



# QUARTERLY STATE OF THE NATION

PRESIDENT BUU NYGREN



25<sup>TH</sup> NAVAJO NATION COUNCIL

*Fall Session 2024*



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October 21, 2024

Madam Speaker Crystalyne Curley, Madam Chief Justice JoAnn Jayne, Members of the 25th Navajo Nation Council, visiting dignitaries, distinguished guests, and my Navajo people, *Yá'át'ééh!* We celebrated the first *yás* across *nihikeyah* of the Navajo New Year last week. This brings with it renewed blessings but also emergency response to the muddy conditions throughout the Navajo Nation.

Members of the Council, I cannot be with you today because of a meeting at the White House regarding the appointment of a commissioner of the Office of Navajo and Hopi Indian Relocation.

Before I discuss that, I want to take a moment to remember an honored and beloved Navajo warrior who we all knew, loved and lost on Saturday morning.

Navajo Code Talker John Kinsel, Sr., survived the horrors of Iwo Jima, Okinawa and other battles in the South Pacific to live an honorable and esteemed life to the age of 107 years. His son Ronald Kinsel told us he left peacefully in his sleep, waiting for the first snow for moisture to lift his footprints on his journey. The howling wind brought his parents and relatives who came for him at the first thin glow of early dawn on Saturday, he said.

We remember Mr. Kinsel as one of the first 29 Navajo Code Talkers. He served with the 9<sup>th</sup> Marine Regiment and the 3rd Marine Division. He was *Kintichíí'nii* and born for *Tábaqhá*. His maternal grandfather was *Naakaii Dine'é* and his paternal grandfather was *Bit'abnii*. Mr. Kinsel was born in 1917 in Cove, Ariz., and moved with his family to Lukachukai at a young age.



In his honor and memory, I have ordered flags across the Navajo Nation to be lowered to half-staff for one week, from sunrise yesterday morning until sunset Oct. 27. Like our other Code Talkers, he will not be forgotten. We shall forever be in his debt for his bravery and protection of the United States and the Navajo Nation he loved.

Today requires me to be in Washington, D.C., to discuss the appointment of a commissioner of the Office of Navajo and Hopi Indian Relocation. The position has been vacant since 1994. ONHIR Executive Director Christopher Bavasi has led ONHIR as director since 1985 when a three-member commission existed. The time has come, and is long past, for a commissioner to be appointed.

Today's meeting is pivotal in our history. It is the first time in more than two decades that the White House and ONHIR have granted us a seat at the table to discuss the future of a controversial program that has impacted the lives of countless Navajo families.

On Dec. 22 of this year, the 1974 Navajo and Hopi Land Settlement Act – P.L. 95-531 – will turn 50 years old. It is this law that created ONHIR. ONHIR reports directly to the President of the United States, and it will be the President who appoints a commissioner to serve as its top administrator.

As harmful as the Relocation Act has been, the Navajo Nation has resisted repeated efforts by Congress to defund ONHIR and close it down. Most recently, in March of this year, Speaker Curley, Navajo Hopi Land Commission Chair Otto T'so, Vice Chair Casey Allen Johnson, Commissioners Vince James and Germaine Simonson met with White House staff to advocate for the appointment of a commissioner.

This month, to prepare for today's meeting, the Navajo Nation Washington Office conducted face-to-face interviews with more than 130 families whose lives are still being impacted by relocation. NNWO documented their hardships, assessed their homes, and built a powerful case that demands attention.

The White House now knows what we have known for years – our people need action and ONHIR needs a commissioner. Our people need a commissioner who understands this issue and its history, who is fair, who will act impartially and who can bring justice to an unjust federal law 50 years after its enactment. I will do my best to see that the right person is appointed, and as soon as possible.

I am certain all previous Presidents weighed their decisions to use the line-item veto as carefully as I do.



And as I stated in my veto message, the funding vetoes can be restored with a comprehensive budget. I will be very happy to sign a budget that puts this episode behind us so we can move on to positive actions together.

