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# Envisioning Familial Unit Governance for Communities of the Navajo Nation

A CAPSTONE PROJECT
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Since time immemorial, the Navajo people have lived by the teachings passed down through Diné Fundamental Law—unwritten, yet deeply rooted instructions that guide how we interact with one another. At the heart of this way of life are familial units, structures that predate any form of imposed government. We have always identified ourselves through our clans, which hold deep meaning and reflect our relationships with and responsibilities to one another. In this way, kinship K'é is more than just a social system; it is a way of life that teaches respect, humility, and the importance of community.

At its core, kinship K'é is also *a system for governance.* Unlike Western governing systems, in which titles may be assumed to be markers of leadership abilities and individuals may seek leadership roles for purposes of personal gain and material success, the Diné traditional way sees leadership status not as "power" but as the responsibility to care for and uplift the people. In a familial unit, no one is above another; we are equals, working together to maintain Hozhò–balance and harmony. That's why it is important for all generations, including our elders, youth, veterans, and those with disabilities to come together. Diné people don't need to have separate meetings but need a collective conversation involving everyone. This is how we ensure our values carry forward, that the younger generation learns, and that we continue thriving not from material things but from unity, understanding, and the strength of our relationships.

This is not how the Navajo Nation is governed today. Contemporary governance does not match this more fundamental political culture. In response, this paper considers what it might take to transition "back" to familial unit governance. In reporting and reflecting on conversations with community members who live close to the land, it examines how traditional values and lived experiences shape Navajo citizens' conceptions of and expectations for governance.

## Background on Contemporary Navajo Nation Governance

The Navajo Nation Government is structured similarly to the United States Government, with three branches of government: executive, legislative, and judicial. The Navajo Nation Council is the legislative body. Established in 1923, it presently consists of 24 delegates, whose duties are to enact laws, manage resources, and serve on committees, subcommittees, task forces, boards, and commissions established by the Council to address a wide array of issues within the nation. Together, the Council, the President of the Navajo Nation in the Executive Branch (including the various divisions within that administrative structure), and the Navajo Nation Judicial Branch (which manages dispute resolution among citizens and with outside parties) comprise the central government of the nation. It is based in Window Rock, the capital city of the Navajo Nation.

This central structure is complemented by the chapter system. The 110 chapters of the Navajo Nation, which are grouped into five geographically-determined administrative "agencies", are hubs of local communal discussion but have powers well short of governance. Chapters are largely field offices for services provided through the Executive Branch, house equipment for infrastructure projects, and are local sites for discussion of land use issues, grazing permits, and homesite leases. Community members are also able to voice their concerns and preferences in governmental matters via chapter meetings.

In 1998, the Navajo Nation Council enacted the Local Governance Act (LGA), which shifted some limited authorities to chapters, expressing the desire for local self-governance and self-determination but withholding independence to manage local affairs and finances. In particular, the LGA was intended to improve the performance of the Navajo government through more timely service provision and to help local communities build homes, parks, and schools. Describing the LGA, former Navajo Nation president Albert Hale noted, "LGA is about empowering Navajo communities and giving decision-making back to the people."[1] Nonetheless, more than a decade after the LGA passed, Navajo scholar Michelle Hale found "interest among Navajo chapters in LGA certification" filled with uncertainty concerning LGA as "the practical means toward expanded local control or local empowerment."[2] In other words, the reform may be a good idea in principle, but the Act requirements for chapters to go through a costly certification process before they can realize its limited benefits has not been encouraging. Ultimately, relatively few chapters have achieved certification, and while some function well with LGA, others do not. The situation creates doubts about the effectiveness of the LGA as a means for reforming local governance.

This paper–and the interview project that it summarizes–is aimed at envisioning local governance based on familial units. The goal of the people envisioning together is to break away from Western thought and look far beyond the present, to consider how to rebuild or arrange governance to reflect Diné people. Specifically, this paper does so by looking at a microcosm of Navajo families engaged in animal husbandry and asking how local government might be rooted in family units rather than the chapter system. Of note, in 2002, the Navajo Nation Council codified Diné Fundamental Law as the set of foundational principles on which all law for the Navajo people is based.

