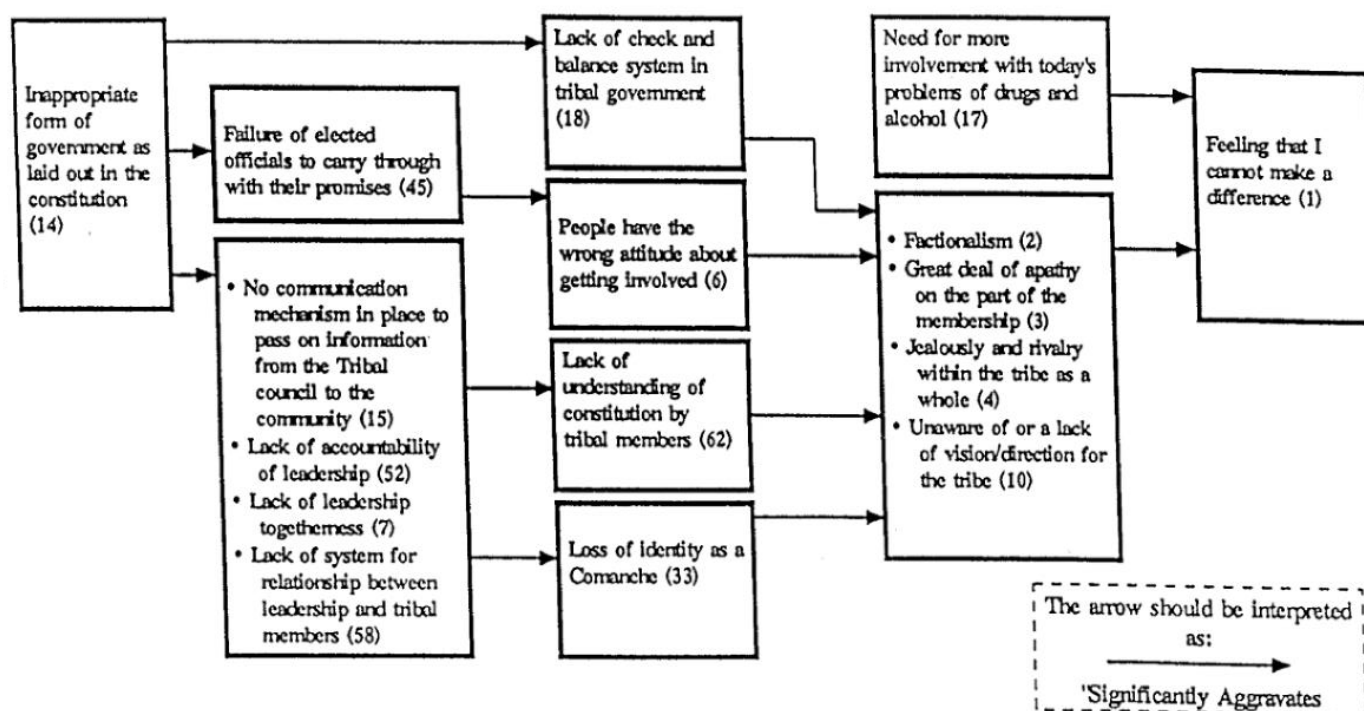


Figure 2

At the March and May meetings the participants generated a list of 99 options to deal with the problems, from which they selected 29 actions (Figure 3) for which specific groups and individuals were given responsibility in order to begin the first steps in revising the process of tribal governance. Some of these were simple actions, such as "posting the tribal agenda" and encouraging tribal members "to read the Constitution." Others were more complex, including "form a committee to get feedback on the constitution" and "developing a tribal vision statement." All but two of the options selected were objectives to be accomplished within a year. In general, the planning sessions identified ten major areas for action to be developed in three stages.

The initial stage was to focus upon "problem solving." This entailed expanding the ILIS discussions through several measures: inviting "known" faction leaders to small group problem- solving sessions, requesting the Business Committee to organize a "Comanche vision commission" to develop a community-based vision statement, set goals and objectives for the tribe, have Business Committee members participate at all levels of the issues management process, including having community members invite the tribal council to an open issues workshops.

Figure 3: Options Selected for Implementation
Promoting Greater Community Participation in Comanche Tribal Governance

- A Problem Solving
 - ï Invite known faction leaders to small group problem-solving settings
 - ï Request a Comanche Vision Commission to be organized by the CBC to develop a community -based vision statement
 - ï Set goals and objectives for the tribe
 - ï Have CBC members participate in ILIS (TIMS)
 - ï Community members invite CBC to open issues workshop
- B Constitutional Education
 - ï Read constitution yourself for interpretation and understanding
 - ï Provide tribal members with historical perspective of the Comanche constitution
 - ï Form committee with community members to get feedback on constitution
 - ï Distribute copies of constitution (with survey) to all tribal households
- C Internal Media
 - ï Make information available on how to get involved in Tribal governance
 - ï Provide tribal newsletter for all tribal members
 - ï Send minutes of CBC meeting out to communities for public posting
 - ï Request an increase in the tribal budget line item to cover cost of newsletter
 - ï Provide information to members on existing tribal programs
 - ï Mail or post tribal agenda
- D Co-Generational Outreach
 - ï Investigate the feasibility of developing an EAP for the Comanche Tribe
 - ï Increase Senior Citizens Care
 - ï Increase Youth programs
- E Cultural Enrichment
 - ï Establish tribal budget line item for teaching Comanche (language)
 - ï Create and hold an annual Comanche holiday
- F External Media (no options selected in this category)
- G Tribal Involvement
 - ï Encourage community meetings
 - ï Promote interest in tribal meetings
 - ï Increase Tribal Council's awareness in budgets

- H External Resources (no options selected in this category)
- I Staff Development
 - ï Have workshops for the Tribal staff on how to be more "service oriented"
 - ï Establish a program designed to teach and train new Comanche business committee members about in's and out's of Tribal affairs
 - ï Develop orientation for new employees
- J Constitutional Revision
 - ï Revise constitution based on Comanche identity
 - ï Establish a community-based constitution revision committee
 - ï Define role of all elected officials

Figure 3

Once sufficient community involvement was attained, the second stage of more particular projects was to be inaugurated. This involved several projects in the areas of constitutional education and discussion, development of internal and external media, co-generational outreach, cultural enrichment, staff development, development of enhanced ability to tap external resources and continued development of tribal involvement. After the process of constitutional education and discussion and related second stage projects was sufficiently developed, the Comanches were to move to the third stage consisting of constitutional revision.

The closing remarks of the participants in this second run of the ILIS process, as with those of the first session, exhibited considerable enthusiasm for the process and strong optimism for its role in enhancing tribal development. A few excerpts are revealing. "I'd like to say that I'm really impressed. I really feel honored to be here because these are the concerns that I've had for a long time and they're not even voiced by most of us because you're not always able to say something for fear of stepping on someone's toe or saying something that's not reflecting something that you really feel, and someone misinterprets what you say a lot of times. And I just really appreciate being able to deal with these things. I just feel the oneness that I've always wanted to feel about my culture."

"I am impressed by all of the things that went on here the last few days. I'm surprised that we got as much done as we did. I've learned more about the way things are in the last few days....and I understand more about the way things work now. This is a very exciting time because we have the opportunity with this group to turn the corner and turn things in a different way. While it'll take a lot of work and a lot of time if we use the right effort and perseverance we have a chance to make things a lot better for the tribe."

"Taking our skills and applying them back to the tribe and all these things are real good in that to me it's like some of the traditions that our tribe held like the Seven Arrows and the Four Directions. In the last few days we heard views with a lot of directions,... Sometimes like Roland, you know, he sees some things so big and can't do anything but with all of us working together coming from different directions like that, we all begin to see things from this point of view, things from that point of view... This kind of helps us experience those kind of other things, like we might not of been able to see things in that kind of way. When I expressed myself, he was able to see it from a different point of view and accept it and see it in a different light. And with this, we're able to bring that back to our culture and we're not stuck in society's frame in going about things. We're getting back to the way our forefathers did things, processed out ideas and things. And I'm real glad to be able to be a part of this and I think we can conduct these meetings like Ben can and I think we can really do a great success with this program, with this process, out there in the communities and corporate it in our governments and it can really help our communities and our tribal members"

Broadening the Process, July and September ILIS

The broadening of the Tribal discussion process decided upon by the Spring 1991 ILIS meetings was initiated shortly after that pair of meetings. An ongoing series of discussions and planning sessions was commenced in each of the four primary Comanche communities. These meetings generally simplified the consensus discussion process, eliminating the computer assisted mapping. In conjunction with the community sessions, a pair of tribal ILIS meetings were held in Lawton, July 12-13 and September 27-28, 1991, with three representatives of each the four communities reporting the findings of their local deliberations.⁸⁵ The objective of the Lawton sessions was to continue designing the future of the Comanche Tribe. This consisted in further consideration of barriers to community participation, developing a tribal vision statement and additional options for the future of the nation ("What actions and initiatives can make the Comanche vision a reality?").⁸⁶ The process at the July and September meetings was essentially the same as that of the first two Comanche ILIS sessions, except that now the tribal level discussions were directly linked to the deliberations in the local communities. Some of the decision-making process took place at each level, as discussion shifted back and forth between local and tribal meetings.

The consideration of barriers to community participation essentially ratified what had been decided at the previous sessions, and with this delineation of the structure of the barriers to effective tribal governance as a foundation, the process shifted to developing a tribal vision statement in the form of a set of objectives developed from considering the question, "What are your hopes, goals and objectives for the Comanche Tribe of the future?" The two-level discussion produced a vision statement containing 20 goals organized in a map of seven support levels. The "Collective Vision Statement for Design of the Comanche Future" is depicted in Figure 4. In general terms, the first level focuses upon the goal of improving communications throughout the tribe. The second level consists of two items, each of which is the initiation point for goals in the following levels, but the two separate tracks largely come together as sources for all the goals at the fifth level. One of the second level goals is to strengthen tribal government. This directly supports a set of third level goals aimed at improving the operation of tribal government, and these in turn contribute to the fourth level goal of providing services to all Comanches.

Figure 4: Collective Vision Statement for Comanche Future

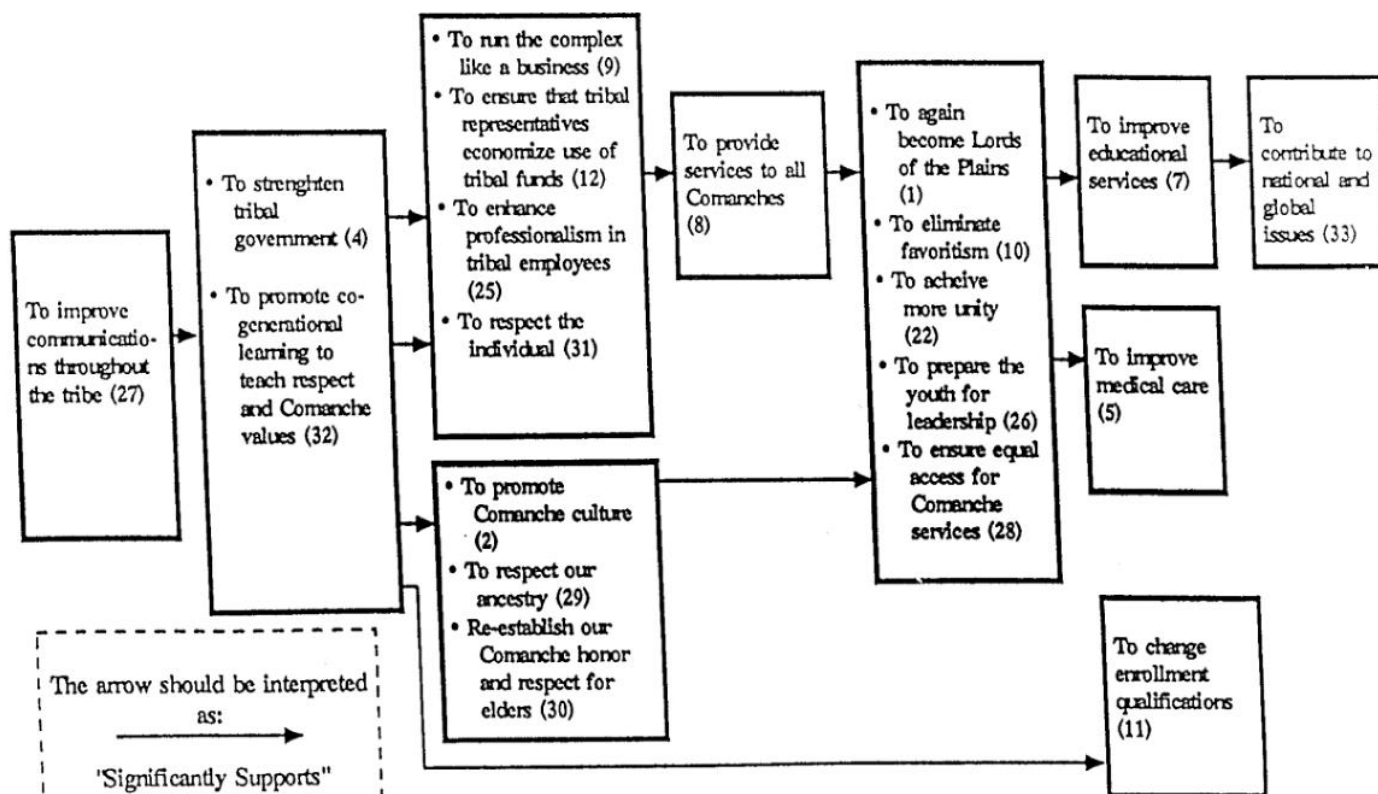


Figure 4

The other goal at the second level is "To promote co-generational learning to teach respect and Comanche values." This supports, directly, a set of cultural goals at the third level as well as the goal "To change the enrollment qualification" (by change in the blood quantum requirement for membership, with the feeling being that it should be made less restrictive). At the fifth level the two tracks largely converge, producing a list of five goals: "To again become 'Lords of the Plains,'" "To eliminate favoritism," "To achieve more unity," "To prepare youth for leadership" and "To ensure equal access for Comanche services." These fourth level goals lead to two at the fifth level, "To improve medical care" and "To improve educational services." This last goal was seen as providing significant support for the seventh level goal: "To contribute to national and global issues." The last is important, for the sense of wholeness that is central to the Comanche (and other tribal people) includes first the individual's place in and contribution to the tribe, and then the tribe's place in and contribution to the nation and the world.

The process of identifying action options was begun at meetings in the four communities, each of which generated its own list of proposals. These were then shared at the September 27-28 session which produced an extensive list from which each community and the tribal group might choose for implementation. The list was defined as being open for further additions and would serve as a basis for choosing concrete actions at future meetings.

Once again, the closing statements by participants were extremely positive. These included affirmation that the process for the meetings and the mapping methodology and visual display were extremely appropriate and helpful. A number of constructive criticisms were produced from this first attempt at combined community-tribal process.⁸⁷ One of these was procedural. It was felt that it was important to involve the Business Committee in all of the tribal level sessions, and that in future tribal level meetings the Business Committee, like each of the communities, should have three representatives.

The other suggestions were primarily technical. For example, it was decided that relevant cultural values need to be affirmed before vision statements, like the one proposed concerning favoritism, are addressed by the group. The group was reluctant to deal with kinship obligations in the context of management problems due to favoritism, but likely could have examined the problem in depth if the positive value of respect for kinship obligations had been discussed in more detail at an earlier stage.

Also noted, were several problems in assuring that everyone's contributions were equally valued. For example, when the communities reported their lists of alternative actions, each community, in turn, presented its entire list. This created two problems. First, as some communities generated longer lists than others, this method of presentation had some tendency to make some communities appear to be contributing more than others, and hence to be more valued. More important, as there naturally was considerable duplication in the proposals, as each group followed those before, it appeared that groups presenting later were contributing less that was new to the meeting than those who spoke earlier. Thus, the last community to present had some feeling that its ideas were not considered seriously and were treated as less important than those of the others. This problem could be eliminated by having ideas taken from each community in turn, noting where others have made the same finding. This duplication would then be mutually supportive. It would indicate that this idea is a major concern to be added to the growing general Comanche list.

Similarly, people not thoroughly used to this kind of strategic planning often confuse such things as what constitutes a vision statement, a goal or an option for action. When this occurred in the process of visioning, action proposals were removed as not relevant at that moment, making the proposer feel that they had made a mistake. If the generated list were considered in more neutral terms, and neutral language used in the sorting process, then the group could consider which ideas should be considered at the moment, and which shifted to a different list for later consideration. This would avoid the problem of people feeling that their contributions were less valued.

Developments in the Communities

Several of the participants took considerable initiative in developing the process in their own communities, and one participant was quite innovative in developing his own computer model for grouping the ideas from his community. He mentioned that once the Comanches have made the process fully their own, they would become so innovative with it that an outsider, knowing only the original process, would not recognize it after five years.

Following the July to September dialoguing, the four local communities, through their own meetings, began to develop some of the proposals generated in the two-level process.⁸⁸ The Lawton community launched a process of constitutional review that quickly became tribal-wide. They also set up three tribal displays in libraries. The Cache community undertook the restoration of its cultural center, generating support from four agencies in the process. They also organized an evening of Comanche hymn-singing.⁸⁹ The Walters community developed collaboration with the city, county and the tribe in planning an innovative community center for its area. They also organized several community dinners. The Apache community, after demonstrating grass roots support through a petition drive, succeeded in obtaining Comanche Business Committee approval for requesting an extension of the tribe's JTPA program into southern Caddo county, rather than relying upon the program from the Kiowa Tribe and it appeared that this would meet federal approval.

Impacts of ILIS at the Tribal Level

At the Tribal level, increased community participation led to a turnout of over 300 tribal members at the next General Council meeting, the largest attendance for a considerable time. Meanwhile, three of the community participants in the July-September 1991 ILIS sessions were elected to the Business Committee, strengthening the newly initiated process of liaison between the Business Committee and the communities, and among the communities, though resignation of one of these members reduced the ILIS supporters on the Committee to two. At the same time, the ILIS process was expanded to include Comanches living in Norman and Oklahoma City, and began to include those living in concentrated numbers in other urban locations around the United States.

In June of 1992 (at the completion of the pilot project funded by the Administration for Native Americans), the Four communities formalized the two-level ILIS process in "Comanche Community Participation Units Articles of Voluntary Association" which was officially made part of the tribal governance process in a resolution of the Comanche Business Committee meeting of July 11, 1992. A direct product of the on-going process was the development of an internal list of tribal and community resources and a national external list of resources that can be drawn upon by the tribe. In general, issues that have been taken through the ILIS process have had broadly supported action plans developed for their solution, which have easily gained approval of the Tribal Council. By contrast, issues that have not been considered in broad community discussions, which have been by the ILIS process, continue to be difficult to build a consensus around. This makes it hard for the Business Committee to take any action on them. This is illustrated by the Business Committee's rejecting four successive proposals from the Tribal Council on economic development which appeared to be substantively strong, but for which there had not been broad participation in their development.⁹⁰ This experience of the Business Committee, along with the fact that the calmer political climate resulting from the initiating of inclusive community dialogue contributed significantly to the next tribal chair being the first to be reelected to a second term in at least a decade, indicates the potential of the process to provide a means for ending deadlock in tribal decision making and to begin to lower the level of acrimony in the community, particularly relating to its political affairs.

Experience with participatory measures in other settings suggests that the full establishment of a process like ILIS requires considerable time. The building of trust in the community necessary to transform long existing bitterness and infighting into generally harmonious relations requires a long period in which there are consistent good experiences in dealing with community issues as a result of working successfully with the process. Clearly, the reactions of participants, the spread of support for working with ILIS, and the unfolding of events indicate that movement toward such a change in feelings and ways of relating was beginning to occur among the Comanche by the end of 1992.

Even under the most favorable of circumstances, the integration of an innovative process like ILIS into the mainstream of community affairs is never smooth or entirely certain. As the new participatory way of deciding begins to generate enthusiasm in the community, it naturally stimulates people not yet acculturated to its ways to inject their own proposals into community deliberations, outside the new discussion process. If this happens too early, or forcefully as may happen where there are strong factions that are not included in the process from the beginning, or at least at a very early stage,⁹¹ it can derail, or at least delay, the growth of the new consensus decision making process. If the new process is being developed in a sufficiently effective way, such incidents are merely part of the growing pains of making the process more inclusive.

An example of this kind of difficulty arose with the process of constitutional revision. The ILIS process set in motion a long-term discussion of the issues aimed at the building of consensus over time, before proposing a new document. In the midst of these deliberations, a former business committee member, who continued to feel alienated from the governmental process since his defeat in a reelection effort, proposed his own revision for the constitution, which did not include the ILIS process. He managed to obtain enough signatures on a petition so that a vote had to be taken on his proposal. His action, at first, created a great deal of confusion. Many people did not know whether or not the vote was on the revision that was being discussed in the community. However, the communication network and process, set in motion by the introduction of ILIS, had become sufficiently developed so that most of the confusion was eventually straightened out. The proposal first passed, but was quickly rescinded when people realized that what they had voted for was not the proposal being developed through the consensus building dialogues.

Although this episode caused some delay, it did add to the inclusiveness of the process of constitutional revision. By mid 1996, sessions on drafting a new constitution had been held in the four communities, and with Comanches in Norman and Oklahoma City, and in Albuquerque, Dallas and Washington D.C. A final tribal level drafting session was then held with representatives of each of the communities, and a referendum appeared to be on the horizon. However, failure of the Comanche to maintain inclusive dialogue at the tribal level soon derailed the promising effort. As Laura Harris later reported, while a consensus was reached by the community representatives involved, by the time the final draft was ready for tribal consideration and sent to the business committee, the tribe was no longer using the ILIS process and either the then chair or the business committee submitted the proposed constitution to the tribal lawyers. Not understanding Comanche culture and its importance, the lawyers removed all the Comancheisms in the document, destroying its viability.

Failure to Fully Institutionalize ILIS

For community discussion to be maintained and to be ongoing in its development, it is necessary that the process be institutionalized sufficiently that it continues to be used consistently, regardless of changes in official personnel. This is true, whether or not it continues to use the original format of its initiation, in this case ILIS, or be modified into some other form of inclusive participatory discussion. With the Comanche, that has happened in three of four communities, where local meetings to discuss community affairs were still a regular occurrence as of 2002. In the fourth community, participatory discussions continued at least until mid 1996. At the tribal level, that has not been the case.

The chair, who came into office after the initial tribal level work with ILIS had been completed, did not appreciate its importance in making the political climate favorable to his reelection. Thus, he made no use of the process and did not replace the ILIS liaison person to the council when the position became vacant, or the tribal ILIS facilitators when they left the tribal staff. As the community at large was not yet sufficiently acculturated to returning to participatory dialogue of tribal issues, the chairman's lack of action concerning ILIS did not draw a significant response from the community. During the chairman's first term of office, no major controversial issues arose, so that the improved community climate resulting from the ILIS process remained, carrying the chair into a second term. Shortly after his reelection, however, two important issues surfaced that he believed required early action. When he undertook controversial initiatives concerning them, without putting them before the communities for broad consideration, the result was political uproar.

In the first instance the chair initiated plans for the building of a tribal casino. In the second, he attempted to create an HMO in the face of a possible closing of the tribe's hospital. The latter action was threatening to some of the hospital's employees, who began to complain to others that the chairman was attempting to kill the hospital. This ignited a round of gossiping, heavy with innuendo. Objection to being left out of the process was particularly voiced by those in the local communities who were now used to participating in the consideration of major issues in their local meetings.

Whatever the chair's concern may have been about the necessity for quick action in the two cases, his initiating the projects without prior consultation with the Comanche community through ILIS, or an equivalent forum, created a

great deal of stormy controversy and raised considerable suspicion of the motives of those involved in developing the proposals, as was typical of Comanche politics as usual prior to the launching of ILIS. Indeed, for some time community turmoil was even more tumultuous than prior to the initiation of ILIS, as many Comanches were now used to being involved in community affairs, and were angered at being left out of political decision-making.

While three of the four Comanche communities continued to have local participatory meetings, at least into 1999, and there have been continued efforts to revise the nation's constitution – sometimes with fairly inclusive invitations to tribal members – LaDonna Harris, author of previous Comanche ILIS reports and an involved tribal member, reports that as of the summer of 2008, the Comanche's had not adopted a new constitution. In January of 1999, an attempt was made to improve tribal governance by restarting the ILIS process at the tribal level. However, the election of a new Tribal Chair, shortly after that, ended the effort, and while Comanche politics have become more congenial, as of fall 2008, a tribal level participatory process has not been reestablished.

Evidence for the Value of ILIS

Some may wonder if it is worth initiating a return to inclusive community discussion of issues in Indian communities, given that the Comanche community was even more disharmonious after its experience with ILIS than before its initiation. There is plenty of evidence, however, that ILIS was an appropriate and useful process. All of those who participated in it were moved by the experience and enthusiastically supported it. Whenever inclusive participation was used, over time, consensus was built for a plan of action, and a program was passed. It seems likely that a new constitution would have been enacted if community dialoguing had continued. The community became much more harmonious as long as many of its members were involved in meaningful consideration of community affairs. Many of them were angered at again being left out of policy making is an indication of the value of such participation. Overall, it would seem that as long as ILIS was used, it served as a creative vehicle of empowerment. It has also provided a way to deal effectively with issues for the mutual advancement of the members, the communities, and the tribe as a whole, in a way that allows the Comanches to interact more effectively with the contemporary world through strengthening traditional values.

More recent applications of ILIS give further evidence that reinstitution of inclusive participatory consensus decision-making processes, such as ILIS, are quite efficacious, when appropriately undertaken for the particular culture and situation. When appropriately applied, such processes do much to bring back a sense of identification with, and appreciation of, one's tribe. An important result is a restoration of a feeling of individual dignity among tribal members through fostering mutual respect and providing a means for all members to contribute positively to the wellbeing of the community. Several members of other Tribes have participated in or observed the ILIS process and commented upon its broad applicability.

Former Winnebago Chairman Reuben Snake, a facilitator at the Comanche February 1990 ILIS meeting, commented that the process is a good match for traditional problem-solving strategies. This is because traditional people remain, to this day, holistic, systems thinkers, favoring the inclusion of many ideas into solutions rather than one idea overpowering another.⁹² Stanley Paytiamo, former Governor of Acoma Pueblo, said that the ILIS process enables a group to accomplish in two and a half days what it takes traditional decision-makers two and a half years to accomplish.⁹³

Other Experiences with ILIS

Since its first use by the Comanches, ILIS has been applied successfully in a number of other settings.⁹⁴ AIO has used the process with a number of tribes and other organizations in Oklahoma, New Mexico and Alaska. ILIS was instituted as an issues management program for the Institute of American Indian Fine Arts. In addition, AIO has been using ILIS in its work in strengthening the government-to-government relationship between tribal and federal governments. The process opens a non-confrontational pathway for the interaction of government agencies and tribes. In several forums, beginning in 1993, including a session with the EPA Office of Solid Waste Management, AIO has brought together local, state, regional and national representatives to discuss issues facing tribal governments. ILIS has promoted full and frank discussion, building coalitions for stronger tribes and more effective policy coordination. AIO has also regularly makes use of ILIS in working with the young people participating in the American Indian Ambassadors Program of leadership training. "Ambassadors Program, the only national Indigenous values-based leadership development initiative nurtures the skills of young Native adults to be proactive change agents, bragging more than 250 graduates, representing 100 tribes, 33 states and 7 countries who are proactive change agents in their communities as of 2009."⁹⁵ The process has helped them to understand the barriers to effective leadership, the relationship of issues to each other and the roles that individuals can play in either creating or overcoming barriers. Americans for Indian Opportunity has also found ILIS an exceedingly useful format in a variety of international Indigenous meetings. Over all, the record indicates that ILIS type processes can be extremely useful to tribes and tribal people in recreating who they have always been as they move forward in revitalization in the Twenty First Century.

Conclusions on Renewing Tribal Inclusive Participation

The main point is that most Indian nations are suffering from a clash of values between their present forms of government and surviving traditional values of the people that generally are quite participatory and cooperative. ILIS, however modified for specific circumstances, is only one method for providing inclusive participatory decision making. Like all

processes, ILIS has its advantages and disadvantages. For example, the computer mapping is helpful in quickly showing the relationship of the ideas or issues under consideration. But this requires expensive equipment and technically trained staff to operate and maintain, which may make it impractical to use. Partly because of this, in the Comanche case, the local communities usually did not use the computer equipment or the mapping. They simplified the procedures for their own needs, maintaining their inclusive participatory character.

Some Indian commentators have stated that they find consensus decision making too time-consuming to be generally practical, especially in larger tribes. As the Ute and Alaskan, Baha'i-style, decision-making cases indicate, it is still possible to involve people inclusively, regularly and respectfully in tribal decision making without having everyone directly deciding by consensus. Indeed,⁹⁶ a number of North American Native peoples, such as the Dine (Navajo – discussed below) traditionally used a brokering system to build consensus by representation, in many of their affairs. Just what form or method is used needs to vary with the circumstances. What is important is to find appropriate ways to involve tribal members so that they are, and feel, involved.

As we have seen above, even the best and most appropriate process of tribal decision making cannot instantly overcome many years of inappropriate governance, and a host of other problems that have been exacerbated by lack of government commensurate with the culture and needs of the people. Properly initiating appropriate governance is an essential first step in beginning to return a community to harmony. Community involvement then has to be built in a good way, modifying the process as is necessary for community needs, but only on major occasions in order not to undermine the confidence of the people in it or confuse the people about the operation of the process by changing it too often. The process needs to be maintained long enough to become firmly established. Then, it can serve as a vehicle for developing policies to deal with the other issues that Indigenous communities must overcome to return to harmony and self-sufficiency.

Developing policies that fit tribal values often needs to be a patient and careful undertaking. Prior to colonialism, Indian peoples were adept in including a wide spectrum of views, interests and concerns in building a consensus. Today the range of views has widened, particularly with tribal members often having acculturated varying amounts of mainstream, or other external, culture, while new traditions have developed differentially for different community members, and memories of what is "traditional" have become more diverse. As one elder of a nation that used to hunt bison, elk and deer, but for a while got into ranching, commented to author Stephen Sachs, "I stopped going to elder's meetings when I realized they gave me a headache. Some of our elder's complained, 'give us traditional food. We don't want these chicken dinners. We want beef.'" It is precisely in such diversified situations, that respectful, inclusive dialogue is needed to build harmony and consensus.

While the application of ILIS at Comanche Nation for a short period showed the value of applying appropriately modified contemporary inclusive participatory processes to returning Indigenous community governance to functioning according to tribal traditional values, a series of attempts have been in progress over many years to achieve similar results at the larger and more complex Navajo Nation.

The Continuing Process of Government Development at Navajo Nation Traditional Navajo Governance

One of the longest, currently on-going, processes of tribal government development has been in progress for many years at Navajo Nation. The Dine, generally known as the Navajo, were a society governed largely at the band level with somewhat more complexity than simple bands in their social organization owing to their strong clan structure.⁹⁷ Clans (extended family units) were and remain important in public affairs, in part, because they were responsible for the behavior of their own members (e.g., obligations and harms along contemporary lines of debts, torts and crimes). Since clans gave considerable emotional and economic support to their members, pressure from kinsmen, especially elders, was likely to have a strong influence. In speaking of more contemporary local governance, Kluckhohn and Leighton describe what oral history says was true of the old band government and which was typical of traditional Native American government in general.⁹⁸

"Headmen have no powers of coercion, save possibly that some people fear them as potential witches, but they have responsibilities. They are often expected, for example, to look after the interests of the needy who are without close relatives or whose relatives neglect them [a rare occurrence in traditional times], but all they can do with the neglectful ones is talk to them. No program put forward by a headman is practicable unless it wins public endorsement or has the tacit backing of a high proportion of the influential men and women of the area."

The two authors go on to say that at meetings, "the Navaho pattern was for discussion to be continued until unanimity was reached, or at least until those in opposition felt it was useless or impolitic to express disagreement." They point out, however, that while public meetings provided an occasion for free voicing of sentiments and thrashing out of disagreements, the most important part of traditional Dine political decision-making took place informally in negotiations among clan and other leaders representing their respective groups who regularly discussed community concerns face to face. These discussions included input from women, particularly elder women, so that everyone in the community was represented. Prior to U.S. government intervention, there was no national Dine government, beyond the clan and

inter-band negotiating processes. Prior to the Dine territory becoming part of the United States in 1846, however, there is evidence in oral history that traditionally there were meetings, called the Naachid, every two to four years of the war and peace leaders of many of the bands, at which issues of war and peace were discussed, but it is not clear if civil issues were also considered at the meetings. As with band government, the Naachid had no power to coerce compliance of its decisions.

From Colonial Imposition to Arising Self-Determination

Under U.S. colonialism, following 1868, imposed administration was initially undertaken from a single agency. Then between 1901 and 1924 Navajo administration was decentralized into six districts with BIA personnel interacting with local band leaders.⁹⁹ During this period there was considerable resistance to U.S. administration and its cultural suppression, with the military called in as late as 1914 in the face of threatened uprisings.

"The discovery of oil on Navajoland in the early 1920's promoted the need for a more systematic form of government."¹⁰⁰ The first business council was formed in 1922, which became formalized in 1923 into an initial tribal council. The Dine Policy Institute of Dine College said of this development,

"This political structure was a dramatic and completely foreign mode of governance for Navajo society. Major differences include: the centralization of power, official demarcation of boundaries and standardization and uniform application of laws. Historically, political power was disaggregate, lacking official boundaries and consisting of multifarious interpretations of DinĔ cosmology and laws. At the time of its inception, the nation-state format wasn't something needed by the natural community of the DinĔ. Rather, it was created to serve the interests of the U.S. federal government and foreign corporations. In other words, Navajos dramatically altered their natural political institutions for benefit of outside forces-not for consideration of the Navajo community.... That this process wasn't explicit doesn't undermine the effect putting tribal societies under the control of U.S. governmental bureaucracies had on internal politics of these societies. This created a bureaucratic ruling class that runs the tribe today."¹⁰¹

The first chapters comprising land area were established in 1925, and at least fit somewhat into the Dine tradition of having local government at the band level. "But such groupings corresponded to nothing in Navajo experience, and the techniques laid down were still more foreign. The cultural provincialism of the Indian Service was shown in the fact that each chapter was told to elect a president, vice president, and secretary and to carry on according to parliamentary procedure."¹⁰² This arrangement made it inevitable that the younger, more western educated, Dine filled most the offices of the chapters, rather than the more locally and traditionally knowledgeable, and wiser, elders. The Indian Service attempted to direct the chapters, insisting that the leadership agree to many of its proposals or resign. This led many of the chapters to become centers of anti-U.S. government agitation. In reaction, the BIA withdrew its financial support, leading most of the local units to collapse. Yet the organization of chapters spread, and by 1933 over 100 were operating across the reservation, as they had practical advantages and integrated with the tradition of local governance through the extended families of the bands.