The decision now rests with each member of the Council, including the Speaker and the members of the Budget and Finance Committee, to come together with me and the Chief Justice to meaningfully consult on the budget, the base planning amounts, and how we can come together to create a comprehensive budget that meets the needs of the Navajo Nation.

When we meet on the budget, I want to raise the importance of finding funding to support the relocatees. One year ago, I met with relocatees in my office. They told me stories of *sáaniis* and *cheiis* from remote places like Big Mountain, Teesto, Coal Mine Mesa and Fingerpoint who just wanted to live their lives in peace and be left alone by the government. Our grandparents were the first generation who ultimately lost everything.

The relocatees who visited me are haunted by childhood memories of their grandma's loom, hogan, cornfield and peach trees that are now abandoned and remain in a place that they can never return to. They came to me for help they have not received.

For years, the Navajo government was legally prohibited by court order from giving any services, fixing any road, repairing any house or hogan for our people living in the formerly disputed areas and chapters. Given the 50 years of suffering they endured, I support a request of \$50 million to assist them.

Through meaningful consultation, I know we can find a way to structure \$50 million over a period of time to assist the relocatees.

Members of the Council, last week I stated in my press conference that I welcome Vice President Richelle Montoya's resignation. Because the Vice President no longer believes in this Administration, I have lost trust in her to be willing to advocate on behalf of the priorities that we campaigned on together.

I am aware of your discussion about this last Friday. There is nothing in our Navajo Nation Code that prohibits my action of welcoming a resignation and no laws were broken. The harmony in our relationship was damaged last April when she accused me on social media of sexually harassing her during a meeting the previous August. Prior to her April social media post, things had already become challenging. I remained optimistic that we could work through those challenges. As I stated in my first press



conference, I vigorously deny and refute her accusation. No one is more eager than I to see the result of the special investigation of the Vice President's statements.

After I publicly denied her accusations against me, I asked the Vice President to participate in our Judicial Branch Peacemaking process to figure out how best to move forward for the sake of our office, staff, and the Navajo Nation. But she refused. As shown in memos over the past six months, which I provided to the public, I have asked the Vice President to work with me, but she has refused. I asked her to report her activities to me and to attend staff and division director meetings, but her attendance has been inconsistent. In short, since her statements on social media and before this Council last April, she shows little inclination and willingness to work with me or to lead as Vice President to promote the Administration's initiatives that we continue to make progress on.

Disputes between Navajo Presidents and Vice Presidents are not uncommon. What is uncommon and unprecedented is the Vice President's signing of a recall petition that seeks to have me removed. There could be no more deliberate announcement to the Navajo people of the Vice President's formal break and separation from this Administration.

Members of the Council have accused me of being uncooperative, of being a "dictator," and not wanting to "talk things out" with the Vice President. Again, I offered the Vice President early on to join me in a Peacemaking session to figure out how to move forward and how I can support her with the projects she was entrusted with. She rejected this. For six months, I have asked the Vice President to provide me with status updates on her projects. She has not. Instead, she has used tribal resources to seek my recall and consistently undermines me and the staff and all the hard work we have put in each day. Attorney General Branch recently reported to the Council that my memorandum to the Vice President "doesn't actually remove her (as Vice President) or effectuates a resignation. She will determine that on her own" and therefore, there was no abrogation of her rights.

I want to be clear. I have not altered the Vice President's statutory authorities or duties. Nor were her rights violated. I have not removed her as an official of the Navajo Nation. I have only reassigned the tasks and projects she was entrusted with. That decision was based on accountability and her neglecting these important projects and initiatives. This is not about her office; it is about the tasks she was given which she failed to work on.

I came to this office by telling the Navajo people that I would make hard decisions, substantiate each one, and that is exactly what I am doing here in order to get as much



done for the Navajo people in the time I have. I have said that I will hold everyone in my Administration and Executive Branch accountable, including myself and the Vice President, and that is what I've done and what I am doing here.

You may disagree with me, and that is your right. But the Navajo people still depend on me to do the work they elected us to do. A lot of work remains, and no one can get it done alone. Despite flaring emotions and unsupported suppositions, we must continue to work together regardless of differences, or we fail the Navajo people, which I refuse to do, and I expect you do, too.

