

ASSESSING RACE RELATIONS

BETWEEN NAVAJOS AND NON-NAVAJOS

2008 - 2009

A REVIEW OF BORDER TOWN RACE RELATIONS



NAVAJO NATION
HUMAN RIGHTS
COMMISSION





LETTER OF TRANSMITTAL

July 2, 2010

Hon. Joe Shirley, Jr., *President*
Hon. Ben Shelley, *Vice-President*
The Navajo Nation
Window Rock, Navajo Nation (AZ)

Hon. Lawrence T. Morgan, *Speaker*
Hon. *Members*
The Navajo Nation Council
Window Rock, Navajo Nation (AZ)

Hon. Herb Yazzie, *Chief Justice*
The Navajo Nation Supreme Court
Window Rock, Navajo Nation (AZ)

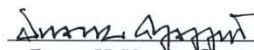
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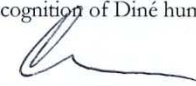
The Navajo Nation Human Rights Commission has the honor to submit to the Diné bi naat'á (government) the public hearing report entitled "*Assessing Race Relations between Navajos and Non-Navajos: A Review of Border Town Race Relations.*"

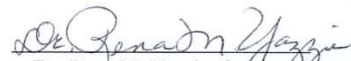
The Diné have long desired a review of their relations with other peoples and how other peoples relate to them. In this report, the Commission provides a summary of its findings, a comprehensive overview of the testimony provided by Diné and non-Diné individuals, recommendations providing ways to initiate the elimination of racism with the ultimate goal to inspire respect, integrity, and recognition of the diversity among peoples.

Diné bi naat'á must take the lead role in addressing the multiplicity of the issues raised by the individuals that presented testimony during the course of ten months of public hearings.


With great esteem, we have the honor to advocate for the protection and recognition of Diné human rights,


Duane H. Yazzie, *Chairperson*


Clarence Chee, *Vice-Chairperson*


Dr. Rena M. Yazzie, *Secretary*


Steve Darden, *Commissioner*


Irving Gleason, *Commissioner*

**RESOLUTION
OF THE
NAVAJO NATION HUMAN RIGHTS COMMISSION**

Approving the Public Hearing Report Entitled “Assessing Race Relations between Navajos and Non-Navajos: A Review of Border Town Race Relations”

WHEREAS:

1. Pursuant to 2 N.N.C. § 920, the Navajo Nation Human Rights Commission (herein referred to as the “Commission”) is established in the Legislative Branch as an entity of the Navajo Nation government; and
2. Pursuant to 2 N.N.C. § 921, the Commission is organized to operate as a clearinghouse entity to administratively address discriminatory actions against citizens of the Navajo Nation, and to interface with the local, state, federal government and with national and international human rights organizations; and
3. Pursuant to the Plan of Operation adopted by Resolution CJN-15-08, one of the purposes of the Commission is conduct public hearings in/near border towns to assess the state-of-affairs between Navajos and non-Navajos; and
4. The Commission conducted twenty five (25) public hearings in and near the border towns surrounding the Navajo Nation from December 2008 through September 2009. The public hearings were advertised in the local newspapers and local radios in advance in order to attract Navajos and non-Navajos to present testimony to the Commission on their views of race relations in their respective border towns; and
5. The Commission finds that it is vitally important to emphasize that the spoken words are sacred. While the United States Constitution holds the freedom of speech as a sacred right, the Navajo Nation Supreme Court, in the matter of *Navajo Nation v. Crockett*, No. SC-SV-14-94, stated that speech should be delivered with respect and honesty. This requirement arises from the concept of k’e, which is the “glue” that creates and binds relationships between people. It is with this frame of reference that the Commission listened and talked to the presenters during its public hearings, and formulated the report, attached hereto as Exhibit “A”, entitled “*Assessing the Race Relations between Navajos and Non-Navajos: A Review of Border Town Race Relations*”.

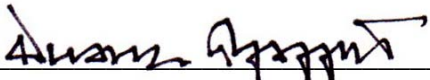
NOW THEREFORE BE IT RESOLVED THAT:

1. The Navajo Nation Human Rights Commission hereby approves and adopts the public hearing report entitled “*Assessing the Race Relations between Navajos and Non-Navajos: A Review of Border Town Race Relations*”, attached here to as Exhibit “A”.

2. The Navajo Nation Human Rights Commission further authorizes the Office of Navajo Nation Human Rights Commission to submit the public hearing report, attached hereto as Exhibit "A", to the Navajo Nation Council for presentation at the 2010 Summer Session.
3. The Navajo Nation Human Rights Commission further authorizes the Office of Navajo Nation Human Rights Commission to publicize the public hearing report on the Commission web-site and make it available for public inspection, distribution and duplication at the Office of Navajo Nation Human Rights Commission, provided that sufficient funds are available to cover the costs to duplicate the report.

C E R T I F I C A T I O N

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Human Rights Commission at a duly called meeting at St. Michaels, Navajo Nation (AZ), at which a quorum was present and that same was passed by a vote of 4 in favor, and 0 opposed, this 2nd day of July, 2010.



Duane H. Yazzie, *Chairperson*

NAVAJO NATION HUMAN RIGHTS COMMISSION

ASSESSING RACE RELATIONS BETWEEN NAVAJOS AND NON-NAVAJOS

A REVIEW OF BORDER TOWN RACE RELATIONS

July 2, 2010

Submitted by
Commissioner Duane H. Yazzie, Chairperson
Commissioner Clarence Chee, Vice-Chairperson
Commissioner Dr. Rena Yazzie, Secretary
Commissioner Steven Darden
Commissioner Irving “Ervin” Gleason

The Report Assessing Race Relations Between Navajos and Non-Navajos is prepared for the purpose of providing information and consideration to the Navajo Nation Government, Federal and State agencies, private and business entities and all other interested parties. Statements and viewpoints in this report should not be attributed to the Navajo Nation Human Rights Commission but only to the participants at all community forums. The findings and recommendations in this report are contributions composed by the Commission and the staff.

PREFACE

Discrimination, while denied by many, difficult to document and poorly protected against by the legal system, has been with mankind since oldest of times. It is an ancient monster that will thrive among mankind as long as it is not collectively acknowledged and eliminated. For that reason in 2006 the Navajo Nation Council (Council), pursuant to 2 N.N.C. §§ 920 *et seq.*, established the Navajo Nation Human Rights Commission (Commission) and directed the Commission to immediately assess border town race relations, educate Navajo citizens on civil and human rights, assist Navajo citizens with discrimination complaints and work with other tribal, federal, state, local and international civil and human rights organizations.

In retrospect it was necessary the Council open the forbidden doors barring candid discussion of racism or other human rights violations. The public hearing process provided individuals a safe forum to talk about personal experiences or observations regarding border town racism. Many Navajo citizens expressed appreciation for the Commission's establishment. Community relationships and personal friendships are developing promoting diversity, cultural understanding and racial harmony.

This report describes the process used to assess border town relations, provides a summary of the testimonies, identifies various issues and the Commission's findings and offers recommendations to improve border town race relations. Those testifying were asked to sign-in, complete a short testimonial request form and wait until called upon to address the Commission. Consequently, the Commission heard a number of very serious allegations that seemed to repeat in many of the border towns. The Commission also heard issues that were not directly related to race discrimination. However, out of respect for each individual's strength and courage the Commission listened sincerely and recorded every allegation.

The Commission expected to see and hear more from the most vulnerable group of Navajo relatives who choose to live among the homeless outside the territorial jurisdiction of the Navajo Nation, the Navajo "street people." Some of these relatives are veterans who may suffer from Post Traumatic Stress Disorder or other disabilities. Some may be homeless by choice because they reject what society offers. Others may be silently coping with historical and intergenerational trauma caused by paternalistic colonial and federal assimilation policies. The City of Farmington states it has documented eight hundred (800) "street people" in their community alone. While there was very little testimony from "street people" the Commission must and does believe that these relatives are abused in one respect or another because of the large number of homeless, their vulnerability and the anecdotal information presented at the public hearings.

The Commission distributed complaint forms at each hearing. Individuals who testified were reminded to submit a complaint if they wanted a formal response or action to be taken. If a complaint was submitted the Commission would provide the complaining party information on available options and resources, made recommendations, referrals or provided direct assistance and monitor the issue to its conclusion. Of course, the Commission also heard pleas to the Holy People to repeal the Navajo-Hopi Land Settlement Act of 1974 (PL 95-531) and to prevent the

use of “wastewater based artificial snow” on the revered Dook’o’osliid, (San Francisco Peaks). Respectfully, the Commission assured the participants that it was an honor to advocate on their behalf and was committed to support and advance the protection of their human rights as Navajo.

ACKNOWLEDGEMENTS

The Commission offers heartfelt gratitude to those who made the public hearings possible. This huge undertaking could not have been accomplished without the generosity and hard work of countless public officials and government employees from the Navajo Nation, Navajo Chapters, federal, state, county, and city governments, local business and concerned citizens. Thank you for opening your hearts, minds and ears and sharing your communities, your facilities, your hospitality and your invaluable commitment to work together to identify and eliminate racism and other human rights violations. We know there are many good friends and relatives in the border towns that we can call upon to help continue building a better world that embraces diversity for our children's children and those following them. Special **thanks** to the following organizations:

Northland Pioneer College – Holbrook and Winslow Campuses – Holbrook, Arizona and Winslow, Arizona; Flagstaff City Council – Flagstaff, Arizona; LeChee Navajo Chapter – LeChee, Navajo Nation (AZ); Quality Inn – Page, Arizona; Bluff Community Center – Bluff, Utah; College of Eastern Utah – Blanding, Utah; Cortez City Council – Cortez, Colorado; Durango Public Library – Durango, Colorado; San Juan County Complex– Aztec, New Mexico; Bloomfield Cultural Complex – Bloomfield, New Mexico; Nenahnezad Navajo Chapter - Nenahnezad, Navajo Nation, (NM); Sycamore Community Park– Farmington, New Mexico; Torreon Navajo Chapter- Torreon, Navajo Nation (NM); Albuquerque Indian Center, Inc. – Albuquerque, New Mexico; Alamo Navajo Chapter – Alamo, Navajo Nation (NM); Tóhajiilee Desidero Center – Tóhajiilee Navajo Nation, (NM); Grants City Council – Grants, New Mexico; Gallup City Council – Gallup, New Mexico; Ramah Chapter – Ramah, Navajo Nation (NM); Churchrock Navajo Chapter – Churchrock Navajo Nation, (NM); Nahatá Dziil Navajo Chapter – Nahatá Dziil Navajo Nation, (AZ); St. Johns County Commission – St. Johns, Arizona; Mesa Public Schools – Student Services Building – Mesa, Arizona; and, Native American Connections – Phoenix, Arizona

The Commission also thanks the individuals who bravely came forward and testified at one or more of the twenty-five public hearings. Each of you stepped through a “forbidden door” not just for yourself but your family, your community and your people as you shared your personal experiences and observations so that our eyes could see the monster who roams our communities with acts of racial discrimination and racially motivated violence. However, as sophisticated as this monster maybe it was through your voices that we are able to shed some light on this social aberration. Through education, hard work and dedication we can move forward as partners to identify and eliminate this monster. On behalf of the Navajo Nation government, the Diné, and the Commission we extend our sincere appreciation to you. Ahéhee’.

Finally, the Commission thanks the Office of the Navajo Nation Human Rights’ staff for their unwavering commitment to plan, schedule and organize the public hearings; for compiling, reading and analyzing the testimony and supporting documents, and configuring the data received at the public hearings; and for drafting the report as presented. Your arduous work and the commitment to advance the Navajo Nation and its people are commendable and noteworthy of global recognition. Thank you.

Table of Contents

I.	Executive Summary	xi
II.	Introduction	1
	a. The Diné Emergence: The Dawn of a New Nation	1
	i. <i>The Diné Emergence</i>	1
	ii. <i>The Arrival of the European</i>	2
	iii. <i>The First Forced Relocation - The Long Walk</i>	2
	iv. <i>The Rise of the Modern Navajo Government – The Greatest Indian Nation Since Pre-Columbian Times Government</i>	3
	b. The Fatal Shooting of Clint John and Tony J. Clah	4
	i. <i>Clint John</i>	4
	ii. <i>Tony J. Clah</i>	4
	iii. <i>The Public Outcry and the Establishment of the Navajo Nation Human Rights Commission</i>	4
	c. The Commission’s Mission Statement	5
III.	Standards and The Public Hearing Process	6
	a. The Standards for Assessing Border Town Race Relations	6
	b. The Commission’s Public Hearing Process	7
	i. <i>Selecting the Hearing Locations and Sites</i>	7
	ii. <i>Publication of the Hearing Date, Time, Location and Site</i>	7
	iii. <i>The Commission’s Rules for Conducting Public Hearing</i>	7
IV.	Public Hearing Summaries	9
	➤ Holbrook, Arizona	9
	➤ Winslow, Arizona	10
	➤ Flagstaff, Arizona	11
	➤ LeChee, Navajo Nation (Arizona)	15
	➤ Page, Arizona	15
	➤ Bluff, Utah	18
	➤ Blanding, Utah	21
	➤ Cortez, Colorado	22
	➤ Durango, Colorado	28
	➤ Aztec, New Mexico	30
	➤ Bloomfield, New Mexico	30
	➤ Nenahnezad, Navajo Nation (New Mexico)	32
	➤ Farmington, New Mexico	33

➤ Torreon, Navajo Nation (New Mexico)	37
➤ Albuquerque, New Mexico	41
➤ Alamo, Navajo Nation (New Mexico)	43
➤ Tóhajiilee, Navajo Nation (New Mexico)	46
➤ Grants, New Mexico	47
➤ Gallup, New Mexico	51
➤ Ramah, Navajo Nation (New Mexico)	53
➤ Churchrock, Navajo Nation (New Mexico)	53
➤ Nahatá Dził, Navajo Nation (Arizona)	55
➤ St. John's, Arizona	57
➤ Mesa, Arizona	57
➤ Phoenix, Arizona	58
V. Border Town Findings	61
VI. Border Town Recommendations	65
VII. Memorandum of Agreement and Partnerships	67
VIII. Conclusion	69
IX. Appendix	70
a. The Survey	70
i. <i>Method for Collecting Data</i>	70
ii. <i>Survey Results</i>	71
iii. <i>Survey Conclusion</i>	73
<i>Graphs</i>	75
X. Tables	
a. Table 1. Race Relations Public Hearing Participant Listing	79
b. Table 2. Public Hearing Participant Totals	81
c. Table 3. Border Town Demographic Profiles	83
d. Table 4. Navajo Nation Government Purchasing Expenditures	86
e. Table 5. Endnotes	87

ASSESSING RACE RELATIONS

BETWEEN NAVAJOS AND NON-NAVAJOS

2008 - 2009

EXECUTIVE SUMMARY

NAVAJO NATION
HUMAN RIGHTS
COMMISSION





Navajo Nation Human Rights Commission

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Assessing Race Relations between Navajos and Non-Navajos

Executive Summary

Discrimination, while denied by many, difficult to document and poorly protected against by the legal system, has been with mankind since oldest of times. It is an ancient monster that will thrive among mankind as long as it is not collectively acknowledged and eliminated. Two incidents involving the deaths of two Navajo males triggered the Navajo Nation Council to act decisively to address the public outraged that resulted from these senseless and horrible deaths. For that reason in 2006 the Navajo Nation Council (Council), pursuant to 2 N.N.C. §§ 920-924 established the Navajo Nation Human Rights Commission (Commission) and directed the Commission to immediately assess border town race relations, educate Navajo citizens on civil and human rights, assist Navajo citizens with discrimination complaints and work with other tribal, federal, state, local and international civil and human rights organizations.

The Commission authorized twenty-five public hearings that began on December 02, 2008 and ended near the close of the fiscal year on September 03, 2009. This report provides a summary of the testimonies, identifies the various issues and findings and offers recommendations to improve border town race relations. Those testifying were asked to sign-in, complete a short testimonial request form and wait until called upon to address the Commission. Overall, the Commission heard very serious allegations that were repeated in many of the border towns. The Commission also heard issues that were not directly related to race discrimination. However, out of respect for each individual's strength and courage the Commission listened sincerely and recorded every allegation.

The Commission recognized at the onset that the adoption of standards was essential in assessing discrimination and other racial acts in the border towns. They quickly adopted and proclaimed the minimum standard of assessment is to meet or exceed the standards established by the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration), the international legal standards for preserving and protecting the inherent human rights of indigenous peoples. By adopting these standards, the Commission affirmed that indigenous people are equal to all other peoples, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such. Equally important is that the Commission reaffirmed that all doctrines, policies and practices based on or advocating the superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and

socially unjust. And finally, the Commission reaffirmed that indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind.¹

The Findings

It is clear based upon the testimony of over four hundred individuals attending the hearings that racism and discrimination exists and its prevalence is more often obscured. Allegations of discrimination ranged from denial of government benefits or services to personal experiences or observations such as the report of a non-Indian who said “I hated Indians” and later too, “I hate educated Indians.” Many complained about unfair employment practices where non-Indian employers hire under the “at-will” designation. Navajo employees often do not understand the nature of this type of employment status. In other incidents, hospital organizations, power plant conglomerates, and public schools were all identified as employers who make it very difficult for Navajo employees to seek promotions and gain positions of administrative responsibility within these organizations. There were some allegations of higher wage rates being paid to the non-Navajo employees than to the Navajo employee who perform the same job functions.

Four significant themes permeated from the testimonies heard at all hearings. The issues of relocation, sacred sites, unattended deaths and the environment raised significant concern with the Commission prompting them to designate the issues as priority and directing further listening sessions to fully grasp the impact these issues have with the people.

Relocation Issues: Commissioners heard from many Navajo citizens about the hardships and discriminatory attitudes and actions presented to them by governmental officials as a result of relocation, (P.L. 93-531)². Families were removed from traditional ancestral lands that protected and served as a means of subsistence. They had direct cultural connections to the land that remain intact today. For the relocatees the monetary benefits of new houses and some additional cash was not worth the isolation and estrangement of a traditional life-way. Moreover, the children and grandchildren were not given benefits and were expected to establish homes and rebuild lives in areas outside the Navajo Nation. The 12,000 Navajo citizens that were and are continued to be relocated today could be characterized as an antithesis of one disaster after another since this effort started in 1974.

Along with not being accepted into the new communities, these individuals are faced with deteriorating homes, no stable income, lost of cultural identity, discrimination and a limitation on grazing rights. The Commission is concerned with the manner in which these families were moved and relocated with only short term assistance and the reluctance of the Navajo Nation government to assist the people and the grandchild not yet born. Circumventing laws and creating policies without getting the input of those directly affected only creates animosity and distrust with the government. The Commission believes the Navajo Nation should adopt legislation acknowledging the traditional relationship of Navajos to land expressly prohibiting the removal of Navajo citizens from traditional homelands without free, prior and

¹ Resolution of the General Assembly, 61/295. United Nations Declaration of the Rights of Indigenous Peoples, Annex preamble paragraph.

² P.L. 93-531, Navajo-Hopi Land Settlement Act of 1974

informed consent; provide the right to return to traditional lands; and provide redress or just compensation for any permanent taking.

Sacred Sites: Sacred sites are the foundation of the Diné Life Way³ and the destruction and accessibility to these areas to conduct prayers, ceremonies and present offerings were another set of concerns presented to the Commission. Since time immemorial the Navajos have held ceremonies, prayers and oral stories that reinforce and define the inherent responsibility of the Diné and their duty to remain on and care for the land. Therefore, respect for the sacredness of the land requires occupancy. Sacred sites were designated and identified by Navajo deities since time immemorial. The sites cannot not be removed, desecrated or left unprotected by Diné. The San Francisco Peaks, better known to the Navajo as, Dook' o' osliid,⁴ is a sacred site. It lives and breathes and has a life form. The use of converting waste water into artificial snow is the latest desecration facing many of the Arizona tribes that consider the mountain to be sacred. Business leaders in Flagstaff want to increase economic and recreational opportunities for the city by manufacturing artificial snow thereby extending the skiing season and increasing potential city revenues.

The right to practice religious ceremonies, songs and prayers is clearly defined in Articles 11 and 12 of the UN Declaration on the Rights of Indigenous Peoples. From the voices of the Navajo citizens that testified, this inherent right is subjugated by laws that are based on an English common law that transcends itself through American jurisprudence. Economic and social benefits are not to be placed before the spiritual, religious and ceremonial practices in the natural evolution of life. More disconcerting is the Navajo Nation government itself, has not taken a strong legislative position to ensure the protection, preservation and practice of ceremonies and sacred sites on the Navajo Nation which should remain embedded with the cultural and traditional integrity it deserves. The Navajo Nation, it too must exercise prudence when electing to increase economic ventures over the traditional teachings of the Navajo people and its sacred sites. The inherit right of the Navajo people to protect, preserve and perpetually use and have access to these sites is an fundamental right manifested in the Diné cultural teachings since time immemorial.

Unattended Deaths: Another disturbing report dealt with the unattended deaths of eleven Navajo victims in Winslow, Arizona. Family and concerned citizens reported the deaths remain unsolved and perpetrators remain at large. Commissioners heard of insensitive law enforcement, shoddy investigative work and a complete lack of communication from agencies responsible to keep families apprised of these situations. In one case reported, blunt force trauma to the head was noted as the cause of death. Yet Winslow officers chose not to investigate this case as thoroughly as required only because this individual was a transient and drifted between the Navajo Nation and the community of Winslow.⁵ In another case, an Anglo widow, Mrs. Wilson testified about the murder of her Navajo husband and his two brothers.⁶ Her husband's case was closed just three months after his death for inadequate investigative follow up. The

³ Diné Fundamental Law, the Diné Bi Beehaz'áannii Bitsé Siléí, adopted and enacted as the primary law of the Navajo Nation in 2002.

⁴ "To the Diné Dook' o' osliid (San Francisco Peaks) is a living mountain, it breaths and provides a sanctuary for the gathering of herbs, soil and to offer prayer and ceremonial song. The relationship between the mountain and Diné is best understood through Diné traditional teachings found in Traditional Law, Customary Law and Fundamental Law. These laws, inherited by the Diné from the Holy People, make the people distinctive and govern them."

⁵ Winslow Public Hearing Testimony, Walker, T., Pg. 10-11.

⁶ Flagstaff Public Hearing Testimony, Wilson, S., Pg. 13.

suspects were reported to be “white” and according to county personnel, officers investigating the case could not complete their investigation because the initial investigative work was not handled as it should have been.

Still in another death, in Bloomfield, New Mexico, a Navajo male died under suspicious circumstances after a night of partying with Navajo friends. Gilbert Begay⁷ was laid near a trailer after consuming too much alcohol to sleep, but when morning came, friends notice Gilbert’s head to be injured. He could not be awakened and emergency medical personnel were notified. Gilbert died from blunt force trauma to the head. It was reported an Anglo man by the name of *John* was last seen with Gilbert where he laid. Investigators were not able to bring closer to the family, as they continue to investigate the case, more than a year later. According to the mother, none of the friends that were with Gilbert that night have been questioned. These deaths are all unfortunate and regardless of the lifestyle the victims chose to live, a death, especially an unattended death deserves the same investigative follow through and litigation provided to other affluent citizens. The Commission purports that when the unattended death of a Navajo citizen is noted, city governments and officials spent the least amount of energy, time, resources and effort to properly investigate the death.

Environmental Issues: The Commission heard about concerns regarding the environment. Concerns covered areas of illegal dumping; the unhealthy smoking environment in Navajo owned and managed buildings; water contamination; coal extraction, power plant development; and the manipulation of the weather cycle by use of a technique known as cloud seeding. These issues raised considerable concern with the Commission. The care and respect for Mother Earth is in decline. The earth and its relation to cosmos is a very delicate yet powerful relationship. It is through the natural world that Indigenous Nations gain their strength. Man-made disasters, (Gulf oil spill), the manipulation of the atmosphere to create rain, (Cloud seeding) and the contamination of aquifers by oil and gas conglomerates are just a few examples of the erosion of respect for Mother Earth.

Employment Issue: Life safety and hazardous work conditions were cited as employment conditions that often lead to termination. Because many skilled Navajo labors (welders, pipefitters, electricians and carpenters) agree to terms of the “at-will” designation by subcontractors, they do not report unsatisfactory work conditions for fear they may lose their jobs. A similar complaint concerned the quality of care exhibited by healthcare personnel at border town hospitals and assistant living programs. Certified Nurse Assistants (CNA) reported the quality of care and medication administration is often circumvented with Navajo patients. When this is reported, healthcare organizations rather than addressing the issues through internal quality control measures will chose to terminate the employee for not performing as a team member. It is further noted that subcontractors and various employers in these border towns do not honor the Navajo Preference and Employment Act. In spite of the fact that the Navajo Nation government alone contributes sixty-four million four hundred and forty-five thousand (\$64,445,240) a year to companies off the reservation, and an over whelming number of the customers, patrons, clients and patients are Navajo or of another Indigenous people.

⁷ Bloomfield Public Hearing Testimony, Herrera, E., Pgs. 13-15.

Public Accommodation Issue: Many Navajo customers testified about unsatisfactory and poor customer services from various businesses in the border towns. In one situation, a Navajo customer entered the *Coco's* restaurant in Flagstaff, Arizona, shortly before closing. Restaurant personnel informed him they were closed, even though the neon sign indicated “open.” He exits the restaurant and gets back into his car. He notes a white couple entering the same restaurant and are seated. The Navajo went back inside and approached the staff about his observations. He was then seated and served.⁸ Similar scenarios were reported to have happened in Flagstaff, Arizona, Farmington, New Mexico, and Cortez, Colorado.

Border Town Business Practices: Unscrupulous business practices in some border towns were raised. Quick loans, tax services, car dealerships, vehicle impoundment lots, and pawn shops were highlighted as the most frequented business transactions where the Navajo customer is easy prey. In these situations, the Navajo customer will seek short term loans at interest rates that exceed 40% and higher. In some instances the interest rates are compounded and the terms of the loan make it virtually impossible for anyone to pay off the loan without paying penalties. In Arizona, short term loan and lending businesses are notorious for accelerating interest rates as high as 465% annually.⁹ These lending businesses earned the reputation of being labeled as predatory lenders because their clientele were largely of the lower income group who more than often need cash. Car dealerships were also mentioned where elderly Navajo citizens will finance three or four vehicles without a driver's license or stable income. It was reported that dealers will encourage family members to seek co-signers who often turn out to be elderly family members. These transactions are at a higher rate of interest with longer terms. Income tax filings were also noted to be transactions that leave the Navajo customer with only about 45% of their potential return. Fees configured into the income tax return could include a transaction fee, interest rate fee (as high as 20%) and a credit check fee.

Lack of Economic Development: Indigenous communities are the most economically depressed communities in the United States and the Navajo Nation is no different. No other area in America suffers more from inadequate infrastructure and economic development opportunities than Indian Country. Third world conditions compare in employment rates, lack of education and inadequate healthcare are some examples of social conditions Indian Nations are confronted with. While unemployment rates are high (estimated as high as 49%)¹⁰ the ordinary Navajo citizen is concerned more about road conditions, quality housing, and access to electricity and water. The Navajo Nation government spends approximately \$64, 445,240 (million) annually on goods and services to off-reservation businesses. The aggregated personal income on the Navajo Nation is approximately \$1,627,232,654. However, an estimated seventy percent of every Navajo dollar or \$1,139,062,875 is spent in border towns annually.¹¹ The Commission finds this statistic staggering.

The analogy of a river flowing with water that floods beyond its banks is a good example of understanding the loss of the revenue stream leaving the Navajo Nation. There is no attempt to divert or minimize the flow to allow for the development of the land for farming and eventual

⁸ Flagstaff Public Hearing Testimony, Elthie, G., Pg. 10.

⁹ Arizona voters rejected the Payday Loan Reform Act under Proposition 200 in November 2008 citing high annual interest rates and predatory lending terms.

¹⁰ 2005-2006 Comprehensive Economic Development Strategy of The Navajo Nation, pg. 14, Table 23A.

¹¹ Ibid, T 25, Table 14A

growth of vegetation that could be used to feed a growing nation. Instead, the people take from the river only what they need for the day. Enormous opportunities are lost each day as the water flows away from the people. Job opportunity and economic development were two main themes that had resounding effects on the Commission. Young Navajo entrepreneurs expressed frustration with limited opportunities to compete for jobs on the Navajo Nation against well established Navajo franchises (tribally controlled) and well established businesses off the reservation that cater exclusively to the Navajo patron. The Commission advocates for the enactment of a Navajo Income Tax to increase the general funds specifically earmarked for infrastructure and economic development within the territorial jurisdiction of the Navajo Nation. The creation of a growth center on the Navajo Nation is pivotal to the economic development of the Navajo Nation.

Racial Profiling and Sentencing Disparities: Unfair sentencing by courts and racial profiling by Arizona and New Mexico law enforcement officials were raised by several individuals attending the hearings. It is a well known fact that a disproportionate number of Native Americans are stopped, arrested and incarcerated in jails and detention centers in border towns.¹² Two examples given at the hearings include a young Navajo female who while driving under the influence (DUI) hit an Arizona white Police Officer injuring him. The Officer is now confined to a wheelchair permanently. She agreed to a plea bargain, but ended up getting the maximum sentence of fifteen years. The other case involves a white Catholic Bishop who struck a Navajo citizen, killing him and leaving the scene of the accident. Two days later the Bishop is arrested and claimed to have hit a dog. He received four years' probation and 1,000 hours of community service. Just two weeks before this incident happened, Bishop O'Brien admitted to covering up sexual abuse cases that involved different parishes under his authority.¹³

Discrimination: The Commission found discrimination to be prevalent on the Navajo Nation. Sadly, Navajo citizens testified on a number of occasions of discriminatory actions, prejudicial comments and hostile attitudes between Navajo and Navajo. Every Navajo citizen should be treated with respect and addressed accordingly. No other group is more victimized than the Navajo families that were evicted from traditional homelands under the Navajo-Hopi Relocation Act in 1974. The Commission found it very troubling that grandchildren and great-grand children from families that were relocated are now being victimized for simply being a descendant of this group. It is for this reason and others that the Commission strongly recommends the development and adoption of an anti-discrimination law.

Recommendations

The border town hearings disclosed a number of issues. Consequently, the Commission hereby offers the following recommendations to protect Navajo citizens as they continue to leave the Navajo Nation moving to border towns seeking services, benefits, education and employment opportunities.

¹² The Farmington Report: Civil Rights for Native Americans 30 years Later; The New Mexico Advisory Committee of the U.S. Commission on Civil Rights. Pg. 15 - 18

¹³ The National Review: When relativism Becomes Theology; By Andrew Peyton Thomas Feb. 23, 2004

- The Navajo Nation must engage in serious dialogue with border town officials to ensure Navajo citizens are not discriminated against but given the same opportunities, benefits and services as non-Indians. The development and establishment of Memorandum of Agreements are needed.
- The Navajo Nation must provide additional resources to the Office of Navajo Labor Relations to effectively and efficiently investigate and resolve labor complaints within the territorial jurisdiction of the Navajo Nation and to ensure businesses and the public are properly educated about employment rights and responsibilities.
- The Navajo Nation should consider entering a Memorandum of Agreement with the Equal Employment Opportunity Commission for purposes of establishing a Tribal Employment Rights Office (TERO) and negotiate Indian employment preference with border town businesses.
- The Navajo Nation should adopt legislation acknowledging the traditional relationship of the Navajo to land and expressly prohibiting the removal of Navajo citizens from traditional homelands without free, prior and informed consent; provide for the right to return to traditional lands; and, provides redress or just compensation for any permanent taking.
- The Navajo Nation should adopt legislation amending the home-site leasing process balancing the right to a home-site and a grazing permit with the responsibility to protect and preserve sacred sites and Navajo traditional practices.
- The Navajo Nation needs to be more forceful and persistent in mandating the instruction of Navajo history, government, language and cultural values (Navajo life way) at all schools within the territorial jurisdiction of the Navajo Nation. Every student receiving a Navajo college scholarship should demonstrate course completion in these areas of study before receiving a Navajo scholarship. Moreover, the two tribal colleges on the Navajo Nation should be designated as the only Navajo learning institute in the world and all Navajo college students be required to acquire no less than an Associate's Degree from the Nation's colleges prior to pursuing off reservation institutions of higher education.
- The Navajo Nation should establish a Navajo Better Business Bureau (NBBB) within the Navajo Nation Division of Economic Development authorized to receive consumer complaints and publish an annual businesses directory that certifies off-reservation business as Navajo friendly and list those that should be avoided and why; provide information on Navajo employment, including retention rates; cultural sensitivity training and whether management training is offered to Navajo employees.
- The Navajo Nation should adopt anti-discrimination legislation.

- The Navajo Nation should support the efforts of the Navajo Nation Human Rights Commission to obtain permanent observer status within the United Nations¹⁴ until recognition as a sovereign nation is obtained.
- The Navajo Nation should enact a Navajo self sufficient income tax to increase the pool of general funds earmarked for infrastructure and economic development within the territorial jurisdiction of the Navajo Nation.
- The Navajo Nation should strongly advocate for the establishment of a Human Rights Commission within the United States.

¹⁴ IGRAU-121-09 authorized the Diné Nation Human Rights Commission to advocate for the recognition of the Diné Nation as an observer state in the UN system and Resolution NNHRCJuly-09-09 recommended the recognition in as special report.

Conclusion

It is confirmed that racism and discrimination is present in the border towns. The Commission acknowledges that public education appears to be the prime tool for addressing discrimination and should be approached through a nation building modality. Through the teachings of Diné principles of Si'ah Naghái Bik'eh Hózhóó, Hashkéejí naat'á, Hózhóójí naat'á and K'é, the development of Diné thinking of being honest, competitive, resilient, resourceful, accountable, and forthright can be found. The Fundamental Laws are not meant to be barriers, but serve as a guide in the life way bestowed upon the Navajos by the Holy Deities.

In the recent Supreme Court decision (No. Sc-CV-02-10),¹⁵ Chief Justice Herbert Yazzie states; “Together these laws represent the cumulative knowledge which has accrued to the Diné from the time of creation until the present. It represents the lessons which were learned as the People traveled through the underworlds and emerged into the glittering world as the bila'ashdla'ii. It includes the conflicts that took place before the emergence, and how they were resolved and conflicts that took place after the emergence, and how they were resolved.” With that stated, the Commission concludes, Navajo people are different and unique. Therefore, it is imperative the Navajo Nation government protect, preserve and perpetuate the People's Life Way in every corner of the Diné world. Every social institution on the Navajo Nation should embrace the full essence of being Navajo and provide lessons, seminars, and discussions in learning and implementing the cultural and traditional aspects of the Diné Life Way. For it is this Life Way that separates and makes Navajo unique—forever.

To that end, the Commission recognizes the world around us is changing. And, thus we too must acclimate, yet not surrender our core principles of existence. We must stand firm, together and united as bila'ashdla'ii, the five fingered people and demand our existence and inherent rights be permanent, respected and equal to all other peoples of this world. This is the beginning to the end to an oppressive and subservient relationship that existed and exists between the Navajo and its non-indigenous neighbor. The human rights of the Navajo People will no longer be an impediment to change, but the impetus for change around us.

¹⁵ Legal Opinion of the Navajo Nation Supreme Court: Office of the Navajo Nation President and Vice-President and Joe Shirley, Jr. vs. The Navajo Nation Council and Lawrence T. Morgan; No. SC-CV-02-10 May 29, 2010.

I. INTRODUCTION

It is a historical reality that racism toward indigenous peoples exists throughout the United States especially where indigenous lands are contiguous with what are commonly referred to as “border towns.”¹ The questions presented to the Navajo Nation Human Rights Commission (Commission) by the Navajo Nation Council (Council) were what type, level and frequency does racism occur to Navajo (Diné)² in the neighboring border towns?

This report attempts to answer these questions and presents a summary of the Commissions’ findings and recommendations regarding border town race relations after receiving testimony and evidence in twenty-five separate communities. Several of these communities are within the Navajo Nation but near border towns, such as Churchrock and Tóhajiilee. Other communities are actual border towns like Farmington and Flagstaff that attract large populations of Navajo with the availability of basic goods, services and benefits, housing, employment, education and other amenities. And although the Navajo spend hundreds of millions of dollars in border towns, the testimony confirmed that racism, whether perceived or actual, is directed toward Navajo in and around border towns.

To better understand the report’s significance, it is necessary to briefly turn back time and move forward through a descriptive chronology of the Navajo beginning with their emergence into the “glittering world”³ through the period of first contact with early Europeans and Americans screaming “Right of Discovery” and “Manifest Destiny” to the modern Navajo Nation government and the establishment of the Commission. The report will then provide brief summaries from each hearing, discuss generally the Commission’s findings and offer reasonable and practical recommendations to promote diversity, racial harmony and encourage coordinated efforts to reduce and eliminate racial discrimination and other human rights violations, including entering intergovernmental agreements with tribal, international, federal, state and local governments.

a. *The Diné Emergence: The Dawn of a New Nation*

i. *The Diné Emergence*

The Diné emerged among four sacred living mountains at Hajiiní near present day Huerfano, New Mexico. In the east lives Sisnaajiní (Dawn or White Shell Mountain also called Blanca Peak); in the south lives Tsoodzil (Blue Bead or Turquoise Mountain also called Mt. Taylor); in the west lives Dook’o’osliid (Abalone Shell Mountain also called San Francisco Peaks) and; in the north lives Dibé Nitsaa (Jet Stone Mountain also called Mt. Hesperus). It was here the Holy People placed the Diné to care for their families, lands, animals and plant life. It was here the Holy People handed down the Diné Life-Way forever linking the Diné to the lands.⁴

¹ The term “border town” is defined in this report as a community or city that is located near or contiguous to the Navajo Nation that offers employment, education, housing, goods, services and public benefits to Navajo citizens

² Navajo is the word used interchangeable with the word Diné which is the Navajo people’s traditional self-identification. The term Navajo, to the extent used, will be used synonymously throughout this Report with Diné.

³ From the Glittering World; A Navajo Story; Morris, I., University of Oklahoma, 1997

⁴ The Diné, are known to have occupied the land between the four sacred mountains since time immemorial. The people emerged from four underworlds that eventually lead to the fifth world, the present world. It is known that the first world was black as black wool, with four corners over which appeared four clouds: black, white, blue, and yellow. In the First World, there lived various spiritual beings. They were given Diné

ii. The Arrival of the European

It would take almost three centuries after 1492 when Europeans and their descendants would reach the Navajo within the four sacred mountains. In the early 1800's the Navajo developed relationships with Pueblo neighbors to the east and Mexican neighbors to the south. The Navajo acquired horses and sheep and learned to silversmith, spin wool and weave wool rugs. The Mexican government almost immediately began challenging the Navajos for lands and resources. Soon American settlers pushed westward declaring their right to Navajo lands pursuant to the doctrine of "Discovery" and the cry of "Manifest Destiny" or "God's Will!"

Instantly the Diné Life-Way was threatened as European values and customs were imposed and relationships and trade was governed by foreign governmental agencies, officials and rules. Although there are complex legal doctrines governing "discovery," Navajos were told the lands, including the four sacred mountains, belonged to the United States and the Navajo were "children of the United States." Eventually, the United States instigated war to take Navajo lands and resources. In 1849, Narbona⁵, an eighty-three (83) year-old beloved Navajo leader and several other Navajos were brutally murdered by the United States military over allegations of a stolen horse. The military immediately constructed Fort Defiance and Fort Wingate deep within Navajo territory. In 1861, over two dozen Navajos were murdered by order of Colonel Manuel Chaves, Fort Wingate Commander, over allegations of cheating in a horse race.

iii. The First Forced Relocation – The Long Walk

In 1864⁶, less than one hundred years after first contact with the Navajo, the United States military forced more than 8,500 Navajo men, women and children to walk more than 400 miles in the dead of winter from their traditional lands among the four sacred mountains to Fort Sumner ("Hwééldi") in an area now known as Bosque Redondo, New Mexico. The Navajo call this forced march the Long Walk. Thousands of Navajos were spread for miles along the alkaline banks of the brackish Pecos River where nearly one third died in disease ridden captivity. Before the Long Walk many Navajos resisted the military and hid in Canyon de Chelly. The military,

names describing certain insects and animals. Altse Hastiin (First Man) and Altse Asdzaa (First Woman) were created. The first world was small, a "floating island in mist or water." On it grew one tree, a pine, which was later brought up to the present world for firewood. Along with First Woman and First Man, Great-Coyote-Who-Was-Formed-in-Water came into being, followed by crowds of beings with thick lips, who were powerful and evil and killed each other steadily. This small world became overcrowded, and people quarreled and were unhappy. Because of the strife, First Man, First Women, Great Coyote, and Angry Coyote climbed from the world of Darkness and Dampness into the second world, the Blue World. They were followed by others. They found blue birds, blue hawks, blue jays and other blue-feathered beings already living there. This world was already occupied by the Blue Birds, animals and other beings who were in disagreement and couldn't get along with one another. Unpleasant shallow people lived there as well and made things difficult for the First World people. There was severe hardship so they decided to leave this world. First Man made a wand of white shell, turquoise, abalone, and jet. This wand carried everyone through an opening in the south into the Third World. The Yellow world (Third world) was entered first by Bluebird, First Man, First Woman, Coyote, and other beings. This land had great rivers crossing from east to west and north to south. While the people thought they would find happiness here, it did not last long. One day, Coyote stole Water Baby from the river, causing a great flood. First Man ordered everyone to climb into the reed to escape the rising waters. As the beings climbed out of the reed into the Fourth World, the people discovered Coyote was the one who had stole Water Baby. Coyote was ordered to take Water Baby back to its mother and the flooded waters began to recede. The people found themselves in the fourth world. Locust was the first to enter the fourth world, known as the White world. He saw water everywhere and other beings living there. The beings in the Fourth World would not let the beings from the Third World enter unless the Locust passed certain tests. Locust passed all the tests and the people entered into the Fourth World. Later, First Man and First Woman formed the four sacred mountains. The sacred dirt was brought from the First World to form these mountains. Again, disruption arose and the People found themselves leaving this world, escaping into the fifth and final world (Glittering World) where they remain today.

⁵ Lapahie.com/narbona/cfm; Lapahie, Jr., H., 08/27/01

⁶ The Second Long Walk: The Navajo-Hopi Land Dispute; Kammer, J., The University of New Mexico Press, 1980. Pg. 23

led by Kit Carson, began a cruel military campaign killing men, women, children and livestock, burning homes, cornfields and orchards eventually starving the Navajos into submission.

The Navajos were imprisoned at Bosque Redondo for four years. They were provided only minimum shelter, flour, lard and coffee. Eventually the Navajos negotiated a treaty to return to the four sacred mountains only to find other tribes had been pressured to settle onto Navajo lands. And, although the Navajo and the Hopi had lived harmoniously in 1882 President Chester Arthur signed an Executive Order carving out an area within Navajo lands that established the Hopi reservation “for the use and occupancy of Moqui [Hopi] and such other Indians as the Secretary of Interior may see fit to settle thereon.” These artificial political boundaries would one day become the cause of another forced relocation and federal litigation that divided governments, tribes, families, friends and individuals as transnational corporations exerted political influence and pressure to access the precious resources that lay underneath these lands without consideration for the peoples that lived upon them.

iv. The Rise of the Modern Navajo Nation – The Greatest Indian Nation Since Pre-Columbian Times Government

The Navajo Nation is the largest indigenous nation in the United States with the first contemporary form of governmental structure. The Navajo Tribal Business Council composed of Chee Dodge, Charlie Mitchell, and Dugal Chee Bekiss, was imposed upon the Navajo in 1922 by the Commission of Indian Affairs, U.S. Department of Interior, to sign coal leases. Window Rock was chosen as the capitol of the Navajo Nation in the early 1930’s by John Collier, Commissioner of Indian Affairs.

It was not until 1938 that Navajo citizens were granted the opportunity to vote for their own Tribal Council members and Chairman. Today, the Navajo Nation is divided into five agencies established by the Bureau of Indian Affairs (BIA) and divided into 110 smaller political units called Chapters. The first Chapter was established in 1927 by John Hunter, Superintendent of the Leupp Agency, to bring Navajo people together at the local level and discuss problems in an open meeting. Over the years the Navajo accepted this form of governmental structure and now there are 88 council delegates⁷ who are elected every four years to represent the 110 Chapters. The Navajo Nation governmental structure was amended to reflect a three branch government; Legislative, Executive and Judicial, for checks and balances and the Chairman position no longer exists. It is now the Speaker of the Navajo Nation Council that presides over council meetings. The President is head of the Executive Branch. And the Chief Justice administers the Navajo Nation courts which are authorized to apply Diné values and principles in their decisions leading to the re-emergence and revitalization of Diné Fundamental Laws.

⁷ On December 15, 2009 Navajo voters decided to reduce the Council from 88 delegates to 24 delegates. Navajo Nation Supreme Court reaffirmed (No.SC-Cv-0310) the Navajo Peoples vote in the matter of Nelson vs. Shirley on May 28th, 2010.

b. The Gunshot and Squealing Tires Heard Across a Nation :The fatal shooting of Clint John and Tony J. Clah

In 1974, three men were brutally murdered in Farmington, New Mexico simply because they were Navajos. Thirty years later, the Council heard evidence that border town racism continues.

i. Clint John

On June 10, 2006, Clint John, a twenty year-old Navajo male, was shot and killed in a Wal-Mart parking lot in Farmington, New Mexico by Shawn Scott, a non-Indian Farmington Police Officer and an eight-year law enforcement veteran. Mr. John allegedly was involved in a domestic dispute with his girlfriend. Eyewitness accounts of the confrontation varied and were divided along racial lines. Navajo witnesses reported that Mr. John appeared to be surrendering to Officer Scott after a brief physical altercation between the two. Non-Indian witnesses reported Mr. John was approaching Officer Scott in a threatening manner with the officer's baton. Officer Scott then shot Clint John four times at point blank range. The last and fatal shot was to the head. The San Juan County Sheriff's Department conducted an internal investigation and found that the shooting was justified. The John family filed a wrongful death lawsuit against the city of Farmington. On June 6, 2009, a federal jury exonerated Officer Shawn Scott but acts of racism continued to linger within the City of Farmington.⁸

ii. Tony J. Clah

In an equally tragic incident, Tony J. Clah, a thirty-one year-old Navajo male was killed in a hit and run vehicular accident in Kachina Village south of Flagstaff, Arizona. The police set up roadblocks the next morning to question commuters in the area. Eventually information led to the arrest of a school teacher, Mark H. Sorensen, but he was never formally charged. According to Mr. Clah's parents, they were completely ignored throughout the investigation and not provided any information. In addition, a family representative said the authorities disclosed that the investigation was conducted poorly. As a result, the Coconino County District Attorney chose not to prosecute. Although a civil lawsuit was eventually filed on behalf of Tony J. Clah the outcome of that litigation is unknown at the time of this reporting.

iii. The Public Outrage and the Establishment of the Navajo Nation Human Rights Commission

These two incidents, reported only briefly in local border town newspapers outraged the victims' families, other Navajo citizens and Navajo Nation elected officials. Concerned with allegations of a sloppy investigation and the local district attorney's refusal to pursue criminal charges against the alleged perpetrators, the Council, listening to the pleas of the people, chose no longer to ignore the violence and racial intolerance. In October 2006, the Council directed the

⁸ Less than a week after the tragic death of Clint John, William Blackie a Diné male from Arizona was accosted by three area Farmington residents. Mr. Blackie was beaten and reported racial slurs made during his attack. John Winer, an eighteen (18) year assailant pled guilty to the attack and was eventually sentenced to three years in prison.

creation of the Navajo Nation Human Rights Commission Act⁹ “to 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.” The Commission immediately adopted and proclaimed the minimum standard of performance is to meet or exceed the standards established by the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration), the international standard for preserving and protecting the inherent human rights of indigenous peoples. In addition, the Commission is mandated to carry out the following responsibilities. The four responsibilities are contained in Resolution CJN-15-08 and are presented as follows:

- A. Conduct public hearings in/near border towns to assess the state of affairs between Navajos and Non-Navajos; and
- B. Investigate written complaints involving discrimination of Navajo citizens; and
- C. Network with local, state, national and international groups and advocated for recognition of Navajo human rights; and
- D. Educate the public about human rights and the Navajo Nation’s intolerance of human rights violations.¹⁰

c. The Commission’s Mission Statement

The Commission’s mission is “To protect and promote the human rights of Navajo Nation citizens by advocating human equality at the local, state, national and international levels on the Diné principles of Si’ah Naghái Bik’eh Hózhóó, Hashkééjǫ́, Hózhóóǫ́ and K’é.”¹¹ These principles embrace the concepts of resilience, contentment, discipline and the responsibility to maintain peaceful and harmonious relationships with all creation. The Commission’s mission statement and the testimony that referenced the sacred relationship between the Diné and the natural world serve to remind the Commission of the Holy People’s instructions and the duties and responsibilities of five-finger beings. It is critical then that the readers attempt to understand and appreciate these fundamental expressions of the Diné Life Way.

⁹ 2 N.N.C. §§ 920-924.

¹⁰The Navajo Nation Human Rights Commission interpreted Resolution CJN-15-08 to include; 1. Educate Navajo people and other persons on the subject of Navajo human rights consistent with the standards established by the UN Declaration. 2. Evaluate concerns regarding Navajo human rights consistent with the standards established by the UN Declaration. 3. Put forward recommendations for consideration and approval by the Navajo Nation Council through the Intergovernmental Relations Committee of the Navajo Nation Council that advance the standards established by the UN Declaration. 4. Put UN Declaration’s standards into practical application within the Navajo Nation’s political processes as a model to other indigenous societies and the world community, as cited in NNHRC-FEB-02-09.

¹¹ Mission statement adopted by the NNHRC.

II. STANDARDS AND PUBLIC HEARING PROCESS

a. *The Standards for Assessing Border Town Race Relations*

The Commission adopted the UN Declaration as the standards for assessing border town race relations for a number of reasons including but not limited to the following:

1. The Navajo Nation actively participated in international discussions and negotiations that resulted in the final adoption of the UN Declaration by the UN General Council and the submittal of interventions pertaining to the Organization of American States Draft Declaration on the Rights of Indigenous Peoples (Draft Declaration).
2. The cornerstone of the UN Declaration and the Draft Declaration is the recognition of legal standards and respect of indigenous peoples and their inherent right to freely determine their own social, economic and political status (self-determination).
3. The world's international community has always devoted time and resources examining the human rights of civil societies and their citizens, while indigenous human rights lay largely ignored until the United Nations turned its attention to the preservation and protection of indigenous peoples' cultures, languages, traditions, lands, territories, and resources in the twentieth century.
4. As stated in the Resolution adopting the UN Declaration, "indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests."¹²
5. Although the United States voted against the UN Declaration, the UN Declaration affirms that "all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust."¹³
6. More importantly, the UN Declaration embraces the right that "indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity."¹⁴

¹² Resolution of the General Assembly, 61/295. United Nations Declaration on the Rights of Indigenous Peoples, Annex Preamble paragraph

¹³ Ibid. Preamble paragraph 4.

¹⁴ Ibid. Article 2. Other articles that address discrimination include but are not limited to: Article 8 (2) States shall provide effective mechanisms for prevention of, and redress for: (e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them; Article 9 Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right; Article 14 (2) Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination; and Article 15 (2) States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.

b. The Commission's Public Hearing Process

i. Selecting the Hearing Locations and Sites

Planning, designing and conducting the twenty five public hearings¹⁵ began with the selection and order of each hearing location and site. Demographic factors taken into consideration included Navajo population; employment opportunities; educational opportunities, distance from Navajo chapters and communities; social and economic data reflecting education levels, income and age distribution; requests or recommendations from Navajo community members, actual complaints received from Navajo citizens and the community's general reputation of discriminating against Navajo, other indigenous people and minorities.

Logistical factors taken into consideration for selecting the actual hearing site included the facility's capacity to accommodate a large attendance, the facility's location to Navajo community members, a user-rental fee, internet capacity, electrical outlet capacity for speakers, microphones, recording devices and other equipment, parking accommodations, ADA compliance to ensure a safe and comfortable environment given the topic's sensitivity, and recommendations from community members, officials and staff. Many of the hearings were located in public facilities with no user fee. The Commission determined that it would visit Holbrook, Arizona first and then visit each of the other selected communities clockwise around the Navajo Nation until returning to Nahatá Dził, Navajo Nation, (Arizona).

ii. Publication of the Hearing Date, Time, Location and Site

The hearing date, location, site and time were published by newspaper, radio, internet and person-to-person communication at least one month in advance and then republished one week before the hearing. The Commission posted informational bulletins in and around each community at places frequented by Navajo citizens such as laundry mats and retail stores. Press releases were sent to local newspapers, radio stations and posted online on the Commission's and Navajo Nation's official website and sent to individuals and organizations using a number of governmental, educational and tribal listserv. Navajo chapters were contacted and requested to post information in a public area in the chapter building, in senior citizen centers and to announce the public hearing at the next chapter meetings.

iii. The Commission's Rules for Conducting Public Hearing

The Commission adopted formal rules and a standard agenda to manage the hearings and to facilitate receiving evidence and testimony. These rules were posted in advance at the hearing site and distributed again at the hearing to ensure speakers knew they were required to complete a Request to Speak Form¹⁶, submit available documents and other tangible evidence to support

¹⁵ It should be noted that the Commission's performance measures for fiscal year 2009 mandated a total of twenty-four (24) public hearings to be conducted. The Commission planned and implemented twenty-five hearings.

¹⁶ The Request to Speak Form ("Form") identified the speaker, disclosed whether the speaker was there as an individual complainant or representing a group or organization and advised them that their testimony was to be truthful and to the best of their knowledge and recollection. The Form was then numbered chronologically and the speaker would be called to testify based upon their number.

their allegations,¹⁷ that time limitations could be imposed depending on the number of requests to speak and that the topic of discussion was racial discrimination and human rights violations. This process ensured that individuals wishing to speak were identified early during registration. Each Commissioner was introduced and offered the opportunity to address the attendees before each hearing. Commissioners also had discretion to ask each presenter questions for clarification. The following agenda was used at each hearing:

1. Call Public Hearing to Order; Roll Call; Invocation; Announcements
2. Introduction of Navajo Nation Human Rights Commission and staff
3. Review of Agenda
4. Overview of the Purpose of the Navajo Nation Human Rights Commission and Public Hearing Process
5. Receive Testimony from the Public on Border Town Race Relations including, but not limited to employment, housing, education, civil rights
6. Summary of Testimony Provided by the Public
7. Close of the Public Hearing; Announcements; Adjournment.

¹⁷ At the conclusion of each hearing the Form was cross-referenced to the speaker's transcribed narrative. If documents or other tangible evidence were submitted then this information was also cross-referenced and filed.

III. PUBLIC HEARING SUMMARIES

There were one hundred fifty-eight (158) individuals who bravely stepped into the public arena to describe their personal observations and experiences relating to acts of race discrimination or other human rights violations. NNHRC staff was careful in summarizing each testimony by using the same language and the placement of words as present by each individual.

In the first quarter of Fiscal Year 2009 (FY09) the Commission began the public hearing process in Holbrook, Arizona, Winslow and Flagstaff, Arizona. A total of sixty-four (64) individuals attended these hearings. The Commissioners listened to twenty-two (22) presentations. In the second quarter the Commission conducted hearings in LeChee, Arizona and Page, Arizona; Bluff, Utah and Blanding, Utah; and, Cortez, Colorado. Eighty-five (85) individuals attended these hearings. The third quarter hearings were held in Durango, Colorado; Aztec, New Mexico, Bloomfield, New Mexico, Farmington, New Mexico, Nenahnezad, New Mexico, Torreon, New Mexico and Albuquerque, New Mexico. Of the one hundred forty-one (141) people who attended these hearings fifty-three (53) provided testimony.

In FY09's last quarter the Commissioners held hearings in Alamo, Tóhajiilee, Grants, Gallup, Church Rock, and Ramah New Mexico and Nahatá Dził, St. Johns, Mesa and Phoenix, Arizona. One hundred fifty-seven (157) attended these hearings and fifty-five (55) testified (See Table 2). Public officials who attended the hearings heard directly from the people that discrimination is alive and haunting in all of its hideous forms including *inter alia* racial profiling, failure to devote adequate resources to solve Navajo murders or unattended deaths, refusal to providing public accommodations, employment discrimination, blatant intimidation and harassment and other offensive behaviors that interfered with access to sacred sites.

Each border town has its own unique history based upon environmental conditions. The Navajo Nation's southern borders were developed by the Santa Fe Railroad because construction materials could be delivered to remote and isolated high desert lands. The Navajo Nation's northern borders were mountainous terrain and the San Juan River ideal for planting, grazing and establishing permanent homesteads. The Navajo Nation's eastern borders were rich with gas, oil and mineral deposits for mining and the Navajo Nation's western borders were the Grand Canyon and the rich forests of the San Francisco Peaks. However, the Christian doctrine was fundamental to each of these communities and churches were quickly established on Navajo lands and in the border towns to educate, to provide medicine, and to teach Christianity to Indians.

Northland Pioneer College
Holbrook, Arizona
(December 2, 2008)

- Mr. Lloyd Thompson, a member of the Diné Hataalii Association, Inc., testified that the recent U.S. Supreme Court decision that allows artificial snow made from treated waste water be spread on the San Francisco Peaks for economic and recreational purposeⁱ discriminates against the Diné Life Way. He asked the Commissioners to help the Diné

Hataalii Association, Inc., protect the sacred San Francisco Peaks and the right to access sacred sites and practice the traditional Diné life way. Mr. Thompson hoped that President Obama would be more compassionate to indigenous rights and advance the protection of the San Francisco Peaks.

Northland Pioneer College
Winslow, Arizona
(December 2, 2008)

- Mr. Robert Carr, a life-long resident and former mayoral candidate of Winslow, testified there is racism in Winslow's government, schools, law enforcement, business and the newspaper. He candidly told of hearing city officials make comments like, "*load them up and take them back to the reservation,*" and "*street people do not contribute to our economy.*"ⁱⁱ He said he was not surprised to have lost the mayoral election which he believed was contributed to a systemic racial disconnect in Winslow. Mr. Carr also alleged that since 1989 there were at least eleven (11) unsolved Native deaths. City officials and the newspapers ignored his demands for justice. He also, said that Navajos were subjected to racial profiling and that predatory business such as pawn shops and used car dealers target Navajo consumers. Mr. Carr also testified that a male Winslow Junior High School teacher admitted to making derogatory statements toward Navajo students. Mr. Carr ended his testimony stating, "*If we don't do anything about it all we're going to do is perpetuate the stigma of this racism among our Native People.*"ⁱⁱⁱ
- The Honorable Thomas Walker, Navajo Nation Council Delegate representing Bird Springs, Leupp and Tolani chapters and a life-long resident of Winslow, spoke of a homeless nali (family relative) who was on the street contrary to the family's efforts to provide him support. Mr. Walker said although they learned of his relative's death on March 23, 1998 the death remains unsolved and no suspect was identified, arrested or charged. The death certificate states the cause of death was blunt force trauma and foul play is suspected. Mr. Walker then spoke of a Hopi youth, a 19 year-old Navajo neighbor and another close relative who were all found dead. Mr. Walker lamented, "*No explanations no resolutions and no answers.*"^{iv}
- Mr. Peter Nez, a Seba Dalkai area resident, testified the Navajo-Hopi land dispute and the Bennett Freeze situation discriminated against thousands of Navajo. Mr. Nez said many relatives died of grief or disappeared. He asked the Commission to find out what happened to his relatives and questioned whether the Commission understood the affect of Navajo relocation. Mr. Nez also spoke of the Southwest Navajo Tobacco Education Prevention Project and was disappointed Navajo Nation President Joe Shirley, Jr. vetoed legislation to create a smoke free environment on the Navajo Nation and disappointed the Navajo Nation Council failed to override the veto. He claimed 39% of Navajo youth use tobacco products; the cost associated with treating one cancer patient exceeds \$500,000; eventually insurance companies and Indian Health Care Centers will be unable to cover these costs, and high school drop-out rates, truancy, teen pregnancies and domestic violence are strongly correlated with the use of cigarette smoking. Mr. Nez also testified

the casino east of Gallup, New Mexico and the construction of any new casino are unhealthy economic endeavors.

- Mr. Danny Blackgoat, born on Black Mesa in the Big Mountain area, testified the Navajo Hopi Relocation Act, Public Law 93-531, discriminated against thousands of Navajo families removing them from their original homelands and losing their birth rights benefits, their homes, their family, self-respect and caused alcohol and drug abuse to those removed. He alleged Navajo Nation elected officials colluded with the federal government. Mr. Blackgoat said the desecration of Big Mountain is painful not only because he was born there but also because Big Mountain is a sacred female mountain that provides natural resources, minerals and water. Mr. Blackgoat said, “*We were told to relocate. Get out of here.*”^v
- Mrs. Grace Smith Yellowhammer, a self-taught human rights advocate who took the relocatees’ plight to the United Nations General Assembly in Geneva, Switzerland and attended nine years of hearings advocating against the hardships imposed by P.L. 93-531 expressed gratitude but cautioned the Commission’s efforts will not be easy. Mrs. Yellowhammer said forced relocation took everything; her sheep, land, grazing permit, and family. She said that “*Everybody just went. They died of heartache.*”^{vi}

City of Flagstaff Council Chambers
Flagstaff, Arizona
(December 3, 2009)

- Mr. Kelvin Long, a resident of Flagstaff and Executive Director of ECHOS (a non-profit grassroots organization), testified the relationship between Navajos and the City of Flagstaff is unhealthy. He said that contrary to what public officials are saying there is no dialogue between the city and its native people. Mr. Long said that while growing up in Flagstaff and more recently while working on the Save the Peaks campaign he witnessed racism and heard racially inflammatory comments. Mr. Long said although he did not believe a relationship existed with City officials he suggested the Commission work toward a dialogue with the City and discuss alternatives to using wastewater to manufacture snow on Dook’o’osliid (San Francisco Peaks).
- Mr. Gary Elthie alleged that two Flagstaff businesses, Coco’s and Subway, refused to provide him services. He alleged that he entered Coco’s around 9:50 p.m. but was told the restaurant was closing. Mr. Elthie said that after he left he saw two non-Indians go into the restaurant and they were seated. He said went back inside and approached the staff about his observations. He states he was then seated and served. Mr. Elthie also alleged a similar incident at a Subway sandwich shop. He said he arrived a half hour before closing but was told the sandwich shop was no longer serving. Although the sign outside clearly said it was open he was still refused service. Mr. Elthie also alleged that he was the DD (Designated Driver) for his friends at an unnamed tavern he was harassed by management who took his driver’s license and told him to leave because he looked

drunk. Mr. Elthie alleged that the tavern did not return his license and he did not say whether he attempted to get it back.