In the early years, until after World War II, the Navajo Tribal Council, like the councils of many tribes coping with BIA impositions as best they could, also acted primarily as a reactive body, saying yes or no to BIA proposals, while proposing very little (though there were some examples of the council being proactive after 1940). As a body forced on the Navajo by an alien government often riding rough shod over Dine interest and culture, the Council was often a focus of protest and resistance. During the New Deal, in 1934, the Navajo voted against adopting an IRA government, "Nevertheless, the Indian Service proceeded administratively, and under the legal principle of inherent and unextinguished tribal authority, to extend to the elected authority some control over tribal affairs."¹⁰³ In 1936, after a search of the reservation for "competent" men, led by Father Berad Haile, the BIA appointed a constitutional assembly. The assembly disbanded the old government, and appointed a provisional executive to act until a new constitution could be written. Agreement was never reached for a new constitution, but the assembly did come together on a set of rules for a new council that the BIA approved, leading to an election in 1938.

Many Navajos were suspicious of this arrangement. as the Navajo Nation Constitutional Feasibility and Reform Project report noted, At the time of its adoption, there was vehement resistance against this method of governance. In the 1930s Jacob C. Morgan, later to become tribal chairman, led campaigns to oppose Navajo concessions of mineral wealth, the Bureau of Indian Affairs livestock reduction initiative, the creation of the first tribal council and the 1937 Navajo constitutional effort. It wasn't until he was named chairman that Morgan ended his political opposition against the central government of the Navajo tribe.

"Other forms of resistance happened more subtly. Justices within tribal courts (or the courts of Indian offenses) used traditional methods of justice to resolve Navajo offenses despite BIA mandate to operate otherwise. It was the Navajo judiciary that took the lead in incorporating traditional values and concepts into the legal (i.e., political) logic of the centralized Navajo government. This led eventually to the formal incorporation of the peacemaking courts in the 1980s. But converse to this trend, the Navajo courts decided at this time that statutory law trumps common law when each is in conflict on a given issue. In other words, the will of the central government is held in higher esteem than cultural principles rooted in DinĔ culture."¹⁰⁴

However, in 1985, the Navajo judiciary was established as an independent branch, and even though legally the council could overrule the Navajo Supreme Court, for political reasons the council has respected its independence.¹⁰⁵ Moreover, within the letter of statutory law, there has been considerable space for the courts to apply Navajo tradition in both statutory interpretation and in developing common law. This in turn has had an impact on public opinion, on the Council's writing of legislation, and upon the larger process of government development.

After World War II, the Council became more active in developing policy, which expanded greatly with the growth of tribal decision-making as a result of, first, the war on poverty, and then the growing federal Indian policy of self-determination, initiated under the Nixon Administration. Among those gaining leadership skills and experience as a result of the war on poverty Indian programs were Peter MacDonald¹⁰⁶ and Peterson Zah. MacDonald was elected tribal chairman in 1970, and began doing a great deal to increase Navajo Nation tribal sovereignty and economic wellbeing, quite aggressively moving to extend tribal control over education and other programs, and over mineral leases. MacDonald took advantage of the concentration of power in the Navajo Nation's IRA like government, which he expanded considerably. However, after serving three terms as Chair, he lost the election in 1982 to Zah. Typical of many tribal leaders whose culture is collaborative, emphasizing consensus decisions- making rather than elections, he took the election loss personally, as an attack on his honor, causing him to shift to a power-seeking approach to politics. Building a strong political machine, he won the 1986 election for chairman, and ruled quite dictatorially, setting off a major political struggle which came to a head with a riot in Window rock, on July 20, 1989, that left two Dine dead and ten injured. These and subsequent events showed the problems of imposed forms of tribal government that conflicted with basic principles of the nation's culture.

A substantial part of MacDonald's political power was based upon his bringing needed money and jobs to the reservation by expanding mineral extraction and launching numerous Navajo owned enterprises, including the Navajo Nation Shopping Centers Enterprise and Navajo Engineering and Construction Authority. He clearly did a great deal to advance the sovereignty and economic wellbeing of Navajo Nation, though the damage to land and people from mining in the longer term has been considerable, and along with some other aspects of the development he launched, have violated some important Dine values. Moreover, MacDonald engaged in considerable favoritism, nepotism and misappropriation of moneys, which led to his suspension as chair, in 1988, and his conviction on federal charges of bribery, fraud and misuse of federal funds in 1990.

At least some of the favoritism and nepotism can be attributed to the traditional value of a leader supporting his relatives, which functioned very well in precontact times, when every member of a band was a relative. Then, assisting family members was helping the whole band, which is not the case in the modern context when the concept of family has become narrowed. This is a difficulty that requires a new approach across Indian country. But MacDonald's financial self-aggrandizement, is hardly traditional. Rather it is an offshoot of the creation of a new class of political leaders resulting from U.S. assimilation and government restructuring policies of the U.S. government. These developments violated the equalitarian values of the Dine and remain a problem.

The Post-MacDonald Reforms

As a result of the problems of the MacDonald government, the first effort to bring at least a modicum of traditional dispersion of power back into Dine government, though in a largely western format, was the creation of the current government structure in 1989, featuring separating of powers roughly following the model of the three branch U.S. federal government, with leadership from Peterson Zah, who served as chairman of the Navajo Tribal Council at Window Rock from 1983 – 87, and who was elected first President of the Navajo Nation in 1990, under a new Constitution.¹⁰⁷

The new constitution established an 88-member elected council delegates representing 110 Navajo Nation chapters; an executive branch headed by a President, leading a sizable administrative bureaucracy; and a court system. In contrast to the United States government, the legislature, as the direct representative of the people, has preponderant legal power over the other branches, making the Speaker the most powerful official in the government, followed by the President, whose powers include a veto over legislation, that can be overridden by the Council. The constitution places governmental authority primarily in the national government, located at Window Rock, which can allocate authority to the chapters.

Concentrating decision-making in Window Rock has long presented difficulties. Navajo nation with the largest population of any recognized Indian tribe in the United States, spread over an extremely large reservation with poor roads and other infrastructure stretching across three states, found that attempting to govern almost all tribal matters from the tribal capital had resulted in a cumbersome, bureaucratic tribal government, that many Navajos found to be unrepresentative and too distant to act with an adequate understanding of conditions in its many varied local chapters, or to be in communication with local citizens. The geographic separation also tended to increase the psychological separation between the educated class, composing much of government and administration, and the rest of the population. Moreover, many aspects of the nation's three branch government, modeled on the U.S. Constitution, did not fit with traditional Navajo ways, even though some traditional governmental practices were retained, and the tribal courts incorporated a considerable amount of Navajo custom in tribal law, especially in "domestic" law.

Decentralization and Participation at Navajo Nation

Thus, in early 1998, the Navajo Nation acted to decentralize many aspects of government to its 110 local chapters, even as it was working to improve the quality of many chapter meetings by finding ways to incorporate relevant traditional values in contemporary governance.¹⁰⁸ From the outset, the process of developing decentralization was guided by traditional medicine people to ensure that what was established was consistent with Dine thinking. A sales tax was established so that chapters certified in self-governing competence could obtain funding for from retail sales in their jurisdiction. At the same time, the central government began taking steps to debureaucratize its operation, and to improve the accessibility of, and communications with each of its organs. Most of the planning and initial implementation of these efforts have been carried out by the Navajo Government Commission, an arm of the legislative branch, and its Office of Navajo Government Development. The Commission and the Office have some able staff, and have been advised by traditional elders. With a weak economy, however, it has been difficult for the nation to provide adequate resources for the immense and many faceted tasks. The Office has received some assistance in providing forums for local chapter officials to work out methods for improving chapter governance through the Leadership Program at Dine College. However, the program has not had the resources to move very quickly in working with the large number of geographically dispersed chapters.¹⁰⁹

A similar problem exists concerning the technical competence of the chapters to carry out programs effectively and to handle finances with accountability. Thus, the nation's government established a process for chapters to be approved on their money managing competence and be certified to operate their own programs under the decentralization statute. At first, very few chapters became involved in the certification program, as the paperwork involved was complex, while many of the chapters were understaffed, overworked and inexperienced in the more complicated bookkeeping that the revenue sharing process of applying tribal funds locally would involve. As a result, Navajo nation developed methods to simplify accounting while maintaining accountability, while finding affordable yet adequate ways to provide technical assistance to chapters on finance and other matters. This has begun to increase chapter certification, but the process is still very slow. In October 2004, the Sweetwater Chapter became the first to have its Local Governance Act Community Land Use Plan approved by the Navajo Nation Council's Transportation and Community Development Committee, having obtained assistance from the Shiprock Agency Local Government Support Center, one of 10 regional centers set up to assist chapter governments. By April of 2005, six additional chapters had land use plans approved, on December 24, 2008, the number reached 10 chapters achieving certification.¹¹⁰ Additional chapters began to be certified after that, but several of them ran into difficulties because with the limited assistance available to them in educating chapter officials and members on proper procedures, especially in handling finances and bookkeeping. As of December 12, 2012, of the 110 chapters were certified. By 2018 around 50 or more chapters had become certified. The increase, with perhaps some improved chapter operation, may have been aided by increasing chapter personnel levels of formal education, which may have included either some background in handling and finances and bookkeeping or orientation toward learning it.¹¹¹

One proposal for improving the situation with chapters in light of limited financing to support them was to combine adjoining chapters of less than 1000 people in the course of reducing the number of chapters from 110 to 24 regional governments.¹¹² It was calculated this would significantly reduce chapter related administrative costs providing more funding for chapter support. It would also provide a larger pool of people to serve in chapter government, which at least some chapters have found difficult to fully staff. The council passed a resolution to have a referendum on the issue, but it was vetoed by the Navajo Nation President.

In 2018, following initial data collection a year earlier, The Dine Policy Institute undertook a study of the functioning of the chapters, both certified and non-certified. The study found a number of critical problems that were preventing the chapters from functioning fully according to traditional values; carrying out fully effective local governance responsive to their members while fairly balancing interests. A number of these difficulties had nothing directly to do with the Dine values involved in participatory democracy. But looking at the problem of making local government work for the people holistically - which is traditional - anything that enhances or detracts from effective participatory chapter government is relevant in achieving the ends of traditional participatory values. The report made the following recommendations.¹¹²

"The Navajo Nation should take a holistic, systematic approach empowering the local communities. In order for local communities to have the tools and teeth to properly serve their members, the Navajo Nation will have to implement several reforms to address the short falls of the Local Government Act (LGA). It is not a fair assumption that the LGA has not worked; in the last 20 years about half of the Chapter Houses in the Navajo Nation have been certified, and none have achieved all the political empowerment entitled with certification. For the Nation to really see whether LGA can work, at least one Chapter House needs the political authority that was authorized 20 years ago. Not one Chapter House has obtained the political authority it was granted and maybe if a community has a certified Chapter House, with all the political authority, then that would be a fair evaluation of its success. At the very least, empowering a Chapter House with the political authority for a trial period of several years would need to be tested to see how the LGA actually works".

"The critical changes that need to happen will have to be done at the centralized government, and the local level.¹¹³ These two entities must work in conjunction with each other to implement reforms. With the current, falling tribal revenues and uncertain funding, now is the time to enact these changes. There is a definitive need to diversify the economy, as

the tribe's biggest revenue source is natural resource extraction. In the future, the Nation should: expand its tourism industry, expand renewable energy development, invest in the informal economy by supporting small businesses, invest in infrastructure, advertise at the local flea markets, and invest in developing gaming industries and hospitality in the deeper part of the Nation, rather than just the borders".

"The Navajo Nation consistently develops ventures in the outer part of the nation to attract border town and outside dollars, however, Navajo needs to build local facilities, so Navajo members can spend money at their nation's businesses — hotels, casinos, restaurants, gas stations, and entertainment venues, similar to the proposed development at Twin Arrows Casino".

"These proposed economic changes at first seem quite foreign to Dine tradition and its values, and unrelated to achieving effective inclusive participation at the local level. This is especially the case of the casinos which many Navajos objected to as opposed to tradition. When one looks further, it is clear that participatory decision-making is not an end in itself, but a highly regarded means for obtaining a number of ends involved in creating, maintaining and restoring the wellbeing of the community and the good life of each member. That has always included economics, traditionally understood as maintaining a balanced relationship with the physical environment and its spiritual aspect in the course of providing what is needed by the people on a relatively equal basis. This involves appropriately adapting to the conditions of place, which are always changing and are now far different from what they were in historical times. Thus, the economic proposals are clearly relevant to realizing participatory values, though one may disagree with the wisdom of the particular proposals".

The report goes on to consider some issues more directly related to chapter government itself.

"The Chapter House today needs critical support to initiate the power from the central government to the local government. The centralized government must initially provide the proper technical support, which means changing the institutions that help and empower the Chapter House. This also means changing the way the Chapter House operates to an institutional model that can effectively help the people. Proposed changes to supporting institutions and the Chapter House itself are a reflection of the changing times and the new challenges that the Chapters face. The Chapter House today has to meet the challenges of climate change, a hostile U.S. administration, development of renewable energy, and the proposed consolidation of the local governance. Not much has changed since the creation of the Chapter House; most major changes were introduced in 1998, and even those changes have not been properly implemented as of today. Chapter Houses have been criticized recently, as their development, support, and empowerment have been the most stagnant.

Several different departments from the Chapter Houses will need far-reaching, systematic changes. While this is not a simple fix, these recommendations are a result of extensive interviews with people who play major roles in their local communities. It is important to assess why there is low participation from the people, though the graphs above show that people see the Chapter as a place to govern and improve the community. Essentially, the Chapter cannot govern the community, since it has not been functionally empowered politically, despite the passing of the Local Government Act. The Chapter House cannot improve the community if it has no real authority over its land, roads, leasing authority, and public services".¹¹⁴

"Listed are the Steps for Reforming the Government"

- "The Navajo Nation Land Department should empower the Chapter Houses by drafting a template for home site lease ordinances, so that local governments can issue their own home site leases. The Land Department and the Department of Justice should work in conjunction to best formulate an ordinance. The authority to issue home site leases will give power to the Chapter, once the Community Land Use Plan Committee has finished zoning. This will help cut down on the bureaucratic process to obtain a home site lease. A reformed Chapter House is the best authority to oversee housing in its own area, where community members have input on their zoning and implementation. The current Chapter House system isn't adequate to handle housing policies and implement home site leases, however, a reformed local government has the potential to streamline the current system".
- "The Regional Business Development Office, RBDO, should educate applicants who apply for the business site lease about how to run and operate a successful business. Two cities (Moab, UT and Sedona, AZ) have a department where the director provides business owners with technical support on business education. If the RBDO assists in the application, they should take the lead in educating them. The RBDO should also help find financing for local businesses; RBDO needs to help locate and connect business owners with financiers. RBDO needs to take a more active and aggressive role in supporting formal businesses. Better partnerships and communication should exist with the local Chapter Houses. RBDO could pursue both withdrawing land and proactively designating a specific site for renewable energy development that requires huge tracts of land".
- "The Department of Agriculture should create a range management plan for the entire nation, so that the tribe may issue, cancel, and reissue grazing permits. The tribe needs to be directly in charge of regulating grazing. [This is a national resource use and conservation issue, while local decision making has been hampered by neighbor conflicts

that need an independent arbiter. But it would seem consistent with Dine values to have inclusive local input into area or local Department of Agriculture decisions.] Grazing officials need to be staff who handle educating in ranching and land management. Also, there needs to be an on-hand ecologist to handle each agency's land situation as a response to climate change and desertification. Grazing staff should be housed at the Chapter House to help make the Chapter House a one-stop shop for the community. Once the tribe begins to regulate grazing permits, the department should cancel inactive permits. Permits that hold land in reserve for ranching should be withdrawn and given to the Chapter Houses, so that the Chapter can control the land that is not being used. Ecologists who make recommendations to withdraw land to fight desertification should be given priority, since desertification is threatening communities on a large scale".

- "The Administrative Service Center, ASC, should have oversight of the Chapters that it helps, and it needs to help create policies as an advisor. The staff for the ASC needs to be increased by three more positions to help the Chapter technically on a monthly basis. The ASC needs to have an auditor who can help the chapters with internal audits, a Certified Public Accountant that can help with the Chapters accounting, and a lawyer to help the Chapters draw local ordinances, so the Chapters can create and enforce policies that are tailored to their communities. The ASC should be seen as a place where Chapters can go for guidance and assistance when it comes to technical issues for local governance. The ASC will also continue to assist non-certified chapters to certification".
- "Certified Chapters should reexamine their mission, purpose, and philosophy on a case-by-case basis. They need to create missions, policies, and philosophies with the community's input. They then should begin by creating programs that will serve the community with a combination of direct and indirect services, depending on the needs of the community. Institutionally, the certified chapter should adjust its structural operation in terms of its staff. The Chapter needs to increase its staff by reclassifying positions and adding additional positions. Elected officials need to be eliminated, to make the President an elected staff position. This will make the president an advocate who represents their community who will have authority over all of the staff in the Chapter House. The elected VP position will be eliminated. The Treasurer will be a staff position to take care of the financial situation of the Chapter. The Treasurer will be an elected staff position required to have at least a B.A./B.S in business or in a related field. The Chapter will reclassify the AMS position to have a B.A./B.S in business or in a related field, and the AMS will be in charge of handling any revenue of grants and account receivable. The Chapter will create an accounting tech to handle petty cash and accounts payable. The Coordinator will oversee the staff on a daily basis and will handle the HR duties as well as oversee projects and interact with the ASC and the central government. The Chapter will also have an administrative assistant to interact with the community members, who will be the administrator for all the staff positions there".

"All of the above critique discusses contemporary means for achieving traditional ends that are implied but not stated. That the Institute was concerned in its analysis with applying traditional values with traditional thinking in the current situation is made clear in the discussion of implementation."

"Implementation"

"Implementation incorporates the Navajo paradigm utilizing traditional thought which shows the way Navajo people traditionally understand the decision-making process. The paradigm used is shown below starting with thinking, planning, living and ends with reflection. This paradigm is used by the two colleges on the Navajo Nation in their policies.

- "Nitsahakees (Thinking and Conceptualizing) Looking at the report, becoming familiar with the local government reform report and becoming familiar with the different offices and their involvement with the local communities. Rethinking a whole systematic approach to making reforms that would involve multiple offices. Proposed amendments to Title 26 to adjust the Chapter positions".
- "Nahat'a (Planning and Gathering Information) Meet with all the departments on how to implement the reforms and plan a transition from the current government to the new one. Funding, reclassification, and new positions will have to be created along with a national land management plan for the nation. Pass legislation on amending Title 26 to implement new changes to the Chapter House".
- "Iina (Living and Achieving) Gathering and collecting data for a new range management plan, orienting the new staff, and educating the Chapter concerning its new political power. Educate the community members and Navajo staff from the central and local government. Help the staff and community members understand the amendments in Title 26. This is to get the people an idea of what to expect from the changes and what they should expect from the new government".
- "Siihasin (Evaluation and Competency) This is to evaluate the changes that have been made and to set up benchmarks as to see how the Chapters are implementing the changes. The Chapter will set up deadlines to make sure its political power is attained then to see what type of developments happen a few years after full local power has been attained".

The January 2025 Audit of the Chapters and Central Government

It remains to be seen just how and to what extent the improvement of chapter operations sought in the Institute's report will be realized in accordance with Dine values. As of January 2025, not much had been achieved. Only slightly more than half the 110 chapters had been certified for self-governance competence. At that time, Council Delegate Brenda Jesus introduced legislation in the Navajo Nation Council that would delegate more decision-making authority and clarify chapter structure in order to speed the progress of chapter government. The legislation would oblige chapters to follow a standardized management system. This Five Management System would provide a set procedure for managing personnel, finances, records, property, and procurement. The proposal included improving community participation in planning, requiring chapters to adopt land use plans to guide zoning decisions. In addition, the legislation would create a mechanism for chapters to cooperate on issues of mutual interest. However, Jesus was considering withdrawing the legislative proposal on hearing the continuing difficulties of numerous chapters set forth in the January 6 report of the Navajo Nations Resources and Development Committee (RDC).¹¹⁵

The report revealed that audits found a great many chapters, including certified chapters, suffered from financial mismanagement and/or a lack of accountability. Seven chapters were facing sanctions for failing to take required actions to correct improprieties found by audits. A few of these chapters had been in sanction status for as long as eight years. The report found that the problem of improper financial management and reporting was not limited to chapters, but also was rife in a number of Navajo Nation divisions.

In the case of the chapters, at least one local chapter's officials stated that their problem in handling funding and reporting its application stemmed from the chapter's long-term understaffing. In that case, it would seem to be wise to discuss with chapter members and officials to determine the reason for chronic understaffing and attempt to develop a solution.

Two other factors seeming to contribute to financial mismanagement and reporting were identified in the report. The first was infrequent monitoring of chapter financial activity. Council Delegate Rickie Nez, a member of the RDC, recommended that chapters needed to be audited every two or three years, and the committee had suggested that more funding needed to be provided for that purpose. Lack of adequate funding may well be a contributor to many aspects of the problem. A second reported difficulty was a lack of enforcement of penalties for officials responsible for improper financial behavior. While the sanctions limited the scope of a chapter's financial activity, sanctioned chapter officials often failed to pay their fines, and when their cases were referred to the courts, quite often no judicial action was taken.

The fact that improper financial behavior was a significant problem in the nation's divisions as well as the chapters suggests that the largest problem might be cultural and educational, requiring the main emphasis to be a positive rather than a punitive approach. As later reports following long standing complaints about the bureaucracy showed that attitudinal and behavioral problems in numerous agencies, while including fiscal difficulties, went beyond them, encompassing a wide range of bureaucratic failings, it appears that there may well be a general issue concerning organizational culture. In Navajo Nation departments, the Controller's report to the Council on April 21, 2015 of widespread bureaucratic malfunction relating to the whole range of fiscal matters appeared to indicate attitudinal/cultural inappropriateness that would not be dealt with by the Comptroller's proposed system and regulation modernization alone. It seems worth investigating the extent to which a lack of deep understanding of the financial system, and of what is necessary to run a contemporary bureaucracy well, are factors in the reported improper chapter and national agency behaviors. Should this be the case, then a culturally appropriate education and mentoring support system would need to be developed. Some adaptations of systems and/or terminology relating to them to be more convergent to traditional Navajo ways and thinking might be advisable. The emphasis would need to be on assisting relatives collaboratively in dealing with an alien system. Dealing with people respectfully is almost always the most effective way to bring about change, and this is usually even more the case with Indigenous cultures.¹¹⁶

Initial Increases in Navajo Nation Citizen Participation

During the same period that decentralization of some governmental authority to the chapters was being considered and initiated, a variety of steps were being taken to increase public participation in Navajo Nation national government. These actions included the institution of representative focus groups to obtain input on important issues and posting proposed legislation on the legislature's web site. This was done while allowing time for public (and Navajo executive agency) comment before issues came to a vote, which clearly increased the opportunity for citizen and impacted agency personnel participation. In 2004, the Navajo Nation's Supreme Court's Chief Justice called for public commentary in the regular evaluation of judges. Also that year, the nation set up polling stations in tribal elections for its registered voters living off reservation in Albuquerque, Denver, Salt Lake City and Phoenix. This development made elections more inclusive by making it easy for citizens to participate regardless of their location. This has become increasingly important as more and more Dine live off reservation largely to seek economic opportunity. This is a phenomena taking place across Indian country that needs to be considered in returning to traditional inclusive participation by virtually all Native nations. Some use was also being made during this period by Navajo Nation governmental bodies of citizen surveys and representative focus groups on important issues. This has continued and has expanded. A good example is the use by the Navajo Nation Department of Health and the citizens group the Navajo Air is Life Coalition in obtaining the passage

of the Navajo Nation *Nilch' éí Bee Íírá* -Air Is Life Act of 2021. The rise of active citizen groups, such as the coalition in larger nations, and of more informal activist groups on issues in smaller nations, with their empowering and educating for citizen participation is an important factor in achieving inclusive participatory governance. Helping this along at Navajo Nation has been the solicitation by council members of public comments on proposed legislation, as occurred with the Air of Life Act.¹¹⁷

The 2002 -2010 Reform Initiatives

While the process of decentralization, initiated in 1998, began to move toward its desired ends, many Navajo found it too limited and too slow, bringing a call to reexamine the entire system of the Nation's government. Thus, in 2002, a Navajo Nation Statutory Reform Convention was held with 256 representatives from the 110 chapters and 13 organizations.¹¹⁸ They proposed 26 amendments to Navajo law, two of which that President Joe Shirley wanted to put before the voters. Following that, the council established an independent Office of Navajo Government Development. The office, however, was unable to obtain the approval by the council of any of the amendments. In 2007 the office's independent mandate was revoked, and it returned to being an organ of the Office of the Speaker.

Political discussion of government reform resurfaced as a Navajo national issue, in 2008. However, it quickly became a political football between Navajo President Joe Shirley, Jr. and Council Speaker Lawrence Morgan, and as of February 2010, there had been no real public or governmental discussion of the main issues,¹¹⁹ though two proposals by the Navajo Nation President, eventually were approved by voters. On April 21, President Shirley announced in his annual State of the Navajo Nation Address that his administration was working,- consistently with traditional Dine principles, to streamline government and bureaucracy, to reduce costs and improve service to tribal members.¹²⁰ With the Navajo Nation beginning to feel the decline of the U.S. economy, on April 29, the President launched the first of two attempts to have Dine voters pass a constitutional amendment that would reduce the Council from 88 to 24 members and give the President a line-item veto.¹²¹ Shirley stated that the two provisions would save money by cutting council expenses and allowing the President to eliminate unnecessary spending that he asserted was often added to budget bills in riders proposed by individual council members. He also asserted that the provisions would create a better balance between the executive and legislative branches, in part, because a smaller council would have less time to engage in expensive micromanaging of administration. In the initial attempt to pass them, however neither referendum achieved certification from the Navajo Election Commission as having been approved, though the first received about 70% of the votes cast.¹²² The Navajo Supreme Court later upheld the legitimacy of the measures, ordering that they be again be offered in a referendum. In December" 2009, both measures were approved by the people.¹²³ In 2009 the Council was working on the complex issue of devising a redistricting to implement the smaller legislature, and with the failure of litigation to overturn the referendum, a smaller Council was established.¹²⁴

Whatever the merits of the reforms initiated by President Shirley, beyond any impact they may have on making Dine government more responsible – which is a very important concern - they do not increase or speed decentralization, or directly increase the participation of individual Dine. Indeed, a smaller legislature is in one dimension less participatory, as the reduction in representatives lessens the voting power and influence of each citizen. Further, the reduction in delegates makes it more difficult for the council to exercise oversight of the executive branch, as fewer delegates have more responsibility and less time to review what each agency is doing. This tends to make the bureaucracy less responsible to the public, lessening public input - in this case through their elected delegates - in the carrying out of regulations and services.

The reduction in delegates combined with the granting the president the power to undertake line-item vetoes shifts authority from the more directly representative council to the president. This author does not have the data to evaluate the over-all effect of the change. It could better distribute power between the speaker and the president; be neutral; or could tend to undermine the balanced dispersion of power - an important traditional value - by placing too much authority in the president. At times there are good and necessary reasons for increased centralized authority but doing so tends to move away from inclusive participation. If such a shift in power goes too far, it can lead to the kinds of problems experienced in the second MacDonald administration. Preserving scarce resources is a traditional Dine value, as the Navajos historically faced periods of scarce resources. The related question concerning the shifts in power initiated in 2010 is whether the change in economic conditions justified the resulting dilution of the principles of inclusive participation.

The Dine Policy Institute Proposals

Moving more directly on the question of returning traditional inclusive values into government, from the beginning, Speaker Morgan took a different view of reform, in 2008 requesting the Dine Policy Institute to prepare a report of ways in which Dine government could be revised to make it more compatible with the nation's traditions, with several options for possible action. While the Institute was working on the project, the President and the Speaker communicated about initiating reform, signing a memorandum of agreement, on August 13, 2008 to seek comprehensive reform, a reform convention, and ultimately a referendum of the people.¹²⁵

The Dine Policy Institute of Dine college issued the Navajo Nation Constitutional Feasibility and Reform Project report, September 2, 2008, which received a very short initial discussion by the Navajo Nation Council during its October 20-

24 session.¹²⁶ The Institute's report found that the existing U.S. type functioned in ways that clashed with traditional Dine values, creating problems for the Navajo Nation. The executive summary stated the following findings about the existing, nationally power centered, three branch. national government, which mirrors the U.S. national government.

"The concept of Nation-statism and constitutionalism is inappropriate and ineffective as applied to the Navajo Nation. Decentralization of government needs to be thoroughly examined. The current government originates from Western political history and carries a contrasting experience from that of the Diné. This has created a political system supporting a 'strong man' which is historically incongruous. The Diné must rethink their government to reflect cultural values and norms. The Diné need to utilize new terminology when communicating governance ideas. We have adopted Western concepts of government that do not reflect our cultural knowledge. The prevailing institutions (norms and values) need to be addressed, understood, and deconstructed when examining governance and its implementation. The separation of powers is a problematic system - one codified on the basis of mistrust - creates a multitude of limitations. An implicit, non-codified separation of powers, based in the Diné concept of trust, adequately reflects traditional concepts of cooperation and integration. Conversely, the current system only works within a model of mistrust and does not foster efficiency or confidence. Judicial review is an essential component to regulate government."

The point about switching to a government based on trust is important. The U.S. federal government, modeled by the Navajo national government, is based on mistrust. It set up not just with a dispersion of authority and power, as is traditional in Indigenous governance, but with a complex system of checks and balances in which each portion of the government has checks on the others to keep them from taking improper action. This sets up competition among the parts of government, often causing deadlock and inefficiency in getting the work of governing done.

Traditional Indigenous, including Navajo, governance is based upon cooperation and trust, stemming from respect for each person and attempting to take everyone's concerns into account, often through a process of consensus decision-making. When it can be achieved, deciding by consensus, rather than majority vote tends to be more unifying of the participants by its inclusion, than does deciding by majority vote, which may make the losers in a vote very dissatisfied.¹²⁷ Moreover, deciding by consensus tends to make better decisions than majority vote decision-making. This is the case because consensus decision making includes the voices and concerns of all the participants in the course of balancing all the interests in achieving an outcome. Deciding by majority vote often requires making compromises to reach a majority that include just enough of what some parties want to get their approval. Too often such decisions are hodgepodes of unintegrated elements that do not fit well together.

To make consensus decision-making function well has several requirements. The first is that the participants need to listen to each other carefully, empathically, and supportively, regardless of whether or not they agree with what is being said. Many Indian people retain this value stemming from the principle of mutual respect and are well versed in the listening skills necessary to realize it. Where this is not the case for all the participants, some education is required and when discussing difficult topics it is good to have reminders. The Comanches accomplished this in the ILIS process by having elders remind the participants of the basic values before sessions and at sensitive moments in them. The Comanche also prepared people to join in discussion collaboratively by having the participants connect through having them share their kinship relationships. This is something that Navajos do regularly upon meeting. Solidarity for taking part in the ILIS interactions was also built through appropriate ceremonies which across Indian country are an excellent vehicle for building and maintaining solidarity and for transmitting teachings. Also necessary for consensus sessions to function well is good facilitating. The Comanches initially brought in competent facilitators for the cultural setting and then trained tribal members to take over that function. Having tribal members do this is important, for a process to be fully accepted over time it is necessary for those involved to come to own it. With experience, everyone in a session can assist in facilitation when it is needed, as the official facilitator will not always realize when an intervention will be helpful.

The Institute report acknowledges that the current western structure has had some advantages, such as maintaining stability, providing for community peace, and bringing a consistency that can foster economic development. But the report found that economic development, while desirable, must be balanced with other values, and that the national government, in Window Rock, AZ, at times acted contrary to traditional values, and to the will and needs of the people. This was found to be occurring partly from Window Rock's isolation, and the alien western values built into its structure, and partly because of the inefficiency and unwieldiness of its bureaucracy.

One of the Authors of the Report Stated,

"The utilization of nation-statist political and economic development has perverted our former institutions, forcing us to make stretched analogies between traditional governance and contemporary governance... a nation-state is a framework in which to implement new and (for the Navajo) foreign institutions, such as a centralized system of governance and social services. These institutions are not historic to Navajo society, which had functions and/or roles that served similar purposes, but in a dramatically different context and at a much smaller level. Hierarchies within historic Diné institutions, such as the family, clan and naataani, extended no more than a few levels. Whereas contemporary institutions such as the Navajo Nation's government, police force and departments of social services have rigid and deep bureaucracies, creating multiple layers of hierarchies. Ultimately, the main problems with nation-statism for the Navajo Nation is the centralization of political authority, the creation of hierarchies, over bureaucratization and the emergence of class.

Centralization of authority differs from the function of our historic political institutions, which were localized. This has led to much animosity toward Window Rock from more distant communities. The creation of hierarchies is divergent from the more egalitarian, role-based Navajo society of historic times. That is to say political position had function, not scopes of authority. Creating hierarchies creates dissonance within Navajo society, where responsibility to family and clan relatives was prioritized, but now must be nullified to meet the needs of large institutions. Of course, the most frequently identified aspect of Navajo governance preventing 'economic development' (i.e., the development of a service economy) is the bureaucratic nature of tribal divisions designed to assist Navajo entrepreneurs. Removing bureaucracies through increased emphasis on local rule seems a necessary first step in the process. Lastly, the emergence of class has become a serious issue on the Navajo Nation. At present, there seems to be two broad classes, with subtle subdivisions found in each of these. The dominating class is the technocratic class, administrators within government services in Window Rock. The second class is everyone else, including: pastoralist, unemployed, the seasonally employed, service-sector employees and low-rank government officials. Often, the dominating class looks downtrodden on the rest of Navajo society, especially more rural folk whom they view as backward and uneducated. This has manifested also in recent efforts at government reform, in which the executive branch has attacked the legislative branch in an attempt to remove from influence representatives from distant communities and further centralize power in Window Rock. Nation-statism has created a crisis in institutions, with the Navajo Nation trying to replicate foreign hierarchal establishments under the false assumptions that these are needed for modernization".¹²⁸

After an examination of the current Navajo government structure, and the idea of having a formal constitution, the report proposes four "Alternative Governance Models," to provide a range of options of how best to apply traditional values to the needs of the Twenty-First Century. The traditional values focus on living in beauty, or in balance. This includes concern for the economic, social, familial, and environmental well-being of the Navajo Nation. As the author of the third model states the first of four principles,¹²⁹ "Clearly safeguarded by historical DinÉ was an acknowledged ownership of goods and products of labor (however Lockian that appears to be). But more importantly was respect for others use of land and goods delineated by its use." This involved reciprocity, and a responsibility of those with more to help those with less, as is indicated by the third principle, below. Hence all the proposed models express concern for distributive justice: for traditional fairness and equality in distribution. "Second, a respect for the moral order, that is in extreme cases they were moments of punitive measures meted out, but the rationale for those measures rested on a notion of restoring a sense of harmony among kin. Third, is a respect for the needs of others, to ensure that all needs of others were met as best as they could be by those who have. Fourth was an assurance of reciprocal security - that is one is assured that neighbors, often family, would be ready to protect against any encroachment, physical or spiritual. These four concepts appear to be the motivations of the historical DinÉ in their survival. Therefore, the four aspects include: rights and protection of property; respect and assurance of civil order; freedom to wealth with responsibilities; and security from physical and spiritual dangers. Thus a government structure must be able to protect and safeguard these particular traditions of DinÉ, while also balancing and fulfilling its basic core function." Other balances also needed to be preserved and restored, according to tradition, most notably between male and female genders, a point directly addressed in two of the models. The report affirms the current functioning of the Navajo court system, with none of the proposals suggesting changing the judiciary. All of the models propose the need for education to decolonize the thinking of those in government and other institutions, and the people in general.

The Four Options for Revising Navajo Government

The four options put forth in the Navajo Nation Constitutional Feasibility and Reform Project report range from adjusting the current system of government, to totally changing it to approach returning to historically locally-based governance. The first is a status quo model that emphasizes little change, but alludes to efficiency in government. It would (p. 41) streamline bureaucracy, improving intergovernmental relationships. "These possible changes, not only should be within the system, but also as a social movement to deconstruct the existing cultural norms among the people and their reliance on the bureaucratic system." This option calls for discussing whether (and if so how, and to what extent) privatization of collectively held land, as a means of promoting wealth generation, would be consistent with Navajo values. This approach asserts the need to move much further with decentralization, "Currently, and in all reality, the central Navajo government holds all real power with little emphasis placed on local governance (as seen with the dismal results of the Local Governance Act). Policy may be formulated which would emphasize local governance without sacrificing instability in the central government."

The second is a bicameral parliamentary model stressing the integration and cooperation of a traditional and legislative body to form and execute laws, while decentralizing power by entrusting the Navajo people with the approval of all laws. The current model would be changed by eliminating the current executive branch, and replacing it with an executive headed by a prime minister selected by the Navajo Council. The executive would then appoint a cabinet approved by the Council. Elections for the Council would be undertaken with a runoff election between the top two vote receivers in the initial voting. Terms would be for six years, with the possibility of running again for an immediate two-year term. After the eight years, a council member would have to wait four year before running again, as would a person who was not elected to a second two year term, after her/his initial six years in office. To maintain male- female balance, half the elected delegates would be men, and half women, with a lottery determining which chapters would initially elect representatives of each gender. On completion of each six or eight year service, the gender of the chapter representative would switch. The second house would be a house of elders, appointed for life by the executive, whose function would

be to advise the government to assist its acting consistently with Navajo values, and who would have no formal power. All laws passed by the Council would be taken to the local chapters for approval. Effective channels would need to be constructed between the chapters and the Council to maximize political stability. Education of the populace and those in government, and the bureaucracy would be necessary to decolonize thinking and debureaucratize administration. This model would be developed over 15 years.

The Third, Dialectical Option

Third is a "dialectical model based in Navajo political philosophy" stressing the complete integration of Diné thinking as the premise behind all institutions in the governance system, and critically calling into question each aspect of politics, deconstructed and succeeded by Navajo reasoning. Underlying this approach are four principles (pp. 50-51). The theory of representation requires full participation, open to all, with "the peoples' voice open to all aspects." "The peoples' will is a unified will that must be represented" in "a reciprocal arrangement that informs the relationship between representative and constituent." Thus "a leader who represents perfectly the will of the people is established." The theory of rights and duties, involving reciprocity and equity holds "there are certain rights, expectations, and duties that one can claim, demand and expect, while other things there is an obligation involved. Thus there is a theory of rights of access to the bounty of Nahasdzaan Nihima and Nihiti'aa Yadihlil." Notions of property begin with an implicit recognition or respect of the ownership of others, songs, prayers, stories, material goods, and so forth. Yet, the notion of property here is not one that implies exclusive ownership where one is free to do as she pleases. Rather this concept of property, while under the individual use of one person is recognized as that, but also understood that it can be understood as communal property if certain criteria are fulfilled, such as familial criteria." The theory of the economic order "was that of constrained capitalism, where the onus of wealth was stressed. That is those who accumulated much were expected to be concerned and giving with their wealth to those who did not have much. This is a derivative of kíĔ, with the understanding that the knowledge and practice brings about both a spirit of constrained development, innovation, while having the struggles of the people at the fore front of any decision."

"The core functions of government derived from the Diné perspective include concern for the economic, social, familial, and environmental well-being of the Navajo Nation. Each of these areas corresponds to traditional notions of balance. (p. 53)" "The purposes of the Navajo Nation are the protection and development of the individual and respect for the dignity of the individual, the democratic exercise of the will of the people, the building of a just and peace-loving society, the furtherance of the prosperity and welfare of the people and guaranteeing of the Fulfillment of the principles, rights, and duties of the Navajo Nation. Education and work are the fundamental processes for guaranteeing these purposes. The purpose of the Navajo Nation is to establish hoshoo [beauty or balance]. Hoshoo takes many forms in its economic, social, governmental, economic, political, educational, and environmental functions. Therefore the government must be able to provide effective governmental services to the people and to meet their dynamic needs. (p. 55)" This requires a government based upon trust.

"To do so, there must a separation of powers based, not on the logic of distrust, but rather on the logic of trust, implicit trust of the institution and the people who occupy those institutions.

This trust is extended so long as the people are able to give that trust status by upholding it through the continued practice of kíĔ. Thus the separation of powers must be an implicit shared power, not a legally bound separation of powers. (pp. 55-56)" "Supervisory committees are needed to supervise the agencies and regulatory bodies; these oversight committees must be derived from the local levels. That is, a more democratic regime, than a republican regime. A single elected leader to serve as the voice of the nation, but not to retain much power, power to sign bills into law. Consistent with the Navajo Thinking, there must be a check of power, but not a codified separation of powers. (p. 56)"

"There should be a check on the powers of the leader - by the Council of Elders, who have veto authority over the leader and the Council of the People; however, the Courts of Nahata have check on the powers of the leader, the Council of Elders, and the Council of the People. The leader will have two assistants - a Hozhoojii and HashkejiiNataanii - these are appointed by the Council of Elders, with nomination from the leader, but confirmed by the Council of the People. The Council of Elders consist of 2 individuals from each agency - one Hozhoojii and one Hashkejii - these are appointed and approved by district, agency, and confirmed by the Leader. The Council of the People consists of elected officials from the various electoral districts of the Navajo Nation. The Council of the People has non-voting status for community groups and NGOs, which are appointed by the chapter, districts, and agencies. These people are popularly elected. The Council of the People's acts are then checked by the chapters, the districts, and the agencies. (p. 56)." Ultimately these reforms must be undertaken as a grassroots work, redesigning governance over 12 years, beginning at the chapter level and working up.

The Fourth, Decentralized Option

The fourth proposal is a decentralization model stressing national and community issues with greater empowerment to social subgroups and agencies. It outlines a government that reflects more fully traditional and customary laws and norms and replaces the President with an 11- member Executive Board. The Council remains nearly as-is, with the exception of adding 12 non-voting delegates specifically dedicated to certain social subgroups and non-profit

organizations. The decentralization would address the gender issue by balancing the men, predominately in positions in the central government, with the women who are the preponderance of leaders in chapters and the growing numbers of nongovernmental organizations. "Our reasoning for this transition is based on Navajo history and current social behavior. The Navajo Nation historically resembled a parliamentary system and had decentralized political units. We believe that our proposed model would move us back in this direction.... Therefore, we have established four major steps to move our current system of governance from a presidential model to something more like the historic naachid.

"These steps are:

- Moderate the concentration of power in the executive branch;
- Restructure agency councils to balance power between legislative and chapter house members;
- Increase the power of the agency councils and
- Create new mechanisms through which nongovernmental organizations can influence formal governmental processes. (p. 63)"

"We would replace the Office of President and Vice President with an 11-person Executive Board, comprised of five female members, five male members, and the Navajo Nation Speaker who is the rotating chair. The members are elected, two from each of the five agencies, whereas the Speaker is a member of the Navajo Nation Council and therefore represents the interests of both the legislative branch and his or her particular community. Though the Speaker is a member of the 11-person Executive Board, he or she does not have ultimate authority over the rest of the council and therefore is a minor and not controlling member of it.... Secondly, the Agencies would gain more autonomy than what they have now. Each Agency addresses different concerns due to the surrounding topography. Therefore, the chapters would address their concerns at Agency Council, and the Agencies would have more autonomy and more representation since they have elected representatives on the Executive Board".

"Thirdly, the 88 Delegates would be elected in the same fashion as they are elected today... However, the major difference of the Legislative Branch would be the 12 Non-voting Members of the Council. So, in total the Council would consist of 100 members. The Non-Voting Members would represent the non-profit sector on the Navajo Nation and the youth of the Nation. Since the youth population is growing at an astonishing rate and the role of women is needed, the implementation of the Non-Voting Members of Council will help eliminate some of the gender and age discrepancies. Lastly, with the removal of the entire Executive Branch, the Committees, Commissions and Divisions would have to be restructured. Therefore, we put into place four Committees: the Social Committee, the Economic Committee, the Families Committee and the Environmental Committee. Under each Committee, we placed the appropriate Program or Division. For example, under the Environmental Committee, we place the Division of Natural Resources, the Navajo Environmental Protection Agency and the Navajo-Hopi Land Commission. Each Committee would consist of 12 members, which would include ten Delegates, and 2 Non-Voting Members of the Council. The Executive Board would appoint the Committee Members. (pp 65-66) Implementation is recommend to take three years".

Looking Ahead

It will be very interesting to see how far, and in what ways, Navajo nation goes in reforming its government. The process of bringing back traditional values to fit present and future needs has been an extended one, that has been unfolding in a series of expanding stages. The U.S. government, wishing to have a single leader and body to deal with, imposed a chairman centered form of elected government centralized at the national level almost completely opposite to the traditional Dine participatory band government, with regional associations, and no national government. In 1988, a partial decentralization was undertaken, but almost entirely within the national government, with the institution of three branches of government, with separation of powers. In 1998, a process of decentralization of some functions was initiated, with ongoing adjustments, that have developed slowly, bringing only limited control of governance back to the people in the chapters, while services remain bogged down in bureaucracy. To further and accelerate the process, the 2010 deliberations continued, but very little occurred aside from continued political wrangling between the Speaker and the President. Since 2010, the only attempt at reform, aside from the two measures proposed by the President, since the end of 2008, a rather minor one, failed to attain the 59 vote super majority necessary to amend the Tribal Code.¹³⁰ The proposal, sponsored by Speaker Morgan, would have given the chief legislative counsel authority to write and release legal opinions, independent of the Attorney General, head of the Department of Justice, and would have empowered the Office of Legislative Counsel to issue notices and subpoenas on behalf of the council and its committees.

Development of the 2025 Constitutional Reform Proposal

Nothing further occurred until July 2025 when, following a survey of what Navajos wanted in government (<https://ongd.navajo-nsn.gov/Portals/0/Homepage%20Webpage/208.pdf>), the Office of Navajo Government Development and the Commission on Navajo Government Development initiated new proposals to return Navajo Nation to traditional Dine governance principles applied appropriately for the current time encompassing Dine relationships and interactions with the wider world. The initial working document to open public discussion was posted at: [https://ongd.navajo-nsn.gov/Portals/0/Homepage%20Webpage/071525-Final%20Working%20Draft%20Constitution%20\(005\)50.pdf](https://ongd.navajo-nsn.gov/Portals/0/Homepage%20Webpage/071525-Final%20Working%20Draft%20Constitution%20(005)50.pdf), with related documents and updates at: <https://ongd.navajo-nsn.gov> (as well as on the Commission Facebook page). A series of community meetings to open the discussion began July 16. The plan was to keep the proposal in draft form through numerous community discussions until finalizing it March 6, 2026. That would be followed by further community

discussions and education leading to a referendum on the constitutional proposal on November 3, 2026. The Office of Navajo Government Face Book page posted the announcements of upcoming meetings, rotated statements inviting participants to join in framing the constitution. One of these stated, "This is an opportunity to share your input and help share the future of Navajo Government that the Navajo People wish to be governed by." The Face Book Page also provided the proposed constitution, indicating changes that were made as the process progressed. The local meetings were all limited to community members and were not recorded and posted on the Internet. A two-day session to go over the entire proposal at length was both in person and live on the internet with opportunity for virtual participants to add their input. The invitation for that meeting included, "Respectful conduct is required. Any rude, disruptive, or aggressive behavior will result in being asked to leave. This presentation is for the Navajo People and is intended to provide a space for the people's voices to be heard, in a respectful manner. Thank you for your participation and continued engagement." A particularly strong invitation to participate was included in the announcement of the March 3, 2026 Sanostee Community Presentations,

- "Help develop the Navajo government you and your Community would like to be governed by, Historically written by Navajo Community voices.
- Your voice, your communities [sic] future.
- Have a say in what works for your community, how leadership decisions should benefit your community.
- Honor Voices from every generation".

At least one other in-person and virtual meeting was held on January 14, 2026, at the office of the Office of Navajo Government Development, which may have been more for information and education about the proposal and the process than an opportunity to have input.

The proposal emphasizes the people as the source of governmental authority, making it easier for citizens to initiate legislation and to recall delegates and other officials, while requiring that local governments, the chapters, function by "direct democracy," with a sufficient number of local citizens voting at a meeting on all major matters. The government would shift from a system of checks and balances based on distrust, to one founded on trust and cooperation with accountability.

The new Navajo Nation government would be composed of four equal branches. The House of Government Stability (Beehaz'áanii Baa Áhoyááńjii Báhooghan) would consist of two delegates from each local government support region, each serving several chapters, according to procedures set by each region. Terms would be for four years with a limit of two terms in the lifetime of a delegate. The purpose of the House of Government Stability arises:

"Where government is founded upon the consent of the governed, the Diné are entitled to have complete confidence in the loyalty and integrity of their government officials."

"The purpose of the Beehaz'áanii Baa Áhoyááńjii Báhooghan, therefore, is to ensure accountability to the people of the Navajo Nation by their elected, appointed and assigned public officials and employees in exercising the authority vested or to be vested with them as a matter of public trust."

"The Beehaz'áanii Baa Áhoyááńjii Báhooghan shall advocate for the powers, rights and freedoms of the Diné when laws are made, enforced, implemented and interpreted."

"The powers of the House of Government Stability would be:

- To introduce legislation and procedures to ensure accurate and impartial Navajo Nation elections.
- To Ensure the rights and privileges of the Navajo Nation citizens are protected against unlawful or overreaching action by government officials.
- The Beehaz'áanii Baa Áhoyááńjii Báhooghan through the Government Anti-corruption Director shall investigate, review, hold hearing[s] and issue decisions regarding all governmental powers delegated under this Diné Bi Beehaz'áanii including the power to investigate allegations of government corruption by elected officials and create anti-corruption laws, policies, procedures and regulations.
- The Beehaz'áanii Baa Áhoyááńjii Báhooghan through the Office of Government Review shall ensure all laws, plans of operation, regulations, policies and practices existing before adoption of this Diyin Nohookaa Diné Bi Beehaz'áanii Bitsí Siléí are amended, revised or voided to make such laws, plans of operation, regulations, policies and practices are consistent with this Diné Bi Beehaz'áanii.
- To approve or veto all legislation enacted by the Beehaz'áaniií Hadilnehíjí Báhooghan [the legislative branch: the council] by a majority vote of a quorum of the Beehaz'áanii Baa Áhoyááńjii Báhooghan. If any legislation is not approved, a certified written memorandum shall be sent to the Speaker of the Beehaz'áaniií Hadilnehíjí Báhooghan explaining why the legislation was not approved. If a legislation is approved, the Speaker of the Beehaz'áanii Ha'datsídí Báhooghan shall certify the vote and forward the legislation to the President of the Navajo Nation.
- The Beehaz'áanii Baa Áhoyááńjii Báhooghan shall establish subcommittees for the purpose of nominating commissioners, boards, supervisors and officers to their appointed positions in the Beehaz'áanii Baa Áhoyááńjii Báhooghan. The subcommittee shall develop a Local Governance Entity and business creation enabling legislation

for final approval by the Beehaz'áanii Baa Áhoyááńjii Báhooghan.

- The Beehaz'áanii Baa Áhoyááńjii Báhooghan shall establish enabling legislation to define the purpose, responsibilities and rules of procedure for all Commissions, Board and Offices within the Beehaz'áanii Baa Áhoyááńjii Báhooghan.
- The Beehaz'áanii Baa Áhoyááńjii Báhooghan may remove any elected official, government appointee, tribally owned business entity fiduciary or principles for cause. Exercise of this power shall only be based on just cause to warrant a drastic action against such an official. Any adverse action against an official shall be appealable to Navajo Nation Supreme Court".

The second branch is the legislature, the Navajo Nation Council: Beehaz'áanii Hadilnehíjí Báhooghan. Following the current arrangement, the council would be composed of 24 delegates elected in districts, each composing several chapters, for terms of four years, with each delegate limited to two terms in their lifetime. The delegates would elect the Speaker of the house.

- "The legislative house shall have the power to enact any legislation which is consistent and does not violate or conflict with this Diné'é Bi Beehaz'áanii or any laws established by referendum or initiative by the Navajo people.
- To introduce a proposed beehaz'áanii, debate each legislation separately, vote to approve or not approve legislation. A proposed legislation shall be approved by the Beehaz'áanii bi Naat'aanii if the legislation receives twelve approval votes.
- To make laws consistent with the fundamental philosophy of hózhó to promote and enhance the rights and duties of the Diné' and Navajo citizens.
- To make laws to promote the public health, safety and welfare of the Diné. to regulate commerce, including consumer protection laws, and trade with Indian tribes, the United States, the several states, and foreign nations.
- To make laws to enhance and further the purpose of the administrative offices and officers as provided for in this Diné Bi Beehaz'áanii'.
- To create and require an education curriculum including an immersion program for the Navajo language, culture, history, philosophy, financial literacy, computer literacy, mathematics and the sciences.
- To create Uniform Commercial Codes, business laws and enabling laws to promote commerce.
- To raise revenues for the operation of the Navajo Nation government and for all governance related expenses including Infrastructure, the arts, education, safety and welfare of the Navajo people consistent with the limitations provided wherein:

"Tribal Member: Limited as provided in Article VI, Section 14.

Business Entities: Taxes on business entities shall not exceed the yearly taxes imposed by neighboring states, counties and municipalities.

Churches: Churches may be taxed at a rate of ten (10) percent or less of the gross receipts in any given year.

- "To approve treaties and/or contracts with the United States, Indian tribes, foreign nations and the several states.
- To contract and establish governmental agreements with counties, municipalities and cities as necessary.
- To have the authority to promulgate rules, regulations and procedures for the conduct of its meetings and that of programs, offices, committees and boards within the Beehaz'áanii bi Naat'aanii.
- To form professional advisors (think tanks) for a short duration of time to research and propose laws to be presented to the Beehaz'áanii bi Naat'aanii.
- To develop a naturalization process for Navajo citizenship and procedures and criteria to issue Navajo identification cards and professional license.
- To regulate the development and advancement of new technology.
- To waive immunity from suit as necessary by a vote of sixteen".

All legislation passed by the council then proceeds for review to the House of Government Stability. If approved there it goes to the Navajo Nation President to sign or veto.

The executive branch (Na'anishíjí Báhooghan) would consist of the Navajo Nation President, Vice President and all divisions, departments, offices and programs created by the legislature. Their authority is to enforce and carry out the law. The President and Vice President are elected by the people for a term of four years and may only serve two four-year terms in a lifetime.

"The President shall tend to the day-to-day administration of the Beehaz'áanii bee Na'anishíjí Báhooghan without excessive travel away from the Navajo Nation. The President shall spend most of his/her efforts to promote the health, safety and welfare of the Navajo people and take action to create a favorable business environment on the Navajo Nation for all business sectors.

The President would also recommend policy and legislation to the Council as well as budgets to the Budget Committee, act as an ambassador of the nation, make certain appointments, make an annual state of the nation address and in consultation with the Chief Legal Officer bring charges against any executive officer in derogation of their duties. " If the President is unable to serve her/his functions, placed on administrative leave, removed by recall, impeached, the

Vice-President of the Navajo Nation shall serve in the stead of the President”.

The Judicial Branch Would,

“Consist of the Supreme Court of the Navajo Nation, the District Courts, the Family Courts, a Commercial Court and such other Courts as may be created by the Beehaz’áanii Hadilnehíjí Báhooghan and approved by the Beehaz’áanii Baa Áhoyááńjii Báhooghan”.

“C. The Courts of the Navajo Nation shall also consist of such additional Judicial offices or programs that furthers the purposes of the Courts as may be created, subject to amendment or abolishment, by the Beehaz’áanii Hadilnehíjí Báhooghan and approved by the Beehaz’áanii Baa Áhoyááńjii Báhooghan through adoption of their enabling legislations”.

“§1702. There shall be alternative dispute resolution options such as Peacemaking (conciliation), administrative hearings, arbitration, mediation, neutral evaluation, settlement conferences, negotiated rulemaking and minitrials. Peacemaking and administrative hearing bodies shall be funded through the Navajo Nation annual budget appropriations”.

In all cases the Navajo courts would first apply applicable provisions of The House of Government Stability, then Navajo Nation laws, fundamental and common laws and regulations to resolve matters, but would also apply all applicable federal laws or regulations.

In any matters not addressed by Navajo Nation law or by applicable federal law the courts would decide according to appropriate laws. Final decisions of the Supreme Court interpreting Navajo statutory law “shall be subject to modification, rescission or further clarification by legislation, referendum or initiative.” Candidates for the courts, who would be required to have law degrees and be citizens in good standing of the Navajo Nation upon approval as qualified by a nominating committee would stand for election by the Navajo people for a term of four years and be eligible to a limit of two reelections.

The proposed constitution also provides for the creation of semi-independent commissions, as well as empowering local governments to be run with inclusive participatory democracy and to provide local services. All Navajo Nation land would be considered the unalienable property of the people to be regulated at the national level with the provision of use rights to people, families, businesses and government entities. As all people and proper relationships were to be respected the document includes the protection of rights and obligations which are set out in traditional terms, K’É, as applies in current circumstances.

“There shall be a five-member Government Anti-corruption Hearing Board with Independent authority to hear cases of alleged violations of the Navajo Nation Anti-Corruption in Government Laws. The Board shall be separate and independent from all other divisions, departments, programs, commissions, enterprises, boards, or other Navajo Nation government entities. No Board member shall be an elected official of the Navajo Nation”.

“The Government anti-corruption Board shall be comprised of a five-member Board. Each Board member shall be nominated and confirmed by subcommittee of the Beehaz’áanii Baa Áhoyááńjii Báhooghan established for the purpose of filling positions within the Beehaz’áanii Baa Áhoyááńjii Báhooghan”.

The proposed constitution defines a somewhat expanded nation citizenship with provisions for naturalization. Voting rights are set out with an expanded number of national offices elected by the people. All of these, as well as appointed positions, have age, education and experience required qualifications appropriate to their function. In addition to those already mentioned, these include a Secretary of the Navajo Nation elected to a term of four years and limited to two four-year terms in a lifetime. The secretary would head the Navajo Nation Department of State that would,

“Administer the Following Programs

- “State Department Administration.
There shall be an Administrative Office of the Secretary of the Navajo Nation.
- “Election Administration:
There shall be a Navajo Nation Election Administration Office.
- “Office of Citizenship & Census Statistics:
There shall be a [n] Office of Citizenship & Census Statistics
- “National Archive & Records Administration:
There shall be a National Archive & Records Administration.
- Additional Offices:
The Navajo Nation Legislative Branch may create additional offices in the State Department which are consistent with the duties and functions of the Department.

"In the event the Navajo Nation President is unable to perform the duties and responsibilities as the President of the Navajo Nation, the Secretary shall succeed to perform the duties and responsibilities of the President of the Navajo Nation".

Other officers who would be elected for a four-year term by the people and eligible to serve only two such terms in a lifetime include, The Chief Legal Officer "is the lead attorney for the Navajo Nation and shall be in charge of and responsible for administration of the Navajo Nation Legal Department and of all legal matters in which the Navajo Nation government and Navajo citizens have an interest." The Chief Legal Officer would be empowered to offer legal opinions to Navajo government entities and to appoint special prosecutors. "The Chief Legal Officer shall have administrative and supervisory control of all staff within the Department."

Chief Fiscal Officer would "manage, supervise and be responsible for administration of the Navajo Nation's Investment & Finance Department." The Chief Revenue Officer of the Navajo Nation have "authority to generate revenues for operation of the Navajo Nation government. The Chief Revenue Officer is responsible for projecting revenues for the next fiscal year to develop a yearly operating budget for the Navajo Nation government. The Chief Revenue Officer shall provide administrative support to the Budget Appropriations Committee during the annual comprehensive budget development discussions... The Chief Revenue Officer shall be in charge of and be responsible for administration of the Navajo Nation Department of Tax and Revenue."

The Chief Inspector General would be the "only one Chief Auditor of the Navajo Nation with authority to investigate, audit, and report on the financial and programmatic operations of all branches, departments, divisions, programs, and enterprises of the Navajo Nation Government. The Chief Inspector General shall serve as an independent regulator for integrity, transparency, and accountability within the Navajo Nation." The Chief Environmental Protection and Enforcement Officer would "oversee the operations, implementation, and compliance with the environmental regulations and policies across the Navajo Nation; including those relating to water quality, waste management, and air quality." The Executive Energy Officer would be elected for a four-year term by the people and eligible to serve only two such terms in a lifetime to "direct and manage the Navajo Nation Department of Energy." The Chief Commerce Officer would direct and manage the Navajo Nation Department of Commerce.

The Chief Labor Officer would "oversee, monitor, and enforce the Navajo Preference in Employment Act and assist employees and employers in addressing employment issues. Will assist with any questions pertaining to, including what rights employees have with the Navajo Nation and what your employer's obligations are with respect to their workforce, work environment, etc. The Chief Labor Officer will remediate any conflict, and assistance with contract negotiations, communication efforts between employee, employer, and any other representatives involved." The Executive Human Resource Officer of the Navajo Nation would have "authority to lead, oversee, and enforce the personnel policies of the Navajo Nation Government and to promote ethical, fair, and effective human capital management across all branches of government."

The Chief Human Rights Officer would "operate as a clearinghouse entity to administratively address discriminatory actions against citizens of the Navajo Nation, and to interface with the local, state, and federal governments and with national and international human rights organizations in accordance with its plan of operation and applicable laws and regulations of the Navajo Nation. The Chief Human Rights Officer shall also ensure the Individual and Collective rights of the Dine and all persons within the jurisdiction of the Navajo Nation are respected and honored."

The Chief of Public Safety would "oversee all matters relating to public safety, including Fire & Rescue services, Emergency Medical Services, budget, staff administration, and other duties consistent to the plan of operation." The Chief of Police would "operate as a protective force to ensure professional services through protection, prevention, accountability and innovation in the best interest of the Navajo Nation. Will maintain law and order by the enforcement of applicable criminal laws and the safeguarding of the lives and properties of the persons on the Navajo Nation by deterring criminal activities and violations in tribal, state, and federal laws."

The Chief Natural Resource Officer would "manage, protect, conserve, and preserve the Navajo Nation's natural and cultural resources for the benefit of the Navajo people. Protect the sovereignty of the Navajo Nation consistent with cultural values; foster partnerships with Federal, State, Tribal, and local Navajo communities and other interested parties." The Chief Agriculture Officer would "oversee all agriculture programs, policies and regulations of the Navajo Nation Department of Agriculture, while implementing our Diné historical identity, social kinship, language, and traditional values all maintained within the boundaries of the Four Sacred Mountains." The Chief of Culture, Heritage & Language Preservation Officer would "oversee all initiatives to preserve, protect, and revitalize the Navajo Nation's cultural heritage, sacred sites, traditional knowledge systems, and Navajo language. The Chief shall promote intergenerational knowledge transfer, community storytelling, and protection of tangible and intangible cultural resources."

The Land Commissioner would, have final authority to consent on behalf of the Navajo people to issue business leases and rights-of-ways for all commercial activity on the Navajo Nation.

- "The Land Commissioner shall assist Local Governance Entities or municipalities established pursuant to the Local

Rule and Governance Act to develop land use plans and zoning ordinances.”

- “The Land Commissioner of the Navajo Nation shall inventory and record the legal status of all Navajo lands, maintain records of legal interest holders, and assess the value of lands. The Land Commissioner shall also make recommendations to the Beehaz’áanii Baa Áhoyáá’íjí Báhooghan and the Beehaz’áanii Hadilnehíjí Báhooghan for the issuance of large land leases for major economic projects. The Chief of Department of Transportation would ensure the safety, maintenance, and continuation of road projects & infrastructure for the roads, traffic, and operations. Establish and implement program policies, regulations, hiring practices, budgets, and safety protocols.”

“The Navajo Nation Water Engineer would be elected by the people for a four-year term and would be limited to three such terms lifetime to ‘gather for the Navajo Nation’s use and for submission [with recommendations] to the President, Council and Government Accountability, information related to the waters administered under the Navajo Nation Water Code” for which the Engineer would have power to enforce.’

“Among those officials who would be appointed by the President and confirmed by the council would be: the Chief Accounting and Records Officer; The Chief of Government Services and Property Management and the Director of the Division of Legislative Codification and Law Revision. The division would ‘be responsible for the official compilation, revision, and publication of the laws of the Navajo Nation. The Division shall ensure that all enacted laws, resolutions, codes, and amendments are properly recorded, organized, accessible, and updated in a timely and accurate manner.’

Some positions are mentioned in the draft document but not yet fully defined including how chosen. These include a Chief of Public Health and Medical Services, a Local Government Support Administrator, and a Chief Education Officer “responsible for oversight of tribal education systems, education reform initiatives, school accountability, and alignment with Diné values and language preservation,” who would “coordinate education policy across federal, state, and tribal school systems and advocate for the sovereignty of the Navajo Nation in all education matters,” and the Chief of Design, Engineering & Standards Officer who would “oversee the Division of Design, Engineering & Standards (DDES) and be responsible for technical review, interagency design coordination, and engineering code enforcement.” A number of functions were mentioned in the draft but not yet defined including local and national support services.

As the series of community meetings considering the proposed constitution unfolded, discussions of it’s merits began to take place in the pages of the *Navajo Times* (as exemplified by the issue of August 28, 2025).¹³³ Proponents of the proposal, including participants in the transformation of the Navajo Government to one mirroring the U.S. national government in 1989, argued that the 1989 reforms were intended as a temporary improvement until an arrangement more in agreement with traditional values could be established. They asserted that as set forth in the 2008 Dine Policy Institute proposals, while the existing arrangements had worked better than those they replaced, being a step towards traditional Dine principles of governance, they exhibited major problems from the time of their institution which have grown worse as seen in improper actions of some of their top officials including corrupt practices. They pointed out that the current transformation proposal was made according to a survey of the wishes of the Navajo people and is in line with traditional values.

Why the Need for Governance Change

The survey, discussed below, indicated a need for government reform. Support for some action for change can be seen in several articles the October 16, 2025 issue of the *Navajo Times*.¹³⁴ The Western 4Agency Council with representatives of 18 communities present passed resolutions, three of four unanimous or near unanimous, of no confidence in Navajo Nation President Nygren and Vice President Montoya. The resolutions petition the Navajo Nation Council to consider administrative leave for the president and vice president, investigate allegations of mismanagement of public money, and restore funding cut by the President from the fiscal 2026 budget. In reaction, the vice president, at odds with the president for months concerning abuse issues, said she was willing to resign. On the financial front, Navajo Nation Council Speaker Crystalyne Curley filed two motions with the Window Rock District Court to overturn alleged illegal actions by the President in line-item vetoing Council appropriated funding and in firing the Navajo Nation Controller who had objected to Nygren’s unlocking purchasing cards for which there was no operating budget. A letter to the editor, taking no position on the proposed constitutional reforms, stated, “The turmoil now happening in Window Rock has been brewing for months as evidenced by reports in the *Navajo Times*. This turmoil must stop before it gets worse.”¹³⁵ The local community petitions of no confidence are a reminder of 1989, when one participant in grass roots action against Chairman McDonald told me that chapters petitioned the council to remove the chairman. “We had to get that guy out.” That the conflicts and questions of improper use of funds had been major ongoing issues for at least a year is made clear in Donovan Quintero and Krista Allen, “A year under pressure: A chronological look at the evens that defined 2025, tracing conflict and endurance,” in the December 26, 2025 issue of the *Navajo Times*.

By November 26, the turmoil had reached the point where the Navajo Nation prosecutor sought President Nygren’s removal on ethics charges involving misuse of funds including in travel and spending as well as improper hiring, while the council began the process of passing a resolution, that if approved by the council would be subject to five days wait for comment, to remove the president and vice president. The president fought the legislative action in court while making counter charges against the council speaker who initiated the resolution following an investigation.¹³⁶

Meanwhile, lack of essential communication and coordination between chapters and Navajo Nation agencies with operational problems has been illuminated as a serious problem, part of a long-standing complaint of a larger issue of inadequacies in the functioning of Navajo Nation bureaucracy. This is illustrated by the reporting of the difficulties and delays in completing the Shonto Hotel project.¹³⁷ The Shonto Chapter, the first certified, had an excellent record on economic development, indeed the best of any chapter. It contracted under its Title 26 authority with Medallion Hospitality of Scottsdale, AZ to build an 83-room hotel within its jurisdiction on U.S. 160. Having the proper experience, capability and available personnel, the chapter wished to operate the hotel on its completion. This was in a major tourist corridor that the Navajo Division of Economic Development (DED) wanted to develop. DED pushed to have Medallion operate the hotel, and without consulting with the chapter made oral promises to Medallion, with whom it continued to negotiate. With the \$16 million construction completed and the facility furnished and ready to begin operating, Shonto, unaware of DED's interactions with Medallion, asked the hospitality firm to sign a lease agreement. For a time, Medallion management did not reply, but then said that leasing had been arranged by DED. Shonto officials then tried to negotiate leasing terms with DED, leading to a protracted "political, legal and administrative" dispute that caused Years of delay. Former Navajo Nation President Johnathan Nez, feeling the frustration felt by the Shonto community over the situation, commented that "shifting priorities, frequent turnover of directors and political conflicts in Window Rock contributed to the stagnation."¹³⁸ With arrangements finally completed, the hotel was scheduled to open in the spring of 2026.

The Commission on Navajo Government Development Survey

The Commission on Navajo Government Development Survey, discussed below (https://ongd.navajo-nsn.gov/Portals/0/History/Survey%20Reports/208.pdf?ver=q5bzdB3oNo4T_--VTwq3dw%3d%3d), which was used in developing the reform proposal clearly showed public support for change in the central government (Survey p. 39). Asked, "Do you approve the way the Navajo Central Government is handling their job?" 31.4% strongly disapproved, 28.5% somewhat disapproved, 9.5% had no opinion, 27.3% somewhat approved and 2.8% strongly approved. It is particularly significant that almost 60% of the respondents disapproved, when more than half of the participants were Navajo Nation employees or elected officials. The survey found almost as strong disapproval of chapter government functioning (p.40). Respondents answered the question, "Do you approve the way Your chapter government is handling their job," 33.1% strongly disapproved, 20.4% somewhat disapproved, 9.8% had no opinion, 27.9% somewhat approved and 8.8% strongly approved.

Initial Critiques of the Proposal

During the first few weeks after the constitutional reform proposal was announced and the numerous local discussions of it began, there were a number of comments about it in the *Navajo Times*. Former tribal chairman, Peter McDonald, though ousted with considerable support for his removal, retained a great deal of appreciation for the many things he had achieved for Navajo Nation. McDonald claimed that the restructuring of 1990 following his removal undermined the will of the Navajo People, which he asserted was best expressed through a government headed by single elected tribal chair. He claimed that since its initiation in 1928, the chairmanship system of government had better represented the will of the people and had functioned better than the current system and that would be equally true of the proposed governance. He also complained that the current proposal undermined Dine tradition because it was only written in English. McDonald's view appeared to receive some support in a letter to the editor in the *Navajo Times* of September 25, 2025 by Delores Noble criticizing the proposed constitution as confusing a democracy with a republic, while complaining that the Navajo Government Development Commission was not elected. Noble asserted that "on the Navajo Nation we have fundamentally practiced a chief and council of elders system."

In a guest Column in the September 18, 2025 issue of *Navajo Times*, "Restoring balance through Dine self-governance," former president of the Dine Hataalii Association and professor emeritus of philosophy, Dr. Anthony Lee, Sr., writing holistically of healing including socially, commented that the "real culprit... is the contentious and disputatious stalemate of the foreign style and forced adoption of state and federal government that we have inherited - not by choice but by force intrusion and invasion." He mentions that replacing the current U.S. style three branch government suggests, "creating a true bona fide Dine model premised on Nanit'a Sa'a Naaghai/Nanit'a Bik'eh Hozoon tribal government model that would not only exemplify but allow us to substantiate, demonstrate and perpetuate our own will power, resiliency and version of time honored forms of self-governance.

"Perhaps, it is time that this form of Dine governance must come from the people. Not from the advice of tribal attorneys who do not understand or have the slightest idea of our culture ethos, synthesis and working derivative principles of Nssch'id, a form of discreet governance once used by our Navajo leaders."

Perhaps Lee would prefer a Dine government more like the Dine Policy institute's third or fourth proposal. The letter to the editor of Joey Tsosie, Vice President of the Tse Dáá K'áán Chapter in the October 30, 2025 issue of the *Navajo Times* might also suggest a preference for a simpler participatory form of government while raising some additional issues,

"How can we vote on what we don't understand? The people deserve clarity, not smoke and mirrors.

"At every community meeting, we talk about transparency, understanding and the importance of participation, Yet, when major proposals like the Navajo Governance Development Commission (NGDC) referendum are brought before us, we are left in the dark, handed documents that even our knowledgeable readers struggle to make sense of.

"NGDC hosts presentations at large community centers across the Navajo Nation, buildings that seat 100 or more people, but fewer than 10 often show up to these presentations. Why? Because people are tired of being handed documents full of colonial language, written in ways that do not reflect our understanding as Dine. . . When the language is not clear, it becomes a system designed to exclude the very voices it claims to represent.

"...many community members, including myself, tried to read though the 107-page and later version of the reform documents. But the truth is, the average Dine person cannot read or understand these papers. The language is overly technical, legalistic and disconnected from the communities it is supposed to serve.

"This so-called referendum claims to be rooted in in Dine Fundamental Law, yet the document reads like colonial law merely translated with Navajo words. It does not reflect our traditional decision-making process though k'e or community consensus. Instead it centralizes power, creating additional layers such as a proposed "fourth branch" meant to oversee the existing three branches.

"But will this "fourth branch: truly serve the people? Or will it add more bureaucracy and distance between the government and the people it is meant to serve" The presentation focused on internal monitoring, not on making services easier, faster, or better quality for elders, single parents, or veterans waiting for housing. water or disability services?"

"If the NGDC's goal is true government reform, it must begin in transparency and by writing in a language that the people can understand. The people need to see themselves in it. It cannot be written for us without being written with us.

"The rush to push this referendum forward is deeply concerning.... People need time to read, discuss, and understand what they are voting for. We need translations, visual explanations, and plain-language versions everyone can talk about at the kitchen table".

In addition to the questions of government complexity and whether the proposal provides sufficient participation of the people with enough opportunity for consensus building, the language issue is also important. As the Navajo Nation and its members are connected in many ways to the wider U.S. society, with Tribal nation governments a part of the U.S. system of federalism, provisions do have to be made in Indian nation government to take into account legal issues in the course of applying traditional values to current and developing situations. But the fundamental tribal documents, as well as translating commentaries where legal or bureaucratic language is required, need to be readily available. It would seem to be advisable to have major documents available in both Navajo and English, especially as some important points, especially involving traditional values, processes and ideas, cannot be communicated accurately in English.

In another letter to the editor, an additional aspect to consideration of some of the issues under discussion about Navajo governmental reform were raised by Nigel Secatero, Vice President of the satellite chapter of Alamo, which along with chapters To Haziileehe and Ramah are geographically separated from the rest of the Navajo Nation. He stated that under the existing Navajo government, the satellite chapters were largely forgotten by the government in Window Rock so that it took far longer for projects to be approved in the three outlying chapters than in those of the main body of the Navajo Nation. Secatero said he believed the proposed proposal "would restructure the Navajo government under clearer rules, standards and responsibilities,"¹⁴¹ Being wary of concentrating too much power in a single leader, he liked the diversity of authority in the proposal and said it might bring more authority to the chapters. However, he said that the new government needed to include the satellite chapters, giving them sufficient flexibility to act without long delays waiting for approval from Window Rock.

Does the Proposal Come from the People with Traditional Input

Several of the critiques of the proposed constitution questioned the extent to which the commission's work comes from and represents the people. The commission was created and authorized by the elected Navajo Nation Council to develop reform proposals as a representative body of twelve members.¹⁴² One was to be chosen from each of the five regional agencies, one from each of the three branches of government: President, Speaker of the Council and Chief Justice of the Supreme Court. To represent youth one student was to be chosen by Dine College while the Graduate Student Association appointed one member. The Navajo Women's Commission appointed a representative. To assure traditional guidance a traditional Dine practitioner was selected. According to the commission website, visited December 16, 2025 without a posting date, but clearly made in 2025 after the reform proposal was announced, the commission membership appears to have been modified to be compose of 11 members, the Women's Commission representative having been eliminated - though two women were listed as being on the commission - and the graduate student representative having been replaced by a Health Education and Human Services Committee representative. Several positions on the commission were listed as vacant including representing the judicial branch, three of the regional agencies, the Dine College Student and the practitioner of Native healing arts. It is unclear whether people in any of these positions had

participated in drafting the proposal before those positions became vacant. The photograph of commission members on that part of the website shows 11 people. Moreover, the website states that twenty past commissioners had made major contributions developing the constitutional reform proposal, including representatives of all the agencies and two practitioner of Native healing arts. Past commissioners participating included those who had been in all of the positions except those of the judicial branch and the Women's Commission.

The Commission on Navajo Government Development stated that the reform proposal it presented was developed from a survey of the Navajo people as to what they wanted in government. The survey was proceeded, first, by an examination of the previous government reform proposals, though the online information suggests that this did not include options 3 and 4 of the 2010 Dine Policy Institute alternative proposals. This will be considered below.

Second, the decision to undertake the survey followed the September 2023 Dine Local Governance Summit (available at: [https://ongd.navajo-nsn.gov/Portals/0/ONGD%20Reports/Dine%20Local%20Governance%20Summit%20Report%20\(Email-capable\).pdf?ver=vEqzJw2TCSs%3D](https://ongd.navajo-nsn.gov/Portals/0/ONGD%20Reports/Dine%20Local%20Governance%20Summit%20Report%20(Email-capable).pdf?ver=vEqzJw2TCSs%3D)). The summit brought 162 representatives of 65 chapters with some from each of the five Navajo regional agencies. Breakout sessions of the participants from each agency were held to consider a number of questions, "What are the essential attributes of a democracy to the Navajo people?" "What powers and authorities do chapters need to effectively govern at the local level?" "What is the aspirational relationship and communication between chapters and the central government?" "What strategies should local governments develop to improve the quality of life of its citizens?" "What services, powers, and authorities do chapters need that could be shared amongst other chapters in your area?" and "What do you envision local governance to look like in the near future." The breakout sessions produced a variety of often varied responses to each question by each of the chapters and there was not time to discuss and reach a detailed consensus in the general meeting. Thus, while all of the responses at the breakout sessions were helpful to the commission in developing the survey, only a more general set of recommendations could be produced by the meeting of the whole:

- * More education on Navajo culture, language, history, and government.
- * Better communication from Window Rock to Chapters on central government activities.
- * Chapters are pivotal for Navajo Nation governance and play a key role in encouraging community participation for economic development, strategic planning, public safety, and services.
- * Any discussion on regionalization needs community input.
- * Overall, serious reform is needed all across the Navajo Nation government."

The recommendations indicate a need for government reform with community input and a major role for the chapters. The first recommendation goes beyond the structure of a reformed government but is central to its success and will be further considered below.

The Survey is on the Web at: https://ongd.navajo-nsn.gov/Portals/0/History/Survey%20Reports/208.pdf?ver=q5bzdB3oNo4T_--VTwq3dw%3d%3d. 776 members answered the survey, with about 675 completing 90% or more of the questions. The participants were from all over the Navajo Nation from all but 2 of the 110 chapters. These chapters may have also been represented as 71 respondents did not indicate their chapter. The respondents were mostly "female [65.34%], registered to vote [in Navajo elections: 92.78%] directly involved with the Navajo Nation government [58.8%], fluent in Diné Bizaad [Fluent in Navajo: 45.17%, Somewhat Fluent: 31.85%], having some college or an associate's degree [88.33%], more senior in age [18-24: 2.59%, 24-34: 12.11%, 34-44: 17.14%, 44-54: 21.9%, 55+: 46.26%], living on the reservation [80.28%], are democrats [63.63], and do not identify with US conceptions of political ideology [30.31%] with those identifying with U.S. political ideology: liberal: 20.1%, middle: 24.23%, conservative 20.36%, none of these options: 32.31%". This last characteristic was particularly surprising and so the analysis added a binary indicator to compare respondents who self-identify with an American political ideology and those who do not." Concerning the percentages of Democrats and Republicans, it's exact representativeness is uncertain as there was no current information available on party registration of Navajo nation citizens, but the ratio appears to be reasonably consistent with recent precious polling results.

In addition to asking the participants about their level of education, the survey included some questions to test how much they knew about the workings of Navajo government. Most who answered appeared significantly knowledgeable, but across the questions, overall around 30% gave incorrect answers. On a set of questions about the possibility of including fourth branch of government, the commissions analysis suggested that at least in this area participants might be even less knowledgeable about Dine tradition. That may well be, but that was unclear as the questions asking what a fourth branch would do and what it would mean did not distinguish between what that would be according to tradition or if enacted in the current context. Given that there have for some time been numerous concerns raised about the loss of traditional knowledge, and that several medicine people have recently written books on that topic finding that oral transmission was insufficient to preserve it, supports the often repeated finding in both the government reform documents and other public pronouncements that more education is needed on both Dine tradition and contemporary

Among the questions testing knowledge of current government were two concerning the 5-day comment period required after a piece of legislation initially passes the council before it can be considered by the council for final approval. It's continuation was proposed in the "Navajo Common Law Project" and is included in the proposed constitution. The second of these questions (p. 43) asked "How often do you use the 5-day comment period?" 41.3% said not at all, 25.9% sometimes comment, 8.2% often comment, 3% always comment and 21.6% no idea what it is. Beyond showing the extent of governmental knowledge, it indicates a low level of participation.

The question is, why the low level of participation, not only in the comment period, but as reported elsewhere? Is it from lack of knowledge or understanding? From distrust of or a low opinion of government? From being too busy to participate, or participate regularly or often? or in the case of the comment period having trust in the government, at least in the matter at hand? This needs further research, that may have implications for other reform issues including how many officials should be directly elected. Relating to the comment period, in complex and busy modern societies, compared to traditional times where, as documented amongst the Six Nations of the Haudenosaunee where political participation was all-encompassing and regular,¹⁴⁴ it has often been found that most citizens are too busy to participate regularly. Even where they are very concerned, they often rely on trusted individuals or interest groups to represent them, who call on their constituents to sign petitions, demonstrate or support candidates as they are able. The practice of Southern Utes, discussed above, may be relevant. They have provided numerous ways to involve tribal members in expressing their views on decisions. Yet only on important or controversial issues do they directly solicit and encourage direct participation. On others, they simply give clear notice of the chance to comment.

The report, noting that the ideal of a fully representative sample of the population was impossible to obtain on the reservation, said of the sample who participated. "Based on these sample demographics, it is reasonable to assume the survey was more successful in attracting the attention and voluntary participation of more civic minded citizens. This should not be surprising given the nature of a survey dedicated to comprehensive government reform and fits with the common participation of more vocal elements of Navajo domestic politics. From the experience of CNGD and ONGD, a majority of local chapter participants are the Nation's matriarchs who tend to be older and have higher levels of education. At this time, CNGD and ONGD do not have reliable data on US political party identification and ideology on the reservation.⁶ Therefore, it is unclear how representative the US political views of this sample are. However, previous survey's conducted in 1984 and 1994 with Navajo citizens also showed two thirds of the sample identify as Democrats (Wilkins, 1999; Russell & Henderson, 1999). This is an encouraging signal, but the goal of this survey is to be as representative of the Navajo Nation as possible. Demographics are important, but it is also important to take into consideration other aspects of the sample".

It was anticipated that the survey was sufficiently representative so that it could produce a viable proposal to initiate the large number of discussions of government reform at the large number of local meetings to take place over several months around the Navajo Nation.

As the survey report explains in more detail, it was designed encompass the wide range and extensive complexity of the variety of issues and possible solutions expressed by individual Navajos, while limiting its extent to respect the time of the Dines agreeing to participate. Participants were given the freedom to skip any questions they did not want to consider. In order to give respondents the chance to consider the variety of possible proposals on each major issue in a way that answers could be meaningfully measured quantitatively, participants were given a number of questions on the same issue, each comparing the current system with one of the randomly chosen reform alternatives. This was to show how specific reform solutions compete with each other as well as with the current system. For example

	Current System	Reform System
Election	Popular Vote	Popular Vote
Council Size	24 Delegates	1 Delegate Per Chapter (110 Total)
Chapter Reform	Need LGA Certification	Need LGA Certification
NN Civil Rights	No Focus	Protection to LGBT+, Multiethnic, Disabled
Policy Creation	Delegates and Difficult Referendum (Popular Vote)	Delegates and Easy Referendum (Popular Vote)
Executive Selection	President Elected By Voters	Prime Minister (Chairman) Selected By Council
Fourth Branch	No Fourth Branch	Office of Chief of Security (Public Safety and Veterans Affairs)

"Figure 1: Example Conjoint Respondents Were Presented With (Randomly Selected)"

"Since individual responses are correlated with each other, the analysis addresses this through cluster standard errors at the respondent level. For more information on conjoints and their applications, see Bansak et. al. (2022) (From p. 13 of the survey report")

Table 2 provides all of the potential government reform solutions that could be randomly selected within each political institution. The analysis stage does weigh each of these institutions appropriately based on the number of items within an institution and to account for the fact that respondents had one side held constant (the current system).(from p. 14 of the survey report).

Component	Level
Delegates	24 Delegates
	1 Delegate Per Chapter (Currently 110 Total)
Council Size	48 Delegates Equally Representing by Population
	No Council
Chapter Reform	Need LGA Certification
	Empower Chapters
	Combine Chapters
	No Chapters
NN Civil Rights Focus	No Focus
	Protection to LGBT+, Multiethnic, Disabled Protection from US and Non-Natives Cultural and Philosophical Rights
Laws Created	Delegates and Difficult Referendum (Popular Vote)
	Only Referendum (Popular Vote)
	Only Delegates
	Delegates and Loose Referendum (Popular Vote)
Executive Selection	President Elected by Voters
	Prime Minister (Chairman) Chosen by Council
Speaker Selection	Speaker Chosen by Council
	Speaker Elected by Voters from Council Delegates
	Speaker Elected by Voters from General Population

Fourth Branch	No Fourth Branch
	Ethics and Accountability (People's Council)
	Office of Chief of Security (Public Safety, Veterans Affairs)
	Traditional Philosophy (Elder's or Practitioner Council)

"Table 2: Components for Profiles in Conjoint Experiment (Baseline Levels in Bold)"

The alternative governmental intuitions chosen for Table 2 were derived from all the government reform solutions the Commission and the Office of Navajo Government Development have documented since their founding in 1989. This includes the consideration of the possible fourth branch of government discussed in the Navajo Common Law Project.¹³⁹ It may, but does not appear to, include the third and especially the fourth alternatives in the 2010 Dine Policy Institute proposals requested for consideration by the Navajo Council. The Project reported that traditionally, in addition to legislation, administration and adjudication, there was a fourth function of government for security carried out by war chief, which later encompassed ethics and accountability.

In the commissions current proposal that function is carried out by the proposed fourth branch of government. Given the long history of improprieties in Navajo government, a case can be made that a body aside from the prosecutors office and courts is needed. Ethics committees are sometimes used in government to provide this set of functions. This is the case at Southern Ute. Some might also like to have a body, something like a constitutional court, to review if legislation and regulation is compatible with Navajo fundamental law. The survey asked if such a branch should be part of the government. 42.9% of respondents said yes, 27.1% stated no, with 30% unsure. The survey asked what powers should be exercised by the fourth branch. The answers were: ethics and accountability: 33.3%, chief of security: 8.1%, traditional philosophy: 19.5% and other 9.6% with 29.5% unsure. When asked "What should a fourth branch mean," 4.7% agreed on security, 19.3% "government reflects culture," 13.7% more jobs, 28.2% accountability, with 33.9% unsure. This suggests that a considerable amount of public discussion is needed on what a fourth branch might do. The Common Law Project had mentioned a possible alternative to the fourth branch, or at least one of its functions, in having a Dine philosophy department within the government, rather than as a separate branch. It could be considered that when asked, the Dine Policy institute has served the philosophy function externally.

Having a fourth branch would be a way to adopt a principle of traditional Navajo government, which was entirely local, at the band level, to modern conditions in which the nation as a whole has to deal with and often be in compliance for needed funding with the actions and regulations of external governments, while numerous concerns and situations which were local in traditional times are now national. In many cases these need coordination between the Navajo nation and external entities. Further, where in traditional times with people interacting mostly within their local band, the pressure of public opinion in the community and from clan members on whom one needed to rely was sufficient to ensure proper behavior, except in a few rare extreme cases where the warriors under the war chief could provide internal security;¹⁴⁰ in today's more mobile society with regular broad interactions something more is needed to ensure accountability that could partially be provided by expanding the war chief's role into a contemporary fourth branch. I believe these considerations led the Navajo Common Law Project in integrating traditional knowledge and ways of seeing with current conditions. It is useful to note, however, as did the Dine Policy Institute in 2010, that following tradition more literally, a much more decentralized Navajo Nation governmental system is possible. It may well be that the Commission did not include that possibility in the survey as that there was not indication that Navajos today think it practical, if they considered that possibility at all.

On the issue of local government reform, 70.1 % said to keep the chapters with 29.9% choosing no or unsure, while beyond the survey regionalization instead of the chapters has been suggested, but with unanswered questions of viability, including saving on administrative costs, and what would constitute a region. On what powers chapters should have, the results were:

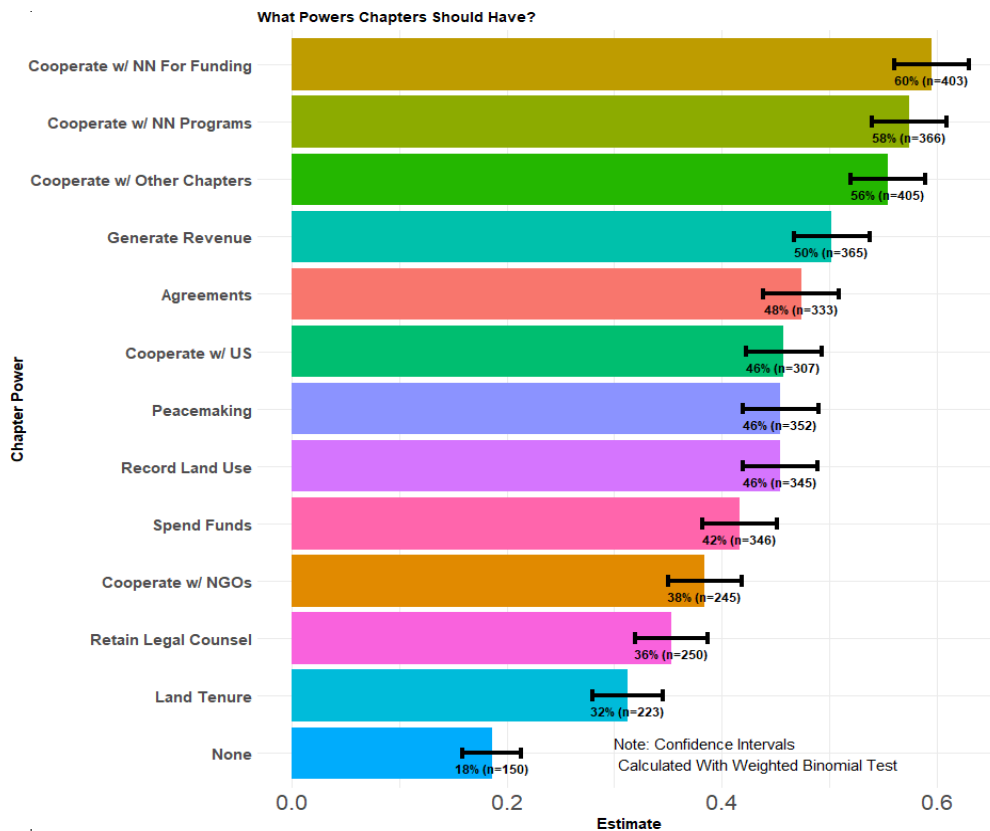


Figure 6: What Powers Should Chapters Have?

With most respondents wanting to keep local governance, the survey inquired what powers should chapters have? The most popular response was that chapters cooperate with each other for Navajo Nation funding and access to Navajo Nation programs. This last option could be an informal alternative to regionalization as respondents also reported Chapters should generate their own revenue, enter into agreements for goods and services, cooperate with American federalism, engage in peace making, and record how land is used. Less popular options do consist of spending funding, cooperating with non-governmental organizations, retaining legal counsel, and developing a land tenure system within the chapter. While some powers are more popular than others, the general consensus is that respondents want chapters to have some of these powers (p.27).

On which Navajo Nation government officials should be elected participants were asked, "should Division Directors be elected? The results were,

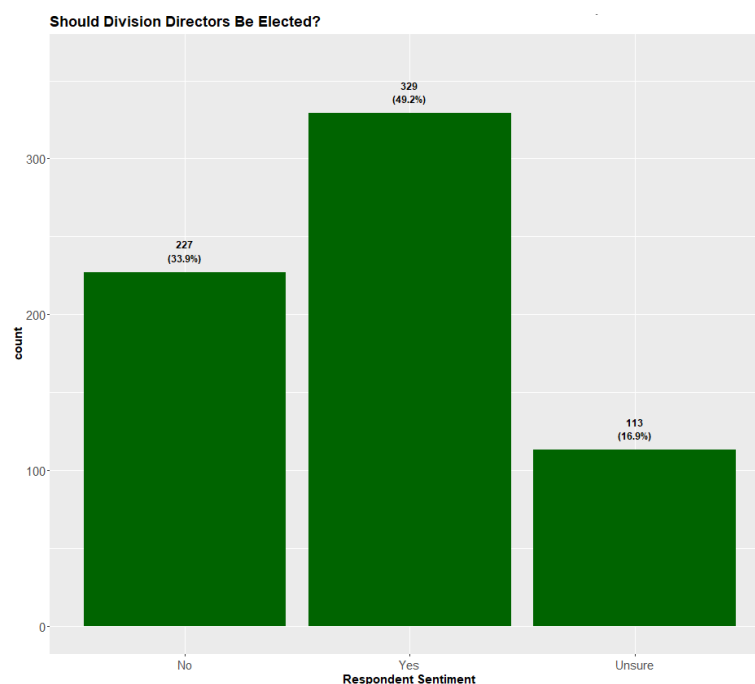


Figure 10: Should Division Directors be Elected?

In similar aspects of central government reform, respondents were asked whether division directors in the executive branch should be elected. 49 percent of respondents reported they should be while 34 percent stated they should not. The remaining 17 percent were unsure. Elections are critical for a healthy democracy and the Navajo Nation has not had a two-term president since 2010. The Navajo Nation Council is not immune to this trend either as the last two Councils have experienced great turnover in membership. Therefore, this idea of electing the leaders of departments who provide services to the people may resonate with this idea of improving government accountability. Considering, how the Navajo President and Vice-President are the only officials truly elected by the entire Navajo People, this response is logical based on current domestic politics.

Following the "yes" on this elect all or none question, the July 15, 2025 constitutional transformation proposal calls for the election by the people of a large number of officers. Experience suggests that while too few direct choices by the people may limit democratic representation, too many can also have unrepresentative consequences as it may be difficult or impossible for most people to know enough about all the candidates to make knowledgeable choices. Rather than having too many positions elected, having an elected officer appoint some for whom s/he is responsible can be more representative with higher accountability. It would be good if the many local discussions of the proposed constitution considered if the number of elected positions in the draft is a good balance for the current and developing Dine circumstances. If it is found the proposed number is too many, then it needs to be considered which of the officers should be elected. If a smaller number of elected officials turns out to be desirable, then the section on General Government Reform (pp. 35-37) asking what policies the nation should adopt, showing how many people were supportive of which policy choices might shine some light on which positions are deemed most important and more essential to be elected.

The other issue involving numbers is the best number of delegates on the council. The survey gave only the choice between the current 24 and one from each chapter (110). It appears that either the survey indicated no strong preference or leaned toward 24. In any case the proposed constitution keeps the council at 24. As discussed above, whatever the advantages of the reduction of the council from 88 to 24 members, it clearly made the council less representative. Too large a council can become unwieldy as well as expensive. In order to make it possible for a very large legislative body to get business done efficiently, there is the danger that too much control may be centralized in its leadership. Just what is the right balance for Navajo Nation is not clear. 110 might be quite viable. It would seem advisable to discuss this key issue further in the ongoing meetings, as at least in theory 24 appears to be less than optimal for including the voice of the people.

In terms of the critique of the proposed reform by some that it should come from the people, the Commissions limited representativeness, its drawing from previous reform efforts, holding meetings on whether and what action to take from which an extensive survey was developed on which base the proposed constitution, whose presentation was followed by extensive local meetings around the Navajo Nation over many months, provides a strong case that the commission acted to have the reform come from the people as far as possible.

Relating to the question of whether the commission acted with sufficient knowledge of Dine tradition, traditional voices have been involved in the Commission's current work of constitutional reform. In the 1990s the initial work to decentralize government functions to the chapters involved medicine people in the work of the Office of Navajo Government Development, whose director was an apprentice singer. According to the Commissions' website, that has remained the case. Further, there is indication in the documents cited, particularly the "Navajo Common Law Project," and the discussions of traditional governance principles and practices in the survey report, to suggest that the commission acted with a significant amount of understanding of Dine tradition.

Concerning Obtaining Sufficient Participation and Support for Change

It is often difficult in contemporary times to obtain high levels of participation. Often this is even more the case on Indian reservations because of fractures in communities including dissatisfaction with the existing political system, especially when proposals for change come from those involved in governance.¹⁴⁵ In 2025 when the constitutional reform proposal was made there was widespread dissatisfaction with both Navajo Nation and chapter governance. I have no information as to how representative the complaints were about the reform attempt. Given that the commission, which was a governmental entity, was itself partially representative, attempted to develop its proposal on as representative input as possible, followed by launching numerous local meetings to consider it over seven months before finalizing the proposal, suggests that despite the commissions efforts reported on its website and Face Book Page to have the proposal come from the people, distrust of commission and the reform process remained for at least some, and possibly many Dine. If this is indeed a major problem, it would have been wise for the commission to have publicized extensively that and how the Commission merely acted as a facilitator collating reform ideas from the populace with input from traditional practitioners, with the local meetings safe spaces for people to take part in further developing the proposal. In some cases in other Native communities government reform proposals have failed, or if successful, have been considered illegitimate or irrelevant by a sizable section of the community, at least in part, because the proposers appeared more interested in arguing for their proposal than facilitating open discussion about what the final proposal would be.

Further, it may be questioned if there has been sufficient ongoing publicity about the reform process and the local

meetings. The local meetings were posted on the commission website and on the Office Face Book Page. However, except for the initial announcement in July and then of the first local meeting on July 16, there has been no announcement from the commission or report article on the process in the *Navajo Times*. The *Times*, December 26, 2025, review of the year's events, Quintero and Allen, "A year under pressure," makes no mention of the reform effort. The last commentary about it in the *Times*, all of which are discussed above, was in the October 30 edition. The commission may have thought it had sufficient local publicity for each meeting which it wanted to have each representative of that community without outside participants. If this calculation was correct the lack of Navajo Nation level publicity would be a virtue.

The publicity about the process in the *Navajo Times* improved in the January 15 issue. For the first time since announcing the process and the first local meeting in July 2025, the Commission/Office announced the coming local meetings on the constitutional proposal, listing the three remaining upcoming January meetings. Perhaps more important, the *Times* report of the January 13 public hearing (further discussed below) on possible change in Chapter 26, setting out the powers of the chapters,¹⁴⁶ included statements by the Executive Director of the Navajo Office of Government Development, Harrison Tsosie, showing how participatory the constitutional reform process has been (though this was indicated on the web page). Also, first time in the *Times* or on the commission website, it was clearly indicated, what was previously only implied in these places, that the local meetings and other continuing public input are invited to help improve the proposal to be finalized by May when the process for initiating a referendum on the proposal would begin. (It was unclear if the deadline for finalizing the document might extend beyond March). The announcements of the upcoming meetings were further augmented in the January 29 *Times* issue, with a clearer, in color, advertisement along with a similar announcement of "A Two-Day Navaho government Reform Presentation... Join the Commission and Office of Navajo Government for a two-day session on Navajo Government Reform before it is finalized." While the wording in the *Times* was ambiguous as to whether this was just a presentation or a chance to have input, the announcements on the Face Book Page continued to make it clear that the content of the constitution should come from the people and their input was essential. The two announcements were continued in several of the following issues of the *Times*.

Is the Constitution as Presented too Complicated?

If the critique of the commissions presentation of the constitution being too complicated for most people to understand is correct, then it might have been better for the commission to present the proposal in stages over a longer period of time in more of a community organizing approach.¹⁴⁷ They might have begun, first presenting the general thrust of the proposal for discussion. and possible amendment. With that settled, then each portion of the proposed document might have been taken up. Once the proposal was finalized, then it could be presented. to the Nation as a referendum. Should the 2025-26 attempt at change fail, such a process might be followed for a second attempt. Or if the proposal is approved in a referendum, but widely criticized, then a review process using a longer, step by step community organizing process might be undertaken. After considerable discussion the new constitution might either gain wide approval or be amended.

Additional Considerations

Returning to the five-day comment period required of initially passed legislation before the council gives a measure final consideration; does that provide sufficient opportunity for the people to participate? Would it enhance Dine participation in the legislative process to require delegates to consult with their constituents on major proposed legislation and budgets before their final consideration by the Council? This could be accomplished with delegates holding local meetings and/or with virtual sessions. Not all locations on the Navajo Nation as yet have acquired electricity or broad band internet, and not all citizens have computers. But it seems likely that all of the chapter houses have. Yugoslavia in its worker and social self-management period appeared to do quite well in requiring such local meetings. The Southern Utes appear to have become very successful in having everyone impacted by a decision have a say in its making by using a wide variety of means including meetings, website and newspaper postings, surveys and representative focus group sessions, the latter of which are all still in use at Navajo Nation.

Beyond Structure: Returning Navajo Governance to K'e

What is not seen in the structural description of a constitutional proposal is what the Navajo Common Law Project points out is for the Dine the fundamental principle of existence and of the proper way of living as set out in the origin story setting the basis for all things Dine. This is K'e - right relations. For everything is related in a world of dynamic interactions in which all relations must be kept in proper balance: harmony that the Navajo call beauty. When balance is lost, healing must take place to restore it.¹⁴⁸ Central to K'e is that everyone is respected, and since people have limited perception and understanding, with each person being unique with their own experience and view, in making political decisions everyone and their views needed to be taken into account. This required deciding by consensus. Traditionally where governance was at the band level, this was undertaken by a chief and council with consultation with the people in the traditional Dine style. This has been pointed out by some in the comments in the *Navajo Times*, but the principles as set out in the Navajo Common Law Project can be applied differently according to the circumstances, which today are more complex.