## Methods

In this paper I assisted Indian Country Grassroots Support through a University of Arizona, Professional Studies in Indigenous Governance Capstone Project in collecting qualitative responses from Navajo families with livestock across the reservation. I am a Navajo woman from Gallup New Mexico, and I am from the Manygoats clan born for Bitterwater. As a Diné researcher I am able to distinguish both the insider and outsider perspectives especially in the academic world, which creates a way for me to represent the Navajo Nation. My position is to approach this work with an open mind while foregrounding my Diné values. To fulfill what the community best needs, I traveled around the Navajo Nation to interview Navajo families with livestock. Most of the interviewees were either my relatives or personal acquaintances, which fostered a sense of trust and relationality in the research process. I scheduled interviews at interviewees' homes to gain firsthand insight in their community and to reduce traveling burdens. Half of the interviewees were not able to meet in-person but I was able to meet virtually.

The families' livestock ranged from sheep, cattle, and horses. Four Navajo families were located in New Mexico and five in Arizona. Each Navajo community has a chapter house, and

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[1] Quoted in Michelle L. Hale, *The Navajo Local Governance Act (LGA): A Help or Hindrance to Grassroots Self-Government?*, Indigenous Governance Database, Native Nation Institute,

[2] Michelle L. Hale, *The Navajo Local Governance Act (LGA): A Help or Hindrance to Grassroots Self-Government?*, Indigenous Governance Database, Native Nation Institute, 2008.

most locations were off of major highways. I interviewed nine people in total–six women and three men, plus additional family members sitting in. Five of my interviewees were above the age of 50, one interviewee was an 18-year-old high school senior, and the remaining three were in their late 20s. Only two of my interviewees and their families did not have a homesite lease; everyone else did.

Each of the interviewees had experience with livestock shaping their perspective. Navajo families with livestock actively engage with the everyday experience of caring for their animals, locating resources, and managing grazing areas. This engagement allows them to be aware of the ways local governance affects overall livestock operations. Their engagement with a traditional practice may also better position them to see the absence of familial units as a barrier to their desire for collective self-determination. This paper provides insight on how Navajo people feel about the current governing systems and transitions that thinking into envisioning a different way. I gathered and synthesized responses from Navajo families regarding concepts of self-determination and self-governance as well as their concerns about the current system.

The interview questions arise from the idea of applying Diné Fundamental Law in a local governance framework. They are aimed at gaining an understanding of how Navajo people feel about using familial units as a foundation for self-determination. By asking these questions we hoped to get a sense of what Navajo people think about this approach–whether they see it as a good idea, and what thoughts or concerns they might have. Finally, interviewees were invited to imagine a future where Navajo people can live and thrive in a community guided by family units.

## Interview Questions and Answers

According to Herb Yazzie former Chief Justice of the Navajo Nation, "what we need to think and create for ourselves, exercise our inherent self-governance, is a local autonomous model that can be entirely of our own envisioning." [3]To envision in this context is to imagine and mentally construct a system grounded in Diné Fundamental Law. Interviewees were to picture in their minds how such a government might look. Envisioning together is how we will further away from colonized thinking as a resistance act. This will move us closer to the original teaching our ancestors lived by.

This section raises the questions asked during the interviews, summarizes the answers from community members, and provides some direct quotations to emphasize key points.

### 1. What if the local unit of government were the familial unit and not the chapter? Can local government be run according to Diné Fundamental Law?

None of the interviews were familiar with the term Diné Fundamental Law until I explained it reflects K'é and Hozhò. After that they did their best to respond to the question. They shared that because Navajos are already in organized communities, a familial unit would only enhance community well-being. The interviewees based their answers on what they already

[3] Retired Chief Justice Herb Yazzie, "Call to Action," *Navajo Times*, July 11, 2022, https://dinelanduse.org.

know as familial units which allows them to organize themselves. They believe that younger generations will benefit from familial units if everyone supports one another.