- Bob Lomadafkie, a Hopi originally from Hotevilla and employed with Northern Arizona University spoke of positive activities within Flagstaff such as Native Americans for Community Action, the Native American Arts Center, the Coconino Citizens Association and various support programs that assist Native students. Mr. Lomadafkie said he was hopeful that these programs would produce Native leaders who could address inequality and tolerance on a grander scale.
- Mrs. Sandra Wilson, an Anglo widow talked about her murdered Navajo husband and his two brothers. Mrs. Wilson alleged that county personnel told her the suspects were “white” and would not be prosecuted because of an inadequate investigation. She alleges that witnesses over heard men with criminal histories talking about the murders. Mrs. Wilson said her husband’s case was closed only three months after his death. She claimed to have copies of all documents and evidence and hopes one day to solve the murder. She said that she once worked with a Flagstaff public defender and recalled people of color were cited more traffic violations than Anglos who also received better plea agreements and spent less time in jail. Mrs. Wilson alleged that the judicial system presumed Natives would flee to the reservation to avoid prosecution and therefore, given longer sentences. Mrs. Wilson was also a reporter and although she offered no supporting information, alleges racism is prevalent in Winslow, Arizona. Mrs. Wilson said that a community service group, The Intoxicated People or the Street People Taskforce, operates in some border towns and related the group’s name as insensitive and racist.
- Mr. Tony Skrelunas, former Executive Director, Navajo Nation Division of Economic Development, provided information on the distribution of Navajo money on and off the Navajo Nation. He alleged that border town retail economy largely comes from the Navajo Nation. Mr. Skrelunas testified according to a study he conducted shortly after every payday, 70 cents of every dollar earned is spent in border towns. He estimates that one-third of the entire Navajo population live off the reservation and a significant number live in or near border towns. They apply for border town jobs but the border town businesses employ primarily Anglos. Mr. Skrelunas claims are based upon Navajo contributions to the border town economies, and compared to other groups; Navajos are not receiving appropriate levels of services and benefits and are underrepresented in employment and government. He then projected in five years the off reservation population will exceed the on reservation population because Navajos will continue to seek services, education and employment. Mr. Skrelunas also alleged that non-profit organizations use Navajo statistical and demographic data when submitting grant applications but do not provide services to Navajo communities and citizens when funded. He recommended an annual Navajo Friendly Business Directory that grades businesses, rates customer service, provides information on the number and types of formal complaints filed, provides employment data including management training opportunities that advances cultural sensitivity training. He recommended funding agencies that collaborate directly with the Navajo Nation fun activities directly to the Navajo Nation and that grant guidelines be designed to appropriately address reservation

needs; and finally, he recommended establishing off-reservation chapters that would be governed differently than on-reservation chapters.

- Mrs. Berta Benally, an Anglo married to a Navajo relocatee and a thirty-seven-year resident of northern Arizona, alleged she witnessed and experienced racism in Flagstaff and spoke of her advocacy for the San Francisco Peaks, relocatees, schools and quality customer services. Mrs. Benally also offered gratitude to the Commission and to the Flagstaff public hearing topic.
- Mr. Klee Benally spoke about the Save the Peaks Coalition efforts to protect the San Francisco Peaks. He claimed the disagreement on using waste water to create snow on the San Francisco Peaks is not the cause of racism. Mr. Benally said the Peaks issue merely brings racism that has always been there to the community's surface.^{vii} He then described offering prayers at Dook'o'osliid when J.R. Murray attempted to interrupt his prayer and handed him a paper that outlining specific rules for Arizona Snowbowl Ski visitors and designating three specific areas available for prayers. The document was entitled, "Rules of use and right to assembly." Mr. Benally alleges the policy is adverse to the Diné Life Way because law enforcement and Arizona Snowbowl Ski employees have final discretion to determine whether prayer on the San Francisco Peaks violates policy. Mr. Benally further alleges the policy criminalizes Navajo cultural traditions and practices that have been conducted since time immemorial at the San Francisco Peaks such as praying, singing, meditating, and gathering herbs and medicine.
- Mr. C. Dale Raphael, a member of the Forgotten People organization, raised concerns about the impact of an Intergovernmental Compact passed by the Navajo Nation, Hopi Tribe, U.S. Senate and now before the U.S. House of Representatives, and recommended the Commission closely examine Mr. James Zion's submission to the CERD (Committee on the Elimination of all forms of Racial Discrimination) in 2010.
- Mr. Thomas Walker, Council Delegate representing Birdsprings Chapter raised concerns on behalf of Navajo elders from Canyon Diablo and Padre Canyon area alleging no immediate access to law enforcement to report suspected illegal hunting that endangers their livestock; illegal trash dumping that destroys their grazing area and campers and partiers disturbing the peace and discarding empty beer cans.
- Mr. Sam Minkler alleged relocatees do not feel at home in Flagstaff and that an empirical study of the Coconino County judicial system would reveal racial profiling and discrimination in treatment centers and rehabilitation services. Mr. Minkler alleged discriminatory employment practices and harassment toward minorities looking for day jobs results in the voluntary exclusion from city limits to avoid this treatment. He also alleged that the Director of the Office of Navajo-Hopi Indian Relocation campaigned for Flagstaff Mayor without disclosing his intentions to his employees. Mr. Minkler also recommended the Commission address his dissatisfaction with the untimely distribution of scholarships from the Navajo Nation.

- Mr. Al Henderson alleged that Northern Arizona University's (NAU) decided to downsize an office serving nine hundred Native American students; that NAU fails to support academic programs tailored to contribute to Diné Life Way; and, that NAU fails to support the construction of a building for native students served as institutional racism and requested the Commission look into his claim.
- Ms. Beverly Smith, an NAU student, alleged religious discrimination because she and other students are prohibited by NAU policy from possessing peyote and conducting Native American Church (NAC) ceremonies on campus. She also alleged that NAU denied her request to establish on campus the Native American Church of Northern Arizona University. Ms. Smith said she understood that the organization would require registering as a 501 3(c) non-profit organization with the state of Arizona but alleges, *"NAU is telling us we were unable to get that status. Exempt status."*^{viii}
- Mr. Monty Singer, a Navajo from the Bennett Freeze, testified that he was told by a female Safeway employee to leave the store located on Highway 89. He said that after asking, *"Why?"* She responded, *"You just have to leave."* Mr. Singer responded with, *"Why? Is there anything that I've done wrong? I don't drink or do drugs or anything like that,"* he felt so embarrassed he left the store. He said his point is, *"discrimination is everywhere!"*^{ix}
- Mr. Ron Interpreter, a Navajo resident of north Scottsdale, Arizona and a reservation high school graduate commented Diné fundamental laws as outlined by the Holy People is consistent with the Commission's role as the fourth branch government. Mr. Interpreter said the fourth branch is necessary and the Commission was in position to help define common law and traditional law as it relates to the Navajo Nation. Mr. Interpreter then praised the Commission and encouraged reviewing a Phoenix study on how a responsible government allocates resources and develops laws and policies to maintain goodwill and recommended the Commission become familiar with Native resources in Phoenix and meet with the Navajos living there.
- Mrs. Desbah June Birdsong, a Big Mountain relocatee and now a Flagstaff resident, alleged that her experience with the Office of Navajo-Hopi Indian Relocation was "scornful" and "oppressive" because they would not let her children move with her causing her to become extremely sad for leaving them behind. She said although there are opportunities, resources and places to see in Flagstaff there was no place to plant corn or do other traditional things. Mrs. Birdsong went on to say that she is now acclimated to her environment and is successful with continuing her traditional ceremonies and living in harmony. Mrs. Birdsong's concerns were the hardships young Navajos face when transitioning to a large city without adequate resources and support systems. Medical and legal costs can be expensive living off the reservation, according to her.

LeChee Chapter House
LeChee, Navajo Nation (AZ)
 (January 19, 2009)

- Mr. Denny Tsosie, a representative of “Naalnishi” federation of labor (Diné Union workers), alleged wage discrimination, unfair and unsafe employment practices by Zachery, a Salt River Project (SRP) subcontractor since 1993 at Navajo Generating Plant (NGP) in Page, Arizona. Mr. Tsosie alleges Zachery pays Navajo skilled workers less than what SRP pays skilled workers; SRP employees receive benefits but Zachery employees do not receive benefits; Zachery does not provide training opportunities; employees work under short-term three month contracts with Zachery; and, NGP does not require Zachery to compete in competitive formal procurement processes but are automatically given contracts. Mr. Tsosie also alleges that Zachery’s management inappropriately pressures and intimidates employees “to get the job done and get it done fast” compromising employee safety and fires injured employees. Mr. Tsosie alleges the Office of Navajo Labor Relations declined jurisdiction and NGP Supervisors said to the Naalnishi members *“we don’t tell [Zachery] how to do their work. We don’t tell [Zachery] what to pay and they contract for a piece of work and they deal with it. But we ensure they do practice safety and that’s it.”*^x
- Mr. Donald Crank alleged employment discrimination at Tuba City Regional Health Care Corporation (TCRHCC). He testified the Health Care Facility Director’s employment announcement required an Engineering Degree or any other Bachelor’s Degree. He alleges the hospital hired a young Anglo male without the required degree even though Mr. Crank has 31 years of work experience, twenty-eight years with Navajo Tribal Utility Authority (NTUA) and three years as Facility Supervisor with TCRHCC. Mr. Crank alleged the new Facility Director intimidates and harasses him, requires him to work in unsafe conditions, complaints to the Human Resources Department “falls on deaf ears,” and TCRHCC violates the Navajo Employment Preference Act by classifying vacant positions as administrative positions and TCRHCC fails to mentor Navajo employees for purposes of transitioning them to administrative positions.
- Mr. Collier Greyhat testified new management at Lake Powell Mobile Home Village has increased space rental fees from \$110 to \$210 a month, requires late penalty fees and imposed landscape ordinances that are expensive.

Page Quality Inn
Page, Arizona
 (January 19, 2009)

- Mr. Collier Greyhat testified about litigation against the Page Unified School District (PUSD) alleging racial segregation and citing some Navajo students commute one hundred thirty-five (135) miles roundtrip daily that Native student performance is low that federal funding is mismanagement, and native cultural studies are lacking. After exhausting administrative remedies Mr. Greyhat testified their federal lawsuit filed on January 12, 2006 resulted in a mediation agreement to adjust enrollment composition and to redistribute federal funds for the benefit of Navajo students. He alleges, however, that PUSD failed to comply.

- Ms. Marie Martin of Kaibeto, Navajo Nation (Arizona) was the next speaker. Ms. Martin's testimony contained information about unfair labor practices routinely directed toward Navajo employees working at Antelope Point Marina near Page. The scenario is the Anglo supervisors subjugate the Navajo workforce under terms of "at-will" employment. Martin worked at the Marina for six years. She realized employment practices at the Marina are not favorable to the Navajos. Navajos are the first to be laid off, there is no incentive pay, hourly wages are minimal, only a few Navajos are in full time positions, safety concerns cannot be discussed for fear of retaliation or termination, and finally, nepotism is a fairly consistent practice amongst the non-Indian employees. Harassment and intimidation were also alleged. In her efforts to seek equity in employment, Marie sought assistance from the Office of Navajo Labor Relations in Tuba City. She filed a complaint, but later learned ONLR could not help her. She was provided no other alternative. Ms. Martin hoped the Commission could assist her and the other Navajos that need stable and fair employment.
- Mrs. Margaret Goodman testified about the frustration of getting her children's teachers and other school staff and administrators at Page Unified School District to assist with concerns she raised. The first matter dealt with her youngest child's academic performance. Mrs. Goodman repeatedly asked the teacher to provide her with progress reports every two weeks after attending a parent-teacher conference. Upon receiving the child's report card, and seeing several F's in core subject areas, she became enraged. She confronted the teacher and asked why no updates were provided to her as she requested. Mrs. Goodman takes the position *"that if a teacher fails a child, you're a failure too because you fail to communicate with the child. You fail to educate that child and you fail to communicate with the parent and if you know the child is doing real, real bad you should call the parent."*^{xi} Mrs. Goodman complained about a bus driver who told her daughter to find her own way home after school one day. The older siblings were on the same bus and the excuse the driver gave was that he did not know they were all from the same family. Mrs. Goodman was agitated with the schools inability to address the situation properly. Another situation involved her nephew and niece, who were dropped off in Kibitz instead of Inscription House, Arizona. When the family called to check with the school, school officials did not know where the kids were. They eventually arrived home at 6:30 p.m. in the evening. Again, the school did not adequately address this matter to the parents' satisfaction. A son, who is 6'3", a *"dual major"* and only a sophomore at PUSD was pressured to play varsity level sports by his coaches. His preference was to play Junior Varsity and concentrate on his school work. Mrs. Goodman supported her son's wish, and when she contacted the Athletic Director he told her that her son's is a failure if he refuses to be on the varsity team. When her concerns were taken to the Superintendent, he listened at first, but then become complacent. Mrs. Goodman ended that if the schools on the reservation offered dual credits she would drop her kids from Page Unified. Margaret Goodman expressed her appreciation to the Commission.
- Page resident Mr. Wally Brown testified that a class action lawsuit was brought against the Page Unified School District by the Diné Coalition for Equality in Education,

(DCEE). Since the mediation agreement, the community of Page reacted with some resentment according to Mr. Brown. The Navajo children will lose interest in their educational opportunities and may drop out. This would be even more detrimental, as the dropout rate at Page Unified is 57% for Navajo students. Mr. Brown also offered alternatives as to how PUSD could fix the segregation problem that remains. However, as mentioned earlier, DCEE is not getting any cooperation with the school district. The district has one year and half to implement the changes it is required to do in the mediation agreement. Mr. Brown also provided the Commission with information on other personnel issues that included sexual harassment and favoritism that were ignored by the school district's Human Resources Department. The recent promotion of the superintendent was based on a decision of a five member team. Three were former subordinates, an appointed community member and a Navajo Board member. The Navajo Board member was out voted. Community members had no input, aside from the one member that was appointed. In a meeting with parents, Mr. Harry Berry a school administrator made the comment that parents have no rights as far as "*what's right for their children.*" A parent of a talented Navajo athlete questioned why her daughter was cut from the team, when she played all three years before becoming a senior. She is reported to have excellent skills, yet the coach after three days of practice decided to cut her. Even her teammates were asking why she was cut. School administrators, the Athletic Director and the coach took the hard line approach and chose to conceal the real reasons for cutting her. Instead, the coach made comments like, "*I don't want her shooting three pointers,*"^{xii} when clearly this was an asset that the team could have capitalized on. Mr. Brown addressed issues concerning employment and the difficulty of getting support from Navajo departments that were established to assist Navajo employees with labor disputes. He expressed frustrations with the ineffectiveness of the Office of Navajo Labor Relations and their inability to affectively address employment issues in border towns where Navajo employment is being circumvented. He criticized the heavy documentation that Equal Employment Opportunity Commission (EEOC) requires and chastised the agency for not properly following up. Mr. Brown pointed out that rather than creating animosity within the community of Page, it should be understood and accepted that the people in Page and the bordering towns have to live together. For Mr. Brown, that means an exchange of cultural education. To him, education is the means to bringing an end to racism and discrimination and this cannot happen if administrators, supervisors and upper management in the school system don't take the time to sit down and learn, "*What makes you a Diné?*"^{xiii}

- Mr. Ivan Gamble pleaded with the Commission to assist the LeChee Chapter Officials, the indigent and elder Navajo chapter members from becoming another episode of forced relocation. He referenced recent land discussions between Navajo Nation Council Speaker Lawrence T. Morgan, Hogback Council Delegate Ervin Kenwood, (Chairperson for the Navajo Nation Government Services Committee of the Navajo Nation Council) and a wealthy Texan Billionaire who were eyeing 50,000 acres of prime development land situated near Lake Powell. This tract of land is trust land and many Navajo families dwell on the land. The land deal, if it happens would be the first in the history, where an enormous tract of trust land is sold to "bilagáanas." The chapter has had no input. The actions that are proposed by the Navajo officials have no concern for the welfare of those

affected. Mr. Gamble cautioned the attendees that discrimination is not only from the people from outside the Navajo Nation, but also can be found within. And, all too often it is the Navajo politicians that are the culprits. Mr. Gamble recapped his testimony by saying, “*We will not let a little bit of money and little bit of greed and a little bit of power take away our traditional ways. I ask you to look at this issue. And would you say is it okay for a man with a little bit of power to sell out those people on this side that just because they can’t spell English just because they are not sophisticated in the bilagáana way. They cannot speak for themselves. Is it okay for Lawrence Morgan to sell us out on this side?*”^{xiv}

Bluff Community Center
Bluff, Utah
(January 20, 2009)

- Mr. Roger Atcitty, a life time resident of the Bluff, Utah area, talked about a land dispute that has transpired over thirty years. The land dispute covers a land base that spreads along the San Juan River. Reportedly, Mr. Atcitty’s grandfather, Hastiin Hashk’aan, and other extended relatives occupied the Bluff area since 1862. Through the years, non-Indian settlers came to the area and set up homesteads; slowly encroaching to areas of where Navajo families lived. In 1950 Missionaries recognized the aggressive and obtrusive taking of Navajo lands, the killing of livestock and tried to help Hastiin Hashk’aan by writing letters to Navajo government leaders in Window Rock, Navajo Nation (Arizona). There was no response to any of letters that Mr. Atcitty sent to Window Rock either. While a young man in 1960, Roger recalled Anglo people stealing Navajo lands. They brought in bulldozers, cleared the lands and torn down fences. They impounded sheep and demanded impoundment fees be paid before allowing the sheep to be returned. Navajo families were intimidated and harassed frequently. Bureau of Land Management (BLM), the local county sheriff and the county attorney have all been no help according to Mr. Atcitty. They are a close knit community and support and cover up the ill will of each other. To compound the situation, Mr. Atcitty believes the Navajo Nation government essentially turned its back to this dilemma. The cycle of cutting fences, impounding livestock and paying impoundment fees is endless.

Over the course of many years, the natural river flow also changed. Some of the change happened naturally and there are allegations that the current flow of the river is man-made. Diversions were designed to move the water flow southerly away from the current community of Bluff. This argument rests with the new lands that were created as a result of the river flowing south. The term *accretion* was used by BLM and local officials to legally claim this land as off reservation and therefore, subject to State jurisdiction. Mr. Atcitty and other Navajos claim, while the flow of the river changed, the boundary of land remains the same. The land north of the river was historically inhabited by Navajos and there remain traditional structures on the premises today. In 1997, Atcitty was relieved to learn a study would be done to determine the exact boundaries of tribal lands. The United States Geological Survey would conduct an investigation and make its recommendations known. After meeting with agencies, families and concerned citizens in the area, there still was no determination made, until it

was recommended that the trees along the river bed be inspected to determine whether the river was diverted or as asserted by the non-Indian folks, accretion occurred. Test results showed the river was diverted and the trees supported the claims made by the Navajo families that this area was originally inhabited by them. The celebration was short lived, as BLM applied the findings to only the small area of land that was tested. One prominent family remains on the land that was determined tribal land and reportedly now operates a gravel pit on the premise. Eviction attempts have failed and all legal recourse is circumvented by the closely knitted law enforcement group. Relations between the ranchers and Navajos are tense and potentially explosive. It was reported families have armed themselves. The Anglo neighbor alleged to have purposefully cut fences, trespassed and vandalized property is reported to be close friends with the county sheriff, the county attorney and the BLM employee. According to Mr. Atcitty, there is no fair legal remedy for them. The disagreement is based on racial discrimination and unfair treatment toward the Navajo residents that remain in the area. Sixty percent (60%) of the population in San Juan County Utah is Navajo. Mr. Atcitty also alleges no Navajo is employed with Utah law enforcement; Navajos don't have any of the county jobs and receive harsher sentencing by the courts than non-Indians. To end his lengthy presentation, Mr. Atcitty asked the Commission to follow up on a re-investigation of land boundaries and look into the allegations he presented.

- Former Navajo Nation Council Delegate Robert Billy Whitehorse first, praised Commissioner Darden for the invocation. Whitehorse found strength in his prayer and began articulating four issues Utah Navajos are concerned about. The first concern pertained to water rights and land. The history of water and land rights claims made by Navajo and non-Navajo families date back many, many years. The issue of water to the Utah Navajos is simple; the waters belong to them! To others it's a complex legal matter bogged down in distorted historical truths that largely do not represent the early inhabitants of that area. Resolutions from the Navajo Nation Resources Committee have no enforcement with the Bureau of Land Management (BLM), even when these resolutions call for an investigation and cooperation among all parties. Navajo Nation programs responsible to handle water and land issues are reluctant to address or even discuss the issue. Whitehorse reported an armed confrontation that took place between an Anglo settler and tribal officials who came out to assess the issue. Since this confrontation, no active efforts have been put forth with the Navajos. Frustration, fear and ill feelings are all common experiences felt by the Navajos living in this area.

The royalties from oil production on reservation land in Aneth, Utah was the second concern raised by Mr. Whitehorse. It was learned funds generated from the oil production were managed by the State of Utah. The Governor selected three non-Indian trustees to oversee the management and disbursement of the Utah Trust Funds since its inception. The Navajo Nation filed a lawsuit requesting they assume management and responsibility of the Trust funds. Mr. Whitehorse, having been a Council Delegate back then for over thirty-four years, stated the lawsuit was filed before he became a delegate. Just recently, the State of Utah decided to return the management responsibilities back to the Navajo Nation. Utah Navajos want control, management and responsibility of these funds. They fear the Navajo Nation government and leaders will spend the funds on other projects. The funds are estimated to be twenty-five million dollars. Aneth residents

do not trust the Navajo Nation government or its leaders. The third concern dealt with President Obama's economic stimulus plan. According to Mr. Whitehorse, of the 2.9 billion Navajo Nation budget request, no funds were identified for the Utah Navajo communities. Whitehorse questioned the rationale for the budget package and asked why Utah's needs were left out. Mr. Whitehorse's final concern was with employment practices of local businesses that operate on the Navajo Nation. The Navajo preference law is not being honored nor implemented as intended according to Mr. Whitehorse. Moreover the Navajo Labor Relations Commission, Office of Navajo Labor Relations and the Division of Economic Development all fail to investigate and ensure the Navajo people's employment rights are upheld. It was suggested, non-Indian business owners have a way of swaying any Navajo investigation, as easy as buying a meal for them!

- Mr. Michael J. Mullins, of Anglo and Native American descent, reminisced about his growing years in the area and his ties to a military family. He spoke candidly of his firsthand experiences with racism and discrimination as a law enforcement officer with the Bureau of Indian Affairs. An elderly Indian male, he identified as *Joseph* took his shirt off while jailed one day. Mr. Mullins observed bruising on the main trunk of his body in the shape of boot marks. He asked what happened. Joseph responds, "*These guys in Cortez, redneck kids practice their Tae-Kwan-Do on us drunks.*" When asked if he reported it to the police, Joseph responded with "*Yea. But they didn't do anything.*"^{xv} Another incident involved a transient Indian male who was beaten by a bunch of young kids at a park in Cortez. They were asleep when attacked. There was also the report of another Indian male being attacked. This time assailants used "*numchukus.*" Fed up with repeated stories of beatings of defenseless indigents Mr. Mullins decided to contact Cortez city officials himself. He called for a meeting and only the police chief was present. The Chief denied any of the violence as racist. No investigative reports were ever made public. Hence, the city of Cortez and its city officials have never addressed the concerns raised by Mr. Mullins and other members of the Ute Nation. To Mr. Mullins, racism remains steadfast in businesses, employment and in the schools that serve the many indigenous peoples that patronize this community. "*As long as we Natives don't say anything and we just put our head down and walk out the door their going to continue to do that.*"^{xvi} Mr. Mullins intends to make it his mission to speak up for those who can't and confront those treating others differently, right away. He only wishes more people, particularly Indians in leadership positions would do so as well.
- Mr. Herman Farley, the Chapter President from Red Mesa, Arizona spoke next. Mr. Farley reaffirmed the earlier presentations by stating unfair labor practices and discrimination still exists. He adds discrimination is not only with the Anglos but with Navajo as well. References were made to the Utah Navajo Trust Funds and the struggle to get the Navajo Nation to support the people's wishes, and of a sewing plant in Montezuma Creek, Utah. On behalf of the largely female employees, Farley described the sewing factory to be on Utah state land that is owned by the Utah Navajo Trust Fund. The company is based out of Denver and employs many community residents. The residents complaint they have no benefits, including workmen's comp or health benefits. It was reported by Mr. Farley, the company has no personnel policy manual and office policies are not available. Phone calls to Director Victor Dee, of the Aneth Community

Development Corporation were made to follow up with the concerns of the employees. It is not known what resulted from these calls. There was some thought that a corrective action plan was to be developed to establish better working relations. For the time being, the employees feel they are slaves and can't question authorities without fear of being terminated. Mr. Farley, asked the Commission to look into this situation, investigate and bring some resolve.

College of Eastern Utah
Blanding, Utah
(January 20, 2009)

- Commissioners heard from Mr. Garth Wilson a representative of the Eastern Utah College, (EUC). Mr. Wilson spoke of the student demographics, where 60% of the student population is Navajo, followed by Ute's and finally, non-Native American people. Wilson reported students attending EUC are academically underprepared and academic support is provided to all students. Graduation rates have increased for Native American students. Race issues at the college are minimal according to Mr. Wilson.
- Mr. Larry Dennison a Navajo now residing in Blanding, Utah, talked briefly about his appointment as the Division Director for the Navajo Nation's Department of Social Services when the Indian Child Welfare Program (ICWA) was established within the Navajo Nation Government. Mr. Dennison reported his grandkids were removed from his care by the Utah Human Services Department. He is frustrated with Navajo's ICWA program since his grandchildren have been in foster care for over two years and placed in a non-Indian family in Heber City, Utah. The family is allowed visitation once a week for one hour. However, they must travel over three-hundred miles to see the kids and it's been difficult to keep up with the visitation rights. Mr. Dennison also provided an example of cultural misunderstandings when he talked about his granddaughter who was interested in learning the skill of butchering a sheep as a potential contestant for an upcoming Navajo pageant. When the granddaughter mentioned this to the Caucasian social worker assigned to their case, she informed the daughter that she was "sick" to even consider such a vial act. Mr. Dennison also spoke of his experienced as the President of the Blue Mountain Diné when he tried to help Navajo families who came to him with their problems. Many families that relocated to this area are not familiar with the Navajo Nation government. They are naive about the services and governmental officials who should be available to assist them. He reported the Navajo Nation purchased several acres of land in Blanding and the Navajo families living on that tract of land are not entitled to any assistance from either the Navajo Nation or the City of Blanding. The families have to fend for themselves. They live in substandard housing with no electricity, plumbing or water and do not have stable employment.
- Mrs. Elaine Borgen, a faculty member of Eastern Utah College, spoke about her conversation with a young Navajo female who worked at the Lickity Split Chocolate Company that she started for kids in the area. The not for profit company is managed by students. Mrs. Borgen is the business coach. One day last year a student informed her

she would not be coming in as she would be accompanying her parents to Farmington to have their income taxes prepared. She offered to do their taxes free of charged. The family declined her offer only because they needed money right away. Mrs. Borgen later learned that from a total refund of \$1,200 the family only got \$700 and the remaining \$500 went to processing and loan fees. She also learned that at this particular tax preparation company, the company sold other items, like tires, where purchases could be made with the tax refund. Of course, additional interest fees are figured into the refund and as a result the refund is significantly a lot less. It is a known fact that many companies in the area prey on indigent families and take advantage of them when tax season begins.

Cortez City Council Chambers
Cortez, Colorado
(February 26, 2009)

- The session opened with the welcome remarks made from the Mayor of Cortez, Mr. Ollie Lucero, and City Councilor Jim Phillips.
- The Director of the Colorado Commission of Indian Affairs, Mr. Ernest House Jr. spoke briefly about his office's interests in following initiatives that involve Native Americans residing in the State of Colorado. Mr. House reported that over 45,000 American Indians reside in the state of Colorado. In the Denver metropolitan area alone, 21,000 are reported to have residence there. Mr. House pointed out that the largest growing native population is Navajo. More importantly, a majority of the Native Americans live in the rural areas of Colorado. Mr. House highlighted the relationship between the resources provided by grocery stores, to buying vehicles, to banking, and all daily social transactions as critical to the relationship with Native people. As the office that serves as the voice for Native Indian concerns to the Governor and cabinet appointees, he reminded the audience to use this avenue as a mechanism that can be useful in solving problems. Mr. House was thankful to hear of Art Neskahi's diligent efforts in addressing race relations in the community. He himself born and raised in Cortez is half Ute Mountain and half Hispanic.
- A middle aged Navajo man known to some as "diwizhiibidoh," spoke next. His English name is Mr. Clyde Benally, a Utah Navajo who lived most of his formative years in the area and schooled in Aztec, New Mexico. Mr. Benally learned quickly of the racial discriminatorily attitudes toward him when he read historical accounts of the "*Navajos*" in the area being termed salvages and unruly to the settlers in the southwest. He recalls as a senior making plans to attend a local college, the Anglo students in his class made fun of his plans. This angered him yet at the same time it empowered him to pursue a college degree. Mr. Benally got his degree and was drafted to military services. He eventually returned to the Blanding area, after serving in the Vietnam War. Married and with a new home, Mr. Benally recalled, Mormon missionaries constantly visiting him to get him to join their faith. He declined because he saw that the Native American families that choose to accept this belief worshipped in a facility built of cinder blocks away from

the main church. Anglo Mormons worshiped in the main church that was nice and built very well. Mr. Benally had no interest in becoming part of a religious organization that segregated its parishioners, even though he was told that the Indians had their own branch. He saw through this disguise. Mr. Benally spoke next of the unfair hiring practice that begun shortly after oil and gas production was discovered in the Aneth area. Many Navajos applied and were not hired. He and others lead a counter insurgent movement to get Navajos hired and to get them the training and skills development to assume the jobs that were essentially in their back yards. Mr. Benally was criticized from both the Anglos and the Navajos for taking a bold position to shut the drilling down, if there was no equity in it for the Navajos. They prevailed in this effort, as many Navajos now have jobs in that area. Clyde shared another period of time, when he decided to move his family to Cortez. His kids were of school age and providing them a good education was important. A realtor in Cortez showed him three houses that were run down and similar to run down houses many Navajos live in on the reservation. He being educated and having a good job with excellent pay and benefits, was taken back when he realized the assumptions made about him only because he was Navajo. Shortly after moving to Cortez, he overheard derogatory remarks made to him, while attending a Cortez City Council meeting. Mr. Benally and fellow neighbors wanted the City to post speeding signs in the street where their homes are located. At the close of his presentation to the Council, one of the Councilmen made the remark, "*Go back to the reservation.*"^{xvii} This councilman did not know his microphone was on. His introduction to the city was also met with resentment from an Anglo patron who he sat next to when he ordered a drink at a local tavern. The guy says to him, "*I hate Indians.*" Not being alarmed, he starts a conversation with him. Upon finishing his drink and leaving, the guy turns to him and says, "*I hate educated Indians!*"^{xviii} Finally, while serving on the Commission of Indian Affairs for Colorado, Mr. Benally championed the effort of getting a Native American curriculum into the schools throughout the entire state. The curriculum was authored by a group of Indians and was passed by the Colorado state legislature in the seventy's (70's). Mr. Benally strongly sees a need to educate Navajo people and the Navajo Nation on discrimination and tolerance. According to him Navajos are subject to all types of discrimination and they do not know who to talk to or where to take their complaint too. Mr. Benally definitely provided a number of anecdotal events, many that are not included here, that were discriminatory, stereotypical, hostile and in general racist at its finest.

- A "*bilaagana*", Mr. Gene Peck, a board member to the Southwest Intertribal Voice, applauded the Commissions effort for bringing the sensitive issue of race relations out to the community. He believes, Cortez has problems but not as elevated as the problems in other border towns like, Farmington. Mr. Peck spoke of an incident he personally witnessed at his place of employment. A waitress made a comment that she didn't like to wait on Native customers. His boss's response was that, "*if she doesn't want to wait on my customers. There's the door. I'll cut her check.*"^{xix} Mr. Peck estimates that 70 to 80% of the city's business comes from the Native community. In reflecting on the difference between him and those that are committing attacks, two things stood out. First, his parents were instrumental with getting him to experience other cultures and second, since coming to the area in 1966 he educated himself about the Navajo. Mr. Peck took a

proactive approach with trying to understand a different culture, its people and their history.

- Alcohol abuse and domestic violence are two social problems that no city can evade. The next presenter talked about a disturbing decision she made and the unfolding of events that lead to a future of despair. Ms. Marietta Tom spoke emotionally about a past relationship with an ex-boyfriend (no name provided) who was on probation, after an incident involving alcohol. Having just moved to Cortez in 2005, she and the ex-boyfriend wanted to make a new start at life. Ms. Tom reported, her boyfriend was arrested for violating his probation while calling his probation officer, and then admitting to drinking. The boyfriend was intoxicated and staggering. He was trying to cooperate with the officer, but was kicked in the shin repeatedly by the officer. Ms. Tom asked to assist with getting him into the patrol car. The officer rudely declined her request because she was pregnant. The boyfriend was charged with resisting arrest and violating his probation. After contesting the charges of resisting arrest, the charges were dropped. He was again placed back under probation and required to not leave the city. A Navajo resident (Ms. Erickson) offered to provide housing for them, as she thought the couple was struggling and needed help. No longer than two weeks past, when accusations were made that lawn equipment was missing from the residence. The boyfriend begun drinking again and had left. Marietta, begun looking for him. She couldn't find him anywhere in the City and asked to borrow a car from the lady that provided shelter for them. Assured that she would bring the car back, she left to see if her boyfriend was in Klagnetoh, Arizona, his hometown. Ms. Tom reports the car breaks down in Klagnetoh and she calls the Catholic Church to relay a message to Ms. Erickson. When she locates her boyfriend, he is inebriate and reports to have had an intimate relationship with Ms. Erickson. Some type of physical altercation transpires between the two and Ms. Tom is forced to hitchhike back to Cortez alone. Upon returning to the home of Ms. Erickson, she is arrested and charged with a class 4 felony for stealing a vehicle. While she was incarcerated, she begins to have early labor contractions. She repeatedly asks to be taken to the hospital but the prosecutor refuses to release her. Family members were eventually contacted and she was taken to the hospital, where she delivered a premature infant. The testimony Mariette provided was disturbing and at times conflicting. Although there may be some issues concerning police brutality, and unlawful imprisonment, due to circumstances that surround the arrest of her boyfriend and her pregnancy, her testimony was not comprehensible. The fact remains that alcohol and domestic violence are prevalent indicators for abusive and destructive actions that sometimes allow law enforcement to circumvent a victim's due process. That appears to be the case in this situation.
- The Director and Founder of the Montelorse Human Relations Coalition (MHRC), Mr. Arthur Neskahi opened his testimony by recalling beatings of Native Americans in Cortez. Mr. Neskahi mentioned an incident involving a Navajo man who was stripped naked and left in the courtyard located in the middle of the high school. This person was literally trapped in the area until the following day when school started. There was no mention of whether anyone was ever held accountable for that incident. Mr. Neskahi's younger brother, also died under suspicious circumstances that involved two young white

boys. The family did not pursue any investigation, because at the urging of his father, a Baptist minister, the family decided to let it go. Being cognate of the abuses and mistreatment of Navajos and other Natives in the area, Mr. Neskahi decided to establish an organization that could help these people. A core of about eight community residents, remain committed to MHRC. They found that problems of discrimination, violence, and intolerance were county-wide. MHRC is seeking its 501(c) 3 designations and hopes to continue its work with assisting people who need their services.

- Mr. Stanford Jones a Navajo from the McCracken Mesa area testified about several frustrated accounts of trying to get water and electricity to his home. The land status where a crude structure of home sits has not been determined. Between the Navajo Nation, the State of Utah, and the Bureau of Land Management the land status remains undetermined and therefore, is not illegible for any monetary assistance from either the state, federal or tribal entities. Historically the family has occupied this area for many, many years. They have permits that date back to 1941 which show the land base to be 53,000 acres. But today, not even the Navajo Nation, or BLM recognize those documents. They have a home site permit but still cannot get water and electricity to their home. Mr. Jones, along with his other siblings shook their heads when he talked about neighbors in their vicinity having electricity, running water and sewage disposal. The neighbor's roads are accessible and taken care of by the county. Mr. Jones pleaded with the Commission to look into the situation and help them, as no one seems to know the status of the land they occupy. Mr. Jones is a pipefitter and worked all over the United States. He essentially goes where the job takes him. He shared a startling encounter with the company he use to work for. After being contacted by the company about jobs in the Phoenix area, Mr. Jones and his brother drove from Canada to Phoenix, Arizona. When they arrived to the Human Resources Office, they were told to sit and wait. They waited, and observed Mexican/Hispanic workers coming in. They were hired on the spot and Mr. Jones and his brother were not. He questioned why they were hired over the phone and told to come all the way to Phoenix to learn they were not going to be hired. He states, *"You called us. We did not call you."*^{xx} The Jones brothers filed with the Arizona EEOC and within three months, they were on the job site in Phoenix. At the close of his report, Mr. Jones reported he is now going through a similar situation in Colorado.
- Ms. Anna Tom, sister to Mr. Stanford Jones reinforced earlier testimony of Stanford Jones. She too, could not understand why the land status had not been resolved and more concerning, why she can't get a home site lease. According to her statements, certain chapter officials are reluctant to help and tell her, the only home allowed to be built at McCracken Mesa is a hogan. No other structure is allowable. Ms. Tom talked about the repairs needed on her mother's hogan. Her mother is elder and recently had knee surgery. Aneth chapter has denied all assistance. To complicate things more, the Navajo neighbors living nearby are alleged to have threaten the family and in one instance's beat a younger brother. Ms. Tom reported through her father's kindness he allowed a few families to settle on the land adjacent to them. After his death, the relationship turned sour and a family feud begun. The neighbors have resorted to shooting guns into the air and making threats to the family. They are fearful and cannot depend on Navajo law

enforcement to be there, as jurisdiction issues impede any response. The county sheriff has responded several times, but each time they are reminded they have no jurisdiction. She ended with wanting the Commission to know that the situation between the neighbors is serious. Ms. Tom is concerned for the safety and well-being of an elder mother and a disabled brother who could easily become victims of a dispute that is getting out of hand.

- Representing the Potawatomi Nation of Oklahoma, Ms. Deanna Neves urged the Commission and the audience to get counted for the upcoming 2010 census count.
- Commissioners were briefed on the services of a homeless shelter that is available in the City. The Director M.B. McAfee reported the Bridge Emergency Shelter serves all people who seek temporary shelter and a majority of the clients identify themselves as Native Americans. The shelter operates under a seasonal schedule. They are open only in the winter months and provide a place to stay during the coldest hours of the night. Unlike other shelters in the region, this shelter takes in intoxicated clients. Sixty-six percent (66%) of the client population is Navajo, nineteen (19%) are identified as Ute Mountain; twenty percent (20%) is Caucasian with the remaining percent being Hispanic and African-American.^{xxi} They plan to expand their data gathering by adding a field that will identify chapters from which clients are from. The shelter operates on a \$100,000 budget and receives financial support from the Ute Mountain Casino. The Navajo Nation does not contribute anything. The Director submitted a Memorandum of Understanding (MOU) to the Navajo Nation Department of Behavioral Health, but learned the MOU was tied up in the Department of Justice. They intend to extend the MOU to other agencies that also serve the same clientele.
- D. Tobie Benali a Navajo resident of Montezuma Creek, Colorado testified about his business experience with Navajo families that are confronted with the death of a loved one. The owner of Summit Ridge Wood Design spoke cautiously about the beginnings of his business. In business for thirteen years, Mr. Benali talked about the enormous costs Navajo families contend with when funeral and burial services are planned. To him, many Navajo families are naïve about this subject, because it is believed this subject matter is not to be spoken about. The funeral industry in the four corners region is a lucrative business that reaps its profits from grief stricken families. Unknown to the families are consumer rights that can be exercised and for the most part could save or cut cost substantially. For instance, families are allowed to purchase caskets from other vendors, they are not required to purchase directly from the funeral home. Burial plots are a lot less when loved ones are buried in reservation cemeteries. Moreover, families are allowed to take possession of the deceased upon being declared medically dead. They do not have to engage a funeral home to assist in the bereavement planning. Mr. Benali wants to promote public education in this sensitive yet unavoidable subject.
- Commissioners heard the first rebuttal of earlier testimony presented by Ms. Marietta Tom from Mrs. Trudy Erickson. Ms. Erickson's recollections of events surrounding Ms. Tom's testimony were succinct. Having grown up in Shiprock, New Mexico and living in Cortez for thirty-three years, Ms. Erickson found it in herself to reach out and help a

young pregnant Navajo girl, who recently moved to the area. She took Mariette into her home along with her boyfriend who she did not know was an alcoholic. The allegations made by the ex-boyfriend are manifestations of an alcoholic according to her. The charges of auto theft should have been settled in court but this matter has been going on for three years now. Mrs. Erickson raised a concern about employment opportunities in Cortez. After working twenty years in Towaco, Colorado as an Office Manager and developing good computer skills she applied for secretarial positions with programs in the city of Cortez. Mrs. Erickson took the initiative to improve her knowledge and skill level by taking courses at the Voc Tech Community College. She applied for an Office Manager position at the college and was informed that she was highly qualified and offered an interview. She later learned another person was hired from out of the community. Mrs. Erickson talked about the City of Cortez's motto to promote local jobs, and to buy local, yet Natives don't get the jobs, even when they are qualified. She spoke from a parent's perspective about the Native student enrollment at the Cortez school district and how administrators use native headcount to acquire federal funds to supplement programs. And, again Natives do not benefit from the jobs that come from these funds. Nor does the city seem to be aware of the revenue Natives spend to keep the city of Cortez operating. She recalled a survey from Wal-Mart in 2006 that showed eighty percent (80%) of retail sales come from Natives in the surrounding communities. In re-assessing her testimony, Ms. Erickson stated, "*Yes. Cortez does help the native but they do not employ the native.*" There's is a big difference that needs to be acknowledged. Trudy contends, "*I'm still struggling to keep my home and pay my taxes in Cortez and yet I've been rejected, rejected, rejected!*"^{xxii}

- Mrs. Linda Jackson a resident of Monument Valley, Utah informed the Commission of the remote and difficult living environment she and other families endured for years. The family lives near Monument Valley known globally for its majestic sandstone rock formations. She believes the Tribal Park has never formally withdrawn the land that is visited by over two million visitors a year. It is estimated that in 1990, the Park generated \$2.5 million on one year. The frustrations expressed by Mrs. Jackson concerns the lack of development and services that are needed for families residing in Monument Valley. Roads to the park are rugged and become impassable during adverse weather conditions. Emergency medical, fire department and law enforcement vehicles cannot make it down the rugged dirt roads. School buses are not allowed into the Valley and parents take their kids out every day to either meet a bus, that is on an approved route or take their kids to school, a twenty mile drive one way. Even more concerning is the fact that teachers are requiring children to use the internet for homework assignments, and they can't. Mrs. Jackson claimed housing, electricity, water and road developments are essential needs that are ignored. Navajo government officials and park personnel are aware of their needs, but choose to look the other way. No reason has been conveyed to the families in the *valley* as to why no action is taken on their behalf. They have established a local association that is on a mission to get answers on the status of the numerous requests that are before the Navajo Nation Resources Committee. She explained that as residents they end up assisting visitors who become lost, stuck, lock out of their cars or who become ill and need medical attention. The association goes as far as picking up trash that is left behind by the visitors. Park personnel are limited and it is

apparent the park is run down and in need of repairs itself. Like the relocatees, they too were promised water and electricity if they signed resolutions agreeing to the development of Monument Valley in the late 1980's. Development only came to the visitor center and they are still without water and electricity. Recently a new motel was build and none of the residents gave their consent. Instead, the Kayenta chapter approved the construction of the motel. It doesn't benefit them in anyway. They have been told by Park personnel they cannot improve their houses unless the Navajo Nation approves the plans. Mrs. Jackson has begun her home improvements and is encouraging the other families to move ahead and do what you have to do. After losing a son, two aunts, two homes and being ignored by her own government she came to ask the Commission for some direction.

Durango Public Library
Durango, Colorado
(April 9, 2009)

- Three individuals addressed the Commission, the first, Mr. Steven Boos who provided an update on the Clint John lawsuit. Clint John was shot by a Farmington Police Officer after a domestic dispute with his girl friend in a Wal-Mart parking lot. Mr. Boos, the former Chief Legislative Counsel for the Navajo Nation Council informed the Commission that this suit is scheduled for trial on the 18th of May, in the United States Courthouse in Santa Fe, New Mexico. Mr. Boos explained they chose to litigate this case through Federal court jurisdiction by alleging the City of Farmington violated Clint John's civil rights. The City Council of Farmington considered a settlement offer in October, but rejected the settlement and opted to go to trial. The trial was scheduled well into the year, because the officer indicated he was going to retire and leave the area to work with a security force in Afghanistan. The Officer never left the Farmington Police Department. He was also reported to be involved in another shooting that is now under investigation. Mr. Boos did not believe this recent shooting would have any impact on the current case. A key issue to the case is whether Mr. John had the Officer's baton in his hand when he was shot. The witnesses contradict each other's testimony. Navajo witnesses say Mr. John was not threatening the officer with the baton, while the non-Indian witness's say he was. The officer's camera and audio system were not on and he did not wait for back up to arrive when he confronted Mr. John. Overall, the facts surrounding the case are interesting and will be presented to a jury pool of mostly Hispanic individuals. Mr. Boos speculated that the firm is convinced they can win this case based on a number of favorable developments that evolved thus far. Mr. Boos ended with letting the Commission know that the hearing was open to the public.
- Ms. Barbara Scott of Navajo and Ute descent spoke about her experience while growing up on the Ute reservation just southeast of Durango, Colorado. Ms. Scott sees an increase in the Native American population in Durango. Many are employed in motels, restaurants and retail services yet, they are treated unfairly. The homeless Indians are also harassed by law enforcement almost daily. And interestingly, she observed a new rising non-Indian population that is more overt toward expressing racism. She reiterated

this point twice in her testimony, making it very clear, what is in Farmington (not wanting certain people around) is coming to Durango. The mind set of many residents in Durango is: *"It's fine for you to cook my food. It's fine for you to make my bed. It's fine for you to clean my bathroom, but don't be in my community."*^{xxiii} While attending Fort Lewis College, Ms. Scott related perceptions of Indians given tuition free status for attending college at Ft. Lewis. Non-Indian students fail to understand the historical Southern Ute Treaty that set precedence for the tuition free status many Native Americans benefit from. The treaty provides free tuition to Southern Ute's and other Indian tribes, to attend college at Ft. Lewis in exchange for the land that now houses the college community. Moreover, it is only tuition that is waived. Indian students must cover all other costs associated with pursuing their degree. To the non-Indian, they assumed all Indians get a free education and use this as a basis for discriminating against Indians in the area. Ms. Scott also expressed a desire for the three tribes, Navajo, Southern Ute and Ute Mountain, to open a dialogue with tribal officials to assist tribal members with opportunities that can support employment, like providing transportation to and from work. More Navajos are employed at the Casinos and there is need to help these individuals.

- Navajo construction owner Mr. Christopher Chavez provided the last testimony for the day. A resident of Cortez, Colorado, Mr. Chavez traveled in to offer testimony of discriminatorily attitudes and racial prejudices that he faced as a Native private contractor. He spoke about a Durango construction job his company was awarded. He employs Native Americans, Hispanics and Caucasians since establishing his company nineteen years ago. In one project his employees were subject to racial slurs made by the Caucasian owner representative of the project. When he sought clarification over the situation he was labeled combative and blackballed throughout the construction industry in southwest Colorado. He ended up hiring an attorney to recover retainer expenses he paid upon securing this contract. After getting his retainer fee back, he ended up paying out thousands toward attorney expenses. Mr. Chavez disclosed the owner representative was an employee of the county, a road inspector. The employee was removed temporarily from the project after the incident became public, but as soon as things cool down, he was reinstated. Chavez's own words of being blackballed by the construction industry were, *"You don't get contracts. You can't buy materials nor can you access charge accounts available to contractors. You are essentially cut-off from everything."*^{xxiv} Another practice used in project procurement is the bidding process that can be abused and used to eliminate unwanted contractors. Bidding forms are sometimes substitute out or added in at the last minute. The rules of the proposal package can change. There are times performance bonds are required, there are times they are not required and for one project he once bid on, there was no mention of a bond needed. He lost the bid because the proposal packaged changed and required a performance bond. This is especially difficulty for the minority contractors, as they are usually the lowest bidders and when venues start to change you lose projects, according to Mr. Chavez.

San Juan County Complex
Aztec, New Mexico
(April 10, 2009)

- Commissioners conducted two hearings on this same day. In Aztec, Commissioners were informed of a mother's plight to have her son's imprisonment reviewed. Ms. Rita Bekise's son, Brandon completed a four year sentence in Las Cruces, New Mexico and upon returning to San Juan County was picked up on an outstanding warrant. While in detention, a Hispanic Sergeant called to him, "*You dirty Indian. Dirty Navajo*" causing Brandon to become upset and thereby, striking the Sergeant. He was charged with a fourth degree felony and sentenced to five additional years. Ms. Bekise questioned what type of professional training does detention personnel receive. "*Are officers encouraged to instigate situations like this and not be held responsible?*"^{xxxv} To her, five years is too long and the length of Brandon's sentencing is only because he is Native American. Rita lost two sons, one died from a hit and run accident and the other died while in police custody. She believes both cases were not properly investigated. Ms. Bekise recalled the death of a brother back in 1977 who was beaten by three Farmington Police Officers. He died in jail. Prior to his death, he called his mother and told her his ear was bleeding and that the officers would not take him to see a doctor. Rita reported they took this case to court, but did not report the outcome of the case. Ms. Bekise is adamant that there is a lot of racism in Farmington. She asked the Commission for help as Brandon already served one year of this recent sentence.
- Ms. Lucinda Yellowhair testified about a motor vehicle violation and being cited for failing to maintain her lane. Ms. Yellowhair is contesting the citation based on the premises that the officer exaggerated the distance of the violation. She was able to obtain a copy of the police video that shows she corrected the violation immediately. Ms. Yellowhair would like to locate an attorney that will assist her in contesting these charges in court.

Bloomfield Cultural Complex
Bloomfield, New Mexico
(April 09, 2009)

- The hearing began at 2:10 p.m. with testimony from Mrs. Emma Herrera, an elderly Navajo woman, whose son's mysterious death had not been solved. Mrs. Herrera testified about the events that unfolded on the day of March 16th, 2009. Emma and her son, Gilbert attended a ball game together in Huerfano, New Mexico that morning. Gilbert decided to go to the town of Bloomfield after the game and she agreed to meet with him later in the day. Ms. Herrera received a call from Gilbert around 2:00 pm. asking her to take him to pick up money in Farmington. Emma is not in a location near him and he mentions he is with a Hispanic friend that will transport him. Mrs. Herrera learned Gilbert did get his money, and was with his wife, Lolita and other people that day. The events that took place after picking up his money become confusing. Later that evening Gilbert was reported to be with friends and Lolita in an area south of Bloomfield, near a motel, partying. It is reported that Gilbert went to sleep outside that night. Friends

assisted Gilbert near a tree to sleep. There were other individuals who also slept outside near Gilbert. When morning came, Gilbert could not be awakened and they noticed his head was injured. Police and emergency medical personnel were contacted and Gilbert was transported to San Juan Regional Medical Center. Gilbert never regained consciousness and passed away. Ms. Herrera felt police officers conducting the investigation were not thorough in their investigation. She was not given adequate information about the individuals that were with Gilbert before his death, particularly the individuals whose identities were concealed in the reports she had received. The back of Gilbert's head was hit several times. Gilbert's wife's accounts of the events are not clear either. Ms. Herrera was told there was an Anglo person by the name of "*John*" last seen near Gilbert. "*John*" has since disappeared. She has not been provided any written information on the findings of this investigation. Mrs. Herrera asked Commission to assist with looking into the death of her son.

- Allegations of discriminatory practices were made against the Navajo Veterans Organization at Huerfano chapter by Mr. Edwin Bayhulle. A resident of the chapter for 55 years and married to a Navajo, Mr. Bayhulle claimed veteran officials denied his request for financial assistance because he is not Navajo. Mr. Bayhulle received veteran's assistance in the past from the Huerfano chapter but was concerned why this time he was denied assistance: claiming the denial for these funds was based on race and therefore, discriminatory. Mr. Bayhulle believes that since these funds originated as government funds for Native American Veterans, the Navajo Nation discriminates by making the funds available only for Navajo Veterans.
- Ms. Bernadine Louie a disabled student at San Juan College provided testimony about the reluctance of faculty and staff to recognize and implement effective mechanisms to address students with disabilities. She believes she was victimized, as her medical condition sometimes interferes with her learning experience at school. Ms. Louie can recognize when a seizure is to happen. In one incident she had been taking a test and was given an "F" for that test. She provided medical statements attesting to her condition, yet college officials refuse to recognize them as legitimate documents. Ms. Louie receives treatment through Indian Health Services. Her grade appeal through the college's appeal process was denied. Ms. Louie referenced other incidents with college personnel that involved molestation by a faculty member, and a math teacher who found her way of solving math problems unacceptable, even when she came up with the same answer as the faculty member.
- Both Mr. Calvin Hesuse and Mr. Ben Stoner came forth to provide testimony on behalf of a friend and relative whose children were removed from her as a result of a domestic violence situation. Both claim the mother of the children was wrongfully pursued by Eastern Navajo law enforcement and Navajo Division Social Services, as this mother has been in a victim of domestic violence for a long time. Linda, the parent, is disabled and she does not understand many of the court proceedings that she is confronted with. She is not provided legal counsel who could protect her rights as a mother and advocate for the return of her children. The common-law husband has relatives that work with the Crownpoint judicial system in Eastern Navajo. The courts favor her husband. He was

released from jail recently after violating a restraining order by coming to her home. He now has custody of the children. The mother's fight to regain joint custody of her children continues today. The Commission closed its hearing after this last presenter.

Nenahnezad Chapter House
Nenahnezad, Navajo Nation (NM)
(April 16, 2009)

The public hearing attracted quite a crowd. Commissioners heard antidotal accounts from presenters of employment discrimination; Navajo employees not allowed to speak their native language while at work; to hiring and firing discrepancies at Arizona Public Services, the City of Farmington and at Cuba Public Schools.

- A Navajo elder spoke about the lack of quality services from the Navajo Nation government and inadequate health care services citing the lack of qualified medical personnel as a major problem. This person lives on a fixed income and has no reliable transportation.
- Mrs. Emma Maestas, a middle age mother traveled to the hearing from Torreon, New Mexico to provide information about the expulsion of her daughter from Cuba High School. The daughter had been involved in a physical altercation with three Hispanic female students who were not reprimanded. Ms. Maestas felt her daughter's initial suspension was adequate, however after serving ten days she was informed her daughter could not return to the school. This case was under investigation at the time Ms. Maestas provided her testimony.
- Commissioners heard from a middle-aged Navajo male, Earl Saltwater, Jr. from Teec Nos Pos, Arizona who shared seventeen concerns. His concerns addressed discriminatory business practices with two auto shops in Farmington. The first involved the purchase of four new tires and damages that occurred when the mechanic ask to check his thermostat. It was reported the mechanic damaged his vehicle and the customer was expected to pay for these repairs in addition to the purchasing of the new tires. The bill exceeded \$1300. After threatening to sue this company, the customer was charged only for the tires. Two issues concerned highway patrol officers who abuse their authority, while making routine stops. In one situation the driver was stopped for not having his grandchild properly seat belted in the vehicle. He was to be given a citation; however the officer told him he would tear the ticket up. Several years later, he was stopped in Bernalillo and he learned a warrant was issued to him for failing to appear. In the other matter, an Arizona State Patrol Officer followed him for more than 15 miles before stopping him and citing him for "*swerving all over the road and speeding.*" The Officer made intimidating and condescending statements saying, "*These Navajos are your friends. When you go to court in Aneth they will just throw this citation out because that is what they do.*"^{xxvi} He felt the officer was making fun of him and decided to just pay the fine and be on his way. The remaining concerns were business related with issues about poor waitress services from the Blue Moon restaurant in Farmington, New Mexico;

another situation involved an elderly female Anglo customer who spit on his food and where in another restaurant, an Anglo couple stared him down as if they wanted to fight. This individual also spoke about missing funds from his savings account and after the investigation was completed, it turned out to be a bank error. He was still charged a \$150.00 fee. One individual also spoke of a company that advertized in-house financing. His daughter purchased a used car and thought she financed it for two years, but refinancing terms allowed the company to extend the terms to four years. She is still paying on this vehicle. Overall, the remainder of his complaints dealt the dishonest business deals with furniture, auto repair and parts store, tractor sales and mobile home sales.

- Several presenters spoke about employers not allowing Navajos to speak the Navajo languages while at work or on break. This individual has sent copies of his complaint to the Office of the Navajo Labor Commission, the Office of Navajo Labor Relations, Speaker Morgan and Navajo Nation President Joe Shirley. He had heard from no one.
- Another participant posed the question to the Commission of wanting to know why the Oath for Navajo elected officials is given in the English language and not in Navajo. He was concern with the ending of the oath that states, “So help me God.” This individual was also concerned with the penning up of zoo animals that are not met to be domesticated.
- The final presenter spoke about a case of mistaken identity in which her daughter was stopped and accosted by Farmington Police Officers. A vehicle matching the description of the vehicle she drove had been reported as being involved in some type of crime. The license plate on her vehicle had been switched out and she was not aware of it. When officers followed her home they quickly apprehended her and search the car and her home. She felt threatened and asked to call her mother, who arrived on site. It is not clear as to what all transpired with the discussions with the officers as the recording of this testimony was inaudible shortly after this reported statement.

**Sycamore Community Park
Farmington, New Mexico**

(April 17, 2009)

- At this hearing, Commissioners heard from eleven (11) presenters. Mr. David John of the Farmington Community Relations Commission spoke in detail about the creation of their organization and its relation to the city. Although they have not had many cases from the public they look forward to working with NNHRC in efforts to better serve all citizens of Farmington.
- Information from Ms. Diane Ayers who heads a citizen initiative on the inebriate concerns of Farmington addressed the Commission next. Her personal assessment from the many business owners she interviewed is that they are interested in providing positive solutions to the problems that plague the downtown area. She indicated her sense is that

the owners have a more compassionate response than a racist one. The citizen's initiative went before the Farmington City Council and advocate for the banning of the sale of high gravity beer and cheap wine in the city. They were successful in getting the City Council to support this ban as these products are no longer sold in the City. Ms. Ayers trumped Farmington's policy to spend city tax dollars on an alcohol detention center that is the only one in the state funded by city tax dollars. Overall this group wants to see compassionate treatment and longer incarceration so offenders can get the mentoring and treatment that is needed. There are individuals who have been in the detox center over 400 times in two years.

- Another issue raised by Ms. Elaine DeRusse concerned employment practices with San Juan Regional Medical Center where there are allegations of discrimination. Many of Para-professionals are classified as at-will employees. The issues raised by Ms. DeRusse concerned patient safety and the quality of patient care that she raised with her supervisor on more than one occasion. At-will employment has been posed to the Commissioners at several previous hearings. It is understood and acknowledged that when Navajo medical paraprofessionals express concerns regarding patient care in a hospital or assistant living setting, nursing administrators and some hospital administrators are reluctant to look into the problems as presented. Some of the quality care issues are serious enough to report to the New Mexico State Licensing Bureau and Joint Commission if corrective action is not taken. In many instances these problems are recurring and unfortunately ignored by supervisory staff. Instead of addressing the problems in a proactive manner, medical administrators choose to address the problem as the employee failing to perform as a team member and causing unnecessary ill will amongst staff. Employee performance and other personnel violations would be cited and result in the complaining employee being terminated without cause. In many of the personnel policies, provisions are available for progressive disciplinary measures, but in this particular case, this procedure did not work for Ms. DeRusse.
- A middle aged Navajo male by the name of Mr. Tim Bates provided his personal observations of current race relations within the city of Farmington, as he felt attitudes of the non-Navajo residents had improved. There seem to be more tolerance and understanding of the indigent's situation. Alcohol, homelessness and unemployment continue to be serious issues confronting Navajo citizens and according to Mr. Bates these problems will always be around. Racism will also always be here as well. Mr. Bates has not been to jail for almost seventeen years now but he still gets pulled over and the first thing county sheriff's and Farmington officers asks is, "*Have you been drinking?*" or "*How much have had?*" To Mr. Bates, "*the color of your skin dictates the first question the officer will ask. To them there is no such thing as a sober law abiding Native American.*"^{xxvii} Mr. Bates who grew up in the area, purports his obligation is "*that's just Farmington*" and he chooses to accept that. His outlook on life is to help those who he can and stand up for those that can't. He was grateful to have the opportunity to meet with the Farmington Community Relations Commission and now, the Navajo Nation Human Rights Commission. Mr. Bates hopes both Commissions are successful in their efforts to curtail discrimination and provide education to the people that need it.

- Commissioners heard of two brothers on the Farmington Police Force by the last name of Flores. While on bike patrol the officers will stop indigent Navajos walking or standing in public areas. One of the officers will search back packs and bags that are carried by the individuals and even open water bottle containers to smell for alcohol. It is reported that the officers do not treat other ethnic minorities the same as they treat Navajos. The other ethnic minorities are ignored. The profiling of Navajo indigents is consistent. Mr. Randy Johnson, who testified of the events, asked if the officers have the right to do this. *“Other officers that patrol the same area are friendlier and talk with everyone. They do not search bags or open containers.”*^{xxviii} Mr. Johnson, having just learned about the hearing wanted to bring this matter to the attention of the Commission. Following Mr. Johnson, Mr. Phillip Frank offered a brief statement that supported Mr. Johnson’s assessment of the two officers that patrol the area almost daily. Mr. Frank also witnessed the stopping of people and the checking of bags.
- Mr. Francis Mitchell grew up off the Navajo Nation and was raised by an Anglo family. Based on the testimony he just heard Mr. Francis questioned the authority of the Farmington Commission and wondered what more they could do. He cited other entities that have internal policies that supersede their policies and procedures and, therefore, inhibit what they can do. Speaking as a Navajo medicine man, patients are also concerned with some of the same issues that were presented. Navajo patients will sometimes let a situation escalate before taking any action. Traditional doings are then performed with the understanding that better things will be forthcoming. Mr. Mitchell spoke of his personal observations of Navajo families that come to Farmington and are treated differently only because of the way they are dressed. He hears reports of the racial slurs and remarks made about grandma’s dress. The issues the Commissions are confronted with are very difficult. In closing Mr. Mitchell proposed a future meeting in a sweat lodge to think about how the two Commissions could collaborate more effectively together.
- Speaking English only in the work place, at school and other public institutions were raised by Ms. Victoria Gutierrez. The language restriction is imposed by some non-Indian employers and supervisors that forbid Navajos from speaking the Navajo language. For Ms. Gutierrez defending the Navajo language is an inherit responsibility of all Navajos. An advocate for raising awareness and educating Navajo youth, Ms. Gutierrez, would like to see Navajo youth becoming proud of who they are and knowledgeable about their cultural tradition. Ms. Gutierrez would like to see the Commission advocated for the integration of cultural teachings in the public schools. Ms. Gutierrez also provided personal observations on the treatment of Navajo customers who are ignored or have to stand and wait until someone finally comes up to assist them. She, being half Navajo and half Hispanic and possessing the features of a Hispanic person, has observed store personnel by-pass the Navajo customer and approach the Caucasian or Hispanic first before giving any attention to the Navajo patron. She pressed the issue of getting youth to speak up, rather than take the pathetic stance of saying nothing at all. Ms. Gutierrez envisioned a future where Native tribes would come together to address racism.

She reminded the audience that if no one takes the lead to address the unacceptable attitudes and racial gestures, businesses will continue to find these actions acceptable.