Navajo Nation citizens need to make their own decisions about their governance. With long experience with Indigenous traditions and participatory inclusive decision making in various settings, it is appropriate for me to raise some questions about the efforts to return Native governance to functioning according to traditional values. Clearly, Many Dine see

the operation of governance in 2025 at the Navajo Nation is out of balance, and harmony - beauty (hozo) - needs to be restored. Structural/institutional/legal changes have an important role. There is also a place for changes in process and education. Concerning process, it may well be that K'e (right relations) needs to be restored within and between administrative agencies while adding lines of communication with Navajo Nation citizens. The Southern Utes have developed interagency cooperative coordination with some tribal member input, as discussed above. But more is possible. First, channels for tribal members, chapters and other entities to communicate with administrative agencies could be established, while opportunities for consultation with member input on major administrative decisions could be provided, just as Indian tribes and others have the right to be consulted and citizens are given the opportunity to comment on major federal agency decisions before they are finalized.¹⁴⁹

Second, would government agencies be debureaucratized in ways in line with traditional Dine concepts of k'e and consensus building in their operation if they operated with internal participatory team process functioning by consensus within guidelines and with an appropriate number of external participatory collaborative communication channels with those impacted by their decisions and with other agencies that deal with related issues or situations?¹⁵⁰ Since at least the 1970s, there has been a major movement in the United States and internationally to apply traditional Indigenous principles of consensus decision making in organizations.¹⁵¹ This has been undertaken in various forms, with various names with the most advanced often referred to as team process. It has been shown that flat, non-hierarchical organizations - including in government - function far better by every measure including employee job satisfaction, than do conventional top-down hierarchical organizations.¹⁵² Would a Dine adjusted form of team process be appropriate to return Navajo agency functioning to K'e? If so, it would take time and education to develop it.

As has been seen in other settings, people with participatory values need to develop and have sufficient practice in the operational values and skills to undertake well working consensus decision making.¹⁵³ These include respectful, careful, empathetic, supportive listening to each person to understand their concerns and reinforce their participation in the dialogue. Too often today, people do not listen to or understand each other and engage in attacking each other on the points they agree on, instead of finding common ground while illuminating the points on which they disagree. Supportive listening is necessary to include everyone's concerns, so far as possible, in any decision, making it a better course of action. Further, it is important to speak supportively to one another to build and maintain trust in each other and in the process. Also, too often people jump directly from identifying an issue to asserting a solution without analyzing what is actually involved. It is necessary for participants to take a problem-solving approach to issues, carefully examining the nature of problems, comparing alternative courses of action, enroute to finding a good solution. It also helps if participants have or acquire the traditional Indigenous idea that life is learning from experience. Finally, good facilitating is necessary to guide the discussion, keeping it focused and participants acting respectfully and supportively. This usually means having a fine facilitator, but once participants are skilled in the process anyone can assist in facilitating if discussion becomes bogged down or off track.

Building team process takes time and often some effort to get people to accept that this is a better, and for most people, more enjoyable and rewarding way to work. In a sizable organization or work unit it is often advisable to begin finding one group of people willing to try out teamwork, perhaps with some incentive for doing so. Once others see this is a better way, they become eager to participate until eventually team process spreads to the whole workplace. Team building is an educational process, varying with the background and personalities of the team members. Usually, teams begin with a trained facilitator-trainer as team leader who shifts to just being a facilitator as the members gain competence while they increasingly engage in higher degrees of joint decision making.

In addition, if cultural problems are currently part of the reason for the problems in the current functioning of the chapters and Navajo Nation agencies, as discussed above, appropriate education of personnel would be essential to make the proposed government arrangements function properly.

While the overall form and operation of Navajo governance is being reconsidered, initiatives continue to be taken and proposals made toward realizing the potential of chapter governance. This includes a review by the Navajo Nation Council Resource and Development Committee of the law governing how chapters operate and exercise authority, Chapter 26 of the Navajo Nation Code, with public input.¹⁵⁴ That hearing at the St. Michaels Chapter, the first of four planned around the Navajo Nation on a proposal to have some powers removed from chapters and given to regional authorities, included considerable opposition to the proposal on the grounds that regionalization would be less democratic and would not solve the underlying problem that chapters share with Navajo Nation departments and divisions.

The January 15 report of the Title 26 hearing included testimony of "widespread bullying and intimidation" in chapter relations with divisions and departments. This echoes the report, above, of division officials bullying chapter officers in the Shonto Hotel debacle.¹⁵⁵ I know of one chapter official who planned to leave office early because of raucous and unfriendly chapter meetings. It may be that problems with the quality of interpersonal interactions have been a factor in the large and growing number of vacancies among chapter officials and local school board members on the Navajo Nation.¹⁵⁶ Several people working in Navajo schools have told me of infighting among staff. This has become a major problem on many nations largely as the result of colonial disruption of traditional culture and boarding school created intergenerational trauma and related abusive behaviors. When finding themselves in alien, hierarchical,

governmental institutions and organizations, people whose values come from participation in one of the varieties of inclusive participatory decision-making - some form of consensus building - often function badly. This was demonstrated to have been the case with the Commanche, reported in this paper, until it was overcome by the return of participatory decision-making.

I believe this is a major problem that needs to be overcome in various places across Navajo governance and organizations. One piece, education in Navajo values and tradition is already being perused in several undertakings and might be expanded. But learning values alone is insufficient. The most important learning comes from the experience of gaining the skills to put them into practice, which is central to traditional Indigenous approaches to education. Where necessary, setting some ground rules for meetings to be safe places to participate and step by step facilitating the development of good respectful dialoguing participation might be helpful for improving, and gaining more participation in some public meetings and for improving the interchange and work of some deliberative bodies.

The Executive Director of the Navajo Office of Government Development, Harrison Tsosie, stated at the hearing that if the proposed constitution passed, amending Title 26 would become irrelevant. He indicated that in its current form, the proposal "explores whether chapters should remain as they are or evolve into new governance models chosen by communities themselves. 'In the government reform proposal, we look at local governance all the way from changing the name from chapters to something else,' Tsosie said. He said communities could adopt municipal-style systems rather than governance structures imposed through federal policy." Having American Indian local communities choose their own forms of governance is not new. The Hopi have long had that tradition.¹⁵⁷

Early 2026 Voices of an Organized Opposition to the Proposed Constitution

On January 27, 2026 a Diné Grassroots Coalition opposed to the current Commission on Navajo Government proposed constitution issued a press release followed by a February 5 Call to Chapters and a February 19 podcast voicing their concerns.¹⁵⁸ That this podcast was linked to on the commission Face Book page was an indication that the Commission/Office was taking into account Dine citizen input. Number one of the coalition's concerns was that more time was needed for the reform proposal to be publicly discussed before it was finalized for several reasons. The first of these was a complaint that the commission had drafted a 108-page draft constitution but had only shared a 48-page summary draft on their website and at meetings. Clearly the public could not properly vote on a document they had not seen. As it seemed quite likely that this complaint was the result of a miscommunication, I wrote the Commission/Office with a Cc: to the coalition asking if there actually was a 108-page draft as initially announced, or if the 48-page proposal was the original draft, reduced in size without any changes. I pointed out that this was a critical issue that needed to be quickly settled with the answer widely publicized.¹⁵⁹ At this writing I have not heard an answer, but considering the legal requirements, the commissions emphasis on Dine citizen participation in the entire process, and the apparent completeness of the detailed draft document, it is not plausible to me that that Navajo public has not been seeing the entire proposal.

The second reason asserted for delaying finalizing the constitutional proposal was that few people had been attending the meetings, and that wider discussion was necessary. This is something that the Commission/Office might consider. However, that the two-day discussion, which had full onsite registration, and was an online live town meetings, may well have ensure sufficient participation. Also, since large numbers of Dine live off reservation, it might have been good to consider if off reservation local meetings would have been good, including in the post finalization education period leading to the referendum voting. The third stated reason was that the Commission/Office was constantly changing the draft. This does make it a little more difficult for public understanding, but this is an ongoing process, and the drafts posted on Face Book clearly show the changes as they are made. Having a well-attended two-day conference to consider the proposal with proposed changes toward the end of the process would seem to be a good procedure to settle any questions. The fourth reason for delay is the assertion that the Commission/Office was incorrect in believing that it was exempt from the 164-review process that requires that a public comment period begin only after legislation is sponsored and found legally sufficient. This is a constitutional referendum, not a legislative proposal, but the disagreement might lead to a court challenge.

Number two of the coalition's concerns was a perceived threat to sovereignty and individual rights in the underlined bold last sentence of, "Article VII, Section § 702, Freedoms A. All human beings have the inherent and inalienable right to life, liberty, and the pursuit of happiness. Every person has the right to independently procure clean air, safe drinking water, nourishment and a safe and sanitary shelter. **Recognition of the right to life shall not be construed or interpreted as an individual entitlement or create a justification to oppose and prevent public or economic projects.**" In isolation, this seems to negate all the listed rights whenever an economic project is involved, including opening Navajo Nation and its people to personal and environmental harms from exploitation, including extraction, by external corporations. There seems to be a legitimate reason for this qualifying statement, but I believe it needs to be modified to set forth its purpose while withdrawing the possibility of it being used or misinterpreted to cause potentially great harms.

This apprehension of possible corporate exploitation is related to concern number three, that Article VII on Investor Bill of Rights and Article IX on land Tenure give too much power to investors over citizens, and despite limitations threaten land

use and loss of Dine land. As the coalition writers say, this section is "very dense" and thus easy to misinterpret. It may need some modification, but, to my reading, while I can understand that the language might appear to allow potential harms by "investors over citizens" (many investors being citizens) all this section actually does is require due process of law in limiting any investors rights, all investment and investor action being required to be according to law, including Dine government regulation. This section also prevents government from arbitrarily interfering in business because someone in government personally favors or disfavors a person. Tribal business and business on nation land does need to be properly regulated, and appropriately taxed, as is called for in this section, but, for the economic benefits of the nation and each of its citizens, needs to be separate from government so that it can succeed for the economic benefit of the nation and all concerned.¹⁶⁰ Where separation has not occurred, there have been cases of people in power forcing the firing of competent people without cause, or the hiring of incompetent people, to the detriment of the enterprise, and loss of income to the nation. Similarly, short term political concerns have caused directly controlled tribal businesses to make decisions economically damaging for the long term. In other cases, tribal governments have taken too much capital from a tribal business, causing it to fail. This section is intended to ensure internal and external investors that it is economically safe to do business on and with Navajo Nation, though they must abide by its regulations, including environmental regulations. An active citizenry needs to ensure that the council enacts, and the administration enforces appropriate regulation.

Part of the question of whether the proposal gives too much power to business and economic concerns is the wording of §816. "Access to utilities and infrastructure including power, roads, water, gas, telecommunication lines and other works without undue delay to support the continued operation of a going business concern." Might "undue delay" mean bypassing the public and legal requirements (e.g. environmental concerns)? The rest of Article VIII might put this section into proper context, but given that either that is insufficient, or that the statement might be taken out of context to cause harm it would seem that the wording be modified or expanded to limit any improper and harmful effect.

Part of the question of whether the proposal places too much emphasis on economics and development over people is a concern about commodification of land, in various places, especially in the article on land tenure. There are numerous provisions concerning sale of land, with considerable limitations, including restricting most land sales to be to Navajo. The immediate question is, are the stated limitations sufficient, including in other sections on rights and environmental protection. The larger question is, should all sale of land be banned - only leased or otherwise designated for use, with any sale only possible by constitutional amendment or some high threshold approval process?

Number three of the coalitions concerns begins saying government should be composed of "branches" not "houses" as now stated, because branches imply a connection where the statement in Article X: "B. There shall be no oversight by one house of government over another house of government," has created a fear that there are no checks and balances and the government structure will just lead to noncooperation and continued bureaucratic problems. But focusing on this phrase leaves out all the checks and balances that immediately follow, as well as elsewhere in the proposal, including on the fourth, accountability, branch. Also, B continues, "however, the Courts may review legislation or other acts of government to ensure compliance with this Diné bi beehaz'áanii and laws made pursuant to its authority. The Government Anti-Corruption Committee may review the allegations or violations of the Anti-Corruption in Government Code by all government officials in all houses of government. The Government Anti-Corruption Committee may issue disciplinary decisions related to all allegations of misconduct against any official in government service. Among other provisions, "§1007. Checks and Balances of Power A. There shall be Hozho (harmony and balance) in the government structure and Diné Bi Beehaz'áanii. The Navajo Nation Government is created with distinct, separate and equal houses of government to create a system of checks and balances to prevent abuse of power, overreaching, corruption and to ensure the rights of the Diné and Navajo tribal citizens are protected and administered in a fair and orderly manner." At most some additions to, or modifications of B might be considered. The coalition also had concerns about the fourth, accountability branch, that it focused too much on accountability and not enough on collaboration and coordination, among other things, increasing rather than decreasing bureaucracy. Considerations concerning the accountability branch are discussed above, and some changes might be considered here.

Bureaucracy clearly is a major problem including inter-entity conflict and lack of coordination and cooperation. As unfolded above, some structural changes might well be part of a solution, as is the technology improvement begun in 2025. But as set out at length above, I believe education and the application of traditional collaborative decision-making values in appropriate forms of team process would likely play a larger role in a solution, as the Southern Ute experience suggests.

Coalition concern about the current proposal number four involves a series of questions. First, what happens to the staffs, their procedures for working, finances and financing, contracts, etc. This needs clarification, but I believe that none of these items would be changed. If this is not clear, or not the case, then new language would be necessary to resolve this issue. Second, the coalition charges that the current document would cause the chapters to perform unfunded government services, and also be autonomous business entities with no access to Navajo Nation resources, because they would become "autonomous and operate independently from the Navajo Nation Government." I do not believe the chapters would be cut off from the funding they currently are eligible to receive from the Nation, stated in Article XVIII, § 1806, "All Local Governance Entities, by Community authorization, may exercise the following powers

and authorities, including, but not limited to:

- Enter into contracts or sub-contracts for Navajo Nation general funds, with appropriate Navajo Nation divisions, programs or agencies for service delivery programs.
- Appropriate funds, according to conditions set forth by the Navajo Nation, divisions, departments or other funding sources, including Chapter claims funds and Chapter scholarship funds.”

Among other things, Article XVIII does not repeal the Navajo sales tax established to assist chapters in carrying out governmental functions, nor does it prevent the Nation from providing additional funding for chapters. In addition, § 1806 empowers chapters to:

- “Generate revenue through means established by the local community members consistent with this Act.
- Acquire, sell or lease property of the Local Governance Entity.
- Enter into agreements to provide goods and services.
- Enter into agreements with other Local Governance Entities to undertake a common goal or interest which will benefit the Local Governance Entities.
- Enter into intergovernmental agreements with federal, state, tribal entities and/or their agencies, subject to and consistent with Navajo Nation law.
- Enter into contracts or sub-contracts with the Navajo Nation for federal, state, county and other funds...”

I believe, and if I am wrong or the language does not achieve the intent, this needs to be clarified, that the intent is to take nothing from the chapters but to set them up on a firmer basis as collaborating partners within the whole of the Navajo government system with more authority, increased autonomy and a wider range of choices than in the current system. I believe this is similar to the states and Indian Nations being sovereign entities within the United States system of Federalism, with a considerable degree of autonomy. I believe the U.S Federal system and the relations of the chapters to each other and the rest of the Navajo governmental System are set up to be cooperative systems with some degree of completion. Further, and this needs double checking, I believe that Article VIII only supersedes or nullifies Title 26, to the extent that anything in Title 26 would contradict what is in Article VIII, or elsewhere in the proposed constitution.

Third, the coalition fears that the chapters would be set up to be regionalized by the proposed constitution because of Article IV, the Beehaz’aanii Baa Áhoyááńjii Báhooghan, The House of Government Stability,

§1402. Composition

The Beehaz’aanii Baa Áhoyááńjii Báhooghan of the Navajo Nation Government shall be comprised of two Naat’aanii from each Local Governance Support Region.

§1403. Installment

A. The local governance entities shall organize into regions and each region shall select two individuals from among the elected Naat’aanii’s of the local governance entities in that region to serve on the Beehaz’aanii Baa Áhoyááńjii Báhooghan. The regions shall create policies and procedure to select the five Naat’aanii who shall serve as representatives to the Beehaz’aanii Baa Áhoyááńjii Báhooghan.

This having chapters “organize into regions,” I believe, is clearly separate from the autonomy of the chapters established in Article VIII. It does connect to the current regions and the services they provide to chapters and might set a basis for continuing and perhaps expanding the current regions. All 9 uses of “region” in the document are in Article IV so there is nothing in the proposed constitution to cause regionalization.

In addition, it is clear that “chapter” refers to the current chapters and would normally seem to prevent changes in their number or boundaries without a constitutional referendum. Whether the Navajo Nation Council could at some future time meet great changes in population or other developments by combining (which if extreme could become a regionalization), eliminating, changing chapter boundaries or adding chapters (e.g. if the Nation gained additional land put into trust) without a constitutional amendment is questionable. It might be considered whether some highly restricted power to make changes in chapters to deal with future exigencies would be good to add to the document, especially if the current draft continues to provide a difficult amendment process, discussed below.

The fifth complaint about the draft constitution is a claim that the proposal replaces the Dine fundamental law, objecting to it being cited in the draft, while the authors claim it follows it, with several traditional Navajo practitioners involved in creating it, as discussed above. It is improper to cite fundamental law for something that violates it. How to apply fundamental law is always open to differences to interpretation and understanding. To return Navajo Nation and its people to living well in harmony is an important goal, requiring the application of traditional values. Going beyond education, considered above, it is difficult to know how to do that for today’s social, political and economic structures and processes, which are very different from older times when most people understood the basic principles. As a traditional Dine I spoke with on February 15, 2026 said, attempting to apply traditional values to government today is “tricky.” Yet the attempt must be made. Whether the current effort of the Commission/Office succeeds reasonably well in doing that will have to wait until the current issues have been resolved and there is a final document for traditional practitioners to evaluate.

In addition, the coalition's "Mark-up on the ONGD Proposal"¹⁶¹ points out several additional provisions for which modification might be considered. One is Article V Duties (of people), § 504. Education: To obtain an education through the primary education system and receive a certification of success.

First, a concern is expressed that Education is now a personal duty with no corresponding governmental duty. However, it is stated in Article XV "Beehaz'Áanii Hadilnehíjí Báhooghan, Legislative Power, §1501. Legislative House, §1510. Powers – 8. to create and require an education curriculum including an immersion program for the Navajo language, culture, history, philosophy, financial literacy, computer literacy, mathematics and the sciences." and Article VI. "Treaty And Collective Rights, Education, A. The Navajo Nation Government shall make laws for the establishment and maintenance of a system of public schools, which shall be open to all the children of the Navajo Nation and be free from sectarian and political control and no religious organization shall promote or teach their beliefs in the public schools. The schools shall provide a curriculum which includes Navajo language, Navajo culture and history, financial literacy and citizenship under this Diné Bi Beehaz'áanii." Does this meet the concern on education sufficiently, or should education be a right provided by government? There is a stated concern of no coercive power to enforce this, but it seems enforcement can be accomplished through the courts and legislative initiative as well as pressuring legislators. The same enforcement concern is expressed for other rights, that appear to have the same remedies.

A markup comment notes that proposal unnecessarily splits consideration of the people's initiative between § 605 and §1107. Perhaps it would be good to merge these. More important, §605 states that a passed legislative initiative cannot be amended for 20 years. - This may be too long a delay. Laws often have unexpected undesirable impacts, do not have the desired effect and in today's world situations often change markedly in a short time requiring urgent action. It might be considered if a shorter timeline, or a more difficult than normal amendment period within the normal time might be considered.

Notes in the mark-up raise two questions in "Article XX. Amendments to this Diyin Nohookaa Dine'e Bi Beehaz'Áanii Bitsí Siléí

"The valid and proper signatures required to petition the Secretary of the Navajo Nation to make an amendment to this Diné Bi Beehaz'áanii shall be ten (10) percent of the voters who cast a vote for the President of the Navajo Nation in the most previous Navajo Nation wide election to elect the President."

This exceeds the 7% initiative petition threshold set forth at §605 - Is this too high a threshold? It may be good to set a somewhat higher threshold for a constitutional than a legislative referendum. But this is a difficult threshold to obtain, especially for a detailed and in many ways legislative like constitution. Constitutions with broad powers open to wide interpretation, such as the U.S. constitution, do not need to be changed very often. But more detailed constitutions with more legislative detail and powers with only limited scope for interpretation, such as many European government constitutions, and perhaps to some extent this proposed constitution, require frequent amendment. The same question needs to be asked of, "D. A vote of sixty-six (66) percent in favor of adopting the Amendment by at least sixty percent of the registered voters shall be required to amend this Diyin Nohookaa Diyin Nohookaa Diné Bi Beehaz'áanii Bitsí Siléí."

This exceeds the 52% initiative threshold set forth at §1107 and may be too high a threshold.

Finalizing the Proposed Constitution

The two-day meeting to consider the entire proposal was completely full, with more than 50 participants. It was live on Zoom with virtual attendants also able to question and comment. It should be noted, that while attendance at each of the local meetings in chapters was small, with an average attendance of more than ten, as seen in photos of several chapter meetings on Face Book, well over 1000 Dine had participated in shaping the constitution by this time. With the increased participation with the two-day session, the date to finalize the document was extended from March 6 to March 31, 2026.,, allowing further citizen input. Future versions of this paper will examine the outcome of what is decided including what the content of the final proposal will be and whether it will be enacted. What the Navajos develop, may also provide lessons and guidance for other nations struggling with inappropriate governmental systems.

Further Thoughts on Moves and Proposals

For Native Nation Return to Governance According to Traditional Values

The Institute report of 2008 is interesting in reflecting the general principles of Indigenous government, discussed above, that for the most part, are shared across North America. One aspect of this is that, except for the first option, the proposals shine light on the impact that contact with Native people had on the political thinking of the Europeans who colonized what became the United States as the second through fourth options have a remarkable similarity to the first government the United States developed in the Articles of Confederations.¹⁶² The Articles granted all of the national government's limited authority to its legislature, which elected a weak executive committee to see to implementation of legislation and administration, while many of the newly independent states at that time also functioned with strong legislatures and weak governors. The drafting of the Articles was influenced by the practice of the many Indian nations with whom its authors had experience, but most particularly by the governing system of the Haudenosaunee.

The U.S. experience with the articles and the similar state governments may be useful in considering what Indian nations might do in one regard returning to traditional principles of governance. Problems in governing under the articles for a decade were a major factor in replacing them with the Constitution in 1787. While much of the European thinking involved in writing the new basic document is at odds with Navajo ways of seeing, and that of Indigenous peoples more generally, one point is worth noting. Even in 1787, U.S. and state governments had become sufficiently complex that the weak executive under the articles, a committee of the Congress with a President chosen by the Congress, had insufficient power to oversee the carrying out of decisions and coordinate even the small executive branch of the time.¹⁶³ The state governments of the time with weak executives also found them to have insufficient power and unity and soon changed them. As Alexander Hamilton wrote in Federalist Papers 81, a sufficiently strong unitary executive is necessary to coordinate the execution of policy and to make quick decisions when necessary. That is even more the case today with governments running vast and complex programs requiring coordination and emergencies and other situations arising that often need quick decision.

Moreover, the growth of rapid interlinking transportation and communication has so linked once relatively isolated local communities that a large number of decisions need to be made in mainstream governments at the state, national and international levels. This is also the case to some degree in Indigenous governments. There, a somewhat stronger executive is needed today than historically, and large nations need to do more at their national level than was traditional. But this does not require a presidential or strong tribal chair system. Something along the lines of a parliamentary model that functions collaboratively on the basis of trust would better fit traditional ways and values. This can be an elected council and chair as has been the case with both the Southern Utes and the Comanches. What is necessary is to include the voices of everyone concerned in any major decision. There are many methods that can be used today to achieve this. A comprehensive examination of these that can be selected from and applied as appropriate by Indian nations is in the discussion of how contemporary societies would function better if they did so according to Indigenous values in Sachs, et al, *Honoring the Circle*, Volume III, chapters 5 and 6. Some of these have been utilized by the nations considered in this study.

Some of the contemporary methods available for inclusive participation have been used by the nations discussed at length here. Surveys and representative focus groups were used by all but the Comanches, who relied on a computer assisted consensus process at the National level, which was applied without the computer in the communities. Except for the division of the ILIS sessions into various rounds of different kinds, this is essentially a traditional process undertaken in various forms by many nations. There is an advantage using processes, often by adaptation, that are as traditional in form as possible, provided they continue to be appropriate for the developing situation. Traditional forms are familiar, valued and tend to reinforce and help revitalize the traditional. But what is most important is to use vehicles that follow, apply and promote traditional values. For the Alaska and north Canadian tribes, the application of the Baha'i consultation method, while essentially traditional for some nations, was not for those who adopted it. But it kept the essential principles of their previous informal consensus governance which was no longer viable. Other forms for reaching consensus and encouraging community solidarity might have been viable alternatives, but if the unverified reports of its operation were correct, the Baha'i consultation method functioned very well for the concerned communities in their new circumstances.

Many of the contemporary forms for involving people in the decisions of their community take advantage of modern methods of communication. Communicating fully and transparently on issues and their resolving inclusively has always been a critical part of inclusive involvement. Previously, when there was often considerable time to come to decisions, communication was by word of mouth, sending family or group representatives to councils, or sending runners to inform of, and often invite, distant tribal members to a meeting, as the Haudenosaunee often did.¹⁶⁴ Today, time and geographical or ideational distance require some of the contemporary methods. A key is to apply them in as traditional a way as possible, as the Comanche did with ILIS.

In the Twenty-First Century, since many important tribal decisions are made by administrative agencies or personnel, it is important to have public input into their operations. This is first to keep administrators and agencies in tune with the needs and thinking of tribal citizens, creating a common bond amongst them. Second, administrative personnel are impacted by tribal decisions at every level and ought to have a say in them, plus they have direct knowledge of the policies and situations they work with and expertise that are important to share with tribal members. An example of that is the multi-method process the Southern Utes used to design a new health care plan which involved Ute citizens and the staff of the healthcare agency. In addition, as Indigenous peoples have long recognized, but reductionist Western thinking often forgets, everything is related to everything else, and problems and planning require holistic thinking. Today, the complexities of life require a great deal of specialization, including in administration. Often problems and projects require the input of more than one agency. Thus, regular communication, cooperation and interagency teamwork are necessary to adequately deal with issues and apply programs. The undertaking of the Design Team at Southern Ute in 1999 and 2000 with citizen involvement to coordinate the many services that involved children is a good example. A more recent one is the coming together of people from the Tribe's Environmental Programs Division (EPD) and Wildlife staff to undertake a study of the impact of water pollution on certain fish species.¹⁶⁵ Finally, in large tribes, with central and local governments, where central government coordination of policy is necessary, the central

government can set guidelines for local governments to develop the details of policy, just as the U.S. Environmental Protection Agency sets minimum standards for regulation of air pollution authorizing states and tribes to fill in the details according to local needs and conditions.¹⁶⁶

For good decision-making that builds and maintains the solidarity of a community, and thus is in tune with traditional values, it is best if all aspects of governance involve everyone who is impacted by or involved with an issue in a cooperative, inclusive participatory process. Of the three Nation's governance discussed at length in this paper, the Southern Utes have advanced the most in doing this. At Navajo nation there have often been complaints of government being too bureaucratic, and this author has seen no evidence of citizen or employee participation in administration or of interagency collaboration. If those are indeed missing, it would be wise to add them. The introduction of ILIS at Comanche worked very well for legislative decisions. If it had been continued, it would have been wise to expand it, or some other participatory and cooperative process to administration.

Bringing Traditional Values into Adjudication and the Restoration of Harmony

This paper has focused on bringing traditional values back into tribal legislation and administration. But it is necessary to recognize that adjudication and the restoration of harmony are also key components of government that are very good to have functioning according to traditional values. While a detailed discussion of this is beyond the scope of this paper, it is good to provide a short overview of the topic with references to sources that consider it in depth. Much of what is briefly considered here is taken up more fully with references in Harris, Sachs, Morris, et al, *Recreating the Circle: The Renewal of American Indian Self-Determination*, Chapter 4, Section 2, written by former Muskogee Nation Supreme Court Chief Justice and judge on some intertribal courts, Jonodev Chaudhuri in collaborative with this author.

To begin with, it is important that Indian nations have some kind of independent judicial process, usually a tribal court or tribal court system, whether its own or in conjunction with other nations. This is essential for fairness and the maintenance of community harmony. Further, it is a major element in a proper dispersion of power and authority. Lack of independent adjudication has caused grief for a number of tribes. This has included that questionable cases of disenrolment by tribal councils have had no avenue for review.

Very important is that Western criminal law, and to some extent civil law, focuses on deterrence, with other values such as rehabilitation and restoration secondary. Western law reduces the concerns in adjudication to the immediate action or harm being complained of. By contrast, traditional Indigenous approaches to trouble cases center on restoring harmony to all involved, with concern for all the involved relationships. Rupert Ross in three volumes explains how the Western criminal law process in Canada has been extremely harmful to First Nation people.¹⁶⁷ Sentencing convicted offenders to jail removes valuable people from the community while in most instances doing little to help the offender. Too often imprisonment makes for worse criminals. The Indigenous approach to wrongdoing is to restore the individual offender's relationship to others and the community through healing and teachings. Ross was able to facilitate considerable cross-cultural understanding leading to Canadian courts establishing alternative sentencing for First Nation offenders in their communities. This practice also is developing in the United States, including at the tribal level. For example, Southern Ute Judge Pearl Casias related to this author that she offered second offenders the option of working with an elder on their issues. She said none of those who accepted this option in her court offended again.

A number of nations have continued to use traditional methods of resolving conflicts and harmful behaviors through restorative processes of reconciliation. Among the best known are the Navajo Peacemaking Courts which continue to be very effective.¹⁶⁸ There also are instances of nations adopting such processes from other Indigenous peoples. This only works well, however, when the transferred process is modified to fit the adopting nation's culture and circumstances. Moreover, the adoption usually will not hold up unless supported by a significant portion of the adopting community. Where this does not initially exist, it is possible to first establish it on a demonstration basis involving people who volunteer to participate in it. If the demonstration functions successfully, others will likely want to utilize the restorative process until it becomes the accepted tribal method of dispute resolution. Early runs of any process can also lead to learnings that improve it, as the Comanche achieved on reflecting upon the first uses of the ILIS process.

Where tribal courts remain mainstream in structure, a good many tribal courts have brought traditional values into their common law. In addition, a substantial number of nations have been legislating to make tribal codes consistent with precolonial values.

Implications for the Larger Process of Indian Nation Renewal

As Native nations across the United States and Canada move forward in a great renewal, a large number of communities are moving to restore traditional values in the lives of their people. One dimension of this is moving to have governance in each community functioning in ways that are consistent with their traditional values in forms that fit their current and developing circumstances. The cases we have examined here have provided examples of Indigenous nations working to achieve this in legislation and in one instance in administration. Rupert Ross unfolds how many First Nations, and some Aboriginal organizations have been undertaking this concerning restoring community harmony across Canada.¹⁶⁹

Ross' consideration of restoration in Canada also involves the broader underlying concern of education in many forms to

bring tribal citizens of all ages and experiences to understand and live according to traditional values. The work includes healing from multi-generation trauma and unresolved historical grief, along with related negative behaviors resulting from colonial oppression. It also encompasses community activities of renewal along with the many tribal members not brought up traditionally learning their traditions.¹⁷⁰ Often this involves adult tribal members and some non-members, many with a tribal ancestry, beginning as youths in learning from elders. This is extremely important with the majority of tribal citizens living off reservation, and even on reservation many having learned little or none of the traditional ways. It will be most interesting to see how this renewal unfolds in the years to come.

Implications of Native Nations Efforts at Renewal For Mainstream Approaches to Development

A central factor in all of the Indian nation case successes reported above has been a recognition central to Indigenous thinking that each place is unique and that each tribe and tribal entity has its own culture that must be taken into account along with current local conditions to achieve success in attempt at change. Western culture has long underestimated the need to take place and differences of culture into account in applying general principles and in transferring what is successful in one place to another. As an organization development consultant, I have often seen consultants attain less than optimal results in helping an organization because the consultant thought that what worked well in one place, would be successful in another. Even in the same geographic area with similar personnel in the same type of business there are differences in organization culture and in conditions that need to be known and taken into account. In Indianapolis, for example, two seemingly similar health insurance companies enjoyed different outcomes in initiating a system of employee involvement. In one, with a top-down style of management, the top managers insisted on being educated in collaborative team decision making first. Following that, they took leadership in developing the participatory management system in the rest of the company. There, the employee participation functioned exceptionally well. At the other insurance firm, with a fairly decentralized and more loosely controlled management, the instituted employee involvement system worked only moderately well.

In 1993, shortly after the collapse of the Soviet Union and the Velvet Revolution in Czechoslovakia, I served as a consultant for the Czech Federation of Trade Unions. On my arrival, the Union staff were bothered that most of the numerous consultants who preceded me had not done their homework. They had simply assumed what the Czechs needed, telling them what they already knew. In the rare case when a consultant touched upon a topic of interest to the Czechs, the advisor presented it in a way that did not fit the Czech situation. To avoid that reoccurring, the federation staff placed me with their team of economists to explain to me their situation. That was precisely what I wanted and needed. I undertook my consulting by walking around, listening. What I found was not what the staff had considered their problem. It turned out that the local unions understood their situation very well but had no idea of the concerns of the regional and national union offices. The regional offices knew what was occurring at their level but were ignorant of the needs and views of those below and above them. Similarly, the federation staff had an excellent overview of the national situation but were out of touch with what was required by the lower levels of the union. My suggestion that the federation needed to develop adequate internal communications was made part of the federation's development plan.

Cross cultural transfers usually do not work, or do not function very well, unless they are first found to be relevant to a local situation, and then carefully adapted to harmonize with the adoptees culture and developing circumstances. Failure to proceed in this way in many fields has led to numerous failures, and in some cases only a low level of positive results. For example, a Brazilian farmer told me that he had imported a harvester made in the United States, designed to be adjusted for the variety of conditions in that country. When he attempted to use it on his farm in Brazil, the machine could not be adapted for the conditions he faced. He said that he was fortunate to be able to quickly hire a local team of harvesters before his crop spoiled.

Another example involved a group of international agricultural experts who were involved in developing a new variety of cotton that was much hardier and produced a greater quantity of cotton than existing varieties.¹⁷¹ They went to a village in India where they asked the inhabitants if they would like to try the new cotton. The agriculturists explained the plants advantages, but never discussed with the villagers what their agriculture involved or what they used the cotton plants for. Most of the villagers tried the new variety of cotton. However, when the agricultural experts returned five years later, they found that only a small percentage of the cotton grown in the village was the new variety. It was only then that the agriculturalists discussed with the villagers how and why they undertook farming, in the course of which the agriculturalists learned that the villagers grew cotton plants partly for their cotton, and partly for their stalks to use as fuel. The stalks on the new variety did not burn very well.

U.S. government interventions abroad have often been criticized for trying to impose what we do in the United States in situations where this is inappropriate. U.S. foreign aid has been plagued by this kind of reductionist thinking. An illustrative example involves U.S. foreign aid to Afghanistan shortly after World War II.¹⁷² At the beginning of the Cold War, the U.S. Government decided that the world would shortly become bipolar, with all nations allying either with the U.S. or the USSR. On the basis of this miscalculation, it was decided that it was important for the United States to try to win over all non-aligned nations, including Afghanistan. The foreign aid question was whether to pave the streets of the Afghani capital or build a dam in the back country, that few would see, but which would provide flood control, irrigation for agriculture and electricity for eventual economic development. Only U.S. economists were asked for advice, and

no discussions on the details of the alternative proposals or the local conditions were undertaken with Afghans. The economists correctly pointed out that Afghanistan had little motorized traffic that would benefit from paving the streets, and that once paved, the streets would be costly to maintain, as this would require new capital investment. Therefore, the economists advised building the dam as a step toward long-term economic development, and the U.S. constructed the dam. The Russians, then paved the streets of the capital. Since the Afghani government could now say they were becoming a modern nation, as everyone could see that the streets of Kabul were paved, the Russians won whatever prestige or benefit was to be gained in the foreign aid competition.

The U.S. then decided that building roads was the way to win influence and proceeded to construct a series of highways across Afghanistan that did not connect to road systems in any other country. For the second time, the aid providers failed to take into account the wishes or the culture of the recipient people. Where paving the streets of the capital had significant symbolic value, creation of a paved rural road system did not, and there was little benefit to the Afghans from building the roads, which soon would deteriorate if the government did not invest in maintaining them.

Moreover, the decision makers failed to research the history, geology, and geography of the area. Providing irrigation water was useless for the area in question, since earlier irrigation had carried salt into the fields so that agriculture was no longer practical. Furthermore, rivers in the region carry large quantities of silt as they rush down the mountains, which then settles out on the river bottoms when the waters slow as they reach relatively flat valleys. This causes the river bottoms to rise, so that every few years these rivers overflow their banks and shift their course. This happened soon after the dam was built, leaving it with no water behind it!

The Comparative Experiences of Native Nations

As discussed above, the U.S. Federal government's attempts to return Indian nations to self-governance during Franklin Roosevelt's Indian New Deal, while an advance, created serious problems because the imposed form of government clashed with Native nation values. Similarly, most of the well-intentioned U.S. government attempts to promote Indian economic development failed, or produced poor results, because the recipients of the development initiatives were not consulted, so that what was attempted did not fit the recipient's culture or developing conditions.¹⁶³ Failure to consider the differences in the situations of American Indian nations and the uniqueness of each has continued to make it difficult for many, and especially smaller tribes, who complained at a February 6, 2026 hearing of the U.S. House Subcommittee on Indian and Insular Affairs that fragmented, inflexible federal bureaucracy, in many cases out of touch with the situations they are dealing with, has been stalling tribal economic projects, limiting access to needed capital and reducing more effective tribal decision making, while setting requirements that are unworkable in many cases. Indian nation economic development only became quite successful when the tribes were empowered to undertake it themselves or controlled the major decisions concerning it. That continues to be the case where Native nations are free and empowered to make their own decisions.

Federal programs for American Indian nation housing are another example.¹⁶⁴ Among other issues, for many years a variety of housing programs built the same basic types of houses across Indian country. This standardization provided poor, and relatively expensive housing that did not work well for many nations with vastly different climates, ranging from those with subzero winters in Alaska and the Dakotas to the hot desert of Arizona. This changed with the Native American Housing Assistance and Self-Determination Act of 1996, which established a system of block grants empowering individual tribal housing authorities to build their own housing. This allowed nations to build houses appropriate to their climates and other conditions, usually for less money as they could now use appropriate local materials.

As failing to take the views, culture and conditions of the people and places of targeted actions has been a wide-spread problem for Western mainstream entities, it would seem important to take note of the contrast in the results between externally imposed and self-determined programs in American Indian communities. As detailed above, the Southern Utes have very successfully overcome community divisions and resistance to an unpopular imposed government system by transforming its operation by appropriately applying contemporary means for functioning according to traditional values.

That adjusting alien means to make them function appropriately for the values and the conditions of the communities to which they are transferred is essential, was made clear in the Comanche case. There, doing this well resulted in returning to harmony in the community while removing deadlock in the Tribal government and developing effective and representative local community decision making so long as the new system was employed. The ceasing of the use of the ILIS (TIMS) process because a new tribal chair did not appreciate its value is a reminder that in addition to values, specific means are key components of culture that need to be inculcated over time with repeated use so that they become habits.

The difficulties in fully realizing successful governance transformation at Navajo Nation illustrate the complexities involved in attempting to bring about change in a large, many faceted, system with cultural variations in its membership and limited resources. Still, some significant gains have been made by attempting to apply traditional values in current and developing circumstances. The Commission and Office of Navajo Government have been working on moving in a better more traditional direction for many years. It will be interesting to see how their current attempt at constitutional change

unfolds. It appears that the Dine Policy Institute has paid attention to both the details of developing situations and the cultural concerns of the Dine people in making some most interesting proposals to assist the policy making process. Some of these are similar to the traditional political ways of other Indian nations as well as to some of the political institutions proposed and established by United States law makers in the very late colonial and early independence eras. This raises the question of the relevance of Indigenous governance for the study of comparative politics.

The Relevance of Indigenous Politics and Government for the Study of Comparative Politics

It may no longer be the case, but at least as of several years ago the mainstream of the field of comparative politics rarely paid any attention to Indigenous governments and governance processes. I believe the above cases provide evidence of the relevance of Indigenous government and politics for that field as well for understanding of political development. These cases involve problems that many other governments face and deal with and in many instances, they involve the application of contemporary methods that mainstream governments have sometimes used, and might lead to good results, if appropriately applied more regularly.¹⁶⁵ Aristotle, the founder of political science, considered numerous Indigenous governments and governments retaining significant Indigenous elements in *The Politics*. This can be seen by comparing the forms of government he discusses with more complex traditional Indigenous governments such as those of the Haudenosaunee (Iroquois)¹⁶⁶ and the Cheyenne.¹⁶⁷

The founders of the state and federal governments of the United States, as well as those instituting such local practices as the New England Town Meeting, were greatly influenced by the American Indians they regularly met with and observed.¹⁶⁸ To mention just a few of the many impacts, the articles of Confederation and many of the early state governments with strong legislatures and weak executives were modeled after the Haudenosaunee and other Indian federations. The Preamble of the Constitution was taken from a Haudenosaunee speech, and while numerous other aspects of the document were less Native like, federalism largely followed the Indian confederacy practice, while the separation of powers to a lesser degree exemplified the Indian nation principle of diversifying power. Indeed, so great was the Influence of aboriginal Americans on European American life at the time of the American Revolution, that it was correctly widely recognized that an American was a mixture of the European and the Indian.

Beginning with first European contact with the inhabitants of the Americas through the Eighteenth Century, with impacts to this day, thousands of reports sent to Europe from what was for the Europeans "a new world" had a huge impact on European social, political and economic thinking, especially in England, France and Holland, countries open for change.¹⁶⁹ In 1615, the publication of Thomas More's *Utopia* in England began a tradition of drawing from American Indian ways to critique European societies and governments. The entire range of political theory in Europe was greatly influenced as is quite obvious in reading John Locke's Second Treatise on Government and Jean Jacques Rousseau's Social Contract, with the influence spanning Hobbes to Marx and Engels. It would seem time for the field of comparative politics to return to this tradition.

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24. On the example of the Huron or Wendot, Bruce G. Trigger, *The Huron: Farmers of the North* (Fort Worth, TX: Holt Reinhart and Winston, 1990).

25. Price, C. (1998). *The Oglala People, 1841-1879: a political history*. U of Nebraska Press.

26. The second of the three edited volumes of the James R. Walker papers published by the University of Nebraska Press: Raymond DeMallie, Ed., *Lakota Society* (1982).

27. On the Cheyenne: E. Adamson Hoebel, *The Law of Primitive Man* (New York: Atheneum, 1976).

Sources for the entire discussion of the impact of colonialism on tribal governance, including the imposition of IRA governments and the impacts of the War on Poverty are in,

28. Sachs, S. M., Harris, L., Morris, B. and Hunt, D. (1999). "Recreating the Circle: Overcoming Disharmony and Infighting in American Indian Communities," *Proceedings of the 1999 American Political Science Association Meeting* (Washington, DC: American Political Science Association, 1999).

On the problem of the undermining of the traditional concept of kinship and understanding of kinship relations with some steps that might reduce some of its ill effects in contemporary tribal governance see,

29. Stephen M. Sachs, "Remembering the Traditional Meaning and Role of Kinship In American Indian Societies, To Overcome Problems of Favoritism In Contemporary Tribal Government," *Proceedings of the 2011 Western Social Science Association American Indian Studies Section, in Indigenous Policy*, 22(2), fall 2011.

30. Gross, L. W. (2016). *Anishinaabe Ways Of Knowing And Being*. Routledge.

31. O'Brien, S. C. (2020). *Religion and Culture in Native America*. Bloomsbury Publishing USA.

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On the Impact on Western political-social-economic thought, institutions and practice from European and European American contact with American Indians:

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34. Sachs, S. M., (2022). "Acknowledging the Circle: The Impact of American Indian Tradition Upon Western Political Thought and its Contemporary Relevance," *Proceedings of the 2002 American Political Science Association Meeting*. Washington, DC: American Political Science Association, 2002.

On conflict in Native communities following colonial impositions:

35. "The Power that Divides: San Carlos Conflict Isn't Resolved with New Council," *Indian Country Today*, January 4-11, 1999, p. C1.

36. Alfred, G. R. (1991). "From bad to worse: Internal politics in the 1990 crisis at Kahnawake." *Northeast Indian Quarterly*, 8(1), 23-32.

37. Castile, G. P. (1998). *To show heart: Native American Self-Determination And Federal Indian Policy*,

1960-1975. University of Arizona Press.

38. Fowler, L. (1986). *Arapahoe Politics, 1851-1978: Symbols in Crises of Authority*. U of Nebraska Press.

39. Brenda Norell, "Chaos Continues for San Carlos," *Indian Country Today*, August 31-September 7 1998, p. A 6

On countering imposed religions and belief systems through Indigenizing them see,

40. Suzanne Crawford O'Brien, with Ines Talamantez, *Religion and Culture in Native America*. Lanham: Roman and Littlefield, 2021.

On the Klamath nation,

41. Neil Peacock. "Tribal official calls for input: Developing transportation plan," *Naive American Times*, January 12, 2005, p. 3.

On the Baha'i method of consultation that several Alaskan and Canadian west coast tribes adopted,

42. John E. Kolstoe, *Consultation: A Universal Lamp of Guidance*. Oxford: George Ronald, Publisher, 1985.

On organizational democracy and consensus decision making:

43. Dyer, Gibb W., Dyer, Jeffrey H. and Dyer, William G. (2013). *Team Building: Proven Strategies for Improving Team Performance 5th Edition*. New York: John Wiley and Sons, 2013.

44. Osborne, David and Gaebler, Ted. (1992). *Reinventing Government: How the Entrepreneurial Spirit Is Transforming the Public Sector, From Schoolhouse to Statehouse, City Hall to the Pentagon*. Reading, MA: Addison-Wesley.

45. Sachs, S. M, "Building Trust in Participatory Organizations," *Psychology*, Vol. 31, No. 2, 1994.

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47. Sachs, S. M, "Transforming Police: Toward Building on Common Interest Between Police and Communities," *Political Science International*, Vol. 3, No 2, 2025.

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56. Ross, R. (1992). *Dancing with a Ghost: Exploring Indian Reality*. Reed Books Canada.

57. Ross, R. (1996). *Returning to the teachings: Exploring Aboriginal justice*. Penguin Canada.

58. Ross, R. (2014). *Indigenous healing: Exploring traditional paths*. Penguin Canada.

Footnotes

*This paper is an update of previous research presented in various papers over the years, most particularly at the World (formerly Western) Social Science Association meetings and in LaDonna Harris, Stephen M. Sachs, Barbara Morris, et al, *Recreating the Circle: The Renewal of American Indian Self-Determination* (Albuquerque: University of New Mexico Press, 2011), Ch. My thanks to Rick Wheelock for very helpful editing suggestions. The previous draft with a different emphasis was first prepared as a paper for The American Indian Studies Association Meeting, January 31-February 3, 2024 at the University of New Mexico, Albuquerque, NM and published in the winter 2024 issue of *Indigenous Policy*, www.indigenouspolicy.org. This updated version contains several additions to the discussion of developments at Southern Ute, which was the focus of my oral presentation at the summer 2024 virtual meeting of the Southwest Popular/American Culture Association. This paper, with some additional updates, adding to the earlier focus of the work reporting what occurred in considering its broader relevance expanding on what was included in the APSA 2025 virtual meeting version, updated as published in *The International Journal of Political Science* in 2025, and revised in the SWPACA 2025 virtual meeting version of June 2025. This most recent version focusses heavily on adding the ongoing attempt at this early 2026 writing of Navajo Nation to undertake constitutional change, with one added note on the Comanche case and several updates at southern Ute. The material on the Comanche work with the ILIS process, and on the process itself, was provided to Stephen Sachs by LaDonna Harris who edited the original report of it. Benjamin Broome, who was involved in the development of ILIS and participated in its Comanche application, edited the ILIS and Comanche writing and provided the tables. There were several additional publications of the Comanche ILIS experience including, "Wisdom of the People: Potentials and Pitfalls in Efforts by Comanches to Recreate Traditional Ways of Building Consensus", *American Indian Quarterly*, Vol. 25, No. 1, Winter 2001, coauthored with LaDonna Harris and Benjamin J. Broome.

¹LaDonna Harris, Stephen M. Sachs and Benjamin Broome, "Harmony Through Wisdom of the People: Recreating Traditional Ways of Building Consensus Among the Comanche," *American Indian Quarterly*, Vol. 25, No. 1, Winter 2001.

²On the inclusive participatory ways of traditional North American Indigenous societies with consensus decision making and leaders acting as facilitators see, Sharon O'Brien, *American Indian Tribal Governments* (Norman: University of Oklahoma Press, 1989), Ch. 2; Stephen M. Sachs, "A Transformational Native American Gift: Reconceptualizing the Idea of Politics for the 21st Century," *Proceedings of the 1993 Annual Meeting of the American Political Science Association* (Washington, DC: American Political Science Association, 1993).

On the example of the Huron or Wendot see, Bruce G. Trigger, *The Huron: Farmers of the North* (Fort Worth, TX: Holt Reinhart and Winston, 1990), especially Ch. 6.

³Sachs, "Reconceptualizing the Idea of Politics," pp. 1-3; O'Brien, *American Indian Tribal Governments*, Ch. 2 and p. 17; Walker, *Lakota Society*, pp. 17-18, 23-32; Trigger, *The Huron*, especially Ch. 6; Ernest Wallace and E. Adamson Hoebel, *The Comanches: Lords of the Plains* (Norman, OK: University of Oklahoma Press, 1952), Ch. 9.

⁴Sachs, "Reconceptualizing the Idea of Politics," Part 1, particularly p. 1 and foot note 5; E. Adamson Hoebel, *The Law of Primitive Man* (New York: Atheneum, 1976), Ch. 5 & 7 and O'Brien, *American Indian Tribal Governments*, pp. 37 and 40.

⁵Sources for the entire discussion of the impact of colonialism on tribal governance, including the imposition of IRA governments and the impacts of the War on Poverty are in, Stephen M. Sachs, LaDonna Harris, Barbara Morris and Deborah Hunt, "Recreating the Circle: Overcoming Disharmony and Infighting in American Indian Communities," *Proceedings of the 1999 American Political Science Association Meeting* (Washington, DC: American Political Science Association, 1999).

⁶On the problem of the undermining of the traditional concept of kinship and understanding of kinship relations with some steps that might reduce some of its ill effects in contemporary tribal governance see, Stephen M. Sachs, "Remembering the Traditional Meaning and Role of Kinship In American Indian Societies, To Overcome Problems of Favoritism In Contemporary Tribal Government," *Proceedings of the 2011 Western Social Science Association American Indian Studies Section*, in *Indigenous Policy*, Vol. XXII, No. 2, fall 2011, indigenouspolicy.org.

⁷On contemporary tribal renewal, see for example, Lawrence W. Gross, *Anishinaabe Ways of Knowing and Being*, (London and New York: Routledge, 2022), particularly Ch. 2, Part VI and Conclusion; and Suzanne Crawford O'Brien, with Ines Talamantez, *Religion and Culture in Native America* (Lanham: Roman and Littlefield, 2021).

⁸Stephen M. Sachs, et al, *Honoring the Circle: Ongoing Learning from American Indians on Politics and Society* (Cardiff by the Sea: Waterside Productions, 2021) and Stephen M. Sachs, "Acknowledging the Circle: The Impact of American Indian Tradition Upon Western Political Thought and its Contemporary Relevance," *Proceedings of the 2002 American Political Science Association Meeting* (Washington, DC: American Political Science Association, 2002).

⁹For example, the establishment of churches of more than one denomination in some Alaskan villages shattered a unified community world view while creating separate groups whose members identify significantly with their religious group, undermining a sense of village unity and creating often unresolved conflict, Norman Chance, *The Eskimo of North Alaska* (Fort Worth: Holt, Rinehart and Winston, Inc., 1966), Ch. 6.

On countering imposed religions and belief systems through Indigenizing them see, O'Brien, with Talamantez, *Religion and Culture in Native America*, Ch. 8 and 9.

¹⁰The history of this development is outlined in O'Brien, *American Indian Tribal Governments*, Parts 2 and 3. The background of the development of U.S. policy toward tribes, and of tribal-federal, state and local government

relations is discussed in some detail in LaDonna Harris, Stephen M. Sachs, and Barbara Morris, "Native American Tribes and Federalism: Can Government to Government Relations Between the Tribes and the Federal Government Be Institutionalized?," *Proceedings of the 1997 American Political Science Association Meeting* (Washington, DC: American Political Science Association, 1997).

¹¹O'Brien, *American Indian Tribal Governments*, pp. 86-90; Morris W. Foster, *Being Comanche* (Tucson: University of Arizona Press, 1991), p. 138; and Harris, Sachs, and Morris, "Native American Tribes and Federalism."

¹²For example, see Brenda Norell, "Chaos Continues for San Carlos," *Indian Country Today*, August 31-September 7, 1998, p. A 6 and "The Power that Divides: San Carlos Conflict Isn't Resolved with New Council," *Indian Country Today*, January 4-11, 1999, p. C1; George Pierre Castile, *To Show Heart: Native American Self-Determination and Federal Indian Policy, 1960-1975* (Tucson: University of Arizona Press, 1998), pp. 129-133; and Gerald Alfred, "From Bad to Worse: Internal Politics in the 1990 Crises at Kahnawake" *Northeast Indian Quarterly*, Spring 1991. See also Loretta Fowler, *Arapahoe Politics, 1851-1978* (Lincoln: University of Nebraska Press, 1982), Fred Eggan's "Forward," and "Introduction," p. 1; and Cornell, Accountability, Legitimacy and the Foundation of Native Self Governance.

¹³This author began visiting the Southern Ute Reservation regularly to support ceremonies in 1986, with some visits for other purposes, particularly in the winter and spring of 2000. Early on, I developed friendships with a number of Utes and interacted with a considerable number of people in the community. Often, I would stay for additional days before and after ceremonies. I was there as a supporter of ceremonies and a friend, not a researcher. I asked few questions, but listened a lot, and regularly read the tribal newspaper, *The Drum*. I continue to visit Southern Ute, but since around 2015 have visited for shorter periods. Also, many of the elders I have known have walked on, so the number of people I have extensive discussions with has diminished. I was aware that while *The Drum* and the tribal website kept me informed of governance and related developments, I had a much-reduced perception of community feeling. Therefore, I consulted with a former Southern Ute tribal chair and council member, on November 21, 2023, about the impact of the development over time of inclusive participatory decision-making in the community. That conversation supported my impression that the involvement of everyone concerned in numerous official actions made the council and other entities more responsive to the community, improved the quality of decisions, and increased the satisfaction of the community with its governance. Where not indicated otherwise, the findings of this paper are from my observations and discussions at Southern Ute.

For information about the implementation and the early years of operation of the IRA form of tribal government at Southern Ute, see Sondra G. Jones, *Being and Becoming Ute: The Story of an American Indian People* (University of Utah Press, 2019), 288-296. A discussion of the later unfolding of politics at Southern Ute is included in that work's chapter 18, "Southern and Ute Mountain Utes: 1950 to a New Century." This work seems generally quite good to me, but of necessity, such a broad and inclusive work in one volume leaves out some details and in summarizing is misleading on a few points. A Southern Ute elder who read the book commented that the author, who is based in Utah, seemed to have spoken more with Northern than Southern Ute elders. I found some omissions and misstatements, particularly concerning a few points concerning the Southern Ute Sun Dances, their chiefs, and their selection, as well as on the profitability of the Southern Ute tribal casino. Jones does not discuss the development of Southern Ute political participation presented in this paper, but does give a good background of the politics and issues that the tribe and its council have dealt with in the Twentieth Century.

¹⁴*The Southern Ute Drum*, June 4, 1999, p. 2.

The facilitators reflected that, the Design Team has helped the community to redefine and embrace a vision of healing. Given all that has been said about post-colonial dynamics of disharmony, the commitment, courage, honesty and energy witnessed by the facilitators has been truly inspirational. According to one facilitator, "setbacks, disappointment and criticism are balanced by a passion for creating a better future for the tribe's children." D.E. Hunt, M. Gooden, & C. Barkdull, "Walking in moccasins: Indian child welfare in the 21st century," in K. Briar Lawson, H. Lawson, & A. Sallee, Eds., *New Century Practices with Vulnerable Children and Families* (Dubuque, IA, Eddie Bauer Publishing, 2000). The three authors, two of whom are Indian, but not Ute, have been the primary facilitating team at Southern Ute. Stephen Sachs, who has a long association with Southern Ute, was a participant at several meetings in 2000. On the 2003 and 2006 follow up of the collaboration begun with the Design team, see Dave Brown, "A Meeting of Minds Over Social Services," *Southern Ute Drum*, March 3, 2006, p. 1.

On the joint tribe-schoolboard invitation to Southern Ute Parents to attend a policies and procedures meeting, see, "Ignacio School District Policies and Procedures Meeting Scheduled for October 16," *Southern Ute Drum*, October 6, 2023. Other Southern Ute collaboration with area entities can be found in back issues of the *Southern Ute Drum*, a number of which were noted by the author in discussions at Southern Ute. The cross-deputation of police officers was pointed out to the author by Majel Boxer, Chair & Associate Professor of Native American & Indigenous Studies at Fort Lewis College in Durango, CO. More on Indian nations collaborating with neighboring entities can be found in Harris, Sachs, Morris, et al, *Recreating the Circle*, Ch. 5, Section 1 on economic development, and the discussion of tribal government – state and local government cooperation in Ch. 2.

A discussion of the Southern Ute Tribes efforts, often successful, to collaborate with the City of Durango on issues of mutual interest, and the tribe's objections to attempts by the city to act unilaterally on such issues is, "Durango's secret efforts to annex Reservation lands," *Southern Ute Drum*, May 17, 2024.

¹⁵Jeremy Wade Schockley, "Project RUN hones leadership skills for tribal employees," *Southern Ute Drum*, December 24, 2025, <https://www.sudrum.com/eEditions/DrumPDF/2025/SUDrum-20251224.pdf>. Modern team process, an application in organizations of traditional Indigenous inclusive participative decision making and collaborative relations,

is discussed in the Navajo Nation section below. More on Project RUN can be found at, Projectrunco.work, or <https://yeslpc.com/alliance-programs/project-run/>.

¹⁶*The Southern Ute Drum*, in, 2001, reports the calling of the meetings. Information on the working out of the Sun Dance dispute was obtained by author Stephen Sachs in interviews with community members and by his observations at the 2001 and 2002 Sun Dances.

¹⁷For example, see "Indian and Indigenous Developments, Tribal Developments," *Indigenous Policy*, Volume XVI, No 1, Spring, 2005; and Dave Brown, "Tribal Government Reacts to Focus Groups," *Southern Ute Drum*, September 30, 2005.

¹⁸*Southern Ute Drum*, May 14, 2004, pp. 1, 3, 7.

¹⁹"Tribe to Conduct Focus Groups: 'Shaping a Government,'" *Southern Ute Drum*, May 8, 2009, pp. 1-2.

²⁰"Public comment period ends for revised Traffic Code," *Southern Ute Drum*, February 16, 2018.

²¹Ace Stryker, "Tribe Seeks Feedback on Natural Resources Plan," *Southern Ute Drum*, January 27, 2012.

²²"Casino announces Tribal Membership Forum," *Southern Ute Drum*, February 10, 2012.

²³Beth Santistevan, "Consultants offer first report of tribal healthcare assessment," *Southern Ute Drum*, April 5, 2013.

²⁴Ace Stryker, "New health plan goes live," *Southern Ute Drum*, October 4, 2013.

²⁵On the need to democratize - or de-bureaucratize - bureaucracy see, David Osbourne and Ted Gaebler, *Reinventing Government: How the Entrepreneurial Spirit Is Transforming the Public Sector* (Reading, MA: Addison-Wesley Publishing Co., 1992), particularly Ch. 2, 6, 9 and 11; and Sachs, et al, *Honoring the Circle*, Vol. III, Ch. 5, Sections 2 and 3, and Ch. 6, Section 2.

²⁶"Coffee with a Cop on Oct. 7," *Southern Ute Drum*, September 30, 2016, p. 5. Similarly, though with building relationships among Ute entrepreneurs as well as with the agency, Southern Ute Economic Development holds regular "Coffee and Connections," on September 4, 2025 for "a small business conversation" for small business owners and community supporters to connect to "share ideas and build relationships," "Southern Ute Economic Development Invites You to Coffee and Connections," *Southern Ute Drum*, August 22, 2025, <https://www.sudrum.com/eEditions/DrumPDF/2025/SUDrum-20250822.pdf>. This has become a regular monthly meeting as seen in announcements in the *Southern Ute Drum*.

²⁷Jodie Rosier, Tribal Planner, "Come and provide your ideas to continue growing a vibrant community," *Southern Ute Drum*, September 30, 2016, p. 6.

²⁸"Tribe asks for feedback from membership," *Southern Ute Drum*, October 14, 2015.

²⁹Lindsay Box, "Council Affairs: Membership can livestream educational meeting," *Southern Ute Drum*, March 31, 2017.

³⁰"Tribal Council Virtual Town Hall," *Southern Ute Drum*, October 12, 2018.

³¹"Seeking Your Input: Tribal Long Range Transportation Plan, Virtual Open House, Thursday February 17 - Monday February 21," *Southern Ute Drum*, February 11, 2022.

³²Lindsay Box, "Council Corner: Council brings 'Council Connect' show to KSUT," *Southern Ute Drum*, March 17, 2017.

³³McKayla Lee, "Skatepark raises concerns for elders," *Southern Ute Drum*, November 21, 2018, <https://www.suima.org>. An example of education, especially in traditional values and ways, being a lifelong learning process that as an important part of a nation's revitalization now involves immersing tribal members in the culture who have little or no background in it is set forth in Gross, *Anishinaabe Ways of Knowing and Being*. For more discussion of the problem of preserving and energizing traditional culture see, Stephen M. Sachs, "Renewing the Circle: Thoughts on Preserving Indigenous Traditional Knowledge," *Proceedings of the 2015 Western Social Science Association American Indian Studies Section*, in *Indigenous Policy*, Vol. XXVII, No. 2, fall 2015, indigenouspolicy.org.

Concerning fall 2025 tribal member input on changes in tribal code, see "Public Comment Period Proposed Amendments to Southern Ute Indian Tribe Severance Tax Code;" and "Notice: of Draft Air Monitoring Annual Network Plan And Request for Comment," *Southern Ute Drum*, September 19 and October 3, 2025, and <https://www.sudrum.com/eEditions/DrumPDF/2025/SUDrum-20250919.pdf> <https://www.sudrum.com/eEditions/DrumPDF/2025/SUDrum-20251003.pdf>. That this is standard practice when issues are not seen as important enough to have even more opportunity for member input, see "Notice of Proposed Amendment to Title 17 - Employment Rights Code & Request for Tribal Member Comment" and "Notice of Proposed Amendment to Title 8 - Protective Custody Code & Request for Tribal Member Comment," *Southern Ute Drum*, October 31, 2025, <https://www.sudrum.com/eEditions/DrumPDF/2025/SUDrum-20251031.pdf>, but these invitations for input often include opportunities to come to public discussion of the issues at meetings providing food, as seen in "Notice of Proposed Amendment to Title 17 - Employment Rights Code," and "Notice of Proposed Amendment to Title 13 - Wildlife Conservation Code," *Southern Ute Drum*, January 23, 2026, <https://www.sudrum.com/eEditions/DrumPDF/2026/SUDrum-20260123.pdf>. Invitation to Johnson-O'Malley Meetings is in the *Southern Ute Drum*, September 5, 2025, <https://www.sudrum.com/eEditions/DrumPDF/2025/SUDrum-20250919.pdf>.

³⁴Colton Black, "Tribe seeking feedback on the Comprehensive Economic Development Strategy," *Southern Ute Drum*, August 25, 2023, <https://www.sudrum.com/eEditions/DrumPDF/2023/SUDrum-20230825.pdf>.

³⁵"Growth Fund announces Arrowhead Propane as strategic supplier," *Southern Ute Drum*, October 20, 2023. Concerning the relationship of the Growth Fund to the membership see, Pooja Rao-Pennington, "Southern Ute Growth Fund: GFMC Seeks Tribal Member-At-Large Committee Member," *Southern Ute Drum*, March 7, 2025; and Pooja Rao-Pennington, "Cloud appointed as new TMAL and Committee Member," *Southern Ute Drum*, October 3, 2025, <https://www.sudrum.com/eEditions/DrumPDF/2025/SUDrum-20251003.pdf>.

On the Growth Fund holding an annual meeting with the tribal membership, with those unable to attend in person being able to do so on the internet via Webex, with the agenda available their prior to the meeting see, "You're Invited: 2025 Southern Ute Indian Tribe Growth Fund General Meeting," and "Growth Fund to hold annual General

Meeting in September *Southern Ute Drum*, August 8, 2025, <https://www.sudrum.com/eEditions/DrumPDF/2025/SUDrum-20250808.pdf>.

³⁶For information, contact Outreach Coordinator. Neil Peacock, 190 Klamath Blvd., Klamath, CA 95548 (707)482-1365. (Neil Peacock. "Tribal official calls for input: Developing transportation plan," *Naive American Times*, January 12, 2005, p. 3).

³⁷In a May 1996 discussion at the Baha'i office in Victoria, BC, it was reported to Stephen Sachs that several Alaskan and Canadian west coast tribes had adopted the Baha'i method of consultation. This is in essence a modified form of consensus decision making. Though it is undertaken with an elected council formally deciding by majority vote, a strong element of the process is that the decision makers gain a full overview of the issues from all perspectives by listening carefully to the views of all parties. See John E. Kolstoe, *Consultation: A Universal Lamp of Guidance* (Oxford: George Ronald, Publisher, 1985), particularly, Dedication, Ch. 2, 3, and 5, and pp. 81-83, 153-159, 169-172 and 175-180.

³⁸LaDonna Harris, Letter of July 15, 1990, providing a report of the meeting to the participants and follow up on those points assigned to Americans for Indian Opportunity (AIO) to research at the February TIMS (now ILIS) session. This report, and other documents concerning the TIMS (ILIS) process, are available from LaDonna Harris, AIO, 1001 Marquette, ABQ 87102 (505) 842-8677, ladonna@aio.org, aio@aio.org. Shorter, summary analyses of the Comanche use of the TIMS or ILIS process is available in: "Returning to Harmony Through Reactivating The Wisdom of the People: The Comanche Bring Back the Tradition of Consensus Decision Making," *Native Americas*, Vol. XII, No. 3, Fall 1996; "Wisdom of the People: Potentials and Pitfalls in Efforts by Comanches to Recreate Traditional Ways of Building Consensus", *American Indian Quarterly*, Vol. 25, No. 1, Winter 2001 and Harris, Sachs, Morris, et al, *Recreating the Circle*, Ch. IV.

³⁹After its initial development, the ILIS (TIMS) process was first used in design sessions with the Apache, Cheyenne & Arapaho, and Pawnee Tribes of Oklahoma, in addition to the Comanche. Results from these sessions are reported in Benjamin J. Broome, "Collective Design of the Future: Structural Analysis of Tribal Vision Statements," *American Indian Quarterly*, Vol 19, No. 2, pp. 205-228.

⁴⁰Wallace and Hoebel, *The Comanches*, p. 4.

⁴¹Ibid.

⁴²Ibid, Ch. 1; Morris W. Foster, *Being Comanche: A Social History of An American Indian Community* (Tucson: University of Arizona Press, 1991), pp. 32-38; Willard H. Rolings, *The Comanche* (New York: Chelsea House Publishers, 1989), Ch. 1.

⁴³Hoebel, *The Law of Primitive Man*, pp. 128-129.

⁴⁴Wallace and Hoebel, *The Comanches*, Ch 1; Hoebel, *The Law of Primitive Man*, p. 129; Foster, *Being Comanche*, pp. 38-52.

⁴⁵Hoebel, *The Law of Primitive Man*, pp. 128-142, Wallace and Hoebel, *The Comanches*, pp. 22-24, Ch. IX,

⁴⁶Wallace and Hoebel, *The Comanches*, p. 31.

⁴⁷Hoebel, *The Law of Primitive Man*, Ch. IX.

⁴⁸This is the theme of Foster, *Being Comanche*. That being is relational for other tribes see Foster Ch. 6 and Sachs, "Reconceptualizing the Idea of Politics." For Lakota examples, see William Stolzman, SJ, *The Pipe and Christ* (Chamberlain, SD: Tipi Press, 1991) particularly at pp. 138-139 and Walker, *Lakota Society*, pp. 5-6.

⁴⁹The Comanche signed a number of treaties with the United States between 1834 and 1875. The reservation was established under the Medicine Lodge treaty of 1867. See, *The Comanche Indian Tribe* (Lawton: Comanche Tribal Office, 1991); Angie Debo, *A History of the Indians of the United States* (Norman: University of Oklahoma Press, 1989), Ch. 12; Wallace and Hoebel, *The Comanches*, Ch. XII.

⁵⁰For a discussion of the reservation and post reservation periods, see, Wallace and Hoebel, *Ibid.*, and Foster, *Being Comanche*, Ch. 3 and 4.

⁵¹The persistence of a relational sense of "Being Comanche" and "living in a moral community regulated by a regard for mutual esteem" (p. 167) is the main theme of Foster's work, *Being Comanche*. A discussion of what "being Comanche" is about runs through the book, with the over all impact of what that involves summarized in Ch. 6.

⁵²For information on the KCA Business Committee, see Foster, *Being Comanche*, pp. 105, 109-114, 135-137 and 200 footnotes 24 and 27.

⁵³Foster, *Being Comanche*, pp. 137-139.

⁵⁴Ibid, p. 113, Broome, Christakis and Wasilewski, "Designing the Future of the Comanche Tribe" (Report for the Comanche TIMS (now ILIS) Process, March 21, 1990)

⁵⁵According to BIA statistics of November 1991, reported in Benjamin Broome, "Promoting Greater Community Participation in Comanche Tribal Affairs: Report of planning sessions held March 26-28 and May 13-15, 1991", (Fairfax, VA: Department of Communication, George Mason University, 1991 available from the author and AIO) p. 1 and 14, footnote 3.

⁵⁶Ibid., p. 1-2.

⁵⁷Unless otherwise noted, information on the Comanche tribal government is from, *Ibid.*

⁵⁸Foster, *Being Comanche*, p. 1⁶¹.

⁵⁹Ibid., p. 204, footnote 79.

⁶⁰Ibid., p. 138.

⁶¹Ibid., p. 60.

⁶²July 15 1990 letter of LaDonna Harris to participants in the Indigenous Leadership Interactive System (ILIS) [previously called Tribal Issues Management System (TIMS)] .process.

⁶³Numerous consensus decision making, problem solving and strategic planning processes have been developed, but most of these processes were not designed to deal with complex issues. The IM process on which ILIS (TIMS) is based is specifically developed to deal with difficult situations that have consistently resisted successful resolution, such as those confronting Native American tribes. An overview of IM can be found in Benjamin J. Broome and D. B. Keever, "Next Generation Group Facilitation: Proposed Principles," *Management Communication Quarterly*, Vol. 3, pp. 107-127, 1989. For a more extensive description of complexity and of the theory guiding IM, see J. N. Warfield, *Societal Systems: Planning Policy and Complexity* (New York: Wiley, 1976) and *A Science of Generic Design: Managing Complexity Through Systems Design* (Ames, Iowa: Iowa State University Press, 1995).

⁶⁴The first experience in using IM in work with Native Americans was in a three-day workshop in 1986 with a group of twelve tribal leaders who met to define the system of problems facing tribal governance. An analysis of this workshop's products revealed that the participants perceived tribal issues to be about five orders of magnitude more complex than is the case with most other organizations with whom IM has been applied. See Benjamin J. Broome and A. N. Christakis, "A Culturally Sensitive Approach to Tribal Governance Issues Management," *International Journal of Intercultural Relations*, Volume 12, 1988, pp. 107-123.

⁶⁵See Benjamin J. Broome and I. L. Cromer, "Strategic Planning for Tribal Economic Development: A Culturally Appropriate Model for Consensus Building," *The International Journal of Conflict Management*, Vol. 2, 1991, pp. 217-235. The ILIS (TIMS) process as it was carried out with the Comanches is described in Benjamin J. Broome, "The Role of Facilitated Group Process in Community-Based Planning and Design: Promoting greater Participation in Comanche Tribal Government," in L. R. Frey, Editor, *Innovations in Group Facilitation: Applications in Natural Settings* (Cresskill, NJ: Hampton Press, 1994), pp. 27-52.

⁶⁶The phenomenon of empowerment of the membership through engaging in participatory process as a source of strengthening the community, increasing the effectiveness of the leadership and the community in reaching its goals and objectives, and increasing the support for the leadership has been demonstrated repeatedly in private, non-profit and public work organizations that build successful team process. For discussion of these points see John Simmons and William Mares, *Working Together* (New York: Albert Knopf, 1983), Paul Blumberg, *Industrial Democracy: The Sociology of Participation* (New York: Schocken Books, 1968) and Stephen Sachs, "Building Trust in Democratic Organizations," *Psychology*, Vol. 31, No. 2, 1994, pp. 35-44 and "The Interest and Goal Structure of Participatory Work Organizations" (Paris: Second International Sociological Conference on Participation, Self- Management and Workers' Control, 1977). That the influence of managers (leaders) is strengthened through increasing participation in which the managers are supportive participants, see "Worker Participation and Influence in Industrial Plants in Five Countries," in *Participation and Self Management* (Zagreb: First International Sociological Conference Participation and Self Management, held at Dubrovnik in 1972, 1973), Vol. IV.

⁶⁷Sachs, "Building Trust in Participatory Organizations," and "Concerning the Interest and Goal Structure in Participatory Work Organizations."

⁶⁸In ILIS (TIMS) the idea generation is usually accomplished by first providing participants time to think about their answers to the triggering question and write them down and then asking the participants to share one of their responses (or pass) each time it is their turn to speak in the oral round that follows the writing. This process of "Nominal Group Technique" (NGT) is discussed in A. L. Delbeq, A. H. Van de Ven and D. H. Gustafson, *Group Techniques for Program Planning: A Guide to Nominal Group and DELPHI Processes* (Glenview, IL: Scott, Foresman, 1975). NGT is used in situations in which uncertainty and disagreement exist about the nature of possible ideas. An alternative method of idea generation is Ideawriting, a methodology that allows a group to develop a list of ideas and explore their meaning. In this process small groups of 3-6 people are formed from the general meeting. Following presentation of a triggering question, each participant writes down a list of answers to the question. Then the written lists of ideas are exchanged among the members, with each member having an opportunity to add ideas as they read each other's papers. The group then discusses and clarifies the ideas, and then reports and explains their group's list to the general meeting. Idea Writing is discussed in Warfield, *A Science of Generic Design*, Vol. 19, No. 2, pp. 205-228. It is important to note that the selection of appropriate triggering questions is critical to the success of ILIS (TIMS) processes. The question sets the agenda for the session and must be selected in a manner that is representative of the concerns of the participants. In the Comanche ILIS sessions reported here, the triggering questions were set by the participants with the assistance of the facilitator(s).

⁶⁹"Sitting in a circle" is a relational requirement for the process to help enable participants to see themselves as equal participants, and to be able to see and speak to each other easily. Thus perfect roundness of the seating arrangement is not required, though approximate roundness is preferred. Participants might sit round a square or oblong (or some other shape) table. Seating arrangements will be favorable for the process if the shape of the "circle" is not so distorted as to impair communications (including visual contact and perception) and the sense of equality and solidarity that the seating arrangement attempts to enhance. See Stolzman, *The Pipe and Christ*, pp. 138-139 on this point in Lakota ceremonies.

⁷⁰In the NGT process, five is the number of statements each person is allowed to select as "most important" from the larger set. This number has been found to result in optimal representation of the divergent opinions that exist in most groups dealing with complex issues. It should be noted that in other consensus decision making processes, facilitators working with the participants have often adjusted the number of votes per person in unit (or multi) voting as seems appropriate, anywhere from two to unlimited choices.

⁷¹In the first Comanche ILIS (TIMS) meeting, all ideas receiving at least one vote were included in the structuring process. This was appropriate for the work at hand, especially as it reinforced the principle of inclusiveness of the

process, so that each person would feel that their ideas were included. In other consensus decision making situations, it may be appropriate to consider those items that receive at least a higher number of votes, agreed to by the group (i.e., all items receiving at least x votes will be considered), or the group may wait to see the pattern of voting and then decide by consensus what the minimum number should be, as is appropriate to the circumstances.

⁷²The computer-assisted process of Interpretive Structural Modeling (ISM) is discussed in more detail in Warfield, *Societal Systems and A Science of Generic Design*.

⁷³To operate successfully, all participatory processes require the building of trust among the participants: in each other, themselves and the process. It is important to begin developing trust at the very beginning to launch the process on a proper footing. Afterwards, good experience with the process itself, supported by occasional timely supporting intervention, tends to increase the process of trust, or team, building. In this and a number of other regards, the ILIS (TIMS) process is similar to most other consensus decision making processes, including workplace participation processes. There is a considerable literature on this topic. See, Sachs, "Building Trust in Participatory Organizations."

⁷⁴For a discussion of tribal members' primary identity being with their tribe, see, Gregory Cajete, *Native Science: Natural Laws of Interdependence* (Santa Fe, NM: Clear Light Publishers, 2000), pp. 86-105.

⁷⁵Since American Indians see in a relational manner and tribal societies function on the basis of kinship relations, they are central to tribal identity and are a major component of tribal tradition. For example, in the case of the Cheyenne see, Leo Kevin Killsback, "A nation of families: traditional indigenous kinship, the foundation for Cheyenne sovereignty," *AlterNative: An International Journal of Indigenous Peoples*, Vol.15, No 1, First published online January 9, 2019, <https://journals.sagepub.com/doi/10.1177/1177180118822833>. An outline of the Dine (Navajo) kinship System is set out in, Harold Carey, Jr., "K'é – Diné (Navajo) Kinship System," Navajo People: Information About The Diné (Navajo People), Language, History, And Culture, April 22, 2013, <https://navajopeople.org/blog/ke-dine-navajo-kinship-system/>. The operation of K'é can be seen in, John Holiday and Robert S. McPherson, *A Navajo Legacy: The Life and Teachings of John Holiday* (Norman: University of Oklahoma Press, 2005).

⁷⁶Where larger tribes will be able to have their own facilitators, smaller tribes may find it useful to develop a common pool of facilitators. Rick Wheelock suggested in a comment to this author that nations such as the Oneida that have faith-keepers already in the traditions of the Longhouse that could function in this role as long as they would not be in conflict with processes set up without regard to the existing conflict resolution duties they perform. That function could also be revived among tribes where such traditional functions already exist in tradition.

⁷⁷A particularly glaring case of sudo-participation in the workplace as a method of employee manipulation initiated under the guise of employee empowerment through participation is reported in Guillermo Grenier, *Inhuman Relations* (Philadelphia: Temple University Press, 1988). Other examples of how participatory processes, that when appropriately and honestly applied benefit employees while increasing organization effectiveness, are sometimes misused are discussed in Michael Parker, *Inside the Circle: A Union Guide to QWL* (Boston: South End Press, 1985).

⁷⁸Polyphony, as used by J.S. Bach, is a harmony produced by the interaction of equal musical themes, as opposed to the more usual approach to harmony in Western Music in which secondary themes ("harmonies") harmonize with a main or dominant theme. The former is a democratic or equalitarian approach to harmony while the latter is as an oligarchic or hierarchical approach.

⁷⁹Reported in La Donna Harris letter of July 15, 1990.

⁸⁰The organizing and conducting staff consisted of a three person conducting staff, a court reporter, a video taping crew of two, and two key people from AIO.

⁸¹Demosophia, or "wisdom of the people" was used as a term for the ILIS (TIMS) process because one of the designers and facilitators of the ILIS process, Alexander Christakis, is Greek. The use of the Greek term is an example of Comanche inclusiveness.

⁸²LaDonna Harris letter of July 15, 1990, pp. 9 and 11.

⁸³These meetings are reported in Benjamin J. Broome, "Promoting Greater Community Participation in Comanche Tribal Governance: Planning Sessions held March 26-28 & May 13- 15, 1991" (Fairfax, VA: Department of Communication, George Mason University, June 1991).

⁸⁴Reported in Benjamin J. Broome, "Designing the Future of the Comanche: Report of Planning and Design Sessions Held in Lawton, Oklahoma, July 12-12 & September 27-28, 1991" (Fairfax, VA: Department of Communication, George Mason University, 1991).

⁸⁵In strategic planning terms the objectives of the sessions were: 1) to define the problems in the current situation, 2) to create a vision for the future with a set of prioritized goals to be attained, 3) to establish a set of actions with objectives to attain the goals and realize the vision.

⁸⁶See "Comanche Combined Structuring Forum: Lessons Learned." (Washington, DC: AIO, 1991).

⁸⁷LaDonna Harris, "Comanche Governance Community Involvement Project: Demosophia: The Wisdom of the People, Final Evaluation" (Washington, DC: AIO. 1992).

⁸⁸The Comanche have their own Protestant Churches. See Foster, *Being Comanche*, particularly pp. 120-122.

⁸⁹Harris, "Final Evaluation," p. 2.

⁹⁰Developing a well-established consensus process is a strategic matter that needs to be undertaken according to the circumstance. Generally, it is best to include all of the major parties from the beginning, lest those who are left out oppose and undermine the process. For example, failure by a firm to make the union an equal partner in an employee participation process has often led to union opposition and the demise of the process (Sachs, "Building Trust in Democratic Organizations"). But if trying to bring all of the parties together at the beginning is too difficult, it may be advisable to start with the most important parties, and then, once some level of trust and narrowing of differences has

been achieved among the initial participants, it may be appropriate to bring in the other parties. This was done with some success in settling a 80 year old water rights debacle at Pyramid Lake, between California and Nevada, though one of the parties dropped out of the negotiation and did not participate in the settlement (See William Blomquist, "Improving Dispute Resolution," in U.S. Army Corps of Engineers, *How to Prepare for Drought* (Fort Belvoir, VA: Water Resources Institute, forthcoming circa 1994) and Leah Wilds and Danny Gonzales, "On the Cutting Edge: Overcoming Obstacles to the Resolution of Water Resource Conflicts in the West" (Seattle, Western Political Science Association Meeting, 1991). and Lloyd Burton, *American Indian Water Rights and the Limits of the Law* (Lawrence, KS: University of Kansas Press, 1991). Which issues to tackle first is also a strategic question. Often, trust in the process and among the parties can most safely and quickly be built by starting with relatively easy issues. But the process can be most firmly established if the largest issues can be settled first, as was done at Pyramid Lake. The Comanches, using a process designed to deal with complex issues, began with the central questions, but set in motion processes to work with a number of issues of different levels of difficulty according to time tables that seemed appropriate for each issue in the context of the perceived needs of the larger process and situation.

⁹¹LaDonna Harris letter of July 15, 1990, p. 2.

⁹²Ibid, Stanley Paytiamo was part of the Indian leadership group that participated in the first Interactive Management session conducted with tribal leaders, held at George Mason University (GMU) in 1986. After experiencing the IM process, these leaders recommended that it be applied with Native American issues generally, and some invited AIO and GMU to hold sessions in their tribal communities. It was from these experiences that the decision was made to develop ILIS, then called TIMS.

⁹³AIO, "Progress Report for 1993" (Bernalillo, NM: AIO, 1993). ILIS is now a central process for AIO. Its more recent applications, including in international meetings, are reported in AIO's Ambassador. For Example, Nicole Wheeler, "Bolivian Interactive Advisory Forum," in Vol. 11, No. 2, summer 2008, discusses the application of ILIS in a meeting jointly run by AIO and Advancement of Maori Opportunity (AMO) of New Zealand with Indigenous people in Bolivia, "to develop a working relationship with several Indigenous communities to further the leadership skills and self-determination capabilities of Indigenous people world wide." That same issue also carries a discussion, in "Staff Development," of Virtual ILIS, applying ILIS for meetings on the internet.

⁹⁴"Americans for Indian Opportunity, Inc. Core Values: Relationships, Responsibility, Reciprocity and Redistribution," "Ambassadors Program/Indigenous Values-Based Leadership Development," GuideStar, <https://www.guidestar.org/profile/52-0900964#:~:text=Ambassadors%20Program%2C%20the%20only%20national,change%20agent%20in%20their%20communities>. The AIO Ambassadors Program is briefly described at: <https://aio.org/about-the-aio-ambassadors-program/>. A more detailed discussion of it is in Stephen M. Sachs, "The AIO Ambassadors Program: Nurturing Leadership, Building a Network for Indian Country and the Indigenous World," a paper presented at the 2009 Western Social Science Association Meeting, Albuquerque, NM, April 15-18, 2009, available at: <https://ssachs.academia.edu>.

⁹⁵See Stephen M. Sachs, "A Transformational Native American Gift: Reconceptualizing the Idea of Politics for the 21st Century," *Proceedings of the 1993 American Political Science Association Meeting* (Washington, DC: American Political Science Association, 1993); Sachs, et al, Honoring the Circle, and Stephen M. Sachs, "Acknowledging the Circle: The Impact of American Indian Tradition Upon Western Political Thought and its Contemporary Relevance," *Proceedings of the 2002 American Political Science Association Meeting* (Washington, DC: American Political Science Association, 2002).

⁹⁶Clyde Kluckhohn and Dorethea Leighton, *The Navaho* (Cambridge, MA: Harvard University Press, 1974), pp. 111-123. Robert W. Young, *A Political History of the Navajo Tribe* (Tsaile, Navajo Nation, AZ: Navajo Community College Press, 1978), pp. 15-16, 25-27, reports that, according to Dine legend, the people lived in independent, self-sufficient camps, in which, like other band societies, discussed below, decisions were made by the community by consensus. Headman (Hozhooli Naat'aah) only acted as advisors. He usually was proficient in leading at least one ceremony, governed by persuasion and, "expounded on moral and ethical subjects, admonishing the people to live in peace and harmony. With his assistants he planned and organized the workday life of his community, gave instruction in the arts of farming and stock raising and supervised the planting, cultivating and harvesting of the crops. As an aspect of his community relations function, it was his responsibility to arbitrate disputes, resolve family difficulties, try to reform wrong doers and represent his group in its relations with other communities, tribes and governments. He had no functions whatsoever relating to war because the conduct of hostilities was the province of War Chiefs. "A headman was a man of high prestige, chosen for his good qualities and only remained a leader "so long as his leadership enlisted public confidence or resulted in public benefit." Also discussing traditional Navajo governance is David E. Wilkins, *The Navajo Political Experience*, Revised Edition (Lanham, MD: Roman and Littlefield Publishers, Inc, 2003), pp. 67-72.

⁹⁷Kluckhohn and Leighton, *The Navajo*, p. 118. The Naachid is discussed by Wilkins, *The Navajo Political Experience*, pp. 70-71, and pp. 71-73 discuss the general continuance of traditional Navajo governance during the Spanish/Mexican period, 1700 – 1846, despite the occasional attempt of the colonials to designate heads of the Navajo Nation.

⁹⁸Kluckhohn and Leighton, *The Navajo*, pp. 122-123, 157-166, discusses the development of Navajo administration and tribal government to the 1950s; as does Wilkins, *The Navajo Political Experience*, pp. 73-80.

⁹⁹The Navajo Nation web site history section: (<http://www.navajo.org/history.htm>. Wilkins, *The Navajo Political Experience*, pp. 81- 87, sets forth a brief history of Navajo government and BIA administration from 1922-1936.

¹⁰⁰The Dine Policy Institute of Dine College, Navajo Nation Constitutional Feasibility and Reform Project report, September 2, 2008, is downloadable in PDF from: <http://www.navajo.org/>, pp 17-18.

¹⁰¹Kluckhohn and Leighton, *The Navajo*, p. 158. On chapters, see also Wilkins, *The Navajo Political Experience*, pp. 81- 82.

¹⁰²Kluckhohn and Leighton, *The Navajo*, p. 159. Wilkins, *The Navajo Political Experience*, pp. 82-87.

¹⁰³Navajo Nation Constitutional Feasibility and Reform Project report, p. 17. On the development and operation of the Dine Court system see also Wilkins, *The Navajo Political Experience*, Ch 8.

¹⁰⁴Navajo Nation Constitutional Feasibility and Reform Project report, Section III, and p. 9.

¹⁰⁵On Peter MacDonald and his administration, see Bruce E. Johansen and Donald A. Grinde, Jr., *The Encyclopedia of Native American Biography* (New York: Henry Holt and Company, 1997) p. 228; Barry T. Klein, *The Reference Encyclopedia of the American Indian*, 6th edition (West Nyack, NY: Todd Publications, 1993) p. 576; and Wikipedia, [http://en.wikipedia.org/wiki/Peter_MacDonald_\(Navajo_leader\)](http://en.wikipedia.org/wiki/Peter_MacDonald_(Navajo_leader)). See also Navajo Nation Constitutional Feasibility and Reform Project report, p. 9; and Wilkins, *The Navajo Political Experience*, pp. 88-94. The discussion of MacDonald's (and Peterson Zah's) participation in Indian programs established by President Johnson's war on poverty (also mentioned by Wilkins), and the impact on MacDonald of losing the election, came from a discussion by the author with LaDonna Harris, President of Americans for Indian Opportunity, March 4, 2009.

¹⁰⁶On Peterson Zah, see Klein, *The Reference Encyclopedia of the American Indian*, p. 665; and *Encyclopedia of World Biography*: <http://www.bookrags.com/biography/peterson-zah/>. On the 1989 government reforms, see Wilkins, *The Navajo Political Experience*, pp. 92-95, Part II, and Appendix G.

¹⁰⁷Action was taken through the Navajo Nation Local Governance Act, 26 Navajo Nation Code, revised 4/28/98. The Office of Navajo Government Development has been developing alternative means for chapters to improve the quality of their meetings, for which coauthor Stephen Sachs has been a consultant from 1997 to 2002, and has instituted a process of sharing ideas for improving local meetings and governance among chapters. Much of the early work to develop decentralized government is discussed in the following documents published by the Office of Navajo government Development, P.O. Box 220, Window Rock, AZ 86515 (928) 871- 7214/7161: *The Commission on Navajo Government Development Report: Executive Summary of the Local Governance Act* (Spring Report 2000); *Commission on Navajo Government Development, Engaging the People of the Navajo Nation in the Process of Nation Building* (December 3, 2001); *Commission on Navajo Government Development, Executive Summary of the Agency-Wide Summits on Nation Building*; *Navajo Nation Statutory Reform Convention* (March 3, 2002); *Navajo Nation Statutory Reform Convention: Red Rock state Park, Church Rock, NM, May 14-15, 2002, Proposed Amendments*; *Commission on Navajo Government Development, Navajo Nation Statutory Reform Convention, Amendments and Policy Reasons for Them* (August 2002); Budget and Finance Committee of the Navajo Nation Council, in Coordination with the Office of Navajo Government Development and the Office of the Navajo Tax Commission, *Agency Wide Hearings on the Proposed Navajo Sales Tax Trust Fund, Plan of Operation for Distributing Funds* (September 24, 2002); *Commission on Navajo Government Development, Navajo Nation Statutory Reform Convention Amendments and Status of Those Amendments* (January 23, 2003); and Office of Navajo Government Development in Coordination with Office of Navajo Tax Commission, *Navajo Nation Sales Tax Trust Fund Distribution Plan* (March 06, 2003). For the Local Governance Act of 1998, see Wilkins, *The Navajo Political Experience*, Appendix H.

¹⁰⁸Personal communications by Stephen Sachs with the Office of Navajo Government Development (with whom he did some consulting) and the Dine College Leadership Program.

¹⁰⁹See *Navajo Times*, October 14, 2004, p. A12 and "Indian and Indigenous Developments, Tribal Developments," *Indigenous Policy*, Volume XVI, No 1, Spring, 2005, at: www.indigenouspolicy.org, and for the December 2005 update, "Baahaali Chapter becomes LGA certified, receives \$160,000 check as incentive," press Release, Navajo Nation Council – Office of the Speaker, December 30, 2008 available at <http://www.navajonationcouncil.org/>.

¹¹⁰15 regional service centers, each serving from six to 14 chapters were established to assist chapters in handling funds and reporting financial activity were proposed in 2013 (Alastair Lee Bitsoi and Cindy Yurth, "Decentralization plan draws support at chapter meetings," *Navajo Times*, November 27, 2013), however lack of sufficient funding has limited the number of centers to 10 ("Administrative Service Centers," Navajo Bation Division pf Community Development, nndcd.org/administrativeservicecenter/, visited March 14, 2025).

¹¹¹https://navajochapters.org/wp-content/uploads/sites/5/2020/10/Certified_Chapters_Web_List.pdf.

¹¹²Noel Lyn Smith, "Bill proposes referendum for tribal voters," *Des Moines Register*, July 15, 2016, and the Commission of Navajo Government Development report of the survey, "DIN E BI NAHAT' A: Din'e Preferences for Navajo Government," p.12, [https://ongd.navajo-nsn.gov/Portals/0/Homepage%20Webpage%071525-Final%20Working%20Draft%20Constitution%20\(005\)50.pdf](https://ongd.navajo-nsn.gov/Portals/0/Homepage%20Webpage%071525-Final%20Working%20Draft%20Constitution%20(005)50.pdf).

¹¹³Michael Parrish, B.A., Research Assistant Contribution by: Gilberta Yazzie, Edited by: Jen Byers, "Local Governance and Reform: Local Empowerment," Dine Policy Institute, September 2018, <https://www.dinecollege.edu/wp-content/uploads/2018/04/Local-Governance-and-Reform-Local-Empowerment.pdf>, pp. 24-29; and Curley, A., & Parrish, M., *Local governance and reform: Considering 20 years of the Local Governance Act*. (Tsaile, AZ: Dine Policy Institute Press, 2016).

¹¹⁴Lister, M., Curley, A., & Parrish, M., *Land reform in the Navajo Nation: Possibilities of renewal for our people* (Tsaile, AZ: Dine Policy Institute Press, 2018).

¹¹⁵"Navajo Nation chapters face widespread audit findings, sanctions," *Navajo Times*, January 14, 2025, discussing Jesus proposed legislation (No. 0270-24, amending Title 26 of the Navajo Code to provide chapters with more authority and clarify their structure) and the January 6 Report of the Navajo Nation Resources Development Committee (RDC).

¹¹⁶As an organization development consultant facilitating the development of employee involvement, a mainstream application of Indigenous inclusive participatory principles, I have found that enhancing change through respectful, compassionate dialoguing has almost always been the best method. Indeed, developing inclusive participatory values and skills is generally considered central to developing democracy in the workplace. Cathy Sanchez-Preisler, the Bernalillo County facilitator for Albuquerque, NM's low-income International District told this author, in February 2025, that a respectful, collaborative approach was central to her success in assisting area organizations handling grants and dealing with the larger political system. Many people in those organizations find dealing with bureaucracies and bureaucratic requirements alien. She said that focusing on negative outcomes, such as "you will have your funding cut off if you do not do ..." made people defensive, withdrawing from dealing with the problem. Dealing respectfully in solving a mutual problem in dealing with an alien system had been by far the most effective approach in building trust and achieving positive change.

More recent reports in the *Navajo Times* on Navajo Nation bureaucratic problems, including but extending beyond fiscal issues, are, Nicholas House, "Justin Jones: Navajo Nation, pay your bills!" April 17, 2025; Robert Bettis, "Elders protest ousting of DALTCS director amid allegations of unfair treatment," April 17, 2025; and Donovan Quintero, "Controller urges reform in procurement, invoice management," April 24, 2025. In the 1990s to the early 2000s, this author heard complaints from a then administrator in two BIE schools on the Navajo Nation about problems with interpersonal dynamics in the administrations of those schools.

Of particular concern in Navajo Nation departments is the Controller's report to the Council of April 21, 2025 is, Nicholas House, "Who's watching the money? Council Exposes Deep financial disarray," *Navajo Times*, May 1, 2025, https://navajotimes.com/reznews/whos-watching-the-money-council-exposes-deep-financial-disarray/#google_vignette. The article stated, "What began as a routine 20-minute financial report on April 21 quickly unraveled into one of the most damning indictments of fiscal dysfunction in recent Navajo Nation history.

Controller Sean M. McCabe, entrusted with safeguarding the Nation's fiscal assets that sit in the billions, stood before the 25th Navajo Nation Council and delivered an oral report that was less a statement of progress and more a confession of chaos." The controller exposed that across administrative agencies there were invoices unpaid for many months, often not being forwarded to the controller's office; unauthorized transfers of money; and "promises to pay," not authorized in regulations or policy, issued by top agency officials to illegally contract vendors' services. McCabe stated that the problems were caused primarily by the continuance of an unwieldy paper-based system. He asserted that they would be fixed by a new computer-based enterprise resource planning system with changes in operational procedures to go into operation October 1, 2025. Some of the delegates questioned whether that would be sufficient: whether "financial integrity [is] even enforceable under the current leadership." If a major aspect of the problem is attitudinal/cultural, beginning with upper management, then the physical official procedural changes, while needed, may be insufficient. They could even complicate the problem, as such changes require education. Properly handled, however, change in the official system combined with appropriate specific and broader appropriate education building technical and cultural competence with trust, could provide a new starting point for moving to a reasonably well working administrative system. As indicated below, such education would need to deal well for mutual benefit in an alien (or new) system. If necessary, some personnel change might be needed, especially in leadership, if some participants were not able to adapt sufficiently to the new situation. But to the extent possible, the emphasis would best not be punitive, but upon finding places that best fit the needs and abilities of relatives.

¹¹⁷On legislative measures, see Bill Donovan, "Officials Put Brakes on Legislative Process," *Navajo Times*, February 10, 2005, p.A4. On action by the courts, see *Navajo Times*, October 10, 2004, p. A14. On off reservation polling places, see the *Navajo Times*, October 14, 2004 p. A4. The use of surveys, focus groups and citizen education and empowerment in the passage of the Air of Life Act is documented by Hershel Clark, "Southwest Navajo Tobacco Education and Prevention Project: The Navajo Nation Níłch' éí Bee Ííńá – Air is Life Act: The Passing of a Historic Commercial Tobacco Policy in the Navajo Nation," Paper presented at The American Indian Studies Association 2024 Conference in Albuquerque New Mexico, February 2, 2024. Hershel Clark can be reached at: hclark@bhcih.org. The proposed Act and call by its legislative sponsor for comments can be found at: <https://www.navajonationcouncil.org/wp-content/uploads/2021/08/0174-21.pdf>. More on the Act and its history can be found on American Smokers Rights Foundation web site: <https://no-smoke.org/tag/nilchi-ei-bee-iina/>. Information about the Navajo Air is Life Health Coalition can be found at: Navajo Air is Life Health Coalition, <https://www.navajoairislife.com>.

¹¹⁸"HONORING NATIONS: 2002 HONOREE: Government Reform, Diné Appropriate Government, Local Governance Projects, The Office of Navajo Government Development Navajo Nation (Window Rock, Arizona)," *The Harvard Project on American Indian Economic Development*, 2002, https://hwpi.harvard.edu/files/hpaied/files/government_reform_dine_appropriate_government_and_local_governance_projects.pdf, Contact: The Navajo Nation, PO Box 220, Window Rock, Arizona 86515 Tel: (928) 871-7161.

¹¹⁹Marley Shabela, "Speaker, prez battle over reform," *Navajo Times*, December 30, 2008. p. A3. There was a battle of press releases on reform between the President and the Speaker, available at: <http://www.opvp.org/default.asp>, and <http://www.navajonationcouncil.org/press.htm>.

¹²⁰"Navajo President Joe Shirley, Jr. launches Government Reform Initiative." Press release from the Office of the Navajo President, April 29, 2008, available at: <http://www.opvp.org/default.asp?CustComKey=6465&CategoryKey=151983&pn=Page&DomName=opvp.org>. While the April 29 press release speaks of the President's State of the Navajo Nation State of the Union address calling for the establishment of a government reform taskforce, the published text does not specifically mention the taskforce or government reform. It speaks more generally of streamlining government and service delivery. The Task force was created, however, and

guided the drafting and campaigning for the ballot initiatives (see footnote 122 below for more information). The State of the Nation Address is available on-line at the same location as the press release.

¹²¹"Navajo President Joe Shirley, Jr. launches Government Reform Initiative."

¹²²Jason Begay, "Government Reform Effort Falls Short," *Navajo Times*, December 30, 2008, p. A3.

¹²³Jason Begay, "Majority of Dine vote for 24-member council, line item veto for president," *Navajo Times*, December 17, 2009.

¹²⁴Marla Shebala, "Leupp voter files complaint against election," *Navajo Times*, December 30, 2009.

¹²⁵"Comprehensive government reform jeopardized by Speaker's inaction to place legislation before the council," Press release from the Office of the Navajo President, October 2, 2008, available at: <http://www.opvp.org/default.asp?CustComKey=6465&CategoryKey=151983&pn=Page&Domain=opvp.org>.

¹²⁶Navajo Nation Constitutional Feasibility and Reform Project report. The authors of the report are: Robert Yazzie, Director, Moroni Benally, Policy Analyst, Andrew Curley, Research Assistant, Nikke Alex, Research Assistant, James Singer, Research Assistant and Amber Crotty, Research Intern. The authors of the four models are: "Model 1: Approaches for an Alternative Model Government" (which discusses general concerns and guidelines for all the alternative models, but does not present the first model of keeping the current form of government with modification, which is actually in the beginning of "Model 2"): Robert Yazzie, "Model 2: The Bicameral Parliamentary Model" (which contains Model 1 at the beginning of its discussion): James Singer, "Model 3: "Dine Political Philosophy:" Moroni Benally, and "Model 4: Decentralization Model:" Nikke Alex, Andrew Curley and Amber Crotty. On the reports being presented to the Navajo Council, see the Navajo Nation Council - Office of the Speaker press release, "Speaker Morgan to present report on feasibility of a constitutional government for Navajo Nation during 2008 Fall session," October 13, 2008, <http://www.navajonationcouncil.org/press.htm>.

¹²⁷On consensus decision-making, see Stephen M. Sachs, "Building Trust in Participatory Organizations," *Psychology*, Vol. 31, No. 2, 1994.

¹²⁸*Navajo Nation Constitutional Feasibility and Reform Project report*, p. 19.

¹²⁹*Navajo Nation Constitutional Feasibility and Reform Project report*, p. 53.

¹³⁰Jason Begay, "Power Play: Move to give more power to legislative counsel fails," *Navajo Times*, April 30, 2009, pp. A1 and A3.

¹³¹On the impact of American Indian ways on western, and particularly American, political thought, see Sachs, "Acknowledging the Circle" and Sachs, et al, *Honoring the Circle*, Vol. I and II.

¹³²Information on the process for discussing and holding a referendum on the proposed government revision is from Donovan Quintero, "Navajo Government Reform Proposal raises questions about democracy, language, structure," *Navajo Times*, July 17, 2025. Information about the proposal comes from that article and several pages of the website of the Commission on Navajo Government, <https://ongd.navajo-nsn.gov>, and the Office of Navajo Government Development Face Book Page.

¹³³Some of this *Navajo Times* discussion took place in Quintero, "Navajo Government Reform Proposal raises questions about democracy, language, structure," July 17, 2025. Other arguments were laid out in the issue of August 28, 2025: Donovan Quintero, "From riots to reform: the debate that still shapes Dine democracy" and Donovan Quintero, "Nigel Secatero: Navajo government reform must include Alamo, To Haziileehe and Ramah."

¹³⁴In the *Navajo Times*, October 16, 2025, Krista Allen, "Western Agency Council votes 'no confidence' in Nygren, Montoya," "Donovan Quintero, "Montoya says she is willing to step down as Fort Defiance advance no confidence push," Donovan Quintero, "Speaker file duel court actions to block Nygren's vetoes, restore balance," and Krista Allen, "Texts show Nygren pressing to unlock P-cards while McCabe says there is no budget."

¹³⁵Eugene Charley, "End the Turmoil," *Navajo Times*, October 16, 2025.

¹³⁶In the *Navajo Times*, November 26, 2025, Krista Allen, "Prosecutor seeks removal of Nygren in ethics case over travel spending, hiring;" Krista Allen, "Council resolution seeks removal of Nygren, Montoya;" Donovan Quintero, "Nygren launches 11th-hour court fight to halt removal;" Krista Allen, "Nygren accuses speaker of political takeover as removal effort intensifies." As of December 18, 2025, one issue in the lawsuit had been settled, but the main issues, including proceeding to consider removal, were continuing in court (Krista Allen, "Nygren recognizes McCabe as controller under court agreement," *Navajo Times*, December 18, 2025, <https://mynewsonthego.com/navajo/EPaper/PdfReader.aspx?pageid=a898947a-8139-4e9d-8bf7-b2d6372ef889>).

¹³⁷Donovan Quintero, "Shonto hotel dispute exposes deep rift over Navajo local governance, economic control," *Navajo Times*, December 11, 2025.

¹³⁸Quintero, "Shonto hotel dispute."

¹³⁹"The Navajo Common Law Project" is available at: https://ongd.navajo-nsn.gov/Portals/0/Final-Revised_Navajo%20Common%20Law%20Project.pdf?ver=TeM9sstrQb9r1-ss2D--Ag%3d%3d.

¹⁴⁰In traditional tribal societies with widely accepted values and where in everyday living people needed each other public behavior was largely controlled by the pressure of public opinion. For example, see, Morris W. Foster, *Being Comanche: The Social History of an American Indian Community* (Tucson: University of Arizona Press, 1991); and Ella Deloria, Ed. by Raymond J. DeMallie and Thierry, Afterword by Philip Deloria, *The Dakota Way of Life* (Lincoln: University of Nebraska Press, 2022).

Although this was done differently by different Indian nations in varying conditions, warriors or warrior societies carrying out a war chief function often carried out domestic policing, insuring proper behavior. This can be seen, for example, in traditional Lakota Society where the Lakota had a regular mechanism for enforcing council decisions, and established customary norms of behavior. The Wakiconza was a committee of two to six men chosen every spring to oversee

the movement of the camp, arbitrate disputes, supervise the community buffalo hunt, umpire games and oversee all wagers. The Wakiconza was assisted by the Akicita, who were responsible for enforcement and carrying messages. They had sufficient independence to require anyone, including leaders, to obey their orders. The Akicita were kept within the limits of their job by careful selection, limited term of office, and pressure of public opinion. Any Akicita who became tyrannical was taken in hand by the military societies, which played an important role in the warrior life of Lakota society (On Lakota political (and related) life see Catherine Price, *The Oglala People, 1841-1879: A Political History* (Lincoln: University of Nebraska Press, 1996) [which drew on many sources including the Walker papers], particularly pp. 7-21, 33-34, 60-62, 98-99, 156, 168 and 172-173; the second of the three edited volumes of the James R. Walker papers published by the University of Nebraska Press: Raymond DeMallie, Ed., *Lakota Society* (1982), Part I, particularly documents 6-16). The Cheyenne, for example, had a similar practice. It is important to note that to the extent possible the policing function was carried out with restorative justice, returning the people involved and the community to harmony.

This is generally a principle of traditional Indigenous societies. Among the Navajo it is particularly emphasized today in the functioning of the peace keeping courts. Its traditional application among the Cheyenne can be seen in a case in which two Cheyenne young men were caught hunting buffalo on their own. Solo hunting was prohibited because one or a few hunters might scare a herd away. To ensure an adequate food supply, buffalo hunting had to be undertaken by the whole tribe in a coordinated action. When members of the military society policing the hunt came upon the offenders, they shot the horses of the illicit hunters and broke their weapons in the course of inflicting a beating that the two men did not resist. After the two miscreants had listened silently to a reproach for their dangerous behavior, one of the chiefs of the military society called out, "Look how these two boys are here in our midst. Now they have no horses and no weapons. What do you men want to do about it?" One of the police patrol spoke up, "Well, I have some extra horses. I will give one of them to them." Another member of the military society did the same. Then a third member of the patrol declared, "We broke those guns they had. I have two guns. I will give them one." All the others responded, "Ipewa, Good." In this case the police enforced the law quickly and firmly. But once it was clear that the violators had learned their lesson, they were reintegrated with the group through the generous acts of those who had inflicted the punishment (E. Adamson Hoebel, *The Law of Primitive Man* (New York: Atheneum, 1976), Ch. 7, and "Comanche, Kiowa and Cheyenne: Plains Indian Law in Development," pp. 150-153.

¹⁴¹Donovin Quintero, "Nigel Secatero."

¹⁴²Larry Foster, former Chair of the Navajo Nation Commission in, Eric D. Lamont, Ed., *American Indian Constitutional Reform* (Austin: University of Texas Press, 2006), statement on p. 280. The Commissions composition and history are also provided on its website.

¹⁴³Among the recent books by Navajo medicine people written to preserve traditional knowledge are, Robert S. McPhearson and Perry J. Robinson, *Traditional Navajo Teachings: A Trilogy* ((c) Robert S. McPherson 2020, available on Amazon) and Robert S. McPherson and John Holiday, *A Navajo Legacy: The Life and Teachings of John Holiday* (Norman: University of Oklahoma Press, 2011).

¹⁴⁴Lewis Henry Morgan, *League of the Iroquois* (Secaucus, NJ: Carol, 1996).

¹⁴⁵Lamont, *American Indian Constitutional Reform*, Ch. 7.

¹⁴⁶Donovan Quintero, "Title 26 hearing exposes rift over chapter power, Dine government," *Navajo Times*, January 15, 2025.

¹⁴⁷Lamont, *American Indian Constitutional Reform*, Ch. 7 and 8.

¹⁴⁸McPhearson and Perry J. Robinson, *Traditional Navajo Teachings*, Volumes 1 and 3.

¹⁴⁹Ch 9. See Harris. Sachs and Morris, et al, *Recreating the Circle*, Ch. 3. Section 1; and Sachs, et al, *Honoring the Circle*, Vol. III (Cardiff by the Sea: Waterside Productions, 2021), Ch. 5.

¹⁵⁰An example of building interagency teamwork is discussed above concerning the Southern Ute Design Team's efforts to coordinate tribal and external services along with follow up actions to remain and renew the cooperation and more recent education in organizational cooperation.

¹⁵¹Organizational Participation is discussed in Sachs, et al, *Honoring the Circle*, Vol. III, Ch. 4 and 5; John Simmons and William J. Mares, *Working Together* (New York: Knopf, 1983). This kind of internal and external collaboration with community input involving law enforcement is discussed in Stephen M. Sachs, "Transforming Police: Toward Building on Common Interest Between Police and Communities," *Political Science International*, Vol. 3, No 2, 2025. In more general terms with a variety of well working examples, it is discussed in David Osborne and Ted Gaebler, *Reinventing Government: How the Entrepreneurial Spirit Is Transforming the Public Sector, from Schoolhouse to Statehouse, City Hall to the Pentagon* (Reading, MA: Addison-Wesley, 1992). Stephen Sachs has long experience with participatory decision making as a participant in the Americans for Indian Opportunity ILIS (TIMS) process, discussed in the Comanche case above, as well as in Association for Workplace Democracy meetings over more than two decades and other settings, along with considerable research while editing *Workplace Democracy* for more than twenty years, in addition to undertaking participatory organization consulting. He is a trained "team process," consensus decision making facilitator. This development is partly independent and partly the result of American Indian Influence (Sachs, et al, *Honoring the Circle*, Vol. I and II).

¹⁵²A number of the participatory workplaces studied by Stephen Sachs developed employee participation as described here. See also, Stephen M. Sachs, "Building Trust in Participatory Organizations," *Psychology*, Vol. 31, No. 2, 1994; "Steps to Building an Effective Team, Guide to Managing Human Resources," Berkeley People and Culture, 2025, <https://hr.berkeley.edu/hr-network/central-guide-managing-hr/managing-hr/interaction/team-building/steps>; and W. Gibb Dyer, Jeffrey H. Dyer and Willian G. Dyer, *Team Building: Proven Strategies for Improving Team Performance*

5th Edition (New York: John Wiley and Sons, 2013).

¹⁵³For example, see Sachs, "Building Trust in Democratic Organizations;" and Sachs, et al, *Honoring the Circle*, Vol. 4, Ch. 4.

¹⁵⁴"Council panel to hold public hearing on local governance law," *Navajo Times*, December 26, 2025, announcing a January 13, 2026 hearing by the committee to gather community input, and the report of that meeting, Quintero, "Title 26 hearing exposes rift over chapter power," *Navajo Times*, January 25, 2026.

¹⁵⁵Quintero, "Title 26 hearing exposes rift over chapter power."

¹⁵⁶Donovan Quintero, "Election officials move to fill vacant Council seat as chapter and school board vacancies grow," *Navajo Times*, February 26, 2026.

¹⁵⁷The statement by Harrison Tsosie is from Quintero, "Title 26 hearing exposes rift over chapter power."

On the Hopi tradition, "Le Roy Shingoitewa, Chair, Hopi Tribe Constitutional Reform Committee," in Lemont, *American Indian Constitutional Reform*, pp. 98-100.

¹⁵⁸"Diné Community Members Express Concerns on the Proposal to Reform the Navajo Nation Government Advocated by the Office of Navajo Government Development," dated beginning February 3, 2026, <https://tonizhoniani.org/no-ongd-proposal/>, with continuing additions and possible modifications including links to other documents, among them are, "Press Release: Diné Community Members Express Concerns on the Proposal to Reform the Navajo Nation," January 27, 2026, <https://tonizhoniani.org/wp-content/uploads/2026/02/Grassroots-working-citations-on-ONGD-Govt-Reform-proposal.pdf>; "Grassroots Response to Office of Navajo Government Development Reform Webinar," <https://tonizhoniani.org/no-ongd-proposal/>; "Declaration Of Navajo Voter Objections To ONGD's Proposed Government Reform Proposal," January 27, 2026, <https://tonizhoniani.org/wp-content/uploads/2026/02/Declaration-of-Navajo-Voters-Jan27-2026.pdf>; "Call to Chapters," February 5, 2026, https://dinelanduse.org/wp-content/uploads/2026/02/CALL-TO-CHAPTERS_Feb05.pdf; and "Mark-up of ONGD/s Government Reform Proposal," retrieved February 5, 2026, <https://dinelanduse.org/wp-content/uploads/2026/02/markup-ONGD.pdf>. The coalition's objections, with some answering comments from Executive Director of the Navajo Office of Government Development, Harrison Tsosie are reported in Donovan Quintero, "Navajo government reform draft draws pushback over process, Title 26," *Navajo Times*, February 19, 2026, [https://ds1s8h254cjb8.cloudfront.net/Navajo%20Times/2026/02/19_Navajo%20Times A 5.pdf](https://ds1s8h254cjb8.cloudfront.net/Navajo%20Times/2026/02/19_Navajo%20Times%20A%205.pdf) and https://navajotimes.com/reznews/navajo-government-reform-draft-draws-pushback-over-process-title-26/#google_vignette.

¹⁵⁹I have shared my concerns stated in this paper with the Commission/Office several times, and with some of those commenting on the proposal. In addition, I wrote a letter to the editor, "Back to K'e", published in the *Times*, January 29, on the publication of Quintero, "Title 26 hearing exposes rift over chapter power," *Navajo Times*, January 25, 2026, included statements by the Executive Director of the Navajo Office of Government Development, Harrison Tsosie, showing how participatory the constitutional reform process has been,. I shared my concerns about the reform process needing more publicity with the Office (which did increase shortly after that) along with some of the questions I state in this paper about what reforms might be needed, that Navajos might consider.

¹⁶⁰See Stephen Cornell, *The State of Native Nations: Conditions under U.S. Policies of Self-Determination* (New York: Oxford University Press, 2008), Part II; Stephen Cornell and Joseph Kakt, Eds., *What Can Tribes Do?: Strategies and Institutions in American Indian Economic Development* (American Indian Manual & Handbook Series No 4, Los Angeles: American Indian Studies Center, UCLA, 1992); and Kenneth Grant and Jonathan Taylor, "Managing the Boundary Between Business and Politics: Strategies for Improving the Chances for Success in Tribally Owned Enterprises, in Miriam Jorgensen, Ed, *Rebuilding Native Nations: Strategies for Governance and Development* (Tucson: University of Arizona Press, 2007) on these points. Also, Stephen Sachs July 2025 interview with Southern Ute Growth Fund Executive Director Shane Seibel made clear the need for separation of well-regulated business from direct tribal government control to the avoid political manipulations that can damage or destroy a business whose continued success is essential to the nation.

¹⁶¹"Mark-up of ONGD/s Government Reform Proposal," retrieved February 5, 2026, <https://dinelanduse.org/wp-content/uploads/2026/02/markup-ONGD.pdf>.

¹⁶²Sachs, et al, *Honoring the Circle*, Vol. I, Ch. 2.

¹⁶³For example, see Henry Steel Commager, Samuel Eliot Morison and William E. Leuchtenberg, *The Growth of the American Republic* (London: Oxford University Press, 1980), Vol I, Ch. XII-XIV.

¹⁶⁴Lewis Henry Morgan, *League of the Iroquois* (Secaucus, NJ: Carol, 1996), p. 70. and 108-110.

¹⁶⁵Jeremy Wade Shockley, "Environmental Programs and Wildlife team up on Animas River: Study to yield valuable data on fish species," *Southern Ute Drum*, November 17, 2023, <https://www.sudrum.com/eEditions/DrumPDF/2023/SUDrum-20231117.pdf>.

¹⁶⁶See "Air Quality Implementation Plans: Basic Information about Air Quality TIPS, EPA: United States Environmental Protection Agency, June 30, 2023, <https://www.epa.gov/air-quality-implementation-plans/basic-information-about-air-quality-tips>.

¹⁶⁷Rupert Ross three books are, *Dancing with a Ghost: Exploring Indian Reality* (Reed Books Canada, 1992); *Returning to the Teachings: Exploring Aboriginal Justice* (Penguin Books, 1996); and *Indigenous Healing: Exploring Traditional Paths* (Penguin Canada, 2014).

¹⁶⁸The in-depth discussion of Navajo Peacemaking is discussed in detail in Marianne O. Nielsen and James W. Zion, *Navajo Nation Peacemaking: Living Traditional Justice* (Tucson: University of Arizona Press, 2005). This discussion goes further than the brief consideration of the Dine restorative justice experience in Harris, Sachs, Barbara Morris, et al, *Recreating the Circle*, Ch. 4, Section 2.

¹⁶⁹This is particularly the case in Ross, *Indigenous Healing: Exploring Traditional Paths*. There is also some

discussion of U.S. tribes bringing tribal adjudication and settling of disputes into harmony with traditional principles in, Harris, Sachs, and Morris, et al, *Recreating the Circle*, Ch. 4. Section 2.

¹⁷⁰On community renewal activity, Rick Wheelock reported to this author one instance, in which the Oneida Nation has been engaging in much revitalization activity including the public telling of the Great Law of Peace. On the teaching of members and some others of tribal tradition, for example see, Gross, *Anishinaabe Ways of Knowing and Being*, particularly Ch. 2, Part VI and Conclusion; D'Arcy Rheault, *Anishinaabe Mino Bimaadiziwin (The Way of a Good Life)* (Peterborough, Ontario, Debewin Press: 1999; and O'Brien, with Talamantez, *Religion and Culture in Native America*.

¹⁷¹Sachs, et al, *Honoring the Circle*, Stephen M. Sachs, Christina A. Clamp, and Donna K. Dial, Volume III, Chapter 6, "Returning to Reciprocity: Reconceptualizing Economics and Development," "Section I: Reconceptualizing Economics and Development."

¹⁷²This Afghani case was discussed in Professor Morton Kaplan's introduction to an international politics class at the University of Chicago in the spring of 1961. It was also confirmed and elaborated on in a discussion with an Afghani who had lived near the dam site. What is presented here was previously published in, Sachs, et al, *Honoring the Circle*, Stephen M. Sachs, Christina A. Clamp, and Donna K. Dial, Volume III, Chapter 6, "Returning to Reciprocity: Reconceptualizing Economics and Development," "Section I: Reconceptualizing Economics and Development," in the discussion of "Narrow Approaches to Development."

¹⁷³Harris, Sachs, Morris, et al, *Recreating the Circle*, Ch. 5, Section 1 on economic development. On the February 2026 House subcommittee hearing, DoNovan Quintero, "Congress hears calls to overhaul tribal economic programs as RES 2026 nears." *Navajo Times*, February 26, 2026.

¹⁷⁴"Native American Housing Assistance and Self-Determination Act of 1996," *Wikipedia*, September 17, 2025, https://en.wikipedia.org/wiki/Native_American_Housing_Assistance_and_Self-Determination_Act_of_1996; and Roger Biles, 2000. "Public Housing on the Reservation." *American Indian Culture and Research Journal*, Vol 24, No. 2, pp. 49–63.

¹⁷⁵The application of Indigenous Values, with many successful examples using contemporary methods, for the improvement of current societies in politics, economics, dealing with the environment and education is discussed at length in Sachs, et al, *Honoring the Circle*, Volumes III and IV.

¹⁷⁶For example, see Lewis Henry Morgan, *League of the Iroquois* (Secaucus, NJ: Carol, 1996).

¹⁷⁷See for example, Karl N. Llewellyn and E. Adamson Hoebel, *The Cheyenne Way* (Norman: University of Oklahoma Press, 1941) and George Bird Grinnell, *The Cheyenne Indians: Their History and Ways of Life*, Volume I (Lincoln: University of Nebraska Press, 1972), Particularly, "Tribal Government."

¹⁷⁸Sachs, et al, *Honoring the Circle*, Volume I, Chapter 2, with many references to earlier sources.

¹⁷⁹Sachs, et al, *Honoring the Circle*, Volume I, Chapter 3, with many references to earlier sources.

Appendix: Changes to the Navajo Nation Draft Constitution as of February 23, 2026, [https://ongd.navajo-nsn.gov/Portals/0/Homepage%20Webpage/02-23_2025_MostRecent%20Latest%20Working%20Draft%20Constitution%20\(005\)50.pdf?ver=nxmLyNJ48V6WSLZS0Bo5g%3d%3d](https://ongd.navajo-nsn.gov/Portals/0/Homepage%20Webpage/02-23_2025_MostRecent%20Latest%20Working%20Draft%20Constitution%20(005)50.pdf?ver=nxmLyNJ48V6WSLZS0Bo5g%3d%3d):

List of Sections of the Constitution

Preamble We are the Diyin Nohookáá Diné'é

Article I Beehaz'áanii - Source Of Governmental Authority Article II. Diyin Nohookáá' Diné'é Bil Haz'áanii - Navajo Nation

Article III. Hózhóójí Bee Nahaz'áanii - Rule Of Law

Article IV. Nihi Diné'é - Tribal Members And Citizens Article V. K'é – Duties

Article VI. Treaty And Collective Rights Article VII. Individual Freedoms and Rights Article VIII. Investor Bill Of Rights

Article IX. Kéyah Bi Beehaz'áanii- Land Tenor System

Article X. Dine' Hózhóójí Bah Naahat'á - Navajo Nation Government Article XI. Elections – Representative Governance

Article XII. Naat'áanii Of the Dine' Hózhóójí Bah Naahat'á Article XIII. Right To Exclude

Article XIV. Beehaz'áanii Baa Áhoyá' nííjí Báhooghan – Stability Power Article XV. Beehaz'áanii Hadilnehíjí Báhooghan -

Legislative Power Article XVI. Beehaz'áanii Bee Na'anishíjí Báhooghan - Executive Power Article XVII Beehaz'áanii Bee

Nahwhii'tahíjí Báhooghan - Judicial Power Article XVIII Home Rule & Local Governance

Article XIX. Chief Executive Officers

GOVERNMENT SERVICES – Appointed Positions with Confirmation subject to Recall by People

1 Chief Fiscal Officer - (Investments, Economic Forecast, Set Interest Rates)

2 Chief Revenue Officer - (Tax, fines, fees, assessments)

3 Executive Management & Budget Officer

- 2 -4 Chief Accounting & Records Officer

5 Chief Auditor & Inspector

6 Chief of Government Services & Property

7 Chief Environmental Protection & Enforcement Officer

8 Executive Energy Officer

9 Chief Of Commerce (Indian traders & business registration, commerce stats, promote business activity)

10 Chief Labor Officer

11 Department of Personnel

12 Office of Legislative Counsel

13 Office of Legislative Services

14 Navajo Nation Code Recorder
 CHAPTER SERVICES – Elected Position subject to Recall by People 15 Local Governance Administrator
 PEOPLE SERVICES – Elected Positions subject to Recall by People
 16 Secretary of the Navajo Nation
 17 Chief Legal Officer
 18 Chief Human Rights Officer
 19 Chief of Public Safety
 20 Chief of Public Health and Medical Services
 21 Executive Education Officer
 22 Executive Human Services Officer
 23 Land Commissioner
 24 Water Engineer
 25 Chief Natural Resources Officer
 26 Shareholder Representatives
 27 Chief Agriculture Officer
 3 -28 29 30 31 Chief Cultural Heritage & Language Preservation Officer
 Chief Of Design, Engineering & Standards Officer
 Chief Of Transportation & Roads
 Chief Public Services Regulatory Officer 32 Anti-Corruption in Government
 Article XX Amendments

Changes from the original draft are in **Bold**. Where only section numbers are changed only enough text is included to identify the topic.

Art IV

C. Children born to any enrolled member of the Navajo Nation shall automatically **Diyin Nohookáá be recognized** as Dinéé and shall be enrolled, provided they are at least one-fourth degree Navajo blood.

§ 506. Duty to Maintain Property

To maintain and care for their property, real and personal, and their livestock and animals to prevent damage and harm to all Diné (**All beings**) and their property.

§605. The Navajo ceremonial rituals of Hózhóójí, Hashkééjį, Hóch’ó jí and Naayéé’ji shall not be recorded or performed for commercial purposes, public display or public entertainment,

§605. Laws by Initiative

§606. Real Property

Aboriginal title to Navajo lands and the **reserved right** to Use and Occupy **Navajo** land is vested in the Diné. By the Treaty of 1868, the Navajo **trust** lands are set apart for the use and occupation by the Navajo tribal members without approval, grant or license from any entity or source. The legal incidents associated with the Right of Use and Occupancy, including water rights, mineral rights, timber rights and the skies is vested in the Navajo people.

§607. Natural Resources

The natural resources of **the Navajo Nation trust lands in trust** are vested in and belong to the Diné, however, no individual is entitled to utilize, develop, claim or sell more resources than necessary to maintain their personal household without a permit or authorization from the governmental entity responsible for managing that resource.

§608. Subsurface Minerals Revenues

All revenues derived from the subsurface natural resources of the Navajo people’s trust lands shall be held in common and managed for the common benefit of the Navajo people. The Navajo Nation Chief Fiscal Officer shall establish a trust fund which shall be managed by contracted fund managers for the Navajo people for the purpose of investing, accounting and expenditure of the funds. Priority for the expenditure of such funds shall be for **community** infrastructure development and construction, operation and maintenance of such infrastructure, demolition and removal of dilapidated facilities, removal and control of noxious and **invasive** weeds and trees and removal and control of invasive, feral and wild animals. **A If sufficient funds are available,** a per capita distribution to the Diné **enrolled Navajo tribal members** is also authorized **once a year,** however, the fund shall not be depleted on a regular basis.

§609. Business Revenue

All dividends and other distributions derived from the Navajo people’s corporations and business entities shall be held in common and managed for the common benefit of the Navajo people. The Navajo Nation Chief Fiscal Officer shall establish a trust fund which shall be managed by contracted fund managers for the Navajo people for the purpose of investing, accounting and expenditure of the funds. Priority for the expenditure of such funds shall be for **community** infrastructure development and construction, operation and maintenance of such infrastructure, scholarships for education and general welfare of the Navajo people. A per capita distribution to the Diné **Shareholders** is also authorized **once a year,** however, the fund shall not be depleted on a regular basis.

§610. Nature of Public Office

Any public office and/or **title of any** elected **official position** belongs to the Navajo people and is not a property right of the elected person. The Navajo people reserve the right to remove any **public elected** official from office by the recall initiative procedure with a majority vote of the eligible voters in the event such official loses the public trust and confidence.

§611. Preference in Employment and Business Contracting

Affirmative action in support of Navajo or other Indian preference in employment and business contracting or otherwise necessary to protect and support the rights of Navajo People to economic opportunity within the jurisdiction of the Navajo Nation, shall not be abridged by any provision herein nor otherwise be denied.

§612. Education

A. The Navajo Nation Government shall make laws for the establishment and maintenance of a system of public schools, which shall be open to all the children of the Navajo Nation and be free from sectarian and political control and no religious organization shall promote or teach their beliefs in the public schools. The schools shall provide a curriculum which includes Navajo language, Navajo culture and history, financial literacy and citizenship under this Diné Bi Beehaz'áanii.

B. The Navajo Nation Government may make laws to enable the establishment of **daycare centers, preschools**, private schools, colleges and universities, trade schools and other institutions of learning.

§613. Hunting and Herbs

The treaty right to hunt and gather **herbs** by tribal members for subsistence and ceremonial purposes is a fundamental right of the Navajo people but may be regulated within the exterior boundaries of the Navajo Nation to ensure and preserve species of wild game and native plants for current and future generations.

Article VII. Individual Freedoms and Rights

The Dine' Hózhóójí Bah Naahat'á (Navajo Nation Government) shall not pass any laws, regulation, policy or otherwise take any action which infringes on the freedoms and rights of the Diyin Nohookáá Diné or its citizens **as provided herein**.

§ 701. Right to Choose and Decide

A. The Diné retain **have** the right to freely think and live according to the dictates of their conscience and to choose and make personal decisions regarding medical treatment for their body.

B. **The Diné have the inherent right to marry according to their cultural, traditional, religious or civil practices. The Navajo Nation government shall recognize the following marriage ceremonies;**

1. Traditional wedding basket wedding

The Navajo wedding basket ceremony shall be recognized as entrusted to the Diné by the holy deities and is reserved for a marriage between a man and a woman;

2. Faith Based Wedding

- 12 -A faith-based wedding ceremony performed by a pastor, bishop, medicine man or other religious authority shall be recognized;

3. Civil Union

i. Civil Marriage;

ii. a civil marriage performed by an authorized governmental official;

iii. Same Sex-Marriage;

4. Common Law Marriage

i. Elopements;

ii. Full Faith and credit to other jurisdictions;

5. Same Sex- Marriage

All persons, who are consenting adults have a right to choose a person of choice for a civil marriage which shall be recognized by the government.

6. The Beehaz'áanii Hadilnehíjí Báhooghan may authorize additional marriage ceremonies by legislative enactments.

7. The Diyin Nohookáá Diné may authorize and recognize additional marriage ceremonies by an initiative.

§ 702. Freedoms

C. Personal information of Navajo tribal members and Navajo citizens including bank records, annual income, home address, social security numbers, census numbers, medical records and marital status is not public information and shall not be made public by the Navajo Nation government or through artificial intelligence.

§708. Crime Victims

B. Victim of sexual abuse, rape, criminal sexual penetration, human trafficking, slavery and domestic abuse shall have access to and be provided **temporary** safe havens **if testifying against a relative**, and retain their individual right to determine medical treatment, professional therapy and aftercare.

§713. Cruel and unusual punishment; excessive bail and fines

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted. **Every**

person has a right to post bail within forty-eight hours after being detained for a criminal matter and prior to a criminal trial provided, they abstain from any contact with any victim(s) during pretrial release.

§715. Taxes

- 15 -A. There shall be no taxes on the elements that sustain life including the air, water, fire (shelter) and nutrients for human consumption and **Navajo ceremonial rituals of Hózhóójí, Hashkééjí, Hóchq' q' jí and Naayéé'ji.**

B. family.

There shall be no tax on one **primary private structure used as a residence and shelter** by each

C. In the event an income tax is implemented, the tax shall not be greater than ten percent (10%) of the gross annual income of each individual taxpayer, however, this limitation shall not apply to any person engaged as a business proprietor or a business entity.

D. There shall be no income tax on any gratuity paid to a food or beverage server in a retail outlet **or an itinerant vendor who does not occupy a permanent retail outlet.**

Article VIII. Investor Bill of Rights

§805. There shall be no impairment of **valid and binding** contracts by legislative or executive action.

§812. To manufacture, generate, process, grow, transport, distribute and market their products and services into the **local and global** markets.

§817. Not be overburdened with taxes or tariffs which prevents an investor from being competitive in the **local and global** markets.

Article IX. Keyah Bi Beehazani - Land Tenor System

§901. **Aboriginal Title or ownership and Recognized Title** of Navajo trust or restricted lands shall be held in common by the Diné and/or the Navajo Tribe of Indians for the benefit of all living enrolled members of the Navajo Nation. The Diné own 100% of the trust or restricted interests in Navajo lands held in common by the Diné. No individual tribal member has an alienable or inheritable interest in the communal holdings or any vested property right that would permit claims to partition the tribal estate. **[In - 18 -2. 3. 4. Johnson v. M'Intosh, 21 U.S. (8 Wheat.) 543 (1823) the United States Supreme Court declared "the original inhabitants are admitted to be the rightful occupants of the soil, with a legal as well as just claim to retain possession of it, and to use it according to their own discretion."]**

§902. **Currently, the United States Government holds Title and has preempted the Navajo's aboriginal title to alienate Navajo Lands, therefore, the Navajo Nation President, Land Commissioner and Chief Legal Officer are authorized to lobby Congress and seek to obtain title to Navajo Trust Lands to be held as restricted fee lands by the Navajo Nation Government for the benefit of all living enrolled members of the Navajo Nation. [In Johnson v. M'Intosh, Id, the United States Supreme Court determined; "but their rights to complete sovereignty, as independent nations, were necessarily diminished, and their power to dispose of the soil, at their own will, to whomever they pleased, was denied by the original fundamental principle, that discovery gave exclusive title to those whom made the discovery.]**

Title shall be obtained pursuant to the following stipulations;

1. The Navajo Nation Government shall hold recognized title to Navajo restricted fee lands in trust for the benefit of all living enrolled members of the Navajo Nation;

Navajo people will be vested with a right to use and occupy Navajo restricted fee lands;

There will be no federal, state or tribal taxes imposed on the tribal estate;

Navajo's right to exclude shall preempt state law, regulation and taxes from being applicable within the exterior boundaries of the Navajo Nation.

§903. In Article II of the Treaty of 1868, the United States agreed that the Navajo reserved lands is hereby, set apart for the use and **occupation of occupancy by** the Navajo tribe of Indians, and the United States agrees that no non-Navajo persons shall ever be permitted to pass over, settle upon, or reside in, the territory described in this article, without the consent of the Diné. Such right to use and occupy **shall be**

converted to fee simple title and ownership by the Navajo tribe of Indians as soon as possible is reserved by our Navajo ancestors for the use and occupancy of future generations of Navajo people.

§904. **The Navajo Nation Government may hold title to Navajo restricted fee lands in trust for the benefit of all living enrolled members of the Navajo Nation, but right to use and occupy with all its legal incidents are hereby vested in the Diyin Nohookáá Diné. The right to consent to the use of Navajo lands by non-Navajos shall be vested in the family trust or other Dine' with a right to use and occupy the subject lands.**

§902 5. No Navajo lands shall be managed, leased, permitted, conveyed, or assigned in any manner which is inconsistent with this Land Tenor System.

§906. The Diné consent to the following land use priorities in the order presented:

§907. Navajo lands, currently held in trust and in common shall not be sold, deeded or transferred without the consent of Diné as herein provided....

§908. The right to use and occupy Navajo lands with all its beneficial incidents including,...

§908. The right to use and occupy Navajo lands with all its beneficial incidents including,...

§909. The right to use and occupy a parcel of land for a homesite by each individual Diné is a birthright...

§910. The extended family or family clan with a recognized customary use area and/ or a right to use and occupy a recognized area by their community may establish a Family Trust...

§911. The extended family or family clan with a recognized customary use area and/ or a right to use and occupy a recognized area by their community shall make decisions with extended family regarding the use and occupancy of their customary use areas...

-§912. The extended family or family unit/clan with a recognized customary use area may by a majority vote of the extended family or family unit/clan be recognized as having authority to provide consent to business site leases, permits and rights-of-ways...

§913. Upon the expiration or termination of a lease, right-of-way or other land conveyance...

§914. Any person who is using his or her right to use and occupy Navajo lands for illegal and unlawful activity...

§915. Allotments and fee lands retain the same status as existing before enactment of the Dine' Bi Beehaz'áanii.

§916. There shall be no trespass **actions against by** the Diné on tribal trust lands except in the immediate vicinity of home sites, business sites, mines, churches, schools, public works and municipal facilities.

§917. The right of Diné and Navajo tribal citizens to hunt big and small game, predatory animals, and nuisance animals...

§918. Subsurface mineral rights with all its beneficial incidents are vested with the Diné for the common use and equal benefit of all enrolled members.

§919. Navajo Nation forests, designated parks and monuments, religious sites, rivers and streams, lakes and reservoirs, irrigation projects shall remain as public property and shall be managed for the collective benefit of the Diné and future generations.

§920. The Navajo Nation Land Commissioner shall establish utility corridors for the common and collective use by any entity which provides utility services to the Navajo Nation.

§921. Human remains, including cremated ashes, must be buried in a community designated cemetery.

§922. Navajo trust or restricted lands may be sold, given as a gift, or bequest, or otherwise ...

§923. Business site Leases shall terminate according to the lease terms

§924. Any business site lease with environmental contamination shall be remediated...

§925. Any facilities built on leased trust lands which have been damaged or burned shall be removed and reclaimed by the lessee. A clean up or reclamation bond may be required of any person or entity.

§926. A Land claims court shall be established in Beehaz'áanii bee Na'whiit'ah Báhooghan to hear all land claims by the Dine', and if a claimant proves customary use and historical dominion by the claimant or immediate family, the court shall issue a decree to recognize the right to use and occupy the lands by the claimants.

Article XIX. **Department and Division Officers**

GOVERNMENT SERVICES- Appointed Positions with Confirmation to Recall by the People

§ 20 Chief of Police \$ Swat

D. Powers and Authorities

Duty to respond to crime and accident scenes as soon as possible and conduct timely investigations, collect evidence and complete reports within forty-eight hours of the incident.

Motor vehicle accident reports shall be finalized and made available to the involved parties no later than seven calendar days, unless extenuating circumstances are documented that require additional time beyond seven days.