Although familial units can be a balance for everyone, the initial perception is that this governance structure leads to nepotism, favoritism, greed, and division. Two interviewees pointed out that Navajo people's trauma needs to be addressed in order for us to move forward. Navajo people need to heal as it seems like every family has disputes and problems with one another. Navajo people are also in need of change in equality, collective decision making and a deeper connection to identity and culture.

- "These were laws set at the beginning of time."
- "It's Hozhò."
- "Familial units should not go to one person; it should be a collective and management together."
- "In a familial unit we must see each other as an equal."

**2. What should "government" mean for Diné people?**

What the government means to my interviewees is to ensure an equal voice for all community members. The government should listen, communicate and engage with people directly, and suggest home assessments in person. A government is fair, accountable, and equitable in decision making. The interviewees pointed out the importance of active participation from leadership officials in serving as the voice for the Navajo people. A government should be an accessible resource and offer better communication between all areas of the reservation. On the other hand, interviewees used this question as an opportunity to express their concerns, problems and feelings of not being heard within all government systems.

- "Government should mean how we want to live."
- "Upholding tradition."
- "I feel like there is no government."
- "We don't work well in policy that are imposed against us."
- "They need to come out and do some hands-on."

**3. What do you think will or will not work if we use local governments as familial units as our government structure?**

Interviewees shared that familial-unit based governance would work if grounded in community engagement where voice matters not just those in leadership positions. There was an emphasis on the representation and participation from the leaders when speaking on behalf of the Navajo people. Interviewees said that shared values will help rebuild relationships and encourage mutual respect. Most people said there is a need to train others on how to manage permits properly and where to locate resources so everyone can be on the same page. An interviewee described the concept of the "One Health theory," emphasizing the interconnectedness of animals, humans and the environment, and how recognizing this relationship can help improve the well-being of all three. They said that familial units will allow them to re-center the

community to Diné Fundamental Law values and in unity. Lastly there is a critical importance of educating families especially the youth about land, livestock, governance and Navajo cultural knowledge.

What won't work reflected the interviewees' awareness that Western governments' systems influence local governance. Interviewees said that an outside agenda hinders the desire for Navajos to come home along with family conflicts and the differing mindsets. The interviews pointed out that different visions create barriers making it difficult to make decisions that meet everyone's needs. There are challenges of division, power struggles and lack of participation. There also seems to be confusion about jurisdiction issues, creating additional layers of limitations.

- "If families are in unity, it will work... But if people don't participate, if they don't communicate or respect one another, it will fall apart."
- "Young people just get shut out, that is wrong."
- "Change is better than trying to fix something."
- "Benefit the people, not limit."

#### 4. Would the idea of familial unit-based local governance fit your hopes and dreams?

Interviewees provided relatively little information in direct response to this question. Primarily, they noted that they thought it would be possible, but that familial unit governance would take a lot of work and time. All interviewees expressed a need for unification emphasizing that it is up to the Navajo people to determine that. The interviewees were excited to reflect on this question believing it could lead to a better future. They said being structured in a familial unit could solve more problems than you think as Navajo people are known for supporting one another in times of need. These families spoke on their personal experiences in relation to raising animals on the reservation**.** The barriers and limitations they face shaped their responses when thinking about their hopes and dreams. Preserving the environment for their animals is very important to them. When facing hardship, they emphasized how they can always rely on their animals for support and survival.

- "Navajos don't just sit there and watch you suffer."
- "It's hard to envision a Navajo future if you don't have the basic necessities in life like money and even a car.
- "If there was local governance there will be no need for kids to go to foster care because we'll find a place for a child to go."
- "Your animals will teach you a lot, animals are healers."

Interviewees provided additional information relevant to this question indirectly–that is, in their responses to preceding interview questions. These indirect observations are more positive about the possibilities for familial unit governance. Some interviewees clearly showed that familial units are not only possible, but they are essential to strengthening the future of Navajo communities. With all the ongoing issues from the unresponsiveness and lack of communication

familial units can be the missing piece. Familial units will preserve traditions and embody how Navajos shape their identity and the relationships. One interviewee said," If only there was a law that respects the animals reflecting on the same respect from people," familial units will create that shift. Familial units teach K'é and kinship, both are Diné Fundamental Law.

The interviews have pointed out that in a more practical matter, familial units will create opportunities. Local employment can provide people with jobs, where people are hired to help each other and to take care of land. Child welfare matters can use familial units for children to stay in their own communities. Local governance can rely on the Navajo people with expertise, allowing them to share the knowledge from the outside world and apply it. It will bring people home, giving them a purpose. Another interviewee shared that every Navajo is knowledgeable in their own way and by coming together, supporting and guiding one another the community can find strength and empowerment from within. Whether it's from coming together to share food, organize trash pick-up or create a space outside of bureaucratic systems, familial units will give the opportunity to Navajos to build the best they can, they said.

## Additional Interview Data

The preceding section provided relatively succinct answers to the four questions asked in the community-member interviews. These answers were gleaned from the much longer and more involved discussions that were motivated by the interview questions. This additional information also sheds light on the overall question that motivated these grassroots conversations–whether or not the Navajo Nation could reinvigorate a more traditional system of family unit governance. The six topics covered below–issues with chapter house organization, the Nation's large land area and large population, land management concerns, youth knowledge, trauma effects, and leadership–offer details that help answer this question that the direct answers to the interview questions did not.

### Chapter houses

The interview questions did not ask people to give their impressions of or opinions about the chapter house structure. Nonetheless, many provided such feedback, below is a summary of key themes and quotes from the interviews. As pointed out above, in the description of contemporary Navajo Nation governance, chapters are the current form of limited local authority, and familial unit governance would be the alternative with less limitation. Thus, when interviewees spoke on familial unit local governance, they were not proposing an entirely new structure rather transforming the current system because it is ineffective. And, in fact, six interviewees had negative views about the Chapter houses in their community. Chapter houses often fail to provide the basic needs like funding and assistance to the people especially the livestock owners. People stop relying on chapter houses because of continued disappointments. The chapter house leadership has its internal conflicts of favoritism and nepotism which leads to overall distrust.

- "Lack of communication."
- "What's the point of going to a chapter house."
- "No assistance for livestock, limit of funds."
- "They are ineffective."

Chapter houses are in serious need of change. While each Navajo community is different, the chapter houses fail to meet the needs of the Navajo community. It's understandable that chapter houses juggle many responsibilities, but their actions affect the communities. One interviewee shared an experience how their chapter house missed important deadlines to allocate funding, resulting in delays in delivering services at reasonable times. It puts them and the community at risk in their situations. The concern to the interviewees is that chapter houses usually have no clear plans for how to care for the community and land creating confusion and frustration. One interview reflected, "we elect them because they're supposed to be good leaders, but they keep saying it is up to us." This back-and-forth of blame or who is doing what puts a pause on what needs to get done. Another pointed out how the same individuals have held leadership positions for decades, yet little has changed. Over time, most interviewees simply learned to live without relying on chapter houses. These patterns challenge the present local system structure and attempts at reform (i.e., the LGA), because they were intended to increase autonomy and improve decision making but failed. This makes the idea of familial units more necessary.

### Large land base, large population

The Navajo Nation land is home to many people, creating challenges. An elder interviewee reflected on this, pointing out the lack of nearby jobs has forced his children to move across the reservation or leave the reservation entirely to find work. He also said that even the closest border town with opportunities is still an hour or more away, also making commutes difficult. Multiple interviewees mentioned lack of veterinary care as there are only two vets in an agency one is an elderly volunteer. There are also enforcement and safety problems because there are not enough police officers to serve and protect such a large area. Navajo Nation police officers cover 100 square miles alone. The same goes for land management officers and grazing enforcement. Interviewees even raised the idea to split the Navajo Nation into two administrative regions similar to what the Apache have done to better manage resources and funds.

### Land management concerns

Land allocation and land-use rights are determined by the Navajo Nation government and the Natural Resource Department. Chapter houses' role is to review and approve land-use requests from the community. Grazing permits are often passed down from parent to child (through inheritance) or negotiated among extended family members, to maintain access to grazing land and to sustain responsibilities for livestock and land management. This division of responsibilities often gives rise to conflicts over land access and use. Other observers–including Ezra Rosser, a professor at American University who was raised on the Navajo Reservation – have made the same observation. Rosser also points to additional potential for conflict, arising from difficulties with title searches, overlapping grazing and customary rights, and the limited availability of land for community-based development.[4]

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[4] Ezra Rosser, "Right-Sizing Use Rights: Navajo Land, Bureaucracy, and Home," in *Creating Private Sector Economies in Native America: Sustainable Development through Entrepreneurship*, ed. Robert J Miller, Miriam Jorgenson, and Daniel Stewart (Cambridge University Press, 2019).

However, there is also a strong and urgent need to improve land and livestock management across the Navajo Nation as people struggle to meet their basic needs. Many interviewees expressed their frustrations because this directly affects their lives. According to an interviewee land management has remained the same as it did decades ago while everything else shifts with society. Back then, families were able to keep hundreds of livestock but now ever since the Navajo Livestock Reduction imposed by the federal government in the 1930s against the Dust Bowl, which eliminated over half of Diné livestock herds in extreme response to reports of overgrazing, families are limited in herd "tally counts" that have remained unexamined and unchanged for nearly a century. One interviewee noted that "the Navajo Nation can raise enough cattle to support all Navajo." For Navajos animals are a form of wealth and deserve respect because they provide structure, purpose and even peace of mind. Although ranch work is demanding work it keeps your mind of the chaos in the world.

One interviewee said the needs for Navajos are different from the Western world's. Decisions about land use and livestock should be in the hands of the people who live and work with the land everyday as expressed in interviews. Many people shared that there are responsibilities that come with taking care of animals, land and the environment. One said, "you can't just leave," as people have things to do. Grazing permits were mentioned to hold power creating barriers when help is needed, others added that having a permit shouldn't mean anything if it's not to benefit the community. People shared some negative experiences of unchecked wild horses, inter-permittee conflicts traced to overgrazing by others on their area, theft of livestock and that people just don't respect each other. There is lack of response when one interviewee described applying for services only to wait months and sometimes years of no follow up. These systems are slow, unacceptable and unhelpful. One person said, "To be eligible for things, you practically have to have no income," emphasizing how difficult these systems can be. Some people even have to cover unnecessary costs that they cannot work their way around.

Many interviewees suggested that leadership roles be open to those who are educated on caring for livestock and managing land. People dislike that permit holders are given to people who don't even live or work on the reservation. People proposed certification seminars and training of animal care including vaccinations and health. Intergenerational teaching was also mentioned as it consists of teaching younger generations about the connection between land, water, animals and culture. Another practical idea is creating land resource maps as a visualized tool to help locate shared resources and even danger zones to limit issues. Some felt that more grazing and local officials could help to handle the growing needs and concerns of communities.

### Youth knowledge

Responses to question one especially showed the confusion of what Diné Fundamental Law is and if it were to be explained in a local government context. The question itself combined two big topics of understanding the law and applying it, resulting in short answers. The unfamiliarity had people thinking on negative aspects because it's easier to critique something that's not well understood. This also made it difficult for interviewees to respond in depth. Even people working and living on the ground might not fully grasp what Diné Fundamental Law is, partly due to loss of language, partly due to practicing familial units having dispersed.

Interviewees shared their thoughts on this topic of how young Navajos are not taken seriously. Even the youngest interviewee had nothing good to say about how the Navajo Nation operates. The youth tend to be shut out and not listened to. One individual who is half Pueblo even compared the governance system and provided ideas on how Navajo Nation can improve. In the sense of community, the interviewee stated that the Navajo Nation needs to be more community-centered, using meaningful programs and youth councils, to invest in the children like Pueblos.

### Trauma effects

Trauma, especially in Navajo communities can have deep and long-lasting effects that extend across generations. In relation to the interviewee's experiences are rooted in the Navajo-Hopi Land Settlement Act forced relocation, boarding schools, suppression of Navajo identity, child welfare matters and poverty. This has disrupted and weakened the sense of trust in the community. Trust in particular is a key component that must be continually nurtured as one explained. Restoring trust requires cultural grounding in traditional knowledge including Diné Fundamental Law. Healing and relationship building are essential to overcoming these traumas. Dispute resolution and peacemaking can also play a vital role when individuals confront issues with each other. Hozhò and respect are important for reshaping communities and strengthening self-determination and governance.

### Leadership

Many interviewees expressed frustration due to the absence of leadership in fulfilling duty. The concerns are how unreachable leaders are and the resulting difficulty for communities to address real problems on the ground. While colonization has shaped the current system and not all the blame can be the leaders, the lack of communication and action still falls on those in power. Interviewees mention how the president and delegates often tell people what to do without actually knowing what is going on. Interviewees suggested improving the relationship between agencies and assigning one or two representatives from each community to regularly check in with Window Rock as a direct line between the capital and community.

## Discussion/Analysis/Conclusion

Envisioning local governance that aligned more closely with Diné Fundamental Law was not easy for everyone–but largely due to a lack of understanding of Diné Fundamental Law. Additionally, those who struggled to envision were not necessarily opposed to it, they just could not find it realistic. I was able to draw out generalizations from the interviews. Six people were able to envision a governance system based on familial units and DFL, while 3 people could not. Six people demonstrated an understanding of DFL, 3 did not. Out of 9 interviews, 4 interviewees were primarily positive responses, while 5 were negative in their responses.

One of the main reasons people are disconnected to DFL is because it is not consistently practiced within the community. The Navajo Nation is not in the position where familial units would work nor in an environment that allows them to thrive in a way that reflects Navajo values. It's not that people are unaware of DFL, it just hasn't been integrated into daily life structures. All interviewees showed themselves to be thoughtful, aware and connected to what's

happening in their communities. As one interviewee stated, “we have the knowledge.” It’s there, it just needs to be valued.

In 2002, the Navajo Nation Council codified DFL in Title 1 of the Navajo Nation Code, affirming the primacy of Diné Fundamental Law in the governance of the Navajo Nation. It’s stated in the Navajo Nation Code that the Navajo Nation is “greatly concerned that knowledge of these Fundamental Laws is fading, especially among the young people.” The Council recognized at the time the critical role of educating when making the resolution come to life and the need for education to preserve language, culture, traditions and history. Our children are to be honored and knowledge is power for Navajo children to shape the future and growth of the Navajo Nation. Many interviewees reinforced that education is essential but noted that it hasn't happened at the scale needed to make familial unit governance effective. Without this, it is difficult for Navajo individuals and families to meaningfully engage in the “envisioning” process that Herb Yazzie et al. have noted is necessary for really living in governance via familial units.[5]

Familial units have the potential to be successful, but the current governance is not yet in a place where familial units can pursue being generationally intact, let alone self-govern. For this to work, everyone needs to be on the same page, leaders, local officials, ranchers, permit holders, grazing officers and the community members. As the Navajo Nation Code reminds us, “It is the duty of the Nation's leadership to preserve, protect and enhance the Diné way of life and sovereignty of the people.” The Navajo Nation leadership must take the first step and open the door to familial unit governance while the community continues to educate and empower themselves. Navajo people are ready, the knowledge is there. The current governance system simply needs to trust and support them, so they can lead the way.

[5] Retired Chief Justice Herb Yazzie, “Call to Action,” *Navajo Times*, July 11, 2022, https://dinelanduse.org