- Mr. Frederick Nez offered testimony about a strange encounter with a Navajo police officer that stopped him and arrested him. While driving with a colleague to Gallup for a game Mr. Nez was contacted by his supervisor that he was needed back at work in Bloomfield, New Mexico. While in route near Newcomb, Frederick encountered a lot of traffic ahead of him. Several vehicles were lined up and traveling at a rate of about 50 miles an hour. Mr. Nez proceed to pass the vehicles and noted an unmark police vehicle in the pack of cars to pass. He continued and eventually passed the pack of cars, knowing the officer also remained on his tail. After traveling quite a distance the officer pull him over. Upon stopping, the officer advised him to get out of his car. As he exited his car and he was promptly handcuffed and placed into the police car. On route to the Shiprock Police station, the officer stops near the Red Valley turn off and says he needs to help another officer before taking him in. Upon finally arriving at the Shiprock police department, the officer writes him a ticket for speeding, saying he was driving 90 mph. Not wanting to argue or make the situation worst, Mr. Nez waits and learns he is getting another ticket for reckless driving. The officer finally released him on his own recognizance telling him he could have impounded his vehicle and jailed for five days, but decided to let him go.
- The former president of the Farmington Indian Center spoke next. Mr. Jasper Joe pointed out that the current location of the Indian Center was not visible enough. Mr. Joe postulated having an Indian Center more centrally located in Farmington would bring about better relations with the people of Farmington. Not only would it be more accessible, it could also serve as a meeting place for dignitaries, a place to host cultural events, and could be expanded to include a restaurant. Mr. Joe thought if the city helped build a new center race relations would improve.
- A former oil field employee testified about an intercom discussion that led to his termination. The statements were made between an Anglo co-worker and the Anglo boss over the company intercom at the close of business one day. The co-worker (no name mentioned) asked the boss, *“Where do I park the vehicle?”* The lot was full and the vehicle had been rented. The boss replies, *“Just park it where the Indians won’t get it.”*^{xxix} Mr. Lawrence Bekise, appalled and concerned, raised the issue with the boss in a professional manner the following work day. The boss recanted his statement and apologized to Mr. Bekise and other native workers. It wasn’t too long after this transaction, that Mr. Bekis was release from his job. Mr. Bekise had worked with this company for a long time. He was able to regain some of his employment and now works two or three times a week. Company personnel have not given him any reason as to why he is being treated this way. Mr. Bekise expounded on testimony by adding many Navajo employees have left this company because of situations like this, and because hourly wages are not be paid fairly. Non-Indian personnel with no experience are making \$13.00 an hour, whereas, Native American personnel with experience are earning \$8.00 an hour. Mr. Bekise wanted the Commissioners to know about this discrepancy.

Torreón Chapter House
Torreón, Navajo Nation (NM)
(May 29, 2009)

- Commissioners heard testimony concerning the New Mexico Food Stamp Program, where the office is located in Gallup, New Mexico. Mr. Chee Smith, Jr. entered on record that the traveling distant and the enormous personal documents that are needed to complete an application to be considered for food stamps is cumbersome. In almost every occasion, more than one trip to Gallup is needed. If an applicant qualifies for services, individuals end up waiting another three to four weeks before services or money becomes available. This complainant had similar comments about the Gallup Motor Vehicle Department. He reported personnel at MVD were rude and spoke harshly to the Navajo elders that come in. There is no bilingual speaker to offer translation assistance to the Navajo speaking customer. Mr. Smith wrote a letter to Governor Bill Richardson complaining about the treatment and services at the Gallup Motor Vehicle Department.
- Ms. Rena Joe a Navajo from the Whitehorse Lake Chapter testified about the ill treatment Navajo children received from tribal programs like TANF and Social Services. She wanted the Commission to know that the treatment of children in area schools is the same; they are mistreated yet and the schools use headcount to secure additional funds. She asked for increase in police protection in the area. Overall Ms. Joe was thankful to have been given the opportunity to address the Commission.
- Pinedale resident, Mr. Presley Norton testified about a hardship that confronts him. He is a single parent and recently released from jail under a work release program. Mr. Norton had acquired housing and learned he would have to pay rent. It would be difficult for him, as he has very little resources to survive. Mr. Norton wanted the Commission to know about the hardships that confront many Navajo families. He asked the Commission to help him cover rental expenses.
- In her opening statements, elder Mary N. Trujillo of Torreón recalled promises made by the Federal government to the Navajo people, *“they said they would assist us with hospitals and schools but today they are not really helping us.”*^{xxx} Ms. Trujillo testified to the lack of services provided Navajo families from the Federal government. She talked extensively about the removal of her 83 year old sister, who she cared for. Ms. Trujillo did not understand why her sister was removed by tribal social workers and placed in the care of paternal relatives. She insisted the tribal social worker exhausted bank savings that were to remain in the bank according to a court order. Ms. Trujillo claims no bilingual translator was present when these events unfolded. She complained about the ineffectiveness of tribal programs and the lack of respect toward Navajo families by these workers. Ms. Trujillo was encouraged to file a complaint with the office.
- Ms. Anna Bahe testified about a Cuba police officer by the name of Robert Vigil, they encountered after stopping them for having Arkansas plates. He began harassing her daughter and later her daughter became the talk of the town. The daughter is an army

veteran and while in Cuba on the same day they were stopped, their vehicle was hit in the parking lot at a pawn shop business. The same officer took the accident report and promised the family he would handle it. Officer Vigil developed a personal interest in Mrs. Bahe's daughter and started to call and come to their home. He never took care of the police report on the accident. She complained to the Judge at Cuba about the frequent and obvious visits by this officer. Instead of getting some support from the Judge, the Judge threatens to throw her into jail and tells her to leave. According to Mrs. Bahe this discussion all transpired through the assistance of a Navajo translator. The officer continued to pull them over each time they went to Cuba. Officer Vigil threaten her daughter and made statements telling her if she was not with him he would start putting her in jail. Under the advisement of Mrs. Bahe, the daughter left the area and moved to Albuquerque. The officer is to have slandered the reputation of her daughter from what Mrs. Bahe has gathered from businesses in Cuba. She has not filed a complaint against the Judge or the police officer to date. The Commissioners encouraged her to file a complaint as soon as possible.

- The Torreon Chapter Vice President, Marlene Waukazoo, testified about possible discrimination issue that exists with BIE (Bureau of Indian Education) schools. As an elected official it is the policy of BIE that employees cannot hold elected chapter positions. Ms. Waukazoo claims that after working in education for over seventeen years, BIE did not make this policy known until recently. She and other educators in the area will be affected by this policy. Ms. Waukazoo also serves on the Cuba Public School Board and she related problems concerning the retention of qualified Navajo educators. According to her, seventy-eight percent of the enrollment is Navajo and very few Navajo teachers are employed. The special education enrollment is high with many Navajo students deemed needing special assistance. The Navajo teachers do not have proper credentials to teach the Navajo language. Professional development at the school is largely utilized by the non-Indian staff. Ms. Waukazoo feels school administrators are not providing the leadership and support necessary to retain Navajo teachers, to communicate effectively to Navajo parents and to academically prepare Navajo students. She also spoke briefly about a Navajo educator who was selected as the Assistant Superintendent and was now being recommended for termination. The school district has two new Navajo board members who are not familiar with the history of the district. Ms. Waukazoo hopes they will be able to bring change to the school in the near future.
- Ms. Roz Carroll, a former teacher and Cuba school administrator who was appointed as the Assistant Superintendent position testified next. Ms. Carroll while serving as the Cuba High School Principal noted, issues between staff, students and parents as potential discriminatorily and racial at heart. Ms. Carroll developed a reputation of being an earnest worker who got the attention of the school board. She began receiving reports from staff and community residents that her professional demeanor was intimidating to the current Superintendent, Mr. Victor Velardo. To her surprise she began hearing from Board members that Mr. Velardo reported there was conflict between him and Ms. Carroll. A former subordinate of Ms. Carroll sent a compliant directly to the Board, by passing the Superintendent and her. Despite attempts to have the Board address the complaints, Ms. Carroll was advised by the Superintendent that she needed to follow the

personnel procedures for grievance reviews. She reported several incidents where she was cited for instigating problems, or not following proper protocols for leaving the premises, and failing to submit a grant request for the bilingual program at the school. Communication with the Superintendent was ineffective. He did not return calls, talk with her, answer emails and generally, ignored her. Superintendent Velardo refused to meet with her on her written evaluation and insisted she had to sign it. In retaliation, the Superintendent issued a reprimand accusing her of pornography, which Ms. Carroll denies. She was not offered a contract for the new school year and she had no venues of recourse or appeals. The charges rendered by Superintendent Velardo are serious and could lead to the revocation of two professional licenses. She feels as an advocate for Navajo children, Navajo educators are important and the school district does not seem to support this. Within the district there are only four Navajo teachers and she is the only qualified Navajo administrator. Ms. Carroll indicated she still gets calls from faculty and other staff who are concerned with issues that confront them in the Cuba School District.

- Mr. Donald Barboan, a former school board member, opened his testimony with acknowledging the Cuba School District neither have the best interest of Navajo students nor are the students aware of the situation within the school district. He spoke of a situation where his vehicle was towed to a wrecking yard and he was charged two hundred dollars. Mr. Barboan tried to negotiate with the owner to set up payment, but was told they do not allow incremental payment plans. He would be charged another ten dollars a day. Shortly, after hearing this, a Hispanic person came up and conversed about his vehicle. He asked in the Spanish language if he could pay a little at a time, which the owner agreed to do. When he questioned the owner about why he let this person set up payments the owner became hostile. He then asked the owner about getting a receipt on a car that he pawned a while back. The owner told him he couldn't do that and indicated he sold the car to a junk yard. Mr. Barboan confronted the owner and told him that the car was over on a lot across the street for sale. After arguing with the owner, Mr. Barboan proceeded to tell him just because he is Navajo, he was being difficult and untruthful. Mr. Barboan would like to see a place on the reservation where vehicles can be towed. He also reported another incident involving the same officer that was alleged to have been harassing the young lady from Torreon. His son had to make an important phone call and they stopped by Safeway to use the pay phone. Officer Vigil came up to his vehicle and told him he could not be sitting in his car. It was not allowed. Mr. Barboan quickly exited his vehicle and told the officer they (Cuba Police) are just hurting the Navajo people.
- Mr. Wally Toledo Community Service Coordinator for Torreon Chapter wanted the Commission to bring people in to educate the community about their rights. He felt this would be a good way of deterring questionable business transactions that seem to plague the Navajo people in Cuba. Mr. Toledo offered to assist community residents but caution that the burden of responsibility rest with the community members.
- Mr. Leo Charley confirmed earlier testimony about the Cuba school district and later spoke specifically about the highway to Cuba. He is concerned the current highway is not properly maintained nor is it designed properly. He also commented on the same police officer who frequently stops Navajo drivers by saying he had been stopped by the

officer and is alleged to be speeding all the time. Mr. Charley thanked the Commission for coming to his chapter.

- A teacher who has taught among Native students several years and who taught in schools in Korea and in the East coast offered his observations on student learning methods and teaching style, (Pedagogy) of Native American students. He spoke about bringing change into the school and community by first accepting the person for who he or she is. Understanding a child's upbringing, communicating more effectively and teaching from the heart are positive attributes Mr. William Huyssoon would like to reach a more culturally accepted curriculum that integrates Navajo thinking and tradition. He has seen these changes happen with other local tribes where he has taught. Mr. Huyssoon believes today, people do not take the time to talk to people and understand where the students are coming from. For him, learning how they learn; and adapting and accepting how they learn, is the best advice he can offer to the audience. He referenced two Navajo aides that have degrees who could be in the classroom. Mr. Huyssoon saw hope in the situation with Cuba and encouraged the audience to keep working toward empowerment and not judgment.
- Ms. Novalene Meyers is an employee of the Cuba Independent Schools and reported she was told not to speak to the students in the Navajo language. Ms. Meyers decline to identify the employee who insisted the Navajo language not be spoken but said that the policy was a violation of her rights and she only saw the use of the language as reinforcement to student learning. Ms. Meyers stated that when she instructs in Navajo, the student's facial expressions indicate they recognize the subject matter. She feels by not allowing the student to be taught in their native language is a disservice to the student and to the Navajo Nation. Ms. Meyers also talked about content or subject matter relativity. Many examples and teaching topics are not relevant to the student. There is little connection between reality and what is composed in the book. She gave a perfect example of a multiple choice test question given to students in the primary level. The student is asked, "*What do you get for your birthday?*"^{xxxii} The choices are pictures of a cake, a dog, a horse, a toy and money. Many Navajo students chose the dog or the horse because it's cultural relevant to Navajo. Because the book says these answers are wrong, the student is considered either to have a learning problem or is illiterate. Novalene Meyers feels these students are very bright when she talks with them in Navajo. Another issue she raised about the school district is that faculty recruitment is not effective. The District has hired foreign teachers to teach Navajo students. Their dialect is thick and the student finds it difficult to understand the subject matter that is being taught. Ms. Meyers would like to see the earlier intervention with all students and hopefully curtail the current stigma from high school students that the Navajo language is a handicap than an asset for one's learning.
- Ms. Matilda Lee also an employee at Cuba School District feels discrimination and prejudice exists at the school. There appears to be a preference for the ones that live and are employed at the school. There is very little concern about the Navajos, they are the forgotten ones. Ms. Lee provided examples of the lack of support for the Navajo student, when Navajos are in sports, they never get to play; when field trips are scheduled and two

buses are needed, the district will provide one bus; and when the Navajo student gets a low test score, he or she is identified as a bad student. Navajo students are suspended more frequently than any other ethnic group. According to her, certain students are targeted by one teacher. To her, Navajo students are not treated fairly as other non-Indian students that get into the same trouble. Regarding the impending departure of Ms. Roz Carroll, Ms. Lee reports staff members were not told of her permanent absences, instead they were told to leave a message and she would get back to them. Ms. Lee purported that under the leadership of the current superintendent, administrators, who are all Anglos and Hispanics, they tend to stay together and look out for themselves. It's not right especially when 80% of your enrollment is Navajo.

- Ms. Geneva Cayaditto, an educational assistant at Cuba school was denied educational assistance from the school for the first time. Ms. Cayaditto reports she had gotten these funds in the past and according to her contract she is classified as an Educational Assistant. However, upon learning about her application being denied, she learned the denial was based on the determination that her job functions were more with assisting the Counselor. Despite this minor setback, Ms. Cayaditto paid her educational expenses out of her own pocket. She graduated this spring. Ms. Cayaditto concurred with other speakers, that Cuba school district discriminates against the Navajo employee and the Navajo student.
- The final person to testify was an unidentified speaker who inquired about how the issue on testing could be addressed. As reported, many students are identified as needing help consequently are failing. The Navajo teachers feel these students have potential and many are bright and creative. They ask the Commission to help them turn this trend around but offered no information of how to go about reversing this trend. The Commission responded with the recommendation of bringing the issue to the attention of the new Navajo Nation Education Superintendent and to the Navajo Nation Education Committee. Commissioners also recommended they talk to the Navajo Board members, who are critical in determining the future of Cuba school district.

Albuquerque Indian Center
Albuquerque, New Mexico
(May 30, 2009)

The hearing did not produce the audience the staff and Commissioners anticipated. For the estimated 30,000 Navajos that live in the city, we heard from ten individuals.

- The first to provide testimony came from a young Navajo mother whose daughter had been removed from her care and is in the custody of the New Mexico Children's, Youth and Family Bureau. Christina Rodriguez felt she is making progress to regain custody of her child, but is getting very little support from the State agencies. She has lived on the streets for almost one year and had no success with employment or housing. The young mother expressed frustration with the support systems in Albuquerque. As she incrementally works on the stipulations to get her child back, she often hears

caseworkers, counselors and other support staff telling her, “*She cannot make it because she is Native American and drinks a lot!*”^{xxxii} The Commission was also informed that there is a very strong need for adequate health care for urban Indians. The federal cuts to urban health care center have impacted all Indians living in Albuquerque. Many are being turned away and reportedly seen only if their medical condition is an emergency.

- Former Mayor Martin Chavez also provided information on his administrative strategy to address indigenous people residing in Albuquerque. Mayor Chavez reports his Native American policy is twofold; one he works with the sovereign nations around the city with the understanding that they are indigenous nations and two, how his administration can better the needs of the Native Americans residing in the City. This includes better transportation connections within the city and creating access to quality education for all peoples moving to Albuquerque.
- Another presenter, Mr. Norman Ration, the National Indian Youth Council Executive Director, reinforced the issues concerning the lack of medical care for urban Indians and the non attendance of the Navajo Nation at meetings that are critical to urban Navajos. Most of the time the Pueblos of New Mexico are at the table and their issues are more likely to get the attention of people in Washington D.C. Homelessness remains a problem for the many Navajo children attending the Albuquerque Public School system. Of the 5,000 homeless kids attending school in Albuquerque, 600 of them are Native Americans. It is apparent by this presenter Native American children are academically performing far less than other ethnic minority groups. Mr. Ration added their organization works closely with the United Nations on issues concerning Indian incarceration, racial profiling, discrimination and other social concerns that impede urban Native American development. Inadequate funding in Indian Education and the need to train Native Americans remains at the forefront of their concerns. There is an interest in capturing unspent federal funds that are returned to the Federal government from Indian Nations as well.
- Mr. Kiutus Tecumseh, Board President for the Albuquerque Indian Center, expressed concerns with providing services under extreme financial constraints. The center provides many services to the largely Navajo clientele population that is estimated to be 67% of the entire Native American population served. Moreover many of the Navajo clients present the most serious social issues than any other ethnic groups in the city. The Indian Center serves seven to eight thousand clients per month. Mr. Tecumseh spoke about his personal upbringing where he experienced discrimination first hand as a Winnebago Indian living on the Yakima Reservation and attending public school on the Yakima Reservation. From an early age he remembers, American Indians being stereotyped as second classed citizens and encouraged to pursue training programs based on aptitude tests that were administered to high school graduating students. He met his counselor only once before graduating and refused to follow the recommendations of becoming a brick layer. Mr. Tecumseh told him he wanted to go to college. His non Indian counselor told him tests never fail and he was better off becoming either a brick layer or a baker. Insistence paid off and Mr. Tecumseh was accepted at Washington State where he graduated. His counselor told him to trust him; or he would fail in an

academic setting if he didn't. Mr. Tecumseh's educational experience reinforced the allegations made earlier about Albuquerque Public Schools. APS does not provide the academic or supportive environment needed for Indian children to learn, to compete and to succeed. Academic support for Native Americans is not there, as compared to support services for Hispanic and other minority students.

- Another presenter talked at length about two incidents where his daughter and her friend were stopped at the east entrance gate of the Southwest Indian Polytechnic Institute (SIPI) before nine o'clock one evening. The police officer turned his lights on and the daughter of the driver assumed she was being stopped for a traffic violation. She waited over five minutes and he never got out of his car, so she proceeded through the gates. He followed her and she stopped again. This time he got out of his car and verbally harassed her, wanting to know who she was running from. He called for back-up and a New Mexico state patrol officer and a sheriff officer assisted the Albuquerque officer. They verbally harassed them and eventually let them continue to the compound, they were all students. Complaints were filed with police department and an investigation is underway. It was reported that Native students attending SIPI are frequently stopped as they enter the gates of this college. In the second incident, SIPI students were drinking outside the grounds of the BIA campus. When officers arrived they cited these individuals for public intoxication. Someone from the police department contacted the school and provided the administrators with the names of the students that were cited. The school expelled all of these students, citing the no tolerance policy. These students all filed appeals with the school and the outcome is not known as of this writing. It is the position of these students that their rights have been violated as the incident took place off school campus. This presenter went on to talk about other program disparities that continue to affect Native Americans in health, business and law enforcement entities.

Alamo Chapter House
Alamo, Navajo Nation (NM)
(July 16, 2009)

- Mr. Herman Ganadonegro was the first to cite issues on the failure of the United States government to recognize the use of the Navajo language when it was used in World War II. Mr. Ganadonegro felt the Navajo Nation should be compensated for the use of the Navajo language that won the war. He also raised concerns about frequent road blocks that are set up between Magdalena and Alamo. He feels this is racial profiling as this route is the only exit south from Alamo. He further expressed concern about the cross-commission of officers reflecting on how they work against the Navajos. Mr. Ganadonegro's final issue dealt with parcels of land that he believed belonged to the Navajo Nation. Through actions of Navajo government, the parcels were sold to ranchers who do not allow them on the land. He wants to know what happened to the funds that were paid for the land.
- An elder chapter member, Ms. Sadie Monte, spoke next with allegations of discrimination by chapter officials. According to Ms. Monte, Chapter members attending

the February 23rd, meeting approved a request to cover expenses for a trip to Washington DC. Her granddaughter is Little Ms. Alamo and a student at Magdalena. She was instructed to keep receipts from the trip to Washington, DC. Ms. Monte had to constantly remain the chapter officials of her reimbursement. She finally got a portion of her granddaughters expenses paid from the Chapter in April. In the month that followed another request was made to the Chapter to cover expenses for a trip to Gallup to attend the Elder Fest. Ms. Monte was elected the official elder representative of the Chapter. She again encountered the same problems with the Chapter and is concerned with the way the Chapter is treating its people. She feels this is not right and ask the Commission to look into her complaint. Ms. Monte also reported questionable sales of quilts that were made by members of the Senior Citizens. She wants to know what happened to those quilts.

- Ms. Carol Vicenti, informed Commissioners about the difficulty she is having with getting food stamps and other services approved through the Socorro Human Services. Each time Ms. Vicenti is in the office, the case worker, who is Anglo, is always asking for additional documents. She is also required to do job search. She has no money to do job search. When this barrier is reported to the case worker, her case is automatically closed. Ms. Carol Vicenti wants to know who can help her. Her second issue dealt with a Chapter Official who was charged with DWI. The Chapter Officials refused to step down as a land board member and has also been asked to step down from the school board. He is getting paid for these meetings, and according to her, the official does not attend the board meetings as expected. Ms. Vicenti implied Chapter personnel were mismanaging funds and favoritism was being exhibited to certain members of the Alamo Chapter.
- Commissioners heard from another chapter constituent, Mr. Jefferson Abeyta, who complained about the TANF & GA (Tribal Assistance for Navajo Families and the General Assistance) programs that also require a lot of documentation. Mr. Abeyta felt these services also don't do what they are intended to do and often Navajo families are denied services. Moreover, Socorro Human Services use to provide home energy assistance to families in Alamo in the winter time. The program has since been turned over to another office in Window Rock, Navajo Nation (AZ). He says they don't get any services now, even when they put in applications. He would like to see those funds come back to Socorro. Mr. Abeyta asks the Commission to help the community of Alamo get the road paved all the way north to Interstate-40. There are serious life safety issues that have happened and people are transported around Socorro to Albuquerque for treatment. Mr. Abeyta's final concerned was with the need to have an assistant living program established in Alamo. Too many elders are placed in programs away from Alamo and they don't live long after they are removed from the community. Mr. Abeyta sees a valuable exchange of cultural information from elders if they are cared for in a program near home.
- The Alamo Chapter Secretary, Angela Apache, reinforced earlier testimony about the lack of services from several tribal programs that the Navajo Nation manages. Ms. Apache feels Alamo is being discriminated against and virtually ignored by the Navajo

Nation government. She spoke about housing projects that as a little girl she grew up in. Through all these years, the Alamo community has never been serviced by the housing authority. To her, every other chapter is getting funds to assist with housing maintenance and renovation, but not Alamo. Ms. Apache pointed out that rental rates are going to increase and yet, the houses that the residents occupied are not inhabitable. Ms. Apache spoke about her experience with the TANF program and a dispute with a caseworker where she almost lost her eligibility. She is neither married nor single, but living a common law relation, which is not identified on the application. This nearly caused her to lose her eligibility, but she argued for the recognition and eventually began receiving services. She is emphatic the services are limited and that they are being discriminated. Secretary Apache clarified the reason for the cross-commission of officers in the area and that is because only one Navajo law enforcement officer is shared between Tóhajiilee and Alamo. Ms. Apache reported there is little coordination between the service centers located in Eastern Agency and in Window Rock to effectively and efficiently provide services to the people in Alamo. If Alamo is lucky, case workers come out once a month, if not than they are there on a quarterly schedule. It's very hard on the residents. Ms. Apache responded to the complaints lodged by chapter members about not getting adequate financial assistance when chapter members approve such funds. Ms. Apache reiterated that some funds are appropriated for only specific expenditures and these policies are set by the tribal government. She claims the people who make these statements about mismanagement know this, yet they continue to believe funds coming from the Navajo Nation can be used in any way they want. She kindly thanked the Commission for giving her the opportunity to testify and clarify some misconceptions about the Chapter and its personnel.

- Ms. Doris Monte testified about a housing application that was filed several years ago and there has been no action. Doris is disabled and her daughter has severe health problems. Ms. Monte questioned the manner in which Council Delegate's disburse discretionary funds. She felt the Chapter Officials and the Council Delegate in their area have lost touch with the people who have the greatest need. Ms. Monte wanted the Commission to speak to the leaders in Window Rock and tell them to come out to the communities and see who really needs help, instead of giving assistance to the ones that have already been assisted.
- Ms. Irene Mariano, an elder chapter member, claimed to have been ousted from the Alamo Senior Citizens Center three years ago and she filed a complaint with the Eastern Navajo Agency on Aging. Reportedly, Ms. Mariano was told not to come back to the Senior Citizens Center. She has not heard from anyone on the status of her complaint and is still denied services. She is frustrated. Ms. Mariano had also worked with the Foster Grandparent Program and decided to leave the program. She had expected her last pay check but that never came. When she followed up on the whereabouts of the last check, she learned her check was given to an employee by the name of Eugene, who is the Supervisor of the Senior Citizen Program. She followed up with Eugene and learned the check was in the Crownpoint office. This was bothersome, knowing she was ousted from the Center and told not to come back.

- Mr. Eugene Monte, the Supervisor of the Senior Citizen Center, testified the quilts made by the elders are the root of the dispute that led to the ousting of Ms. Irene Mariano. Only one quilt was sold and the funds raised from the sale of this quilt is in the Crownpoint Aging office. Reportedly, the quilts have all been given back to the elders who made them. Mr. Monte reports, this misunderstanding caused the two ladies that complained earlier to take their frustrations out on the cook. Mr. Monte was the employee who asked Ms. Mariano to leave the Center. He later sent them a letter of apology.

Tóhajiilee Desidero Center
Tóhajiilee, Navajo Nation (NM)
 (July 17, 2009)

- Two presenters addressed the Commissioners while at the Tóhajiilee hearing held at the Desidero Center. Mr. James W. Zion, an attorney, first testified about the rights of Navajos living off reservation. Zion has an extension legal background in human rights issues and was speaking on behalf of the National Indian Youth Council (NIYC). He talked about the underrepresented populations of indigenous peoples residing in urban communities and the conditions that threaten their survival in large cities. He found urban Navajos are subject to the same discrimination and racial bias, reported by the Commission in their opening remarks and finds it necessary to promote the inclusion of urban Navajo and other Native Americans into the UN Declaration. Mr. Zion's second concern dealt with the U.S. Justice Department's Indian Country Crime Plan where he believes the Justice Department is discriminating against Navajo women and other indigenous women. Mr. Zion says the policies in the Indian Country Crime plan neglects indigenous women's issues and fails to provide basic criminal justice needs in Indian Country. The plan does not satisfy the United States trust responsibility to Navajo and, it does not honor treaty obligations under the United States – Navajo Nation Treaty of June 1, 1868. He reported that the Committee for Elimination of Racial Discrimination (CERD) found the U.S. did not meet its obligation to deal with the exceedingly high rates of rape and sexual violence against American Indians and Alaska Native women. In his testimony Mr. Zion made it clear that crime from reservation borders spills into urban communities where, Navajos are victims at rates higher than any other ethnic group. Mr. Zion outlined four major areas of recommendations that he will be making while attending the EMRIP meeting in Geneva, Switzerland. They are as follows: 1. Adequately fund prevention and early assistance centers, counseling services and temporary shelters; 2. Ensure specific training for those working in the criminal justice system including police officers, lawyers, prosecutors, judges and medical personnel; 3. Undertake information campaigns to raise awareness among women belonging to racial ethnic and national minorities about the mechanisms and procedures on racism and discrimination; and, 4. Insuring reports of rape and sexual violence against women belonging to racial ethnic and national minorities are independently, properly and thoroughly investigated and that perpetrators are prosecuted and punished. He asks for the Commission's support.

- Mr. Harrison Platero provided the Commission with a historical synopsis of the establishment of the Tóhajiilee community. The community is estimated to have a population of about 3,000 with many service center programs that are available in the community. Recently, a new health clinic was built that serves the community, the Acoma Community of Laguna, and urban Indians of Albuquerque. The community is planning to expand services in the clinic to include outreach education services, transportation and pharmacy services. Tóhajiilee is involved in research projects that study cancer, historical trauma, the environment and other health related matters. Economic issues for the community include the planning of a new casino. According to Mr. Platero the work to begin the construction of this new casino is on hold with the Navajo Nation government. Another economic initiative includes the development of natural resources in the community. Mr. Platero stressed to the Commission that the community is striving to be self-sufficient but when they do get financial assistance from the Navajo Nation they use it. Community members also look for outside funding opportunities as well.

City Council Chambers
Grants, New Mexico
(July 23, 2009)

The border community where six (6) Navajo males were beaten on several occasions throughout a period of two weeks provided a full house of mostly spectators than testimonials.

- This hearing began with the testimony from a 68 year-old Navajo female Mrs. Irene Lutz encountered police brutality as a result of a domestic argument that involved her daughter. According to the testimony, the female officer used excessive force to apprehend and arrest the elder Navajo women. Despite several reasonable pleas for assistance, the arresting officer disregarded Mrs. Lutz's pleas for help and leniency. She also ignored Mrs. Lutz's medical condition which she and others made very clear to the officer on several occasions. Mrs. Lutz was eventually transported to the Grants Police Department where she was processed and placed into a cell. The events prior to this point indicate the victim was pulled by her hair, pushed into a yucca plant (face first), arm and fingers twisted, hit in the chest and finally handcuffed. While attempting to get out of the police car at the police station, the victim verbally informed the officer again, that she was weak, diabetic and needed help. Mrs. Lutz was told to get out of the car and could not; she fell to the ground and dislocated her shoulder. The officer is reported to have made disparaging remarks to her and kicked her on the leg. Another officer assisted and when they got her to the station she blacked out. Ms. Lutz found herself in the emergency room of Cibola Medical Center when she woke up. She was treated and her shoulder was set back into place. When she was release from medical care and turned back over to the custody of the officer, she was dragged to the front door of the ER entrance. Ms. Lutz reported hospital personnel ignored her request for help. Mrs. Lutz was eventually released from the Police Department and has filed a request for an internal investigation. She is pursuing other legal options as well.

- Commissioners were honored at the presences of John Antonio, Sr., Governor of the Pueblo of Laguna, who presented a resolution entitled “Pueblo of Laguna, Resolution #55-09; Expressing Concern About Recent Violent Acts Committed Against Native Americans in Grants, New Mexico and Call Upon Elected Officials to Take Action.” Governor Antonio added comments made by their tribal council to show support for life and for the need for people to understand that we should not tolerated or condone the actions of a few. The Governor went on to reference the recent designation of Mount Taylor as sacred traditional cultural property (SCTP) which lead to the disagreements amongst residents of Grants and the surrounding communities. He recalled the many good people he knew and the good things they did to respect and support one another. Governor Antonio called upon the leaders of Grants to work together to end this violence and bring harmony back to the community where so many diverse peoples live.
- The Vice-President from the New Mexico Human Rights Coalition Education Fund, Virginia Candelaria-Martinez, and spoke not only as an experienced professional with in-depth knowledge on human and civil rights issues but spoke about growing up in the community of San Mateo, north of Grants. She challenged the city, county and tribal officials to go beyond the allegations of discrimination and prosecute these people for the crimes they commit. She pushed for a meeting to bring government, organizations and the communities together to provide educational opportunities. She saw this problem as just not one groups’ problem. The problem needs to stop and racism and discrimination must be addressed as a community issue. To her, tolerance is a subject that needs to be taught, and not as a superficial subject about just living together; it really needs to address cultural issues and cultural backgrounds.
- Ms. Carlene Wilson, a young Navajo mother, charged the Housing Authority with allegations of discrimination. She claimed to have been given a four-day notice to move out of her house. Along with the short notice, she alleged to have been charged excessive late fees and other fees that included the costs of a friend who would come and visit every other day. She paid all of these fees. Ms. Wilson stated that there were excessive charges for property damage as well. Ms. Wilson pointed out another tenant that reportedly picks on Native Americans and the elderly tenants. The entire housing fiasco caused stress and health problems to family members. She asked for help and was instructed to submit a complaint form prior to leaving the hearing.
- Speaking in Navajo, Ms. Rose A. Kenneth addressed the Commission, stating the recent designation of Mount Taylor becoming a historical cultural site instigated the recent accounts of discrimination against the Native Americans. She has lived in this area all her life, and has grandkids that are now growing up in the same area. She fears for their safety and well being. She spoke about the housing situation concerning her daughter, saying she does not know why they are being treated the way they are, as they are church going people. The accusations of housing damages are false. Ms. Kenneth recalled earlier days when non-Indians helped the Indians. She worked for Monte Carlo for eighteen years and the owners got along with the Navajos. There was no divide and she wondered why her children are being mistreated today. To her, the changes have all occurred because of Mount Taylor’s designation. It hurts her and she feels the people do

not really understand the significance of this mountain to the Navajos. She suggested that maybe the Navajos should shop in Gallup where people are more tolerant and understanding of the Navajo language. Ms. Kenneth, spoke of recent purchases of spoil meat that is sold to the Navajo customers. This type of discrimination is happening in grocery stores, gas stations and housing areas. She asked the Commission to help her with her concerns. She, too, has a heart condition and now cannot sleep as she watches over her kids at night.

- A relative to one of the beating victims spoke next, Mrs. Beth Miller. A former elected official from the Thoreau area, she encouraged the city officials to come together and address race issues as leaders. The role of an elected leader is a much larger role than other officials of the community, and it is, therefore, impinging upon them to look at the business people and to have them come together to address these concerns. She expressed her disappointment and shame of Grants for now being recognized as a border town that is known more for its racism, like cities of Farmington and Gallup. Mrs. Miller pointed out what happened to the individuals that were beaten and to the one person that was beaten so severely is unbearable. The beaten person took his first steps again today in Albuquerque and according to a relative of the victim he is learning to walk again. Mrs. Miller brought up the subject of her son and his run in with the Grants Police Department. He was reported to have been striped searched. Although the chargers against him were cleared, he refused to press charges against the Department. The circumstances of the search were too degrading and embarrassing to mention. Knowing about this personal experience, she did not want to see the Grants police department do another shoddy investigation and push evidence under the rug. Mrs. Miller insisted things are not well in Grants especially when Navajo brothers and sisters are physically beaten
- Grants Police Chief Steve Sena has been on the police force for twenty-two years. Chief Sena assured the audience that law enforcement in the community is to serve and protect all citizens of Grants. He offered a short statement on how internal complaints can be filed with his office and then turned the remainder of his testimony over to Sergeant John Castenedã to address the recent violence against the Navajo transients.
- Sergeant Castenedã updated the audience on the outcome of recent preliminary hearing of suspect Shawn Longoria. He reported the suspect pleaded incompetent and, therefore, an order was issued to have Mr. Longoria evaluated. Until this evaluation is completed, no hearings will be scheduled. Sergeant Castenedã did not offer any details about the investigation. He made it clear this case is considered a high priority within the department and the investigation continues. *“It will not be swept under the rug.”^{xxxiii}* In closing remarks, Castenedã reassured the public that equal protection is afforded to all citizens, visitors and every one of Grants.
- The District Attorney (DA) for Cibola County spoke next. Mr. Lemual Martinez began his testimony with answering a question posed by the Human Rights Commission. The question of competency came up where in the Longoria case the defendant called into question his own competency. It was explained that two complex questions have to be

addressed. First, whether the defendant is competent enough to understand the nature of the charges against him, and two, whether he can assist his attorney in his defense. This involves an evaluation to determine the defendant's mental competency. At this point all Magistrate Court proceedings are stopped and are moved into the district court. DA Martinez would not elaborate on the extent of witness accounts, as this information would undermine the prosecutor's strategy.

- Ms. Sophie Bradford, the daughter to Irene Lutz, entered testimony that supported the statements made by Mrs. Lutz. According to Ms. Bradford, the ex-boyfriend of another sister came to the apartment property that is managed by Mr. and Mrs. Lutz. There is a restraining order against the ex-boyfriend and Grants police officers were called. Mrs. Lutz took a set of keys away from another daughter who had accompanied the ex-boyfriend. When police officer Porter arrived she was rude to everyone. She refused to listen to the account of the events that lead up to why the police were called. Instead she commenced to arrest Mrs. Lutz. Officer Porter used excessive force in apprehending the 68 year-old mother. She even threatened family by-standers and potential witnesses that if they interfered in the apprehension they would be arrested. Family members had no choice but to stand aside and observed the aggressive and excessive force used on their mother. Ms. Bradford recalled another situation where officers were called to the complex to assist in a domestic violence call. These officers conducted themselves in a professional and reasonable manner by calming the parties down and listening to each person's account of what had transpired. Moving to Grants has been an eye-opening experience for her. Not only has she seen her own Native people treated badly and discriminated against, she believes her mother was treated differently only because of the color of her skin. According to Mr. Lutz's written statement Officer Porter did not want to hear about Mrs. Lutz medical condition. "*She needlessly injured an elderly woman half her size and without any real provocation.*"^{xxxiv} The Commission asked that the written statements prepared by the family be submitted for the record and recommended the family file a formal complaint with the Navajo Nation Human Rights Office.
- The next Navajo speaker was Mr. Tommy Mariano, a victim of the beatings that brought state wide attention to Grants. Mr. Mariano blamed the individuals that beat him and not the City. In fact, in another attempted beating that transpired in broad daylight, two Anglo males stopped their vehicle and chased the assailants that attacked Tommy. They assisted him by rendering first-aid to his injuries and called an ambulance. He did not know them. Mr. Mariano acknowledges that he has a lot of good non-Indian friends and surmised that there are good people in Grants. His whole purpose for testifying is that he wanted to see those responsible for the attack held accountable and that this matter be resolved as quickly as possible.
- The Vice-President of the Navajo Nation, Hon. Ben Shelly, called for a collective approach by community leaders to address this unfortunate situation before it escalated into a volatile situation. Vice-President Shelly related traditional teachings of the Navajo about the creation of the five-finger people as people created world-wide; earthly people with similar features, two legs and two arms. The only difference is the color of their skin. He speculated about future generations, interracial marriages and issues children

will be confronted with if racial discrimination is not stopped. For him the beatings were senseless and racial to the core, and that cultural differences were the only reasons why these individuals were hunted down and beaten. Vice President Shelly called for a plan to be developed and implemented to guide the City's efforts in riding racism, prejudice and discrimination from the towns of Grants, Milan's and other border communities. He spoke about the deaths for three Navajo males who were tortured, burned and beaten in the outskirts of the Farmington community in 1974. At the time, the Navajo Nation did not take evasive action, and Shelly pledged that this time, the Navajo Nation will not be unyielding by such actions. The deaths however vain, called for a civil rights investigation into one of the most thriving communities in New Mexico. He vowed that the rights of Navajo people will not be lessened because of cultural differences and/or because language barriers. In ending his testimony, he asked the City of Grants and Milan's to join hands with the Navajo Nation and not condone the behaviors that are now being exhibited toward the Navajos or other Indian Nations because of Mt. Taylor's designation. Vice President Shelly surmised, "*Actions today will yield the challenges for the future.*"^{xxxv}

- The final person to offer testimony was Mr. Gerald Curtis, a native of Connecticut who was raised in a community of diversity. He spoke about three years of living in Grants. Mr. Curtis spoke of an employment opportunity a Navajo male qualified for within the city of Grants. As a requirement from the employment bureau, he was to actively seek employment. He filed an employment application with a local business and was not even given an interview. He carefully articulated information about substandard housing, where many Navajo families reside. The owners of these homes are not compelled to fix up the units and bring them to standard. They do not live in the apartments or rental units. Consequently Navajo families are stigmatized as being lowest on the social and economic scales of society. Moreover, city politics "*turns a blind eye*" when it comes to enforcing codes to bring homes and rental units to meet standard codes. Finally, Mr. Curtis inferred that Grants law enforcement has violated the rights of many Navajo citizens by conducting illegal searches and side steps the rights afforded all citizens under the U.S. Constitution. Mr. Curtis offered to provide more detail information about each specific incident but would do so only privately.

City Council Chambers
Gallup, New Mexico
(July 24, 2009)

- Mrs. Delores Begay described her experience with A-1 Towing Company of Gallup. A relative who had been driving her vehicle was arrested and the vehicle was impounded. After paying the impound fee she was held without her consent by the towing company because they alleged she was under the influence of alcohol. A-1 Towing personnel called the McKinley County Sheriff's Department. Mrs. Begay said she attempted to explain a medical condition that caused irritation and redness to her eyes. The non-Indian Sheriff did not believe her and insisted that she go to NCI for a breathalyzer test. Ms. Begay said that although she does not drink, smoke or do drugs she and her family

were intimidated by the Sheriff and eventually agreed to have another family member pick up the vehicle. Mrs. Begay said she is pursuing her options to address this matter but wanted Navajo citizens to be careful and avoid similar harassment and discrimination.

- Mr. Duane Silversmith expressed concerns about a paternity issue where his parental rights are not being enforced in violation of a Zuni court order. He also alleged that the Zuni Judge presiding over the case is a close relative to the Zuni mother which prevents him from getting a fair review on his visitation request. He alleges that his son's human rights are being violated because he cannot participate in Navajo culture activities.
- Ms. Anna Rondon testified about her efforts since 2002 to get the U.S. Attorney's Office to file charges against a sexual perpetrator who remains at large near her community. Ms. Rondon alleged that the U.S. Attorney's Office told her that "*there are too many important cases than to pursue this matter.*"^{xxxvi} Ms. Rondon also testified about another violent person who shot her son and was released back into the community without being informed of his release. She says that her family does not feel safe knowing the individual who shot her son is back in the community. She requested that there be better communication and coordination between the Gallup courts, the District Attorney's Office and the victims, especially when the perpetrator is violent. She then went on to say that she and other concerned citizens have created an organization called the Greater Gallup Coalition for Justice that provides training to police officers in areas such as racial profiling and the use of force, including deadly force. She said the coalition conducted a perception inventory designed to identify issues within the McKinley County School District. She said that although they submitted a proposed Memorandum of Agreement to the Gallup McKinley County School District over a year ago to help address some of the issues identified in the perception inventory the McKinley County School District has not agreed to approve the document. Ms. Rondon's cheii was stabbed in Gallup on April 22, 1956 and she was here on behalf of the Navajo people and honoring her grandfather by taking on these projects.
- Ms. Krystal Curley gave the Commission information on a training experience that she took part in as a young citizen of Gallup. The Coalition for Healthy Resilient Youth is the group that was instrumental with enlightening her on racism. The curriculum covers topics of anti-racism, oppression, racism today and other aspects of racism that Navajo youth will find interesting.
- Ms. Brenda Yazzie, a University of New Mexico ("UNM") employee, spoke of unfair hiring and promotion practices within UNM and within the Gallup McKinley County Schools ("GMCS"). Ms. Yazzie states she has worked six (6) years for UNM and has seen several employees quit because of unfair employment practices. Although other UNM employees attended the hearing they did not address the Commission. Ms. Yazzie said that UNM employs primarily non-Indian professionals and very few Native Americans hold upper level management positions. She alleged that Navajo employees are paid less than non-Indian counterparts and that she raised this issue with the Navajo Nation's Legislative and Executive Branches. There has been no response. She stated Navajo students are not prepared academically for college and often take additional

semesters to complete their degrees. She alleges that UNM ignores this problem, fails to offer basic academic support and instead, “*gives the student an attitude for not learning.*”
xxxvii

Ramah Chapter House
Ramah, Navajo Nation (NM)
(August 27, 2009)

No testimony was received. The hearing adjourned after two and one-half (2 ½) hours.

Churchrock Chapter House
Churchrock, Navajo Nation (NM)
(August 27, 2009)

- Mr. Gilbert Shorty expressed concerns about a Gallup Independent newspaper article that incorrectly identified his son as a shooting victim. Alarmed because the article implied that the victim was killed and because many friends and relatives contacted him about the story, he repeatedly called the Gallup Police Department but was never provided any clear answers to his questions. Eventually he learned that the victim was misidentified. He said that he asked that the Gallup Independent and the Gallup Police Department if there was a protocol in place to ensure this type of information is correct before it is released to the press. The paper retracted the story and properly identified the victim.
- Mr. Richard Begay testified that he knew of two (2) young Navajo women who had been killed but that the investigation was never completed and the family was not provided any answers. He then spoke of the limited healthcare services in Phoenix, Arizona and said that Navajos are told to go back to the reservation. Mr. Begay said that healthcare services not paid by Indian Healthcare Services’ (IHS) Contract Health program are the patient’s responsibility to pay. He said he feared that Navajo elders would not understand the administrative procedures required by IHS to get Contract Health to pay for these medical services. Mr. Begay was also concerned about the lack of available healthcare services at the Gallup IHS facility and that referring Navajo elders to larger metropolitan hospitals can be a frightening experience. He recommended that more healthcare services be made available directly in all IHS hospitals. Mr. Begay then spoke against uranium mining and said that other Churchrock residents wanted the decision to place a moratorium on uranium mining be respected and enforced.
- Mrs. Shirlene Rogers briefed the Commission on eviction proceedings filed against her and twelve other families by the Churchrock Housing Corporation. Mrs. Rogers stated that in 2002 she and others signed rent-to-own agreements with the Navajo Housing Authority (NHA). Many of these homes were demolished and new homes built on the same location. However, she and the others were advised two (2) years later that there was an error in their contracts and that their homes were rental units only and that their monthly payment increased substantially. Mrs. Rogers and other families could not pay the increased rent and demanded that the homes remain rent to own and claimed that the

Churchrock Chapter, the NHA, the Navajo Nation and the company that built and managed the contracts promised they would remain rent to own. The company managing the contracts filed bankruptcy and argued that because the tenants refused to pay their rent they had to seek bankruptcy. As a result, they were allowed to reorganize and have since changed management several times.

- Mr. Richard Beyale, Jr. offered additional information on the land status where the homes are located, known as “the old Indian Village.” He said that the Navajo Nation Advisory Committee, on behalf of the Churchrock residents, asked Congress for one hundred fifty-one (151) acres that the U.S. Army once occupied. The land was transferred to the Bureau of Indian Affairs (BIA) and then to the Navajo Nation to build housing for the Churchrock residents. According to Mr. Beyale, the resolutions that authorize this land-exchange in the late fifties or early sixties are somewhere in Window Rock but have been reported as lost.
- Mr. Abdul Rahicu, an Alaska Native, reported what he believed to be the exploitation of Native American art by Gallup’s jewelry businesses. He described two unpleasant incidents where a Navajo craftsman sold his art work for five dollars (\$5.00) apiece because the jewelry business refused to pay more. Mr. Rahicu said he later returned to the store and found that the items had been priced at more than two hundred dollars (\$200.00). Mr. Rahicu said he confronted the jewelry business owner but did not go into detail about the owner’s response. Mr. Rahicu said that he did not like the way Native Americans are treated and said he was leaving Gallup.
- Ms. Julia Smith, a former Churchrock Chapter officer, also testified about the housing litigation. She said that it was her recollection that during the housing development negotiations officials promised the construction of nine hundred (900) new homes and that “whoever lived in the old houses, would move into the new ones” and that rent was never to be as high as it is now. The nine hundred (900) new homes were never built and the rent increased substantially.
- Mr. Brian Chee, Churchrock Chapter Coordinator, explained that many Navajo youth find themselves on the wrong side of the law because they acted in self-defense but the truth is never known. Mr. Chee described discrimination as an invisible problem where blame actually rests with other people. He said that he spent two days training in Grants but did not feel comfortable staying overnight there because of the beatings involving Navajo transients so he drove home each evening. Mr. Chee said he wants to help educate Navajo youth about their rights and responsibilities.
- Mr. Frank Chee testified that he traveled throughout the United States and has seen racism and heard racial comments. He said he is frequently asked, “*Do you still live in teepees?*” “*Do you still hunt buffalos?*” “*Do you still do war dances?*”^{xxxviii} Mr. Chee stated that he was glad the Commission was established and is following the Commission’s activities. He views the Commission as being very useful at the national and international level.

- Ms. Delores Martin, also a Churchrock housing tenant, said she participated in the planning meetings for the new housing project and said that the housing corporation and Navajo Nation government officials broke verbal promises and wrote rent-to-own contracts. She, like the others, talked about happier times living in “the Old Indian Village. *“Now,”* she says, *“it’s a big mess...”* ^{xxxix}

Nahatá Dziil Chapter House
Nahatá Dziil, Navajo Nation (AZ)
 (August 26, 2009)

- Mr. Wayne Lynch testified about a property tax dispute with Apache County that is affecting the quality of life for relocatees. He said that Apache County recently decided that a previous opinion from the late 80’s by a former Apache County Attorney, Steve Udall, is incorrect and began taxing property that Navajo families reside on. The lands were purchased pursuant to the Navajo-Hopi Relocation Settlement Act of 1974. Mr. Lynch said the land was supposed to be placed into trust status and not subject to state property taxes. Unfortunately, families are now receiving demands from Apache County to pay property taxes. Mr. Lynch explained that he has presented this issue to the Navajo Nation Department of Justice and the Navajo-Hopi Land Commission but nothing has been done to correct the problem. He went on to say that Navajo families are now purchasing run down mobile homes to avoid paying property taxes on a new home. Mr. Lynch said that his “legal” research supported the position that the Act’s intent was that Navajo relocatees were not suppose to pay state property taxes. The area in question is a checkerboard area of trust and fee land. According to Melody Capps, Apache County Assessor, the Honorable Michael C. Nelson, Presiding Judge, Apache County Superior Court, has issued a ruling that supports the property tax.
- Mr. Bennie Yazzie alleged that Apache County Deputies are picking up intoxicated Navajo transients and dropping them off at St. Johns or other remote locations without filing formal charges. He states that these individuals have to walk back exposing themselves to potential roadway dangers. Mr. Yazzie stated that instead of being released Apache County should hold them until they are sober. He also alleges that Apache County Deputies stop Navajo families and impound their vehicles. This results in expensive impoundment fees in excess of six hundred dollars (\$600.00). Mr. Yazzie said towing companies take advantage of Navajo people and alleges that Navajo families often make double payments to the towing companies and to the Apache County Sheriff’s Office.
- Mr. Keith Begay, originally from Bird Springs and now a seventeen (17) year resident of Nahatá Dziil, spoke about the liquor establishments in the area. He said that there are several liquor stores within a five (5) mile radius of Nahatá Dziil and that when Navajos are seen leaving these liquor stores, or simply in an area near them, they are stopped but non-Navajos generally are not stopped. Mr. Begay also alleges that racial profiling is a common practice by the Arizona Highway Patrol, Apache County Deputies and even the Navajo Nation Department of Law Enforcement.

- Mr. Jack Whitehorse testified that the Navajo Nation government legislatively oppresses and discriminates against its own citizens by limiting business opportunities for the Navajo entrepreneur. He says government monopolies like the Navajo Tribal Utility Authority (NTUA) and the Navajo Engineering and Construction Authority (NECA) get most of the construction contracts on the Navajo Nation and that the small businessman has no opportunity to demonstrate their ability to perform. He said these monopolies control the construction market on the Navajo Nation but don't hire Navajo subcontractors and that is why so many Navajos end up transients walking the border town streets. Mr. Whitehorse asked, "*Who will have a chance to succeed if the Navajo Nation cannot provide jobs?*"^{xl} He said that the unemployment rate on the Navajo Nation is somewhere between 45% to 65% and that Navajo people are quick to point fingers at one or two cases of off-reservation discrimination but not the problems that exist within the Navajo Nation. Mr. Whitehorse went on to say that young, educated Navajos cannot find or startup jobs on the reservation because there is no infrastructure to support their efforts. He said the Navajo Nation needs to support small businesses and Navajo entrepreneurs rather than oppress them. Mr. Whitehorse ended by saying that the Commission must focus on the people's rights and not the needs of the government and hoped that the Commission is successful and truly represents the Navajo people.
- Mr. Anderson Morgan, a lifetime resident Nahatá Dziil, testified that the Bar N Ranch was purchased for relocatees who left behind their simple life they enjoyed, their traditional homelands and their livestock to build new homes on. He said that many promises were made during the Peterson Zah administration that never came through including the promise of much needed financial assistance for community and economic development. He said that the Navajo-Hopi Land Commission, the Navajo Nation nor the Office of Navajo Hopi Indian Relocation has ever provided sufficient information or assistance to relocatees and that things remain basically the same today as the day the first relocatee arrived. Mr. Morgan said that many of the relocatees, some of whom are his extended relatives, became sick and impoverished after they were removed. Unlike others, Mr. Morgan said that most of his family chose not to drink because too many had turned to alcohol out of despair. He explained that the families who were relocated believed they were to receive the same amount of land they left behind and that the land would be placed into trust so they would not lose it to taxes. This, however, never happened but Mr. Morgan said that these issues can and must be raised and corrected.
- Ms. Annie Holmes spoke about the large amount of alcohol sales in the area and how rampant alcohol abuse is among the youth. She wondered why the school curriculum did not include drug and alcohol education and awareness. Ms. Holmes also questioned why the local schools are teaching the Navajo students Spanish or French but not the Navajo language and culture. She said to do that would protect and preserve the land, the Diné Life Way and may reduce the rate of alcohol abuse. She recommended that additional funding be identified to support more scholarships and educational opportunities. She then talked more about the community's inebriants and the lack of healthcare and rehabilitation services like those available in Winslow, Holbrook and St. Johns, Arizona. Ms. Holmes said the lack of employment opportunities and alcohol abuse "*kind of hold*

hands with each other and affect our children.^{xxli} She also talked about how unemployment has impacted her family. Recently, five relatives were laid off. Ms. Holmes claimed one of her grandsons returned to his former employer and found Hispanics working in positions that were previously filled by Navajo and alleged that this is employment discrimination. She then recommended that the Navajo Nation create new jobs by opening a sewing factory to make and sell clothing to the students attending reservation schools and develop a manufacturing plant to build parts and equipment for local power plants.

- Mr. Arnold Begay testified relocation is not finished no matter what government officials say. He said there are too many liquor stores and the community does not benefit from alcohol sales because taxes go directly to the county government and nothing is returned. Mr. Begay also alleged discrimination by the Navajo Nation government against relocatees. He said the homes that were built for them are sinking. Mr. Begay said multiple families overcrowd these homes because they have no place to go.
- Mr. Cecil Hubbell testified he experienced discrimination while working with Peabody Coal Company, within his lifetime there have been ten (10) alcohol establishments within a seventeen mile radius of Nahatá Dziil and recommended the legalization of alcohol sales on the Navajo Nation and use the revenues to develop alcohol and drug rehabilitation and treatment centers; and, Arizona State troopers profile Navajo elders who may not understand their rights.

**Board of County Supervisors
St. Johns, Arizona
(August 26, 2009)**

No testimony was offered although Mr. Joe Dedman, Apache County Sheriff, visited informally with the Commission and offered a tour of the county.

**Mesa Public Schools
Mesa, Arizona
(September 4, 2009)**

- Mr. Fred Johnson, Traditional Counselor, Phoenix Indian Center, testified that his children were discriminated against because they wear their long hair in a traditional Navajo “tsiyeel.” Mr. Johnson said children made fun of them; although reported, the school did nothing to stop the taunting; and, school administrators lack cultural sensitivity. He said that Navajo parents need to know they have the right to get involved and discuss issues impacting their children. Mr. Johnson also testified that Sheriff Joe Arpiao and detention personnel have a zero tolerance long hair policy and Navajo inmates have to cut their hair or face administrative consequences. He also said that as a court interpreter he has personally heard court personnel, particularly lawyers, referring to Native Americans as “*drunks or there just like this and that.*”^{xxlii} Mr. Johnson alleged

judges give longer sentences to Natives and cited an accident involving an intoxicated Anglo driver who was given probation even though his Navajo passenger was killed. Mr. Johnson said that many Navajo families come to him with questions of “fairness.”

- Mr. Larry Foster testified about border town racism and alleged U.S. policies, technology, medicine and global warming are contributing to the growing disconnect from traditional Navajo values. He said that traditional herbs and ceremonies are being marketed in the streets of Phoenix and that non-Indians are inappropriately taught sacred songs and prayers for money. Mr. Foster then testified that a Navajo male who fell into an open manhole in Phoenix was discriminated against because he was allegedly intoxicated.
- Ms. Shawna Tarboro, a representative from the Southwest Fair Housing Council, testified that Native Americans rarely complain and she is unaware of any Navajo filing a complaint. Ms. Tarboro said that that most people are not aware of or understand their rights pursuant to the Fair Housing Act and perhaps Native Americans simply accept life’s conditions. Ms. Tarboro invited the Commission to provide cultural awareness and sensitivity to the Southwest Fair Housing Council.
- Mr. Brenden Bannon testified his stepsons were discriminated against and alleged to be gang members because of a tattoo proclaiming “Diné Pride.” Consequently, he alleged the Mesa Police failed to properly investigate the incident although T-shirts, stickers and other apparel displaying Diné Pride are commonly sold.
- Ms. Arista LaRusso alleged she was denied relocation benefits; she is unable to get a home-site lease; and, she was told returning would be a burden to the community. She said her complaints to the Navajo-Hopi Land Commission, the Navajo Nation Council, Congresswoman Ann Kirkpatrick and Senator John McCain have fallen on deaf ears. She alleged that denying her right to return is discrimination and said, “*Relocation is a form of assimilation. Culture genocide. And no one should be forcibly relocated.*” “*Relocation is not dead. It is alive it’s generational and we keep passing it on to another generation. It has to end somewhere.*”^{xliii}

Native American Connections
Phoenix, Arizona
(September 5, 2009)

- Ms. Sandra Kane, Assistant Attorney General, Civil Rights Division, provided the Commission an overview on services including enforcing provisions of the Arizona Civil Rights Acts and the Fair Housing Act addressing housing discrimination, employment discrimination, public accommodations, and disability discrimination. Ms. Kane reported very few complaints from Navajo citizens but the Commission could file on behalf of Navajo citizens when appropriate.

- Ms. Joy Johnson, Department of Housing, offered a short overview of services including public education on landlord/tenant rights and fair lending.
- Mr. Paul Kasparian, a native artist, complained of housing discrimination because his landlord refuses to repair broken appliances. He alleged drug cartels traffic illegal drugs across the Navajo Nation exploiting Navajo families and that resources are taken away from Native Americans to address border issues. Mr. Kasparian also alleged the inappropriate commercialization and exploitation of Native American Artwork and recommended stronger legislation protecting the authenticity and sale of Indian arts and crafts.
- Dr. Godwin Otu, Diversity Director, Arizona State Bar, testified Phoenix had participated in United Nation discussions regarding southwest indigenous rights and recommended the Commission work with Phil Gordon, Phoenix Mayor, to network with other community organizations about indigenous issues. Dr. Otu also said the Bar Leadership Institute helps Native American Attorneys advance themselves but was concerned of the low number of Native Americans graduating from law school and the Arizona Bar Association provides a summer camp for Native Americans hoping to increase the number of Native American law students and law graduates.
- Mr. Edwin Gilchrist, speaking on behalf of Lucinda Tomchee, told the Commission that Ms. Tomchee was discriminated against by receiving a 15 year sentence after entering a plea agreement to aggravated battery on a police officer during a DUI incident when the same Anglo judge did not sentence as severely a non-Indian who also committed a severe DUI offense. Mr. Gilchrist efforts to appeal the sentence were denied and he continued to talk about efforts to get her sentence commuted or pardoned.
- Ms. Debra Tso alleged that she was discriminated against when a Phoenix brake shop inspected the brakes on her vehicle. She was given an estimate approximately two hundred dollars (\$200.00) more than an estimate she received from another shop. When she reported this to the salesman, he yelled, *“Put it back together and get her out of here!”* She said she then turned around and said, *“Excuse me?”* To which he replied *“I didn’t mean you.”* and said he meant the truck. Ms. Tso said she still felt very offended by his remarks.^{xliv}
- Ms. Wendy Weston testified witnessing an intoxicated Native American male removed from a Tempe restaurant by local law enforcement while four intoxicated Anglos were left alone. She said after confronting the officers she was told she would be removed if she continued. She also objected to Maricopa County Sheriff Joe Arpaio’s zero tolerance long hair policy as it is enforced against Native Americans. Ms. Weston also said that in December 2008 Sheriff Joe Arpaio stopped her daughter, a student at Arizona State University, and told her to get a green card. She then said many Navajo people do not know their rights.

- Mr. Nelson Yazzie, a relocatee now living in Phoenix, complained of lack of services for individuals with physical disabilities and unemployment in spite of his Associate Degree in Architectural Drafting and working with a job developer.
- Ms. Debra Yazzie, a former University of Utah student, alleged that the University of Utah violated NCAA rules and Title 2 and 4 of Civil Rights Act. Ms. Yazzie alleged that the school's mascot, Running Ute, is racist; that although she reported several racially offensive signs, "Back to the reservation for you" and "Trail of Tears part Two" and one culturally insensitive T-shirts that depicted a caricature of a Native American roasting a horn toad the school did nothing and that the Director of the American Indian Resource Center was fired after she asked for his assistance.
- Mr. Paul Sells, Jr., testified about an employment demotion after working seven (7) years with a construction company. He stated on one occasion he was verbally reprimanded for insubordination after advising his supervisor that it was dangerous to weld while standing in water. Mr. Sells said on another occasion a co-worker shoved him against a wall. He said he was demoted and his wages reduced after three (3) months. Mr. Sells salary was adjusted downward to the wages he was earning prior his leadsman promotion. Mr. Sells also testified he was considering filing a complaint with the Arizona Equal Employment Opportunity Commission.

IV. BORDER TOWN FINDINGS

The most compelling evidence supporting a general finding that race discrimination exists is the four hundred (400) plus individuals who came to the twenty-five public hearings to speak, listen or provide support. Allegations of discrimination ranged from denial of government benefits or services to personal experience or observation such as the report of a non-Indian who said, "I hate educated Indians."¹⁸ To some readers, however, the statements provided at the hearings may not be obvious as racial discrimination or a violation of a human right. To the Navajos who provided the statement it is understood that spoken words are considered sacred and carry much weight particularly when matters of great importance are openly discussed with hopes of resolving the problem and restoring harmony. Consequently, the Commission makes the following findings:

- The most vulnerable Navajo is generally older, possesses little or no education¹⁹, physically challenged, on a fixed income, indigent and without adequate transportation.
- Individuals observe and experience things differently because of their particular culture, beliefs and values. Tattoo of "Diné Pride" deemed gang related; children taunted at school for wearing long hair in a traditional Navajo "tsiyyeel;" zero tolerance long hair policy in Phoenix jails; and, not allowing Navajo language to be spoken at work or on break, are a few examples of how Navajo cultural values are viewed as inappropriate.
- Navajo citizens are hesitant to report racial discrimination because of the following:
 - Fear retaliation or embarrassment for reporting unsafe working conditions either by termination or public humiliation by supervisors. They fear for their personal physical safety and that of their livestock.
 - Unaware of civil and human rights; elders may not understand laws designed to protect them, Navajo employees unaware of employment rights, including distinction of permanent employees and contract employees and at-will employment. Sixty-three percent (63%) of those who responded to the public hearing survey reported lack of knowledge about human rights.
 - Unaware of available resources; Seventy-five percent (75%) of those who responded to the public hearing survey reported not being familiar with locally available resources that address allegations of race discrimination; and,
 - Fumbling through an extremely lengthy and burdensome process gathering documents, identifying witnesses, travel to and from the regulatory agency and work-site intimidation only to have nothing done is a waste of time and limited resources. Twenty-five percent (25%) of those who responded to the public hearing survey thought the public or private resource was not helpful and thirty-

¹⁸ Public Hearing at Cortez, CO, Feb. 26, 2009, Benally, C., pg. 11

¹⁹ Some individuals had limited education and limited English language skills.

three percent (33%) of those who responded to the public hearing survey were dissatisfied with the response to their complaint.

- Indigenous communities are the most economically depressed communities in the United States. No other area in America suffers more from inadequate infrastructure and economic development opportunities than Indian Country; third world conditions; or employment rates. Even the \$2.9 billion Navajo Nation budget request for stimulus funds did not include the Utah Navajo or their communities. While unemployment rates are high, the ordinary Navajo citizen is concerned more about road conditions, quality housing, and access to electricity and water.²⁰ The Navajo Nation government spends approximately \$64,445,240 annually on goods and services at off-reservation businesses. The aggregated personal income on the Navajo Nation is approximately \$1,627,232,654. However, an estimated seventy percent of every Navajo dollar or \$1,139,062,875 is spent in border towns.²¹
- The Navajo-Hopi Land Settlement Act, P.L. 93-351, (commonly referred to as the Navajo-Hopi Relocation Act) has detrimentally impacted the quality of life. Many Navajos died of grief or disappeared, experienced loss of benefits, loss of homes, loss of family, loss of self-respect, alcohol and drug abuse. The Commission conducted public hearings on forced relocation.
- Institutional racism continues where colleges with large populations of Native Americans have reduce programs designed to assist indigenous students; do not offer culturally appropriate support or academic services, allow mainstream religious activities but not recognizing traditional cultural practices; using mascots and slogans that are culturally insensitive to indigenous peoples; institutional racism exists at high schools; segregating students based upon race; teachers making racially derogatory statements toward Navajo students; and, city officials making comments like, “*load them up and take them back to the reservation.*”
- Indigenous people do not receive the same services, benefits and opportunities in border towns as non-Indians. Navajo inmates are denied access to appropriate healthcare and rehabilitation services because they are deemed a flight risk; predatory business such as pawn shops and used car dealers target Navajo consumers; restaurants and other businesses not providing services and demanding that indigenous people leave because of how they look.
- *At-will* employment is an employment relationship where either party can terminate the relationship without liability, provided the relationship is not otherwise governed by express terms of a written contract. Many Navajos are hired as *at-will* employees without understanding the nature of their employment relationship. Many off-reservation vocational/skilled jobs like welders, pipefitters, electricians, and carpenters are largely governed by Union Associations. Subcontractors knowingly contract jobs exposing

²⁰ See Eastern Diné Regional Business Development Office (RBDO). Chapter Coordinators were also surveyed in the Eastern Agency and said economic development is a low priority when compared to infrastructure and housing development.

²¹ 2005-2006 Comprehensive Economic Development Strategy of The Navajo Nation, pg. T 25, Table 14A.

workers to unsafe and hazardous conditions because subcontractors know the Navajo employee will perform the job or risk losing employment. These types of personnel situations were reported at large employment sites such as the Navajo Generating Station, San Juan Regional Medical Center, Four Corners Power Plant and San Juan Generating Plant. The NNHRC also received complaints citing similar employment issues at Cholla Power Plant, Tuba City Regional Healthcare Center, Cuba School District and the University of New Mexico – Gallup campus.

- The Office of Navajo Labor Relations was established to address labor issues within the Navajo Nation and does not have authority to address border town employment issues. It is reported businesses operating on the Navajo Nation violate the Navajo Nation Preference in Employment Act by not only hiring qualified Navajo applicants but also fail to mentor Navajo employees for purposes of transitioning them into higher administrative positions.
- Navajo employees expect Unions to protect them from discriminatory employment practices. Navajo employees that complain about working conditions or take other assertive action face possible retaliation. The employers insist they respect and abide by Navajo Preference, but claim that it is the Navajo employee that lacks the job skill, the experience or possess a negative attitude that lead to their termination. In most incidents, the Navajo employee is replaced by another employee who is less skilled and not of American Indian origin. Navajo employees are considered expendable assets that can be easily liquidated and replaced; skills, knowledge and abilities are compromised to avoid coverage of employee benefits such as insurance, medical coverage, retirement and sick leave or holiday leave.
- There is a significant recognition to preserve, protect and perpetuate sacred ceremonies and sites. It was reported that sacred sites are critical to the practice of the Diné Life way, which sustains the unique and special status of indigenous peoples. Sacred sites represent personal and collective treasuries of a people that cannot be removed, given away, sold or destroyed at any cost. Therefore, it is imperative these sites and ceremonies remain in place, be protected, respected and be allowed to live and breathe in its environment.
- Protecting the environment was a recurring theme that was presented in a variety of topics. This issue, whether presented in statements about the need to develop a smoke free Navajo Nation, to illegal dumping, water contamination, and certainly to the desecration of the earth by extricating rich mineral deposits, lends credence to a global concern for the earth. The care and respect for Mother Earth is in decline. The earth and its relation to cosmos is a very delicate yet powerful relationship. It is through the natural world that Indigenous Nations gain their strength. Man-made disasters (Gulf oil spill), the manipulation of the atmosphere to create rain (Cloud seeding) and the contamination of the aquifer by oil and gas conglomerates are just a few examples of the raping of Mother Earth.
- Life in all its forms is considered to be sacred and, therefore, is cherished and cared for with the utmost respect. Many unattended deaths in border towns were brought to the

attention of the Commission. While some of these deaths may be a consequence of a lifestyle of being homeless, the loss of a loved one is never final, especially when the death is violent and no suspects are arrested or convicted. Medical examiners, law enforcement personnel and crime scene investigators are quick to note the death of Navajos or Native Americans as chronic ethanolism (alcoholism) or the death as natural. It is believed and highly probable that these types of deaths are neither fully investigated nor litigated to the fullest extent of the law by agencies responsible to bring closure to the families of these victims.

- The authority of the Navajo Nation Human Rights Commission is limited to only the jurisdictional boundaries of the Navajo Nation. Many acts of discrimination occur outside the boundaries of the Navajo Nation where limited resources are available to actively follow up on complaints filed by a Navajo citizen. It is, therefore, recommended the NNHRC and city governments work together to minimize the red tape and remove smoke screens to quickly response, assess and provide redress to all forms of discriminations presented off reservation as well.
- Land disputes are very sensitive and historically rooted issues that create conflict between the Navajo and non-Navajo occupants. These disputes concern lands designated as private, fee simple, Bureau of Land Management (BLM) and trust land. Because these lands encompass variations of land status, land boundaries are not clearly defined or demarcated; property taxes are assessed inconsistently or should not be even assessed; customary land use prevails regardless of the status of the land; and, the agencies responsible to ensure land use and management fail to exercise their authority in a fair and consistent manner, especially when a Navajo is the compliant.
- Another major issue concerned the unfair sentencing of Navajo offenders when compared to sentences given to non-Navajo citizens. Two examples given at the hearings include a young Navajo female who while driving intoxicated hit an Arizona Anglo Police Officer injuring him. The Officer is confined to a wheelchair permanently. She agreed to a plea bargain, but ended up getting the maximum sentence of fifteen years. The other case involves an Anglo Catholic Bishop who struck a Navajo citizen with his vehicle killing him and leaving the scene of the accident. Two days later the Bishop is arrested and claimed to have hit a dog. He received four years' probation and 1,000 hours of community services. Just two weeks before this incident happened, Bishop O'Brien admitted to covering up sexual abuse cases that involved different parishes under his authority.

V. RECOMMENDATIONS

The border town hearings disclosed many issues. The testimony included allegations of racial-profiling; failure of border town law enforcement to properly investigate unattended deaths of Navajo citizens; denial to or discrimination in public places; dishonest business practices; discriminatory employment practices (unfair wage practices, at-will employment, the lack of promotional opportunities, no benefits, unsafe conditions in the workplace, and other personnel issues); forced relocation's affect on quality of life; property disputes; denial of access to sacred sites and interference with Navajo cultural activities; environmental and sacred site destruction for economic exploitation; economic exploitation of Navajo intellectual and cultural property; and the failure of the Navajo Nation, State, County and local governments to address these issues. The most frequent complaint concerned employment issues. Consequently, the Commission hereby offers the following recommendations to protect Navajo citizens as they continue to leave the Navajo Nation moving to border towns seeking services, benefits, education and employment opportunities, or for the Navajo citizens making day trips for goods and services.

- The Navajo Nation must engage in serious dialogue with border town officials to ensure Navajo citizens are not discriminated against but given the same opportunities, benefits and services as non-Indians. The development and establishment of Memorandum of Agreements are needed.
- The Navajo Nation must provide additional resources to the Office of Navajo Labor Relations to effectively and efficiently investigate and resolve labor complaints within the territorial jurisdiction of the Navajo Nation and to ensure business and the public are properly educated about employment rights and responsibilities.
- The Navajo Nation should consider entering a Memorandum of Agreement with the Equal Employment Opportunity Commission for purposes of establishing a Tribal Employment Rights Office (TERO) and negotiate Indian employment preference with border town businesses.
- The Navajo Nation should adopt legislation acknowledging the traditional relationship of the Navajo to land and expressly prohibiting the removal of Navajo citizens from traditional homelands without free, prior and informed consent; provide for the right to return to traditional lands; and, provides redress or just compensation for any permanent taking.
- The Navajo Nation should adopt legislation amending the home-site leasing process balancing the right to a home-site and a grazing permit with the responsibility to protect and preserve sacred sites and Navajo traditional practices.
- The Navajo Nation needs to be more forceful and persistent in mandating the instruction of Navajo history, government, language and cultural values (Navajo life way) at all schools within the territorial jurisdiction of the Navajo Nation. Every student receiving a Navajo college scholarship should demonstrate course completion in these areas of study before receiving a Navajo scholarship. Moreover, the two tribal colleges on the Navajo Nation should be designated as the only Navajo learning institute in the world and all Navajo college students be required to acquire no less than an Associate's Degree from the Nation's colleges prior to pursuing off reservation institutions of higher education.

- The Navajo Nation should establish a Navajo Better Business Bureau (NBBB) within the Navajo Nation Division of Economic Development authorized to receive consumer complaints and publish an annual businesses directory that certifies off-reservation business as Navajo friendly and list those that should be avoided and why; provide information on Navajo employment, including retention rates; cultural sensitivity training and whether management training is offered to Navajo employees.
- The Navajo Nation should adopt anti-discrimination legislation.
- The Navajo Nation should support the efforts of the Navajo Nation Human Rights Commission to obtain permanent observer status within the United Nations²² until recognition as a sovereign nation is obtained.
- The Navajo Nation should enact a Navajo self sufficient income tax to increase the pool of general funds earmarked for infrastructure and economic development within the territorial jurisdiction of the Navajo Nation.
- The Navajo Nation should strongly advocate for the establishment of a Human Rights Commission within the United States.

²² IGRAU-121-09 authorized the Diné Nation Human Rights Commission to advocate for the recognition of the Diné Nation as an observer state in the UN system and Resolution COMMISSIONJULY-09-09 recommended the recognition in as special report.

VI. MEMORANDUM OF AGREEMENT AND PARTNERSHIPS

Creating partnerships with border towns is a critical component to end racist attitudes, values and beliefs. This helps to promote education and awareness of racism and it sends a strong message to the general public that racism will not be tolerated. The Commission developed a standard Memorandum of Agreement (MOA) to assist the Office with strengthening communication and coordinating services that promotes healthy, positive community relations with all people visiting, residing or doing business in border towns. Ideally, the MOA will assist in setting standards for healthy, positive community relations dealing with cultural diversity, fairness, integrity and respect to all peoples. It is through these types of agreements the Commission determines as the most effective and acceptable manner for addressing race relations. To date, four agreements have been sent to city governmental offices for review. As of this writing, MOA's are under legal review by each authorized agency. Only one agency has entered into a formal agreement.

The City of Farmington has made positive strides within the past 30 years when it went under the microscope for its unwillingness to react and take action against the racist violence that erupted in the early 70's. In the midst of this crisis, the U.S. Commission on Civil Rights and the New Mexico Advisory Committee were summoned to the community to conduct a three day study of the social and economic relationships between the Anglo community and the Navajos.²³ The committee found the City of Farmington not prepared to address the decaying race relations that were apparent for quite some time. Racist attitudes, the administration of justice, healthcare, employment and an economy that largely took from the Navajos, were all cited as areas of major dissention. The recommendations that evolved as a result of this study were put into action. The city established a progressive positive attitude by first developing responsibility toward the people they served, they set up a mechanism for Navajos to file complaints and mandated investigations, they improved employment opportunities for Navajo citizens in positions of higher management responsibility, and they created better access for Navajos who sought treatment at the local hospital. City and Navajo officials also established an alcohol treatment facility in the community. The treatment facility is largely funded through city tax revenues annually. The Farmington Report: Civil Rights for Native Americans 30 years later²⁴, confirmed the positive strides the city of Farmington and its leaders took to address race issues that plague this community.

The purpose was realized through the instruments of dialogue, leadership, responsibility and understanding of cultural diversity that exist within the Four Corners region. If true measures are to be taken to advance race relations in other border towns, they need to merely look at Farmington and learn from them. Partnerships and MOA's are affective mechanisms that are all too often placed on books shelves for fear of cost and accountability.

The Navajo Nation Human Rights Commission met several times with the Mayor of Grants, Mr. Joe Murrieta and other key community officials to review the MOA for the City of

²³ New Mexico Advisory Committee to the U.S. Commission on Civil Rights, *The Farmington Report: A conflict of cultures*, July 1975.

²⁴ New Mexico Advisory Committee on the U.S. Commission on Civil Rights, *The Farmington Report: Civil Rights for Native Americans 30 Years Later*, November 2005.

Grants. Commissioners believed that because of the extreme racial violence committed upon Navajo transients the MOA would be an expeditious way of jointly combating the racial tension that surfaced after the beatings. To the delight of the Commission, the MOA was signed on May 19, 2010 by Mayor Murrieta, Navajo Nation Speaker Morgan and Duane Yazzie, Chairman for the NNHRC. The Office of Navajo Nation Human Rights Commission also forwarded the Agreement to the following agencies; The Arizona Attorney General; the Farmington Community Relations Commission; the City of Gallup, the City of Flagstaff, the City of Winslow, the City of Holbrook, the City of Cuba, the City of Aztec, the City of Bloomfield, the City of Page, the New Mexico Workforce Development; and the City of Albuquerque Human Rights Office. It is the intent of this office to formalize an MOA with every border town that surrounds the Navajo Nation.

VII. CONCLUSION

Today racism is more sophisticated and often difficult to identify. Racism negatively impacts individuals, families, communities, businesses and societies in general. However, when racism is intergenerational and institutionalized the impact can be devastating. There is no doubt that the contemporary Navajo, like other contemporary indigenous peoples in the United States are the victims of intergenerational and institutionalized racism that continues to contribute to their relationship with non-Navajos.

A general summary of the testimony is consistent with the conclusions drawn by a DNA People's Legal Service, Inc. study entitled *Report on Race Relations*²⁵ and a U.S. Commission on Civil Rights study entitled, *The Farmington Report: A Conflict of Cultures*. Anecdotal stories supported by direct and indirect evidence clearly demonstrate the tenuous race relations within and near the border towns. The frequency of racism is unimportant because many incidents are never reported. Cultural values, historical differences and financial profit continue to play a significant role in dividing communities. To address these complex issues requires the collective action of Navajo and non-Navajo organizations, individuals, governments and politicians. Historical and intergenerational trauma must be acknowledged and indigenous people must have the opportunity to grieve collectively.

The Commission believes it is unconscionable to allow revenues to escape from an economically stricken nation. More discerning is the fact that many indigent Navajos are in these border towns and very little is done to assist or support them by city governments and programs. As one individual pointed out, *"If the revenue generated on the reservation remained on the reservation the Navajo Nation could be a great economic force to contend with. Businesses off reservation would have an entirely different perspective toward Navajos in general."*²⁶

To that end, the Commission recognizes the world around us is changing. And, thus we too must acclimate, yet not surrender our core principles of existence. We must stand firm, together and united as bila' ashdla'ii, the five-fingered people, and demand our existence and inherent rights be permanent, respected and equal to all other peoples of this world. This is the beginning to the end to an oppressive and subservient relationship that existed and exists between the Navajo and its non-indigenous neighbor. The human rights of the Navajo People will no longer be an impediment to change, but the impetus for change around us.

²⁵ DNA People's Legal Services, Inc. Report on Race Relations, April 16, 2007.

²⁶ Flagstaff Public Hearing Testimony.

VIII. Appendix

1. The Survey

Everyone who sign in and attended the hearing was provided a media packet containing information about the Navajo Nation Human Rights Commission, a survey, an agenda, a complaint form and other informational literature. While the Commission conducted its public hearing a self-administered race discrimination survey (“survey”) was available for every adult attending the hearing. The survey, incorporated both qualitative and quantitative data was designed after the descriptive-research model for a specific population (individuals living, working and visiting the border towns for other goods and services including education), a specific scope of interest (personal observations or experiences of racial discrimination), their reaction to the alleged racial discrimination (i.e., was it reported), knowledge of locally available resources to address allegations of racial discrimination and basic demographic information, including age, education, and gender.

The survey was tested during the first three hearings held in Holbrook, Winslow and Flagstaff, Arizona and reviewed afterwards by two faculty members from the Math and Social Science Departments of the University of New Mexico, Gallup Campus. They evaluated and provided comments on the survey tool. A decision was made not to separate the surveys by hearing location. The report would include a broad analysis of all surveys collected from the public hearings and other public meetings sponsored by the Commission. There were concerns that the survey may be contaminated by different interpretations of racial discrimination or subconscious influences from listening to others testify and other similar factors. It was decided that identifying the prevalence of discrimination, whether actual or perceived, was more important for the purposes of this Report. The analysis of the data is as follows.

i. Method for Collecting Data

The survey was made public including the internet, and distributed widely in media packets at the public hearings or other public function the Commission attended. Instructions were given to complete the survey and return it at the end of each hearing or meeting. Individuals were also told that if they needed more time to complete the survey it could be returned by mail. The staff provided pens or pencils and offered assistance if there were questions about the survey. Assistance was also provided in the Navajo language for those who chose to communicate in the Navajo language. Very few questions were asked but there were some comments made suggesting the survey was too long to complete and would be required to be mailed back to the office. In addition, the Commission frequently reminded attendees of the survey’s importance.

At the end of each hearing the surveys were grouped, numbered, identified as to the public hearing location and filed separately from other Commission records. The surveys were studied and the findings summarized. Once the hearing ended, every survey was examined and entered into a data base developed by the Navajo Nation Legislative Technology Office.

Survey Results

A total of four hundred and forty-seven individuals attended the twenty-five hearings. Of this total, one hundred and fifty eight individuals presented testimony (a thirty-five percent participation rate). One hundred surveys were collected at the hearings. Seventy-three surveys were collected, from different forums and were added into the final collection of surveys. The final analysis of the surveys represents a small segment of a population interested in race relation. It should be understood the Commission realized individuals attending the hearings may have preconditions or preconceived thoughts or ideals and even experiences of discrimination that would skew the analysis of the results. Rather than viewing the data as having some scientific grounding, the intent of our survey was to grasp an understanding of how prevalent discrimination is between Navajos and non-Navajos:

1. General demographics:

- a. Fifty-three percent (53%) surveyed were females.
- b. Forty-seven percent (47%) surveyed were males.
- c. American Indians (88%) represented the largest ethnic group to complete the surveyed.
- d. Navajos were the most represented American Indian group.
- e. The majority of the Navajos represented the western agency chapters.
- f. Nineteen percent (19%) surveyed were between the ages of twenty-one (21) and thirty-five (35).
- g. Thirty percent (30%) surveyed were between the ages of thirty-six (36) and fifty (50).
- h. Twenty-four percent (24%) surveyed were between the ages of fifty-one (51) and sixty-two (62).
- i. Fifty-eight percent (58%) preferred to practice Native American religious and cultural ceremonies.
- j. Thirty-five percent (35%) reported their primary residence as off the reservation.
- k. Sixty-two percent (62%) reported their primary resident as on the reservation.
- l. Forty-four percent (44%) reported being married.
- m. Thirty-six percent (36%) reported being single.
- n. Eleven percent (11%) reported being divorced.
- o. Sixty-two percent (62.4%) reported an annual income of less than thirty-five thousand dollars (\$35,000.00).
- p. Winslow and Flagstaff sites reported the highest annual income of fifty thousand dollars (\$50,000.00) and above.
- q. Twenty-one (21%) percent reported having a high school diploma as their highest level of education.
- r. Twenty-two percent (22%) reported having an associates or vocational degree as their highest level of education.
- s. Twelve (12%) percent reported having an undergraduate degree as their highest level of education.
- t. Ninety-four percent (94%) reported discrimination still exists.

- u. Forty-three percent (43%) reported not having personally observed or experienced racial discrimination.
 - v. Six percent (6%) did not respond to the question of having personally observed or experienced racial discrimination.
 - w. Fifty-eight (58%) percent reported having been the victim of racial discrimination within the last calendar year.
 - x. Forty-three percent (43%) reported they travel off the reservation one to two times per week.
 - y. Thirty-five percent (35%) reported they travel off the reservation four or more times per week.
 - z. Fifty-five percent (55%) reported they travel off the reservation to purchase goods and services.
 - aa. Seventeen percent (17%) reported they travel off the reservation for social activities.
 - bb. Fifteen percent (15%) reported they travel off the reservation for employment.
 - cc. Fifty-six percent (56%) reported businesses as fair and respectful.
 - dd. Thirty percent (30%) reported businesses as not fair or respectful.
 - ee. Thirteen percent (13%) chose not to answer the question of whether businesses were fair and respectful.
 - ff. Sixty-six percent (66%) reported that when dealing with law enforcement they would cooperate whether it was a Navajo police officer or not.
2. Are race discrimination victims aware of locally available resources that address allegations of race discrimination?
- b. Seventy-five percent (75%) reported not being familiar with locally available resources that address allegations of race discrimination.
 - c. Sixty-three percent (63%) reported lack of knowledge about human rights.
3. What is the public perception of public and private resources that address allegations of race discrimination?
- a. Sixty-eight percent (68%) reported having personally observed or experienced racial discrimination but did not officially report the incident.
 - b. Forty-two percent (42%) thought this question irrelevant or had no applicability.
 - c. Thirty-three percent (33%) thought the public or private resource was helpful.
 - d. Twenty-five percent (25%) thought the public or private resource was not helpful.
 - e. Thirty-three percent (33%) were dissatisfied with the response to their complaint.
 - f. Forty-two percent (42%) reported public employees were not respectful or culturally sensitive.
 - g. Fifty percent (50%) reported private business as being respectful and culturally sensitive.
4. What recommendations does the public have to reduce or eliminate race discrimination? The most prevalent recommendation made by individuals filling out the survey is that public education is the best approach to reducing race discrimination. Moreover, it is

believed discrimination will never be totally eliminated. Education must be introduced into the curriculum as early as possible. Instilling pride and getting Navajo citizens to recognize, embrace and practice cultural teachings is the beginning.

5. In terms of having friends from other ethnic groups:
 - a. Thirty-eight percent (38%) reported close friendships with non-Indians.
 - b. Forty-four percent (44%) of those having close friends reported they spend five or less hours with non-Indian friends a week.
 - c. Fourteen percent (14%) reported not having non-Indian friends,
 - d. Twenty-two percent (22%) did not answer or answered no to this question.
6. In terms of how you would end racism and discrimination, most responses were in the arena of education and training.

Survey Conclusion

Overall, at the beginning of the hearings participants were comfortable with filling out the survey. The most surveys collected came from the first two series of hearings in December 2008 and January 2009. By the end of the third set of hearings, survey participation dropped by 78%. The question about dealing with government agency personnel and their helpfulness when off reservation had some puzzling results. Moreover, it would be safe to assume, based on the survey results, many of those that chose not to file a complaint represent the working poor and individuals with incomes of less than \$20,000 a year. It is also apparent that a majority of those surveyed speak Navajo most of the time and were born in the Navajo communities. The survey also inquired about attitudes toward other ethnic groups. Along these lines we ask questions about how often one travels off the reservation in a week; when they do travel off the reservation, what activities do they do, and when dealing with off-reservation personnel are they treated with respect. We also surveyed attitudes toward law enforcement. Leaving some speculation that they may not know what prejudice means or as indicated in some testimony, these individuals have been conditioned to just accept their situation. Views toward discrimination appear to show very little difference between income and educational levels when it comes to whether people believe discrimination still exist today. Overall, the survey represents only a small portion of a much larger population that needs to be surveyed.

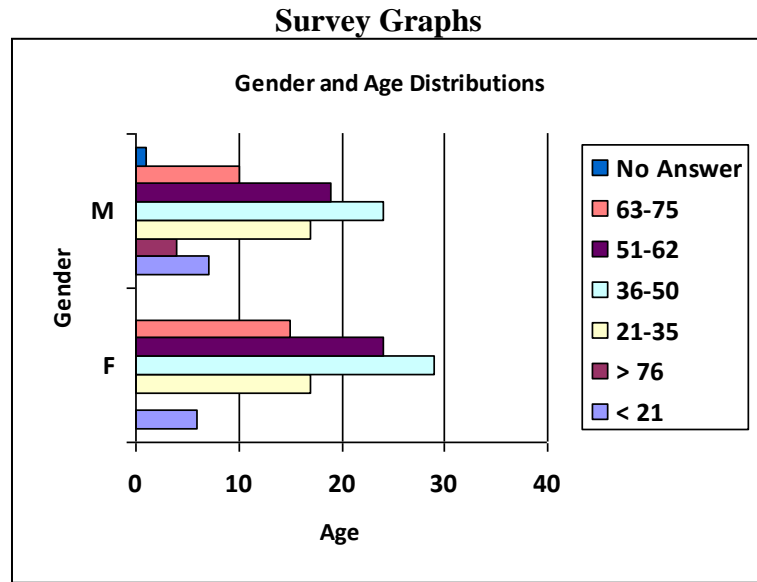
In a meeting with Professor Dale Mason, PhD., of the University of New Mexico-Gallup Campus, Professor Mason pointed out, it could be assumed that income and education levels are not significant measures to determine whether an individual will file a discrimination complaint or not. There could be other reasons one chooses to file a complaint, such as the severity of the discrimination, or the likelihood one will not be the subject of retaliation, or just not known enough about their rights. According to these preliminary results, one could assume that between an educated Native American and a non-educated one, the similarities for rationalizing not filing a complaint could be as simple as, “it’s just not worth it!” Whatever their reasons are, it is evident, public education is needed particularly—indigent groups. They need to know what to do if their rights have been violated and who they can contact.

One significant result from both the testimonies and the survey was a strong reliance on the continued practice of Navajo and Native American ceremony. As reported in the many testimonies, many Navajos felt they are denied their rights to practice traditional ceremonies that have been passed down through generations. These ceremonies continue to be practiced and remain a focal point in the lives of its citizens. This field along was very significant amongst the surveys collected by the individuals affected by relocation.

Finally, in retrospect since compiling the results of the survey, it is apparent that the drop off in survey participation decrease dramatically after the second series of hearings. Assertive efforts should have been initiated to collect the completed surveys. At the December and January hearings, participants were given pens to assist them with filling out the survey. Another, problematic issue raised by a few participants was that the survey was too long. Aside from not truly understanding the question, many chose to not answer questions requiring a written response. One important factor that we fail to survey is how prevalent discrimination among Navajos is. Many Navajos testified or suggested Navajos discriminate among one another. Nevertheless, the survey in its final form, served its purpose by giving the Commission a glimpse of the attitudes and perceptions of race relations.

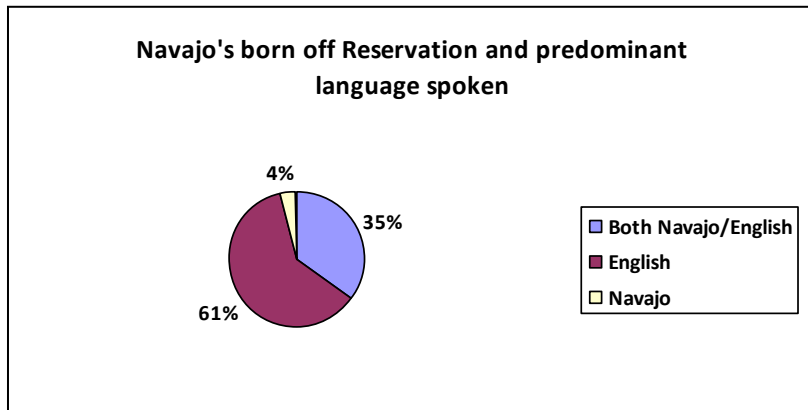
At times, individuals were counseled on the circumstances that gave rise to their issues. In many instances staff assisted the non-English speaker with filling out the complaint forms and clarifying questions they had. The following three pages of graphs provide a small sample of correlations between age and gender distributions; Navajos born off and on reservations and the language spoken the most; personal income and time traveled off reservation; income and perceptions toward government agencies; and finally perceptions toward law enforcement on and off the reservation.

Graph 1.

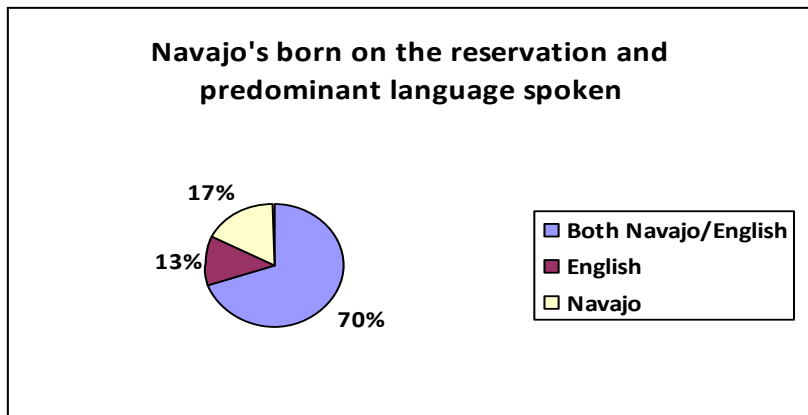


Graph 2.

* Results of 173 completing the survey



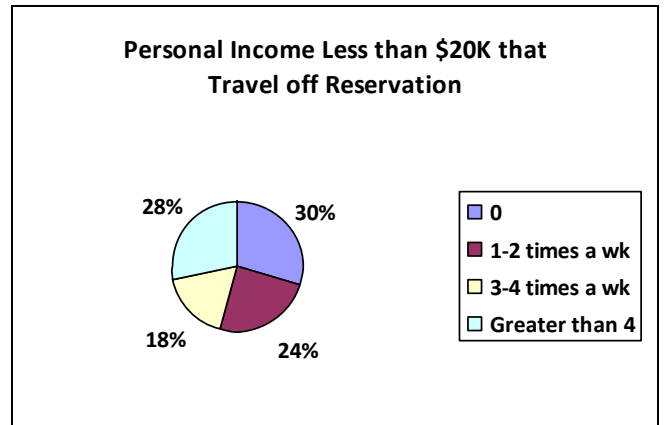
* Results of 173 completing the survey



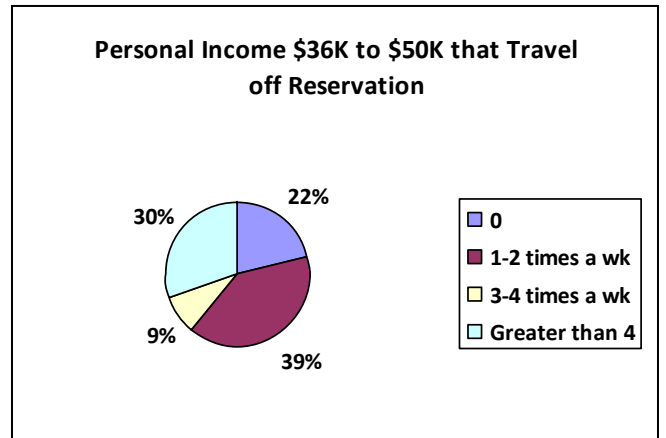
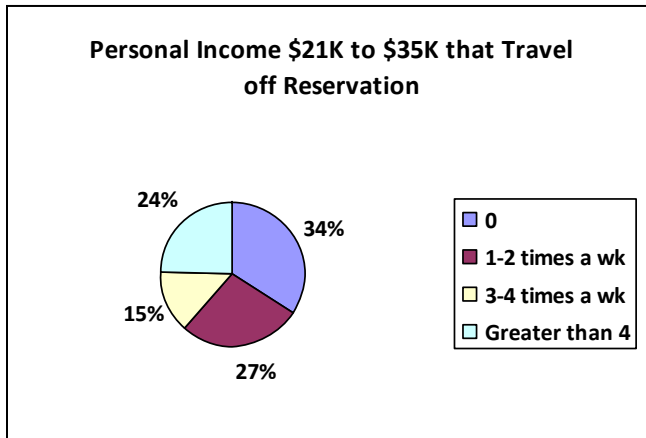
* Results of 173 completing the survey

Graph 3.

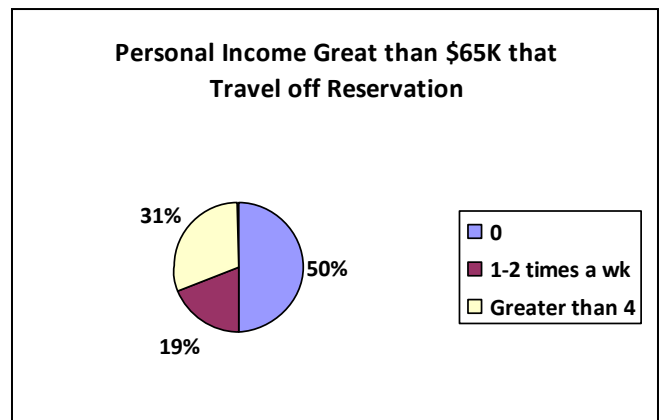
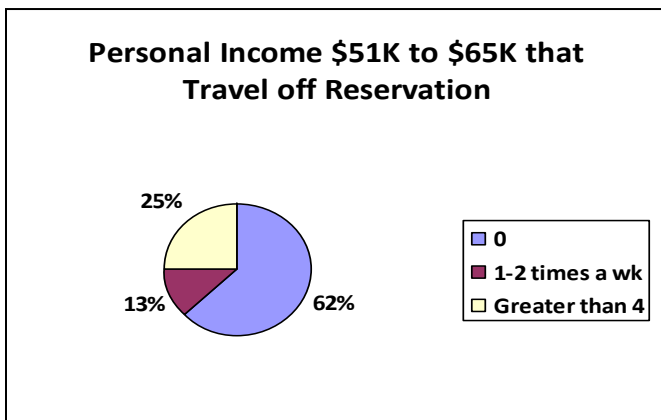
Personal Income and Traveling off Reservation



* Results of 173 completing the survey



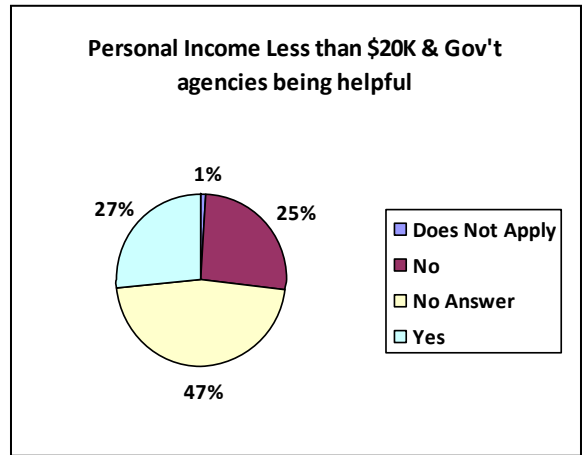
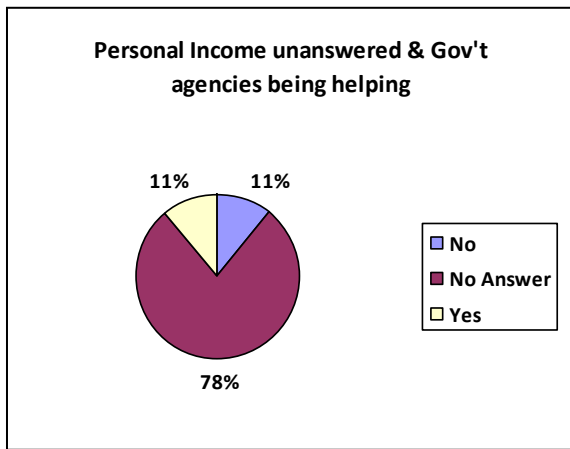
* Results of 173 completing the survey



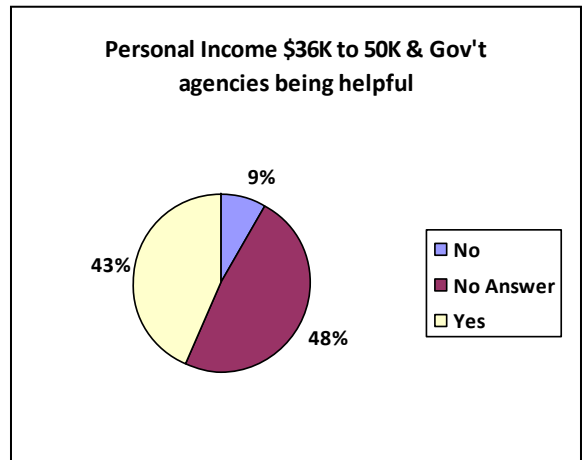
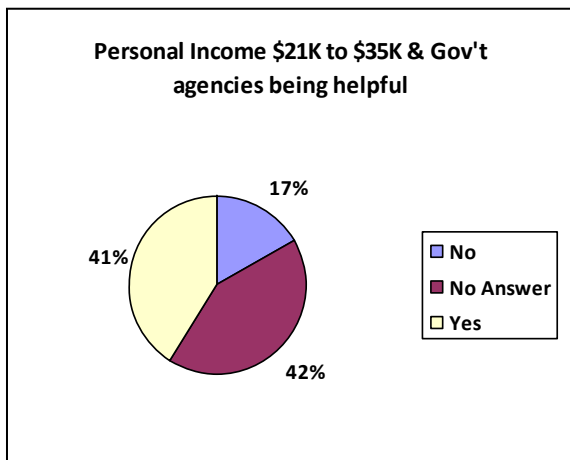
* Results of 173 completing the survey

Graph 4.

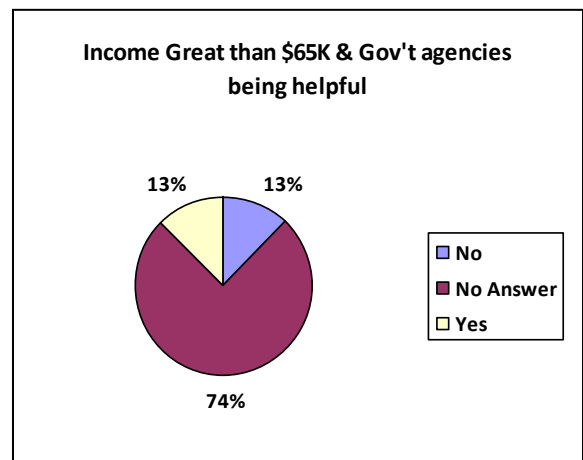
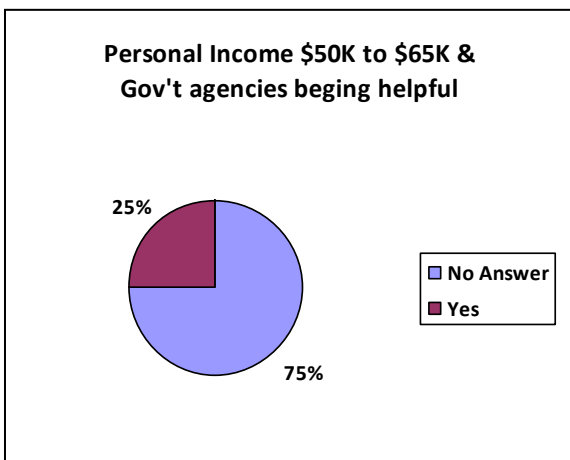
Personal Income and Perceptions toward Government Agencies



* Results of 173 completing the survey



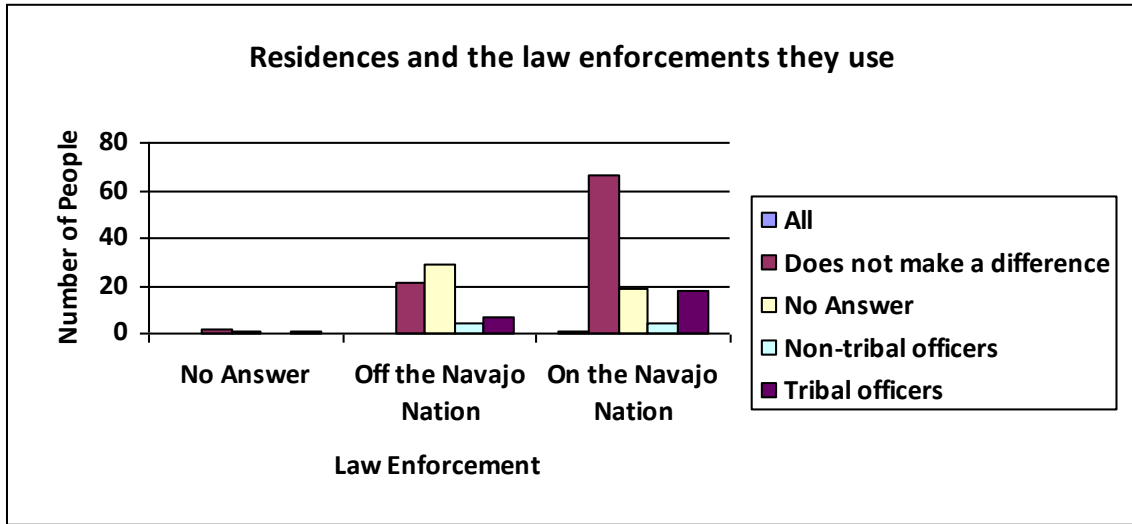
* Results of 173 completing the survey



* Results of 173 completing the survey

Graph 5.

Non-Navajo or Navajo Law Enforcement Perceptions



* Results of 173 completing the survey

*The NNHRC used the Access database to provide the cross reference data interpretations found in the survey analysis. This is not a scientific study and therefore, the findings are not scientifically grounded.

IX. Tables

Table 1.

Race Relations Public Hearing Participant Listing

Abeyta, Jefferson	Begay, Nathan	Apache, Angela
Antonio Sr., John	Begay, Janice	Atcitty, Roger
Bahe, Annie M.	Bekise, Lawrence	Ayers, Diane
Bannon, Brenden	Belone, Johnnie	Bavaro, Keshia
Barboan, Donald	Benally, Klee	Begay, Arnold
Bates, Tim	Benali, Tobi	Begay, Delorse P.
Bayhille Jr., Edwin	Brown, Wally	Begay, Keith
Bekise, Rita	Castenedã, John	Benally, Clyde J.
Benally, Berta	Charley, Leo L.	Beyal, Richard
Blackgoat, Danny	Chavez, Christopher	Birdsong, June
Borgen, Elaine	Chee, Brian	Boos, Steven
Carroll, Roz	Crank, Donald	Bradford, Sophia
Carr, Robert	Curtis, Gerald B.	Candelaria-Martinez, Virginia
Sena, Chief Steve	DeRusse, Elaine	Cayaditto, Geneva, M.
Farley, Herman	Foster, Larry	Curley, Krystal
Ganadonegro, Herman	Gamble, Ivan	Dedman, Jr., Joe
Goodman, Margaret	Gilchrist, Edwin	Dennison, Larry
Greyhat, Collier	Gould, Myron	Elthie, Gary
Harrison, Ramus A.	Gould, Suzannah	Erickson, Trudy
Jackson, Linda	Gutierrez, Victoria	Frank, Phillip
Joe, David	Henderson, Al	Gray, Harold Joe
Joe, Rena	Homes, Annie	Herrera, Emma
Johnson, Freddie	House, Jr., Ernest	Hesuse, Calvin A.
Jones, Stanford	Interpreter, Ron	Huyssoon, William L.
Kane, Sandra	Johnson, Joy	Joe, Jasper
Kinlicheenie, Judith	Johnson, Randy	Kasparian, Paul
Lewis, John C.	Lee, Matilda	Kenneth, Rose A.
Lomadafkie, Bob	Lee, Brian	LaRusso, Arista
Mariano, Tommy	Long, Kelvin	Livingston, Milton
Martinez, Juanita	Louie, Bernadine	Lyman, Austin J.
AcAfee, Novale	Lutz, Irene	Martin, Delorse
Meyers, Novalene	Lynch, Wayne	Martin, Marie
Minkler, Sam A.	Maesta, Emma	Martinez, Lemual
Mitchell, Francis	Mariano, Irene	Neskahi, Arthur
Monte, Doris	Miller, Beth	Neves, Deanna
Morgan, Sr., Anderson H.	Monte, Gene	Raphael, Dale
Ortiz, Isabell	Mullins, Michael J.	Ration, Norman
Otu, I.	Nez, Peter	Saltwalter, Jr., Earl
Peck, Gene	Norton, Presley K.	Skrelunes, Tony

Platero, Harrison	Rogers, Wesley	Smith, Beverly
Rahicu, Abdul	Rondon, Anna	Smith, Julia
Redhorse, Ron	Schuler, Glenn	Smith, Jr., Chee
Rodriguez, Christina	Shorthair, David	Tarboro, Shawna
Rogers, Shirlene	Shorty, Sr. Gail	Tecumseh, Ki
Sells, Jr., Paul	Singer, David R.	Tom, Bessie
Silversmith, Diana	Tom, Mariette	Trujillo, Mary N.
Singer, Monty	Tom, Anna	Tso, Debra T.
Thompson, Lloyd	Waukazoo, Marlene	Vicenti, Carol
Tsosie, Denny	Wilson, Garth	Walker, Jr., Thomas
Weston, Wendy	Wilson, Carlene	Yazzie, Bennie
Whitehorse, Robert	Yazzie, Nelson	Yellowhammer-Smith, Grace
Yazzie, Brenda	Yellowhair, Lucinda	Zion, James W.

Table 2.

Public Hearing Participant Totals

The Navajo Nation Human Rights Commission conducted twenty-five public hearings. Beginning in December of 2008, three hearings were held by the end of the first quarter, followed by five hearings in the second quarter with one special hearing on the thematic issue of sacred sites which is not counted, seven public hearings in the third quarter, and finally ten in the final quarter. The performance measure for the fiscal year of 2009 was 24 hearings. This office exceeded the performance measure by one hearing.

Overall a total of 447 people attended the twenty-five public hearings on race relations. Thirty-five percent of those attending the hearings provided testimony before the Commission. The office collected 173 surveys from both the public hearings and presentations made to programs interested in the Office of the Navajo Nation Human Rights Commission.

DATE	LOCATION	ATTENDEES	PRESENTERS	SURVEYS
12/02/08	Holbrook, AZ	3	1	6
12/02/08	Winslow, AZ	19	6	12
12/02/08	Flagstaff, AZ	42	15	21
	Sub Total	64	22	39
01/19/09	LeChee , AZ	12	4	6
01/19/09	Page, AZ	13	4	9
01/20/09	Bluff, UT	11	5	5
01/20/09	Blanding, UT	8	3	2
02/26/09	Cortez, CO	41	12	7
	Sub Total	85	28	29
04/09/09	Durango, CO	4	3	1
04/10/09	Aztec, N.M.	5	2	0
04/10/09	Bloomfield, N.M.	14	5	2
04/16/09	Nenahnezad, N.M.	35	10	7
04/17/09	Farmington, N.M.	21	10	3
05/29/09	Torreón, NM	26	13	2
05/30/09	Albuquerque, N.M.	36	10	1
	Sub Total	141	53	16
07/16/09	Alamo, N.M.	27	9	7
07/17/09	Tóhajiilee, N.M.	4	2	0
07/23/09	Grants, N.M.	42	13	6
07/24/09	Gallup, N.M.	14	5	0
08/26/09	Nahatá Dziil, AZ	18	7	0
08/26/09	St. Johns, AZ	2	1	0
08/27/09	Ramah, N.M.	5	0	1
08/27/09	Church Rock, N.M.	10	8	0
09/03/09	Mesa, AZ	13	6	2
09/03/09	Phoenix, AZ	22	4	0

	Sub Total	157	55	16
TOTAL		447	158	100
01/28/09	Low Mountain, AZ			13
02/18/09	Diné Hataalii			1
06/10/09	Rock Point, AZ			1
04/29/09	ICWA Mtg			13
07/07/09	Tuba City WkFr.			8
09/09/09	Tsuu T'ina Nation			0
TOTAL				36
	Relocation Hearings ²⁷			40
Grand Total				173

²⁷ Separate public hearings were conducted by the Navajo Nation Human Rights Commission from November 11th, 2009 to January 14th, 2010.

Border Town Demographic Profiles

Table 3. U.S. 2000 Census Bureau

City	Population (Total)	Gender Male/Female (Total/%)	Ethnicity ¹ (Total/%)	Average ² Household Size (Total)	Average ³ Family Size (Total)	25 yrs. And Older (Total)	High School Graduates (Total/%)	Bachelor's Degree & Higher (Total/%)	Per Capita Income (Total)	Families Below Poverty (Total/%)	Individuals Below Poverty (Total/%)
Albuquerque, New Mexico	448,607	M – 217,887 (48.6%) F – 230,720 (51.4%)	W – 321,176 (71.6%) AA – 13,854 (3.1%) AIAN – 17,444 (3.9%) Asian – 10,068 (2.2%) OR – 86,062 (19.2%) H/L – 179,075 (39.9%)	2.40	3.02	291,485	250,444 (85.9%)	92,635 (31.8%)	20,884	11,285 (10.0%)	59,641 (13.5%)
Aztec, New Mexico	6,378	M – 3,260 (51.1%) F – 3,118 (48.9%)	W – 5,053 (79.2%) AA – 24 (0.4%) AIAN – 594 (9.3%) Asian – 9 (0.1%) OR – 698 (10.8%) H/L – 1226 (19.2%)	2.51	3.06	4,129	3,330 (80.6%)	602 (14.6%)	14,750	241 (14.6%)	1,059 (17.4%)
Bloomfield, New Mexico	6,417	M – 3,065 (47.8%) F – 3,352 (52.2%)	W – 4,003 (62.4%) AA – 21 (.3%) AIAN – 1,072 (16.7%) Asian – 22 (0.3%) OR – 1,299 (20.3%) H/L – 1,765 (27.5%)	2.85	3.26	3,663	2,796 (75.6%)	374 (10.2%)	14,424	260(15.2%)	903 (14.7%)
Cuba, New Mexico	590	M – 294 (49.8%) F – 296 (50.2%)	W – 260 (44.1%) AA – 1 (.2%) AIAN – 158 (26.8%) Asian – 4 (0.7%) OR – 167 (23.9%) H/L – 356 (60.3%)	2.66	3.24	374	243 (65.0%)	60 (16.0%)	11,192	61 (36.5%)	264 (41.3%)
Farmington, New Mexico	37,844	M – 18,558 (49.0%) F – 19,286 (51.0%)	W – 26,771 (70.7%) AA – 316 (0.8%) AIAN – 6,419 (17.0%) Asian – 197 (0.5%) OR – 4,141 (11.0%) H/L – 6,684 (17.7%)	2.67	3.13	29,911	19,153 (83.6%)	4,506 (19.7%)	18,167	1,328 (12.9%)	5,910 (16.0%)
Gallup, New Mexico	20,209	M – 9,628 (47.6%) F – 10,581 (52.4%)	W – 8,106 (40.1%) AA – 219 (1.1%) AIAN – 7,404 (36.6%) Asian – 289 (1.4%) OR – 4,191 (20.8%) H/L – 6,699 (33.1%)	2.85	3.39	11,649	9,140 (78.5%)	2,486 (21.3%)	15,789	804 (16.6%)	4,079 (20.8%)
Grants, New Mexico	8,806	M – 4,053 (46.0%) F – 4,473 (54.0%)	W – 4,947 (56.2%) AA – 143 (1.6%) AIAN – 1,054 (12.0%) Asian – 81 (0.9%) OR – 2,581 (29.3%) H/L – 4,611 (52.4%)	2.61	3.06	5,356	4,119 (76.9%)	718 (13.4%)	14,053	446 (19.4%)	1,810 (21.9%)

Border Town Demographic Profiles

Table 3. U.S. 2000 Census Bureau

City	Population (Total)	Gender Male/Female (Total/%)	Ethnicity ¹ (Total/%)	Average ² Household Size (Total)	Average ³ Family Size (Total)	25 yrs. And Older (Total)	High School Graduates (Total/%)	Bachelor's Degree & Higher (Total/%)	Per Capita Income (Total)	Families Below Poverty (Total/%)	Individuals Below Poverty (Total/%)
Socorro New Mexico	8,877	M – 4,581 (51.6%) F – 4,296 (48.4%)	W – 5,873 (66.2%) AA – 66 (0.7%) AIAN – 246 (2.8%) Asian – 199 (2.2%) OR – 2,493 (28.1%) H/L – 4,838 (54.5%)	2.44	3.02	5,126	3,868 (75.4%)	1,297 (25.3%)	13,250	539 (24.1%)	2,730 (32.3%)
Flagstaff, Arizona	52,894	M – 26,226 (49.6%) F – 26,668 (50.4%)	W – 41,214 (77.9%) AA – 927 (1.8%) AIAN – 25,284 (10.0%) Asian – 660 (1.2%) OR – 4,809 (9.1%) H/L – 8,500 (16.1%)	2.59	3.13	28,722	25,790 (89.8%)	11,325 (39.4%)	18,637	1,255 (10.6%)	8,751 (17.4%)
Holbrook, Arizona	4,917	M – 2,332 (47.4%) F – 2,585 (52.6%)	W – 41,214 (77.9%) AA – 927 (1.8%) AIAN – 25,284 (10.0%) Asian – 660 (1.2%) OR – 4,809 (9.1%) H/L – 8,500 (16.1%)	2.93	3.47	2,707	2,117 (78.2%)	427 (15.8%)	13,912	202 (16.6%)	957 (20.1%)
Mesa, Arizona	396,375	M – 196,3787 (49.5%) F – 199,997 (50.0%)	W – 323,655 (81.7%) AA – 9,977 (2.5%) AIAN – 6,572 (1.7%) Asian – 5,917 (1.5%) OR – 50,254 (12.7%) H/L – 78,281 (19.7%)	2.68	3.20	245,104	207,509 (84.7%)	52,929 (21.6%)	19,601	6,249 (6.2%)	35,031 (8.9%)
Page, Arizona	6,809	M – 3,419 (50.2%) F – 3,390 (50.9%)	W – 4,584 (67.3%) AA – 277 (0.4%) AIAN – 1,817 (26.7%) Asian – 46 (0.7%) OR – 335 (4.9%) H/L – 320 (4.7%)	2.90	3.33	4,011	3,519 (87.7%)	780 (19.4%)	18,691	227 (12.8%)	947 (13.9%)
Phoenix, Arizona	1,321,045	M – 671,760 (50.9%) F – 649,285 (49.1%)	W – 938,853 (71.1%) AA – 67,416 (5.1%) AIAN – 26,696 (2.0%) Asian – 26,449 (2.0%) OR – 261,631 (19.8%) H/L – 449,972 (34.1%)	2.79	3.39	795,297	609,329 (76.6%)	180,443 (22.7%)	19,833	35,590 (11.5%)	205,320 (15.8%)
St. Johns, Arizona	3,269	M – 1,644 (50.3%) F – 1,625 (49.7%)	W – 2,631 (80.5%) AA – 12 (0.4%) AIAN – 204 (6.2%) Asian – 9 (0.3%) OR – 413 (12.6%) H/L – 758 (23.2%)	3.19	3.55	1,853	1,481 (79.9%)	373 (20.1%)	13,331	102 (12.5%)	481 (15.3%)

Border Town Demographic Profiles

Table 3. U.S. 2000 Census Bureau

City	Population (Total)	Gender Male/Female (Total/%)	Ethnicity ¹ (Total/%)	Average ² Household Size (Total)	Average ³ Family Size (Total)	25 yrs. And Older (Total)	High School Graduates (Total/%)	Bachelor's Degree & Higher (Total/%)	Per Capita Income (Total)	Families Below Poverty (Total/%)	Individuals Below Poverty (Total/%)
Winslow, Arizona	9,520	M – 5,238 (55.0%) F – 4,282 (45.0%)	W – 5,004 (52.6%) AA – 493 (5.2%) AIAN – 2,234 (23.5%) Asian – 98 (1.0%) OR – 1,691 (17.8%) H/L – 2,746 (28.8%)	2.86	3.40	5,622	4,256 (75.7%)	620 (11.0%)	12,340	351 (17.5%)	1,652 (20.9%)
Blanding, Utah	3,162	M – 1,548 (49.0%) F – 1,614 (51.0%)	W – 2,093 (66.2%) AA – 2 (0.1%) AIAN – 915 (28.9%) Asian – 3 (0.1%) OR – 149 (4.7%) H/L – 128 (4.0%)	3.46	3.93	1,558	1,338 (85.9%)	349 (22.4%)	12,160	103 (13.9%)	543 (17.8%)
Bluff, Utah	320	M – 162 (50.6%) F – 158 (49.4%)	W – 200 (62.5%) AA – 0 (0.0%) AIAN – 112 (35.0%) Asian – 3 (0.1%) OR – 0 (0.0%) H/L – 13 (4.1%)	2.37	3.25	227	184 (81.1%)	70 (30.8%)	13,567	21 (22.8%)	79 (21.9%)
Cortez, Colorado	7,977	M – 3,809 (47.7%) F – 4,168 (52.3%)	W – 6,443 (80.8%) AA – 21 (0.3%) AIAN – 805 (10.1%) Asian – 28 (0.4%) OR – 680 (8.4%) H/L – 1,061 (13.3%)	2.41	3.00	5,134	4,111 (80.1%)	967 (18.8%)	18,040	309 (14.8%)	1,446 (18.6%)
Durango, Colorado	13,922	M – 7,102 (51.0%) F – 6,820 (49.0%)	W – 12,620 (86.8%) AA – 5 (0.5%) AIAN – 767 (5.5%) Asian – 103 (0.7%) OR – 882 (6.4%) H/L – 1,436 (10.3%)	2.23	2.83	8,070	7,272 (90.1%)	3,467 (43.0%)	19,352	196 (7.3%)	2,137 (17.2%)

¹ Abbreviations are as follows: W – White; AA – African American; AIAN – American Indian/Alaska Native; OR – Other Ethnic Groups; H/L – Hispanic Latino

² Average Household size: An average family household containing people not related to the householder, and those people are not included as part of the householder's family in census tabulations

³ Average Family size: The average family size includes a householder and one or more other people living in the same household who are related to the householder by birth, marriage, or adoption.

Table 4. Navajo Nation Government purchasing expenditures in border towns beginning October 1, 2008 and ending on June 30, 2010.

BORDER TOWNS
Ranged from 1 October 2008 to 30 June 2010

City	Amount Received
AZTEC	2,622,794.12
Total AZTEC	2,622,794.12
BLANDING	1,200,425.93
Total BLANDING	1,200,425.93
BLOOMFIELD	479,718.70
Total BLOOMFIELD	479,718.70
CUBA	275,252.51
Total CUBA	275,252.51
FARMINGTON	7,397,778.51
Total FARMINGTON	7,397,778.51
FLAGSTAFF	13,632,854.26
Total FLAGSTAFF	13,632,854.26
GALLUP	61,667,492.04
Total GALLUP	61,667,492.04
GRANTS	2,945,610.18
Total GRANTS	2,945,610.18
HOLBROOK	5,317,417.30
Total HOLBROOK	5,317,417.30
PAGE	2,422,541.08
Total PAGE	2,422,541.08
WINSLOW	1,230,590.62
Total WINSLOW	1,230,590.62
MAIN TOTAL:	99,192,475.25
COUNT	

*The information above was provided by the Navajo Nation Purchasing Department of the Navajo Nation Financial Services Division.

Table 5.

Endnotes

ⁱ “To the Diné, Dook’o’osliid (San Francisco Peaks) is a living mountain, it breaths and provides a sanctuary for the gathering of herbs, soil and to offer prayer and ceremonial song. The relationship between the mountain and Diné is best understood through Diné traditional teachings found in Traditional Law, Customary Law, Common Law and Natural Law. These laws, inherited by the Diné from the Holy People, make the people distinctive and govern them.”

ⁱⁱ Winslow Public Hearing Testimony, Carr, R., pg. 5

ⁱⁱⁱ Ibid, Carr, R., pg. 7

^{iv} Ibid, Walker, T., pg. 11

^v Ibid, Blackgoat, D., pg. 21

^{vi} Ibid, Smith-Yellowhammer, G., pg. 23

^{vii} Upon learning about the U.S. Supreme Court decision to allow the development of Snowbowl, community residents were able to make comments regarding a particular article written in the Flagstaff Daily Sun on December 3, 2009. Comments suggest the lifestyle of the homeless and indigent Indians are ignored by the tribe and further suggest that because of the way these Diné live, Diné in general do not respect the land and hold it sacred as put forth in the arguments against the development of the Snowbowl. Klee Benally points out the extreme disconnect between community members, city officials and Indian tribes. No efforts are being made by the leaders of the city to correct or denounce the disparaging comments. As far as Mr. Benally is concerned, “the statements made exemplify the attitudes of the city.” He pointed out a local ski club, called Reclaim the Peaks, who advertises its organization on the Flagstaff Chamber of Commerce website. Here you will find similar comments posted on their website regarding the degradation of the Indian tribes in Arizona. The city has refused to remove the statements and continues to perpetuate the social ills of this community through the website. Mr. Benally posed the proposition to look beyond what is happening today and to assess the effects of current legislation and how that will affect other sacred sites, the Diné way of life and the people’s ability to practice our religious rights. The right to practice Diné religious teachings are eroding away by policies established by the city, state and federal entities; he asks the Commission to use its influence to ensure religious freedoms remain intact and, if need be to investigate the roles these agencies have with the, “institutionalized criminalization of our traditional practices.” As poignantly put by Mr. Benally, “the federal government as a trust responsibility to the Navajo Nation, not to its citizens.”

^{viii} Flagstaff Public Hearing Testimony, Smith B., pg. 33

^{ix} Ibid, Singer, M., pg. 33

^x Leupp Chapter House Public Hearing, Denny, T., pg. 7

^{xi} Page Public Hearing Testimony, Goodman, M., pg. 17

^{xii} Ibid, Brown, W., pg. 23

^{xiii} Ibid, Brown, W., pg. 25

^{xiv} Ibid, Gamble, I., pg. 27

^{xv} Bluff, Utah Testimony, Mullins, M., pg. 22

^{xvi} Ibid, Mullins, M., pg. 23

^{xvii} Cortez Public Hearing Testimony, Benally, C., pg. 11

^{xviii} Ibid, Benally, C., pg. 11

^{xix} Ibid, Peck, G., pg. 17

^{xx} Ibid, Jones, S., pg. 27

^{xxi} Ibid, McAfee, M.B., pg. 37

^{xxii} Ibid, Erickson, T., pg. 46

^{xxiii} Durango Public Hearing Testimony, Scott, B., pg. 11

^{xxiv} Ibid, Chavez, C., pg. 17

^{xxv} Aztec Public Hearing Testimony, Bekise, R., pg. 4

^{xxvi} Nenahnezad Chapter House, Testimony, Saltwater, E., pg. 13

^{xxvii} Farmington Community Center Testimony, Bates, T., pg. 23

^{xxviii} Ibid, Johnson, R., pg. 27

^{xxix} Ibid, Bekise, L., pg. 42

^{xxx} Torreon Public Hearing Testimony, Trujillo, M., pg. 7

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- xxx*i* Ibid, Meyers, N., pg. 33
- xxx*ii* Albuquerque Public Hearing Testimony, Rodriquez, C., Pg. 8
- xxx*iii* Grants Public Hearing Testimony, Castenedã, J., Pg. 17
- xxx*iv* Ibid, Bradford, S., Pg. 21
- xxx*v* Ibid, Shelly, Vice-President B., Pg. 25
- xxx*vi* Gallup Public Hearing, Rondon, A., pg. 9
- xxx*vii* Ibid, Yazzie, B., pg. 13
- xxx*viii* Churchrock Public Hearing, Testimony, Chee, F., pg. 16
- xxx*ix* Ibid, Martin, D., pg. 17
- x*i* Nahatá Dził Public Hearing Testimony, Whitehorse, J., pg. 11
- x*ii* Ibid, Holmes, A., pg. 16
- x*iii* Mesa, Arizona Public Hearing Testimony, Johnson, F., pg. 6
- x*iiii* Ibid, LaRusso,A., pg. 22
- x*lv* Phoenix, Arizona Public Hearing Testimony, Tso, D., pg. 23