I appreciate the Council's interest to fund improvements of our senior centers. My staff met with the Department of Health last week and learned of various recommendations to improve Legislation 0135-24. I ask the Council to work with Executive Director Sherylene Yazzie to refine this legislation so that the funding is disbursed and used to maximize our services to our seniors.

The recommendation is to disburse funding across five (5) fiscal years:

- **15% of the funding should be disbursed in Year 1.** During Year 1, NDOH will conduct a comprehensive needs assessment to update the FY17 assessment and prioritize and sort projects into several categories. There are six (6) proposed categories. They are (1) Repairs and Maintenance, including safety & compliance, (2) Equipment Purchases, (3) Renovation, (4) Security, (5) Demolition, and (6) New Construction.

During Year 1, the Department of Aging and Long Term Care Services (DALTCS) plans to hire nine additional staff to implement the identified assessments. Five of these nine staff will be Building Maintenance Workers.

- **35% of the funding should be disbursed in Year 2.** During Year 2, NDOH will schedule and prioritize projects, procure for repairs and equipment purchases, and plan and design for renovations and new construction. Project managers will monitor contracts and accountants will monitor expenditures and payments.

- **35% of the funding should be disbursed in Year 3.** During Year 3, NDOH will continue to execute plans and acquire necessary equipment. It will be moving into the renovations and construction stages.



- **10% of the funding should be disbursed in Year 4.** The start of project closeouts will begin in year 4. There will be several grand openings or reopening events at senior centers across the Navajo Nation.
- **5% of the funding should be disbursed in Year 5:** During Year 5, projects will be closed out and there will be several grand opening or reopening events of senior centers across the Navajo Nation.

I ask that the Council work with Executive Director Sherylene Yazzie to develop amendments to Legislation 0135-24.

I also appreciate the Council's work over the last couple of weeks on reviewing ARPA expenditures. As the Controller will report, we have continued work to do and I look forward to collaborating with you on how to address any unobligated Fiscal Recovery Funds.

When we work together, we accomplish great things. Together we reformulated the Nation's approach to how to best allocate American Rescue Plan Fiscal Recovery Funds so that we can put those funds to their highest and best use for the Navajo People.

We recaptured approximately \$521 million, and now those funds are being held in the Revenue Replacement Reserve. We need to work together to develop the correct and appropriate legislation to ensure that the funds in the Revenue Replacement Reserve are put to their highest and best use. I look forward to working with the Council on this legislation soon.

Perhaps our greatest success in working together is our water rights settlements now awaiting approval and authorization in Congress. The Navajo Nation remains on track to see its Arizona and New Mexico water rights settlements voted on and passed before Congress adjourns in early January 2025. We are as close as we have ever been.

For bringing these historic water rights settlements this far in so short a period of time, I express my sincerest appreciation to Speaker Curley and the esteemed Navajo Nation Council. Your historic vote of 22-0 is the clearest demonstration that when we stand together, we do accomplish great things.

These important issues required acknowledgement and explanation in this report to the Council. Time prevents me from listing many of our other significant accomplishments of the past quarter. I reported those accomplishments to the Navajo people two weeks ago in a dedicated radio address, repeated them last Tuesday during my online press conference and I announce them in my online reports each week as they happen. They



are also contained in the packet that accompanies this State of the Navajo Nation address.

Lastly, I want to bid a fond farewell and offer a sincere thank you on behalf of the Navajo people to former Assistant Attorney General Paul Spruhan for his 17 years of dedicated service at our Navajo Nation Department of Justice. Paul now takes his extensive experience in Indian law to the University of New Mexico School of Law where he will teach the next generation of lawyers with his wit, wisdom, humor and encyclopedic knowledge. Paul, thank you for your service and for leaving the canon of Navajo and Indian law better than you found it. Your presence and expertise at DOJ will be greatly missed but not forgotten, and I know we'll continue to see a lot of you.

Ladies and Gentlemen of the Navajo Nation Council, thank you very much. *Abéhee'*

## CONTACT THE PRESIDENT:

