Sustaining the Circle: Returning Indian Nation Governance to Traditional Principles: Particular foci on Southern Ute, Comanche and Navajo Nations

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

Traditional Tribal Governance

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

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

This inclusive process of egalitarian, consensus decision making, normally limiting civil leaders to being facilitators and advisors of the people, was built upon cultural and structural

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

The Impact of Colonialism

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

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

according to traditional values, especially among many younger members.[7] It may also help to adopt a modified version of an African Indigenous tradition, having tribal leaders adopted as relatives by all tribal members.

Traditionally, inclusive forms of consensus decision making worked to make each member of the community feel that membership through their participation, because direct participation in deciding about community affairs was a major source of each person's identity as a community member and feeling of connection in the web of relationships. The current practice of holding elections in which there are winners and losers, and the electing of councils that make decisions, rather than announce decisions made by the people as a whole, are divisive. Indeed, communication has broken down on a considerable number of reservations, so that people are often not aware of decisions being made, and in numerous instances have false impressions of what has transpired. This alienation has also been reflected in low levels of participation in elections and public meetings in many Native communities, accompanied by often vicious gossip and infighting. Those who lose an election often perceive that they have been rejected by the community, and believe that their honor has been impugned (where, for mainstream Americans this would not be the case). People who are not included in the making of a decision, even if they are invited to a meeting to state their opinion to the decision makers, tend to feel left out. Indeed today many people are, in fact, left out as their interests are not effectively represented in the tribal electoral systems. It is important to note that the effective exclusion of people from the electoral process is a result of the nature of the system itself, and, in general, not because of who the particular leaders happen to be.

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

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

This is especially the case as a variety of perspectives have developed as to just what those traditions are, while new traditions have come into being, such as the rise of the Native American

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

The Development of Current Forms of Tribal Government

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

The problem of the inappropriateness of the more widely used current general form of tribal governance has become of greater significance since the 1960s. Prior to that time (despite the intent of the 1930's legislation enacted under the leadership if BIA Commissioner John Collier), tribes and tribal governments had little autonomy, and much of the function of the elected council members was to act as brokers for the tribe and its members in dealing, first, with federal, and second, with state and local officials. The Civil Rights movement and the War on Poverty led to an increase in the authority of tribal governments to make significant decisions in their affairs, that generally continues to expand.[11]

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

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

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

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

Reviving Inclusiveness at Southern Ute

The Southern Utes, consistent with the inclusive participatory decision making of their traditional bands, are an interesting example of a Native Nation enlarging tribal member involvement in government in stages. In the mid-1980s, when this author began regularly visiting the Southern Ute reservation in Colorado, the IRA style tribal government, headed by an elected chair and council did not have mechanisms to regularly communicate with the membership.[13] Although the frequently reelected chair and the council succeeded in providing good things for the nation, there was a significant group of members disaffected with the system. When one tribal member was asked why he objected to what appeared a very favorable agreement the tribal council had approved, he said his objection was that the members had not discussed it. An indication of the extent of tribal member dissatisfaction was an attempt to recall the chair and most of the members of the council. It failed when the vote ended in a tie. It would have passed if the rules had allowed an absent member to vote by proxy. Interestingly, one of the few council members not included in the attempted recall was quite an old-style traditional leader, who most likely favored making public decisions by building consensus.

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

First, in the late 1990's, the tribal council increased the number of general tribal meetings from quarterly to once a month. Shortly thereafter, they instituted monthly sessions for members with concerns or complaints about tribal government and services, to meet individually with the Tribal Council.[14] Next, in 1999-2000, the Southern Utes became the first Indian nation to participate in a project, funded by the U.S. Children's Bureau, to build coordination among social services that effected children, with ongoing community input. At the request of the tribal chair

and council, a consulting team from the Social Research Institute at the University of Utah was brought in to help facilitate a Design Team. The team included administrators from a wide range of tribal services, since, at least indirectly, all services and the community members they interact with have an impact on children. Community consultants, including former social service recipients and elders, collaborated in building teamwork among social services, with responsiveness to community needs and input. The goal was to provide culturally relevant, supportive and integrated services to ensure that all Southern Ute children are successful in school and in life.[15] In February 2006, the Southern Ute Indian Tribal Information Services Department, building upon inter-agency cooperation and coordination begun under the Design Program called a meeting of Southern Ute and La Plata County, CO social service agencies to renew and expand a 2003 memorandum of understanding, which included bringing in the Mental Health Center as a collaborator. The meeting focused on working together as a consistent policy, the need to create a service directory, and the desire of non-tribal entities to increase tribal awareness of efforts to create a La Plata County Health District. Thus, inclusiveness and cooperation among tribal agencies continued to foster collaboration with outside entities for more appropriate and effective delivery of services to Southern Utes. The tribe's combining member participation with collaboration with neighboring entities has continued. This is exemplified by the tribe and the Ignacio Public School Board jointly inviting Southern Ute parents to attend an Ignacio school policies and procedures meeting on October 16, 2023. The town of Ignacio and its schools are within the boundaries of the reservation. This is a collaboration that has gone on for well over a decade. It is part of a yet broader collaboration with area entities encompassing such areas as law enforcement, including cross-deputation of police officers and cooperation with the City of Durango, CO in building a new hospital and undertaking economic development of the area around it. As has been the case with numerous other Indian nations, most of the Southern Ute collaboration with non-Indian entities has unfolded with the tribe becoming an important economic power in the area and the increase in education and professional competence of its personnel.

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

One widely experienced problem in instituting processes for reapplying traditional inclusive participatory values that arose at Southern Ute, is that even though increased community

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

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

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

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

Increasingly, the Southern Utes have applied a variety of vehicles for bringing back aspects of traditional participation. In moving to develop an improved tribal healthcare system, in Spring 2013, the tribe undertook a survey of tribal members, as well as interviewing healthcare staff, and discussing the matter in general tribal meetings.[23] Building on member input, the tribe put its new health benefits program into effect on October 1, 2013.[24] While the details of the process are contemporary, they apply the traditional principle values of including the voices and concerns of

everyone affected in making decisions and insuring they are properly carried out. Indeed, in traditional times these values were often applied by different peoples in various ways, and by the same people in different ways overtime to meet changing circumstances or places. With the rise of modern bureaucracy, it becomes necessary to include the voices of all affected by its decisions as well as all of those involved in the agency in the agency, to ensure that its decisions are good for all those concerned.[25]

In the spirit of community policing, in October 2016, members of the Southern Ute Community Police Department and Tribal Rangers met informally with community members in a "neutral space to discuss community issues, build relationships and drink coffee.[26] In October 2016, the tribe, with the assistance and facilitation of a consultant, undertook the first of a series of meetings to be held around the reservation to develop an updated comprehensive land use plan for the tribe.[27] The Southern Utes also instituted an annual survey of tribal members concerning their satisfaction with tribal government, programs and services, in 2015.[28]

The Southern Ute's, who have relatively good internet coverage, initiated working with that as well as other media, to increase communication, and thereby inclusive participation, in tribal discussion and decision making. In order to reach as many tribal members as possible for the tribal educational meeting on April 10, 2017, to discuss the issues raised in a member proposed referendum on how to allocate $45,515,000 remaining of the Sisseton Settlement Funds received by the tribe, the tribal council arranged for membership-only live streaming of the meeting on the internet. Members could log in via the web sites of the tribe or its newspaper, the Southern Ute Drum, or via tribal Facebook. The referendum and the meeting about it were announced in all of those media.[29] The tribe also moved to expand member information about, and participation in, its affairs by persisting in carrying out virtual dialoguing town hall meetings via internet, only accessible to tribal members.[30] Similarly, the tribe held a virtual Open House for tribal members to discuss tribal long range transportation planning, February 17-21, 2022.[31]

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

To insure that all concerned would have a say in decisions that effected them, the Utes, in planning the development of a new skate park, invited elders to a meeting of the skatepark planning and development team to comment on the planning, and by insuring that youth - who would be the prime users of the park - were involved in the development.[33] Including the youth is also important as part of the process of educating them in traditional values and their application in current circumstances. An important part of achieving this acculturation is the Southern Ute Indian Montessori Academy, a grade school that teaches in both Ute and English, and provides learning in Ute culture and history, with elders coming in to speak with students.[34] Having their own tribal

schools or having learning of traditional culture offered to their youth in non-tribal schools is now a major undertaking by many Indian Nations. And like numerous other nations, the Utes recognize the importance of education being a lifelong process. Today, with many tribal citizens having little or no background in their people's traditions, it is important for both the individual and the nation's revival to provide the opportunity for all members to become deeply involved in their culture's ways.

In continuation of the Southern Utes Tribe's ongoing return to traditional participatory democracy, the southern Colorado nation has involved all concerned in every stage of developing a new economic development strategy. The policy development began in September 2022. As was reported in the Southern Ute Drum, "This update to the CEDS is the result of an extensive strategic planning process that engaged Southern Ute tribal members, tribal staff, and regional partners to conduct research, interviews, and provide input. This process was led by a 16-member stakeholder committee known as the CEDS Committee that consisted of Economic Development staff along with representatives from Tribal Council, tribal departments, and tribal business entities."[35] The process began with discussion of the project at a tribal general meeting to give the CEDS committee guidance from the membership. Once the committee had developed a set of proposed priorities, these were made available to tribal members. "A survey conducted at the General Meeting on July 13th [2023] provided confirmation that the priorities developed by the CEDS Committee were on the right track. The survey had participants vote on what types of on-reservation development should be prioritized to best improve quality of life and enhance the tribal economy."

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

A fall 2023 development shows how council response to tribal member concerns and collaboration among Southern Ute entities can lead to resolution of member issues.

> In early 2023, the Southern Ute Tribal Council became aware of instances where propane fuel suppliers had failed to make timely deliveries, leaving Southern Ute tribal members without reliable and consistent heat during the winter months, in some cases for extended periods of time. Tribal Council requested the Growth Fund's assistance to evaluate and propose options for improved reliability of propane delivery to tribal members.
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> To assess tribal members' experiences, the Growth Fund partnered with Tribal Information Services to conduct a survey, which was released in July 2023 on the Tribal Member Portal and paper surveys were mailed to tribal elders for inclusion of all voices.[36]

At the same time, the Growth Fund completed a survey of alternative suppliers and undertook an analysis of all the information collected about them, even considering the possibility

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

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

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

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

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

A major force for transparency and fairness is the weekly tribal newspaper, the Southern Ute Drum, which is in print and on the web. The Drum reports on tribal affairs, gives all candidates for office space to make statements and carries letters to the editor. Again, the means used are not traditional, but in the current situation they play an important part in insuring the traditional value that all members know what is being decided and are heard.

Yurok and Alaska-British Columbia Inclusiveness

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

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

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

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

Typical of most tribes in the United States, the Comanches felt themselves divided and often paralyzed in deciding major issues because of the clash in values between their traditional culture and the premises of their contemporary government processes, based upon modern Euro-American understandings. In order to overcome the problems caused by that cultural dissonance, the Comanche community, with the assistance of Americans for Indian Opportunity (AIO), Oklahomans for Indian Opportunity (OIO), the Department of Communication at George Mason University, and Christakis & Associates, decided to utilize a collaborative process for tribal

decision making by applying the Tribal Issues Management System. So long as the Comanche used ILIS to create consensus on community issues, the process made significant contributions in overcoming gridlock in tribal decision making and in initiating a beginning in restoring tribal harmony. Where neither ILIS, or any other method of broadly inclusive decision making was used, the nation continued to have difficulty in reaching decisions, and when the Comanche stopped using the process at the tribal level, considerable disharmony returned to the community. The Comanche experience with ILIS suggests that a process of inclusive participatory decision making, if appropriately designed and applied for a specific tribe or group and its unique circumstances, may be useful for other tribes in overcoming many of the remaining problems of colonialism, if the process is used long enough to firmly establish it. The Comanche are one of four Tribes in Oklahoma that initially applied the ILIS process,[40] and have gone considerably further with it than any of the others.

The Comanche Experience to 1990

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

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

There was no formal process for choosing the band leader, he simply became leader by consensus over time, and would cease to hold that position if he lost the respect of the community. On matters of importance, he had no authority to decide anything, but could influence decision making and mediate (but not arbitrate) disputes. His main job was to facilitate for the community in finding and maintaining consensus and harmony. On minor, daily matters, he could make decisions, but anyone who did not like a decision ignored it, and if enough people did so he would

no longer be a leader. Military leaders, who were separate from and subordinate to civil leaders, did have considerable dictatorial power when leading a war party. But they could only become and remain war leaders as long as men would join, and remain with, their parties.

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

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

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

The Comanche Nation was formally established in 1969, under the Comanche constitution in force at the time ILIS was being applied, to provide a way for the Comanches to manage their own funds and programs, allowing them to participate more actively in the politics of Indian affairs and in the Anglo economy.[55] At that time, the Comanches largely adapted the previous, IRA style, KCA Constitution[56] to their own situation. To be a member of the Comanche Tribe (as of 1991), a person had to be a direct descendent of a Comanche, receiving an original allotment of reservation land and was required to possess 25% Comanche blood. The Comanche population of 8,690, in 1991, with a majority under 40,52 was divided geographically. Approximately 4500 lived in southwest Oklahoma, primarily in four communities: Lawton, Apache, Cache and Walters. There were also sizable concentrations of Comanche in Texas and California.[57]

The governing body of the Comanche was the Tribal Council, which consisted of all tribal members 18 years old or older. In 1991 there were approximately 6100 eligible voters.[58] The Tribal Council elected seven members at large to staggered terms on the Comanche Business Committee.

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

The Business Committee's primary role was to regulate some important aspects of Anglo-Comanche economic relations, but it did not play a major part in directly regulating Comanche-to-Comanche relations.[60] The Committee was a combination executive and legislative body that oversaw a staff, headed by an appointed tribal administrator, who managed the daily operation of tribal programs. The tribe had an annual budget of over $3 million in fiscal year 1990, from a number of federal programs and tribal sources, including a bingo operation. The nation operated a number of social service programs. These included a jobs program, a family violence program, aid to the elderly, and burial assistance), The Indian Child Welfare Program (offering counseling, crisis intervention and recruiting of foster homes, a food distribution program (providing USDA Commodities), the Home Improvement Program, The Job Training Partnership Act (JTPA) Program, a senior citizens center, the Community Health Representative Program, a non-emergency transport system and a substance abuse program. The nation did not have sole ownership of any business in 1991, but shared ownership of two businesses with the Kiowas and the Apaches: The Native Sun Winter Park and KCA Apparel, a clothing manufacturer.

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

to provide the Comanches with an input into Business Committee actions following the values of traditional tribal inclusive participatory decision making.

The Indigenous Leadership Management System (ILIS)

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

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

A related point is that both the principle of inclusion upon which ILIS is based, and the necessity for developing broad support for it throughout the nation, make it essential that all

identifiable groups within the tribe be represented in the process from the beginning. Failure to be inclusive destroys the integrity of the process, and if this is not corrected will usually undermine its legitimacy and lead to its demise, as can be seen in numerous workplace cases where improperly executed employee participation has been short-lived).[68] Just how to ensure that the process is and remains inclusive needs to be decided according to the particular situation. Inclusiveness was provided for in the Comanche case by inviting to the first session representatives from the four traditional rural Comanche communities (Lawton, Apache, Cache and Walters), the newer urban Comanche Communities, members of each living generation, tribal staff and employees, former council members, members of old political divisions (e.g. those who voted "yes" and "no" on whether to establish a tribal government separate from the Kiowas and Apaches), and all other identifiable relevant groups.

The Stages of ILIS

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

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

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

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

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

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

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

important to implement these bonding activities at the beginning of the work, but it is especially important before the period of generating options for dealing with problems that the group has identified.

Key Roles in the Process

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

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

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

The underlying point is that the dialoguing system must be established and operated in a way that gives ownership of it to the participants. There are numerous cases of supposedly participatory decision-making which have failed to meet their potential because inappropriate forms or personnel were used, or because appropriate participatory attitudes and skills were not developed. Even worse are instances in which Pseudo-participatory processes have been applied

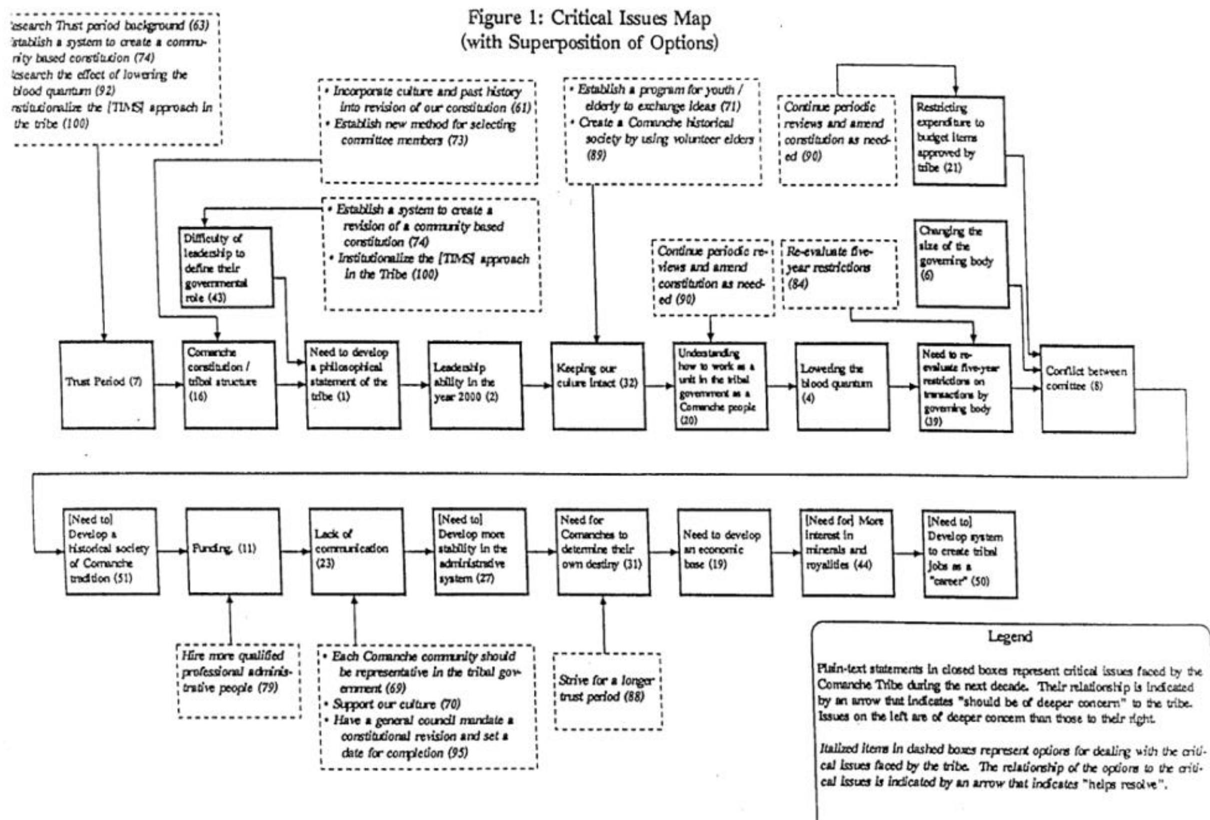
in deliberate attempts to manipulate people.[78] However, appropriate care in establishing and maintaining the discussion system can lead to very positive results in empowering the group and the larger community to meet issues in ways that are extremely representative of all who are involved. Because the process is based upon mutual respect, with each participant being given a chance to be truly heard and to have their concerns included in the deliberations in very supportive ways, the tendency of this kind of interaction is to promote increasing levels of discussion, and generates greater numbers of views in an extremely civil discourse that tends to reduce antagonism and infighting. Moreover, since the focus of the dialogue is upon mutual problem solving, rather than fighting for position, the process tends to be extremely creative as it encourages participants to react positively to, and build upon, each other's ideas, i.e. to produce synergy) Such a process tends to build community harmony, not in the sense of limiting the range of expression or of channeling discourse along narrow lines. To the contrary, it tends to produce a polyphony[79] of many diverse voices by working positively and creatively with conflict to harmonize the interests of each participant, so far as is possible, for the wellbeing of all.

The Comanche Experience with the Indigenous Leadership Management System

The first Comanche ILIS session was held at Lawton, OK in February of 1990.[80] A broadly representative group of fifteen active participants supported by fourteen observers and nine staff members[81] took part in the two and a half day meeting. The deliberations began by focusing upon the question, "What critical issues do you anticipate for the Comanche Tribe during the next decade." The initial idea generation session produced 52 ideas, from which 21 were selected in the unit voting process. Discussion about the relationship among these issues resulted in a critical issues map (shown as part of Figure 1). The item of most concern, "the trust period," involved a complex of problems created by the structures and arrangements, including governmental form, imposed upon the nation by the U.S. government beginning prior to the termination of the reservation and extending into the 1960's. The next two items of importance followed largely from the first: problems with the current Comanche constitutional structure and difficulty of the leadership in defining their governmental role. The critical issues map revealed that many of the issues which are often points of conflict in the community are primarily symptoms of the first difficulties which the ILIS process had been initiated to overcome.

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

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



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

The February ILIS session revealed an underlying circle of concern, composed of three main areas, intimately related to all the important issues in Comanche communities. First, is the question of identity. Who are we and what will it mean to be a Comanche by the 21st Century? How does the blood quantum requirement for tribal membership relate to who we are? Second is the issue of government and constitution. How do we institutionally structure ourselves so that our institutions make sense in Comanche terms? Third, is the problem of communication/participation/contribution. How can we enable every person in our community to make a positive contribution to the life of the tribe by being both responsive and responsible? Not being able to do so makes tribal people crazy and circles back around to negatively affect their

self-esteem and identity. ILIS has given the Comanches a way to address these central issues both in terms of process and concrete initiatives that has extended from the first through the entire unfolding of ILIS meetings that have taken place to date.

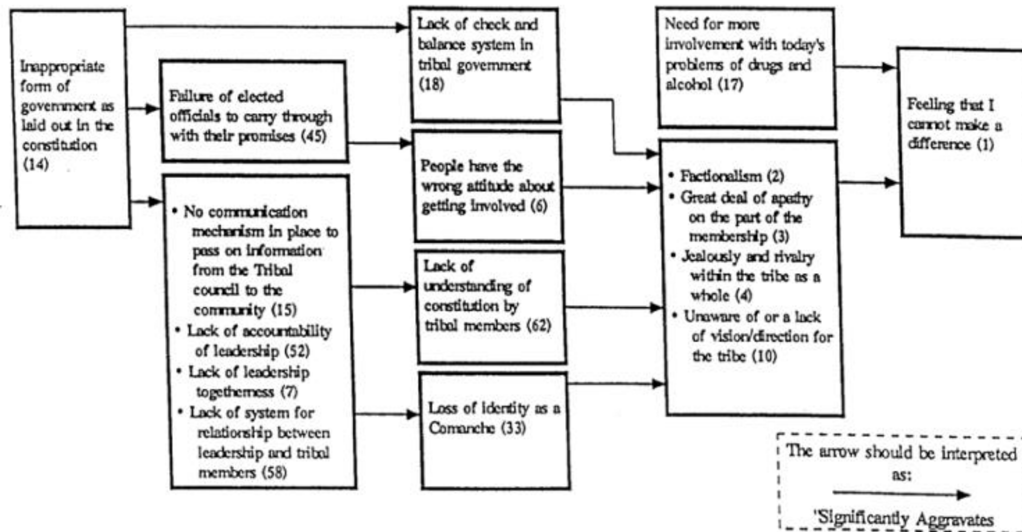
The March and May 1991 Meetings

Following the February 1990 planning session, OIO, in collaboration with AIO, worked with the Comanche Tribe to obtain funding from the Administration of Native Americans (ANA) to train a Comanche Facilitation Team, over 17 months, to conduct community meetings and tribal forums using the ILIS process. That training was commenced at a pair of meetings, March 26-28 and May 13-15 1991.[84] The Spring 1991 sessions focused upon the tribal governance issues raised at the first planning session. The objective of these follow-up sessions was to identify major barriers to community participation in Comanche tribal governance and to develop a plan for overcoming these barriers. A broadly representative group of 16 active participants and 10 supportive observers representing the various Comanche communities and the Business Committee took part in these discussions.

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

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

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



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

Figure 3: Options Selected for Implementation

Promoting Greater Community Participation in Comanche Tribal Governance

A Problem Solving
- Invite known faction leaders to small group problem-solving settings
- Request a Comanche Vision Commission to be organized by the CBC to develop a community -based vision statement
- Set goals and objectives for the tribe
- Have CBC members participate in ILIS (TIMS)
- Community members invite CBC to open issues workshop

B Constitutional Education
- Read constitution yourself for interpretation and understanding
- Provide tribal members with historical perspective of the Comanche constitution
- Form committee with community members to get feedback on constitution
- Distribute copies of constitution (with survey) to all tribal households

C Internal Media
- Make information available on how to get involved in Tribal governance

- Provide tribal newsletter for all tribal members
- Send minutes of CBC meeting out to communities for public posting
- Request an increase in the tribal budget line item to cover cost of newsletter
- Provide information to members on existing tribal programs
- Mail or post tribal agenda

D Co-Generational Outreach
- Investigate the feasibility of developing an EAP for the Comanche Tribe
- Increase Senior Citizens Care
- Increase Youth programs

E Cultural Enrichment
- Establish tribal budget line item for teaching Comanche (language)
- Create and hold an annual Comanche holiday

F External Media (no options selected in this category)

G Tribal Involvement
- Encourage community meetings
- Promote interest in tribal meetings
- Increase Tribal Council's awareness in budgets

H External Resources (no options selected in this category)

I Staff Development
- Have workshops for the Tribal staff on how to be more "service oriented"
- Establish a program designed to teach and train new Comanche business committee members about in's and out's of Tribal affairs
- Develop orientation for new employees

J Constitutional Revision
- Revise constitution based on Comanche identity
- Establish a community-based constitution revision committee
- Define role of all elected officials

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

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

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

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

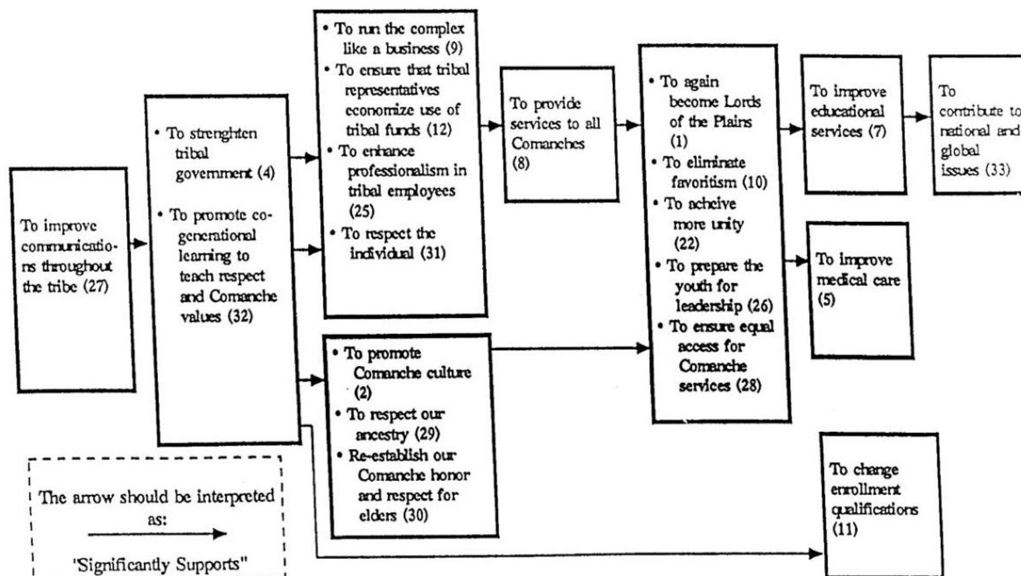
Broadening the Process, July and September ILIS

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

discussions were directly linked to the deliberations in the local communities. Some of the decision-making process took place at each level, as discussion shifted back and forth between local and tribal meetings.

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

Figure 4: Collective Vision Statement for Comanche Future



The other goal at the second level is "To promote co-generational learning to teach respect and Comanche values." This supports, directly, a set of cultural goals at the third level as well as the goal "To change the enrollment qualification" (by change in the blood quantum requirement for membership, with the feeling being that it should be made less restrictive). At the fifth level the two tracks largely converge, producing a list of five goals: "To again become 'Lords of the Plains,'" "To eliminate favoritism," "To achieve more unity," "To prepare youth for leadership" and "To ensure equal access for Comanche services." These fourth level goals lead to two at the

fifth level, "To improve medical care" and "To improve educational services." This last goal was seen as providing significant support for the seventh level goal: "To contribute to national and global issues." The last is important, for the sense of wholeness that is central to the Comanche (and other tribal people) includes first the individual's place in and contribution to the tribe, and then the tribe's place in and contribution to the nation and the world.

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

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

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

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

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

should be considered at the moment, and which shifted to a different list for later consideration. This would avoid the problem of people feeling that their contributions were less valued.

Developments in the Communities

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

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

Impacts of ILIS at the Tribal Level

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

In June of 1992 (at the completion of the pilot project funded by the Administration for Native Americans), the Four communities formalized the two-level ILIS process in "Comanche Community Participation Units Articles of Voluntary Association" which was officially made part of the tribal governance process in a resolution of the Comanche Business Committee meeting of July 11 1992. A direct product of the on-going process was the development of an internal list of tribal and community resources and a national external list of resources that can be drawn upon by the tribe. In general, issues that have been taken through the ILIS process have had broadly supported action plans developed for their solution, which have easily gained approval of the Tribal Council. By contrast, issues that have not been considered in broad community discussions, which have been by the ILIS process, continue to be difficult to build a consensus around. This makes it hard for the Business Committee to take any action on them. This is illustrated by the

Business Committee's rejecting four successive proposals from the Tribal Council on economic development which appeared to be substantively strong, but for which there had not been broad participation in their development.[90] This experience of the Business Committee, along with the fact that the calmer political climate resulting from the initiating of inclusive community dialogue contributed significantly to the next tribal chair being the first to be reelected to a second term in at least a decade, indicates the potential of the process to provide a means for ending deadlock in tribal decision making and to begin to lower the level of acrimony in the community, particularly relating to its political affairs.

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

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

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

Although this episode caused some delay, it did add to the inclusiveness of the process of constitutional revision. By mid 1996, sessions on drafting a new constitution had been held in the four communities, and with Comanches in Norman and Oklahoma City, and in Albuquerque, Dallas and Washington D.C. A final tribal level drafting session was then held with representatives

of each of the communities, and a referendum appeared to be on the horizon. However, failure of the Comanche to maintain inclusive dialogue at the tribal level soon derailed the promising effort.

Failure to Fully Institutionalize ILIS

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

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

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

Whatever the chair's concern may have been about the necessity for quick action in the two cases, his initiating the projects without prior consultation with the Comanche community through ILIS, or an equivalent forum, created a great deal of stormy controversy and raised considerable suspicion of the motives of those involved in developing the proposals, as was typical of Comanche politics as usual prior to the launching of ILIS. Indeed, for some time community turmoil was even more tumultuous than prior to the initiation of ILIS, as many Comanches were now used to being involved in community affairs, and were angered at being left out of political decision-making.

While three of the four Comanche communities continued to have local participatory meetings, at least into 1999, and there have been continued efforts to revise the nation’s constitution – sometimes with fairly inclusive invitations to tribal members – author LaDonna Harris, an involved tribal member, reports that as of the summer of 2008, the Comanche’s had not

adopted a new constitution. In January of 1999, an attempt was made to improve tribal governance by restarting the ILIS process at the tribal level. However, the election of a new Tribal Chair, shortly after that, ended the effort, and while Comanche politics have become more congenial, as of fall 2008, a tribal level participatory process has not been reestablished.

Evidence for the Value of ILIS

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

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

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

Other Experiences With ILIS

Since its first use by the Comanches, ILIS has been applied successfully in a number of other settings.[94] AIO has used the process with a number of tribes and other organizations in Oklahoma, New Mexico and Alaska. ILIS was instituted as an issues management program for the Institute of American Indian Fine Arts. In addition, AIO has been using ILIS in its work in strengthening the government-to-government relationship between tribal and federal governments. The process opens a non-confrontational pathway for the interaction of government agencies and

tribes. In several forums, beginning in 1993, including a session with the EPA Office of Solid Waste Management, AIO has brought together local, state, regional and national representatives to discuss issues facing tribal governments. ILIS has promoted full and frank discussion, building coalitions for stronger tribes and more effective policy coordination. AIO has also regularly makes use of ILIS in working with the young people participating in the American Indian Ambassadors Program of leadership training. "Ambassadors Program, the only national Indigenous values-based leadership development initiative nurtures the skills of young Native adults to be proactive change agents, bragging more than 250 graduates, representing 100 tribes, 33 states and 7 countries who are proactive change agents in their communities."[95] The process has helped them to understand the barriers to effective leadership, the relationship of issues to each other and the roles that individuals can play in either creating or overcoming barriers. Americans for Indian Opportunity has also found ILIS an exceedingly useful format in a variety of international Indigenous meetings. Overall, the record indicates that ILIS type processes can be extremely useful to tribes and tribal people in recreating who they have always been as they move forward in revitalization in the Twenty First Century.

Conclusions on Renewing Tribal Inclusive Participation

The main point is that most Indian nations are suffering from a clash of values between their present forms of government and surviving traditional values of the people that generally are quite participatory and cooperative. ILIS, however modified for specific circumstances, is only one method for providing inclusive participatory decision making. Like all processes, ILIS has its advantages and disadvantages. For example, the computer mapping is helpful in quickly showing the relationship of the ideas or issues under consideration. But this requires expensive equipment and technically trained staff to operate and maintain, which may make it impractical to use. Partly because of this, in the Comanche case, the local communities usually did not use the computer equipment or the mapping. They simplified the procedures for their own needs, maintaining their inclusive participatory character.

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

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

enough to become firmly established. Then, it can serve as a vehicle for developing policies to deal with the other issues that Indigenous communities must overcome to return to harmony and self-sufficiency.

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

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

The Continuing Process of Government Development at Navajo Nation

Traditional Navajo Governance

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

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

The two authors go on to say that at meetings, "the Navaho pattern was for discussion to be continued until unanimity was reached, or at least until those in opposition felt it was useless or impolitic to express disagreement." They point out, however, that while public meetings provided an occasion for free voicing of sentiments and thrashing out of disagreements, the most important part of traditional Dine political decision-making took place informally in negotiations among clan and other leaders representing their respective groups who regularly discussed community concerns face to face. These discussions included input from women, particularly elder women, so that everyone in the community was represented. Prior to U.S. government intervention, there was no national Dine government, beyond the clan and inter-band negotiating processes. Prior to the Dine territory becoming part of the United States in 1846, however, there is evidence in oral history that traditionally there were meetings, called the Naachid, every two to four years of the war and peace leaders of many of the bands, at which issues of war and peace were discussed, but it is not clear if civil issues were also considered at the meetings. As with band government, the Naachid had no power to coerce compliance of its decisions.

From Colonial Imposition to Arising Self-Determination

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

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

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

The first chapters comprising land area were established in 1925, and at least fit somewhat into the Dine tradition of having local government at the band level. “But such groupings corresponded to nothing in Navajo experience, and the techniques laid down were still more foreign. The cultural provincialism of the Indian Service was shown in the fact that each chapter

was told to elect a president, vice president, and secretary and to carry on according to parliamentary procedure."[102] This arrangement made it inevitable that the younger, more western educated, Diné filled most the offices of the chapters, rather than the more locally and traditionally knowledgeable, and wiser, elders. The Indian Service attempted to direct the chapters, insisting that the leadership agree to many of its proposals or resign. This led many of the chapters to become centers of anti-U.S, government agitation. In reaction, the BIA withdrew its financial support, leading most of the local units to collapse. Yet the organization of chapters spread, and by 1933 over 100 were operating across the reservation, as they had practical advantages and integrated with the tradition of local governance through the extended families of the bands.

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

Many Navajos were suspicious of this arrangement. as the Navajo Nation Constitutional Feasibility and Reform Project report noted,

> "At the time of its adoption, there was vehement resistance against this method of governance. In the 1930s Jacob C. Morgan, later to become tribal chairman, led campaigns to oppose Navajo concessions of mineral wealth, the Bureau of Indian Affairs livestock reduction initiative, the creation of the first tribal council and the 1937 Navajo constitutional effort. It wasn't until he was named chairman that Morgan ended his political opposition against the central government of the Navajo tribe. Other forms of resistance happened more subtly. Justices within tribal courts (or the courts of Indian offenses) used traditional methods of justice to resolve Navajo offenses despite BIA mandate to operate otherwise. It was the Navajo judiciary that took the lead in incorporating traditional values and concepts into the legal (i.e., political) logic of the centralized Navajo government. This led eventually to the formal incorporation of the peacemaking courts in the 1980s. But converse to this trend, the Navajo courts decided at this time that statutory law trumps common law when each is in conflict on a given issue. In other words, the will of the central government is held in higher esteem than cultural principles rooted in Diné culture."[104]

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

After World War II, the Council became more active in developing policy, which expanded greatly with the growth of tribal decision-making as a result of, first, the war on poverty, and then the growing federal Indian policy of self-determination, initiated under the Nixon Administration. Among those gaining leadership skills and experience as a result of the war on poverty Indian programs were Peter MacDonald[106] and Peterson Zah. MacDonald was elected tribal chairman in 1970, and began doing a great deal to increase Navajo Nation tribal sovereignty and economic wellbeing, quite aggressively moving to extend tribal control over education and other programs, and over mineral leases. MacDonald took advantage of the concentration of power in the Navajo Nation's IRA like government, which he expanded considerably. However, after serving three terms as Chair, he lost the election in 1982 to Zah. Typical of many tribal leaders whose culture is collaborative, emphasizing consensus decisions-making rather than elections, he took the election loss personally, as an attack on his honor, causing him to shift to a power-seeking approach to politics. Building a strong political machine, he won the 1986 election for chairman, and ruled quite dictatorially, setting off a major political struggle which came to a head with a riot in Window rock, on July 20, 1989, that left two Dine dead and ten injured. These and subsequent events showed the problems of imposed forms of tribal government that conflicted with basic principles of the nation's culture.

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

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

The Post-MacDonald Reforms

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

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

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

Decentralization and Participation at Navajo Nation

Thus, in early 1998, the Navajo Nation acted to decentralize many aspects of government to its 110 local chapters, even as it was working to improve the quality of many chapter meetings by finding ways to incorporate relevant traditional values in contemporary governance.[108] From the outset, the process of developing decentralization was guided by traditional medicine people to ensure that what. was established was consistent with Dine thinking. A sales tax was established so that chapters certified in self-governing competence could obtain funding for from retail sales in their jurisdiction. At the same time, the central government began taking steps to debureaucratize its operation, and to improve the accessibility of, and communications with each of its organs. Most of the planning and initial implementation of these efforts have been carried out by the Navajo Government Commission, an arm of the legislative branch, and its Office of Navajo Government Development. The Commission and the Office have some able staff, and have been advised by traditional elders. With a weak economy, however, it has been difficult for the

nation to provide adequate resources for the immense and many facetted tasks. The Office has received some assistance in providing forums for local chapter officials to work out methods for improving chapter governance through the Leadership Program at Dine College. However, the program has not had the resources to move very quickly in working with the large number of geographically dispersed chapters.[109]

A similar problem exists concerning the technical competence of the chapters to carry out programs effectively and to handle finances with accountability. Thus the nation's government established a process for chapters to be approved on their money managing competence, and thus be certified to operate their own programs under the decentralization statute. At first, very few chapters became involved in the certification program, as the paperwork involved was complex, while many of the chapters were understaffed, overworked and inexperienced in the more complicated bookkeeping that the revenue sharing process of applying tribal funds locally would involve. As a result, Navajo nation developed methods to simplify accounting while maintaining accountability, while finding affordable yet adequate ways to provide technical assistance to chapters on finance and other matters. This has begun to increase chapter certification, but the process is still very slow. In October, 2004, the Sweetwater Chapter became the first to have its Local Governance Act Community Land Use Plan approved by the Navajo Nation Council's Transportation and Community Development Committee, having obtained assistance from the Shiprock Agency Local Government Support Center, one of several regional centers set up to assist chapter governments. By April of 2005, six additional chapters had land use plans approved, on December 24, 2008, the number reached 10 chapters achieving certification.[110] Additional chapters began to be certified after that, but several of them ran into difficulties because with the limited assistance available to them in educating chapter officials and members on proper procedures, especially in handling finances and bookkeeping. As of December 12, 2012 34 of the 110 chapters were certified. By 2018 around 50 or more chapters had become certified. The increase, with perhaps some improved chapter operation, may have been aided by increasing chapter personnel levels of formal education, which may have included either some background in handling and finances and bookkeeping or orientation toward learning it.[111]

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

> The Navajo Nation should take a holistic, systematic approach empowering the local communities. In order for local communities to have the tools and teeth to properly serve their members, the Navajo Nation will have to implement several reforms to address the short falls of the Local Government Act (LGA). It is not a fair assumption that the LGA has not worked; in the last 20 years about half of

> the Chapter Houses in the Navajo Nation have been certified, and none have achieved all the political empowerment entitled with certification. For the Nation to really see whether LGA can work, at least one Chapter House needs the political authority that was authorized 20 years ago. Not one Chapter House has obtained the political authority it was granted and maybe if a community has a certified Chapter House, with all the political authority, then that would be a fair evaluation of its success. At the very least, empowering a Chapter House with the political authority for a trial period of several years would need to be tested to see how the LGA actually works.
>
> The critical changes that need to happen will have to be done at the centralized government, and the local level.[113] These two entities must work in conjunction with each other to implement reforms. With the current, falling tribal revenues and uncertain funding, now is the time to enact these changes. There is a definitive need to diversify the economy, as the tribe's biggest revenue source is natural resource extraction. In the future, the Nation should: expand its tourism industry, expand renewable energy development, invest in the informal economy by supporting small businesses, invest in infrastructure, advertise at the local flea markets, and invest in developing gaming industries and hospitality in the deeper part of the Nation, rather than just the borders.
>
> The Navajo Nation consistently develops ventures in the outer part of the nation to attract border town and outside dollars, however, Navajo needs to build local facilities, so Navajo members can spend money at their nation's businesses — hotels, casinos, restaurants, gas stations, and entertainment venues, similar to the proposed development at Twin Arrows Casino.

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

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

> The Chapter House today needs critical support to initiate the power from the central government to the local government. The centralized government must initially provide the proper technical support, which means changing the institutions that help and empower the Chapter House. This also means changing the way the Chapter House operates to an institutional model that can effectively

> help the people. Proposed changes to supporting institutions and the Chapter House itself are a reflection of the changing times and the new challenges that the Chapters face. The Chapter House today has to meet the challenges of climate change, a hostile U.S. administration, development of renewable energy, and the proposed consolidation of the local governance. Not much has changed since the creation of the Chapter House; most major changes were introduced in 1998, and even those changes have not been properly implemented as of today. Chapter Houses have been criticized recently, as their development, support, and empowerment have been the most stagnant.

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

Listed are the steps for reforming the government

- The Navajo Nation Land Department should empower the Chapter Houses by drafting a template for home site lease ordinances, so that local governments can issue their own home site leases. The Land Department and the Department of Justice should work in conjunction to best formulate an ordinance. The authority to issue home site leases will give power to the Chapter, once the Community Land Use Plan Committee has finished zoning. This will help cut down on the bureaucratic process to obtain a home site lease. A reformed Chapter House is the best authority to oversee housing in its own area, where community members have input on their zoning and implementation. The current Chapter House system isn’t adequate to handle housing policies and implement home site leases, however, a reformed local government has the potential to streamline the current system.

- The Regional Business Development Office, RBDO, should educate applicants who apply for the business site lease about how to run and operate a successful business. Two cities (Moab, UT and Sedona, AZ) have a department where the director provides business owners with technical support on business education. If the RBDO assists in the application, they should take the lead in educating them. The RBDO should also help find financing for local businesses; RBDO needs to help locate and connect business owners with financiers. RBDO needs to take a more active and aggressive role in supporting formal businesses. Better partnerships and communication should exist with the local Chapter Houses. RBDO could pursue both withdrawing land and proactively designating a specific site for renewable energy development that requires huge tracts of land.

- The Department of Agriculture should create a range management plan for the entire nation, so that the tribe may issue, cancel, and reissue grazing permits. The tribe needs to be directly in charge of regulating grazing. [This is a national resource use and

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

- The Administrative Service Center, ASC, should have oversight of the Chapters that it helps, and it needs to help create policies as an advisor. The staff for the ASC needs to be increased by three more positions to help the Chapter technically on a monthly basis. The ASC needs to have an auditor who can help the chapters with internal audits, a Certified Public Accountant that can help with the Chapters accounting, and a lawyer to help the Chapters draw local ordinances, so the Chapters can create and enforce policies that are tailored to their communities. The ASC should be seen as a place where Chapters can go for guidance and assistance when it comes to technical issues for local governance. The ASC will also continue to assist non-certified chapters to certification.

- Certified Chapters should reexamine their mission, purpose, and philosophy on a case-by-case basis. They need to create missions, policies, and philosophies with the community's input. They then should begin by creating programs that will serve the community with a combination of direct and indirect services, depending on the needs of the community. Institutionally, the certified chapter should adjust its structural operation in terms of its staff. The Chapter needs to increase its staff by reclassifying positions and adding additional positions. Elected officials need to be eliminated, to make the President an elected staff position. This will make the president an advocate who represents their community who will have authority over all of the staff in the Chapter House. The elected VP position will be eliminated. The Treasurer will be a staff position to take care of the financial situation of the Chapter. The Treasurer will be an elected staff position required to have at least a B.A./B.S in business or in a related field. The Chapter will reclassify the AMS position to have a B.A./B.S in business or in a related filed, and the AMS will be in charge of handling any revenue of grants and account receivable. The Chapter will create an accounting tech to handle petty cash and accounts payable. The Coordinator will oversee the staff on a daily basis and will handle the HR duties as well as oversee projects and interact with the ASC and the central government. The Chapter will also have an administrative assistant to interact with the community members, who will be the administrator for all the staff positions there.

All of the above critique discusses contemporary means for achieving traditional ends that are implied but not stated. That the Institute was concerned in its analysis with applying traditional

values with traditional thinking in the current situation is made clear in the discussion of implementation.

Implementation

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

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

It remains to be seen just how and to what extent the improvement of chapter operations sought in the Institute's report will be realized in accordance with Dine values.

Initial Increases in Navajo Nation Citizen Participation

During the same period that decentralization of some governmental authority to the chapters was being considered and initiated, a variety of steps were being taken to increase public participation in Navajo Nation national government. These actions included the institution of representative focus groups to obtain input on important issues and posting proposed legislation on the legislature's web site. This was done while allowing time for public (and Navajo executive agency) comment before issues came to a vote, which clearly increased the opportunity for citizen and impacted agency personnel participation. In 2004, the Navajo Nation's Supreme Court's Chief Justice called for public commentary in the regular evaluation of judges. Also that year, the nation set up polling stations in tribal elections for its registered voters living off reservation in Albuquerque, Denver, Salt Lake City and Phoenix. This development made elections more

inclusive by making it easy for citizens to participate regardless of their location. This has become increasingly important as more and more Dine live off reservation largely to seek economic opportunity. This is a phenomena taking place across Indian country that needs to be considered in returning to traditional inclusive participation by virtually all Native nations. Some use was also being made during this period by Navajo Nation governmental bodies of citizen surveys and representative focus groups on important issues. This has continued and has expanded. A good example is the use by the Navajo Nation Department of Health and the citizens group the Navajo Air is Life Coalition in obtaining the passage of the Navajo Nation Niłch' éí Bee Ííńá -Air Is Life Act of 2021. The rise of active citizen groups, such as the coalition in larger nations, and of more informal activist groups on issues in smaller nations, with their empowering and educating for citizen participation is an important factor in achieving inclusive participatory governance. Helping this along at Navajo Nation has been the solicitation by council members of public comments on proposed legislation, as occurred with the Air of Life Act.[115]

The 2002 -2010 Reform Initiatives

While the process of decentralization, initiated in 1998, began to move toward its desired ends, many Navajo found it too limited and too slow, bringing a call to reexamine the entire system of the Nation's government. Thus, in 2002, a Navajo Nation Statutory Reform Convention was held with 256 representatives from the 110 chapters and 13 organizations.[116] They proposed 26 amendments to Navajo law, two of which that President Joe Shirley wanted to put before the voters. Following that, the council established an independent Office of Navajo Government Development. The office, however, was unable to obtain the approval by the council of any of the amendments. In 2007 the office's independent mandate was revoked, and it returned to being an organ of the Office of the Speaker.

Political discussion of government reform resurfaced as a Navajo national issue, in 2008. However, it quickly became a political football between Navajo President Joe Shirley, Jr. and Council Speaker Lawrence Morgan, and as of February 2010, there had been no real public or governmental discussion of the main issues,[117] though two proposals by the Navajo Nation President, eventually were approved by voters. On April 21, President Shirley announced in his annual State of the Navajo Nation Address that his administration was working,- consistently with traditional Dine principles, to streamline government and bureaucracy, to reduce costs and improve service to tribal members.[118] With the Navajo Nation beginning to feel the decline of the U.S. economy, on April 29, the President launched the first of two attempts to have Dine voters pass a constitutional amendment that would reduce the Council from 88 to 24 members and give the President a line-item veto.[119] Shirley stated that the two provisions would save money by cutting council expenses and allowing the President to eliminate unnecessary spending that he asserted was often added to budget bills in riders proposed by individual council members. He also asserted that the provisions would create a better balance between the executive and legislative branches, in part, because a smaller council would have less time to engage in expensive micromanaging of administration. In the initial attempt to pass them, however neither referendum achieved certification from the Navajo Election Commission as having been approved, though the first received about 70% of the votes cast.[120] The Navajo Supreme Court later upheld the legitimacy of the measures, ordering that they be again be offered in a referendum. In December,

2009, both measures were approved by the people.[121] The Council has been working on the complex issue of devising a redistricting to implement the smaller legislature, and unless currently pending litigation leads to an overturning of the referendum, a smaller Council will eventually be established.[122]

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

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

The Dine Policy Institute Proposals

Moving more directly on the question of returning traditional inclusive values into government, from the beginning, Speaker Morgan took a different view of reform, in 2008 requesting the Dine Policy Institute to prepare a report of ways in which Dine government could be revised to make it more compatible with the nation's traditions, with several options for possible action. While the Institute was working on the project, the President and the Speaker communicated about initiating reform, signing a memorandum of agreement, on August 13, 2008 to seek comprehensive reform, a reform convention, and ultimately a referendum of the people.[123]

The Dine Policy Institute of Dine college issued the Navajo Nation Constitutional Feasibility and Reform Project report, September 2, 2008, which received a very short initial discussion by the Navajo Nation Council during its October 20-24 session.[124] The Institute's report found that the existing U.S. type functioned in ways that clashed with traditional Dine values, creating problems for the Navajo Nation. The executive summary stated the following findings about the existing, nationally power centered, three branch. national government, which mirrors the U.S. national government.

"The concept of Nation-statism and constitutionalism is inappropriate and

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

The point about switching to a government based on trust is important. The U.S. federal government, modeled by the Navajo national government, is based on mistrust. It set up not just with a dispersion of authority and power, as is traditional in Indigenous governance, but with a complex system of checks and balances in which each portion of the government has checks on the others to keep them from taking improper action. This sets up competition among the parts of government, often causing deadlock and inefficiency in getting the work of governing done. Traditional Indigenous, including Navajo, governance is based upon cooperation and trust, stemming from respect for each person and attempting to take everyone's concerns into account, often through a process of consensus decision-making. When it can be achieved, deciding by consensus, rather than majority vote tends to be more unifying of the participants by its inclusion, than does deciding by majority vote, which may make the losers in a vote very dissatisfied.[125] Moreover, deciding by consensus tends to make better decisions than majority vote decision-making. This is the case because consensus decision making includes the voices and concerns of all the participants in the course of balancing all the interests in achieving an outcome. Deciding by majority vote often requires making compromises to reach a majority that include just enough of what some parties want to get their approval. Too often such decisions are hodgepodges of unintegrated elements that do not fit well together.

To make consensus decision-making function well has several requirements. The first is that the participants need to listen to each other carefully, empathically, and supportively, regardless of whether or not they agree with what is being said. Many Indian people retain this value stemming from the principle of mutual respect and are well versed in the listening skills necessary to realize it. Where this is not the case for all the participants, some education is required and when discussing difficult topics it is good to have reminders. The Comanches accomplished this in the ILIS process by having elders remind the participants of the basic values before sessions and at sensitive moments in them. The Comanche also prepared people to join in discussion collaboratively by having the participants connect through having them share their kinship relationships. This is something that Navajos do regularly upon meeting. Solidarity for taking part

in the ILIS interactions was also built through appropriate ceremonies which across Indian country are an excellent vehicle for building and maintaining solidarity and for transmitting teachings. Also necessary for consensus sessions to function well is good facilitating. The Comanches initially brought in competent facilitators for the cultural setting and then trained tribal members to take over that function. Having tribal members do this is important, for a process to be fully accepted over time it is necessary for those involved to come to own it. With experience, everyone in a session can assist in facilitation when it is needed, as the official facilitator will not always realize when an intervention will be helpful.

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

One of the authors of the report stated,

> "The utilization of nation-statist political and economic development has perverted our former institutions, forcing us to make stretched analogies between traditional governance and contemporary governance… a nation-state is a framework in which to implement new and (for the Navajo) foreign institutions, such as a centralized system of governance and social services. These institutions are not historic to Navajo society, which had functions and/or roles that served similar purposes, but in a dramatically different context and at a much smaller level. Hierarchies within historic Diné institutions, such as the family, clan and naataani, extended no more than a few levels. Whereas contemporary institutions such as the Navajo Nation's government, police force and departments of social services have rigid and deep bureaucracies, creating multiple layers of hierarchies. Ultimately, the main problems with nation-statism for the Navajo Nation is the centralization of political authority, the creation of hierarchies, over bureaucratization and the emergence of class. Centralization of authority differs from the function of our historic political institutions, which were localized. This has led to much animosity toward Window Rock from more distant communities. The creation of hierarchies is divergent from the more egalitarian, role-based Navajo society of historic times. That is to say political position had function, not scopes of authority. Creating hierarchies creates dissonance within Navajo society, where responsibility to family and clan relatives was prioritized, but now must be nullified to meet the needs of large institutions. Of course, the most frequently identified aspect of Navajo governance preventing 'economic development' (i.e., the development of a service economy) is the bureaucratic nature of tribal divisions designed to assist Navajo entrepreneurs. Removing bureaucracies through increased emphasis on local rule seems a necessary first step in the process. Lastly, the emergence of class has become a serious issue on the Navajo Nation. At present, there seems

> to be two broad classes, with subtle subdivisions found in each of these. The dominating class is the technocratic class, administrators within government services in Window Rock. The second class is everyone else, including: pastoralist, unemployed, the seasonally employed, service-sector employees and low-rank government officials. Often, the dominating class looks downtrodden on the rest of Navajo society, especially more rural folk whom they view as backward and uneducated. This has manifested also in recent efforts at government reform, in which the executive branch has attacked the legislative branch in an attempt to remove from influence representatives from distant communities and further centralize power in Window Rock. Nation-statism has created a crisis in institutions, with the Navajo Nation trying to replicate foreign hierarchal establishments under the false assumptions that these are needed or modernization."[126]

After an examination of the current Navajo government structure, and the idea of having a formal constitution, the report proposes four "Alternative Governance Models," to provide a range of options of how best to apply traditional values to the needs of the Twenty-First Century. The traditional values focus on living in beauty, or in balance. This includes concern for the economic, social, familial, and environmental well-being of the Navajo Nation. As the author of the third model states the first of four principles,[127] "Clearly safeguarded by historical Diné was an acknowledged ownership of goods and products of labor (however Lockian that appears to be). But more importantly was respect for others use of land and goods delineated by its use." This involved reciprocity, and a responsibility of those with more to help those with less, as is indicated by the third principle, below. Hence all the proposed models express concern for distributive justice: for traditional fairness and equality in distribution. "Second, a respect for the moral order, that is in extreme cases they were moments of punitive measures meted out, but the rationale for those measures rested on a notion of restoring a sense of harmony among kin. Third, is a respect for the needs of others, to ensure that all needs of others were met as best as they could be by those who have. Fourth was an assurance of reciprocal security - that is one is assured that neighbors, often family, would be ready to protect against any encroachment, physical or spiritual. These four concepts appear to be the motivations of the historical Diné in their survival. Therefore, the four aspects include: rights and protection of property; respect and assurance of civil order; freedom to wealth with responsibilities; and, security from physical and spiritual dangers. Thus a government structure must be able to protect and safeguard these particular traditions of Diné, while also balancing and fulfilling its basic core function." Other balances also needed to be preserved and restored, according to tradition, most notably between male and female genders, a point directly addressed in two of the models. The report affirms the current functioning of the Navajo court system, with none of the proposals suggesting changing the judiciary. All of the models propose the need for education to decolonize the thinking of those in government and other institutions, and the people in general.

The Four Options for Revising Navajo Government

The four options put forth in the Navajo Nation Constitutional Feasibility and Reform Project report range from adjusting the current system of government, to totally changing it to approach returning to historically locally-based governance. The first is a status quo model that

emphasizes little change, but alludes to efficiency in government. It would (p. 41) streamline bureaucracy, improving intergovernmental relationships. “These possible changes, not only should be within the system, but also as a social movement to deconstruct the existing cultural norms among the people and their reliance on the bureaucratic system.” This option calls for discussing whether (and if so how, and to what extent) privatization of collectively held land, as a means of promoting wealth generation, would be consistent with Navajo values. This approach asserts the need to move much further with decentralization, “Currently, and in all reality, the central Navajo government holds all real power with little emphasis placed on local governance (as seen with the dismal results of the Local Governance Act). Policy may be formulated which would emphasize local governance without sacrificing instability in the central government.”

The second is a bicameral parliamentary model stressing the integration and cooperation of a traditional and legislative body to form and execute laws, while decentralizing power by entrusting the Navajo people with the approval of all laws. The current model would be changed by eliminating the current executive branch, and replacing it with an executive headed by a prime minister selected by the Navajo Council. The executive would then appoint a cabinet approved by the Council. Elections for the Council would be undertaken with a runoff election between the top two vote receivers in the initial voting. Terms would be for six years, with the possibility of running again for an immediate two-year term. After the eight years, a council member would have to wait four year before running again, as would a person who was not elected to a second two year term, after her/his initial six years in office. To maintain male-female balance, half the elected delegates would be men, and half women, with a lottery determining which chapters would initially elect representatives of each gender. On completion of each six or eight year service, the gender of the chapter representative would switch. The second house would be a house of elders, appointed for life by the executive, whose function would be to advise the government to assist its acting consistently with Navajo values, and who would have no formal power. All laws passed by the Council would be taken to the local chapters for approval. Effective channels would need to be constructed between the chapters and the Council to maximize political stability. Education of the populace and those in government, and the bureaucracy would be necessary to decolonize thinking and debureaucratize administration. This model would be developed over 15 years.

The Third, Dialectical Option

Third is a “dialectical model based in Navajo political philosophy” stressing the complete integration of Diné thinking as the premise behind all institutions in the governance system, and critically calling into question each aspect of politics, deconstructed and succeeded by Navajo reasoning. Underlying this approach are four principles (pp. 50-51). The theory of representation requires full participation, open to all, with “the peoples’ voice open to all aspects.” “The peoples’ will is a unified will that must be represented” in “a reciprocal arrangement that informs the relationship between representative and constituent.” Thus “a leader who represents perfectly the will of the people is established.” The theory of rights and duties, involving reciprocity and equity holds “there are certain rights, expectations, and duties that one can claim, demand and expect, while other things there is an obligation involved. Thus there is a theory of rights of access to the bounty of Nahasdzaan Nihima and Nihiti’aa Yadilhil.” Notions of property begin with an implicit recognition or respect of the ownership of others, songs, prayers, stories, material goods, and so

forth. Yet, the notion of property here is not one that implies exclusive ownership where one is free to do as she pleases. Rather this concept of property, while under the individual use of one person is recognized as that, but also understood that it can be understood as communal property if certain criteria are fulfilled, such as familial criteria." The theory of the economic order "was that of constrained capitalism, where the onus of wealth was stressed. That is those who accumulated much were expected to be concerned and giving with their wealth to those who did not have much. This is a derivative of *k'é*, with the understanding that the knowledge and practice brings about both a spirit of constrained development, innovation, while having the struggles of the people at the fore front of any decision."

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

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

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

Ultimately these reforms must be undertaken as a grassroots work, redesigning governance over 12 years, beginning at the chapter level and working up.

The Fourth, Decentralized Option

Fourth proposal is a decentralization model stressing national and community issues with greater empowerment to social subgroups and agencies. It outlines a government that reflects more fully traditional and customary laws and norms and replaces the President with an 11-member Executive Board. The Council remains nearly as-is, with the exception of adding 12 non-voting delegates specifically dedicated to certain social subgroups and non-profit organizations. The decentralization would address the gender issue by balancing the men, predominately in positions in the central government, with the women who are the preponderance of leaders in chapters and the growing numbers of nongovernmental organizations. “Our reasoning for this transition is based on Navajo history and current social behavior. The Navajo Nation historically resembled a parliamentary system and had decentralized political units. We believe that our proposed model would move us back in this direction…. Therefore, we have established four major steps to move our current system of governance from a presidential model to something more like the historic naachid. These steps are: 1) moderate the concentration of power in the executive branch; 2) restructure agency councils to balance power between legislative and chapter house members; 3) increase the power of the agency councils and 4) create new mechanisms through which nongovernmental organizations can influence formal governmental processes. (p. 63)”

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

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

Each Committee would consist of 12 members, which would include ten Delegates, and 2 Non-Voting Members of the Council. The Executive Board would appoint the Committee Members. (pp 65-66)" Implementation is recommend to take three years.

Looking Ahead

It will be very interesting to see how far, and in what ways, Navajo nation goes in reforming its government. The process of bringing back traditional values to fit present and future needs has been an extended one, that has been unfolding in a series of expanding stages. The U.S. government, wishing to have a single leader and body to deal with, imposed a chairman centered form of elected government centralized at the national level almost completely opposite to the traditional Dine participatory band government, with regional associations, and no national government. In 1988, a partial decentralization was undertaken, but almost entirely within the national government, with the institution of three branches of government, with separation of powers. In 1998, a process of decentralization of some functions was initiated, with ongoing adjustments, that have developed slowly, bringing only limited control of governance back to the people in the chapters, while services remain bogged down in bureaucracy. To further and accelerate the process, the 2010 deliberations continued, but very little occurred aside from continued political wrangling between the Speaker and the President. Since 2010, the only attempt at reform, aside, from the two measures proposed by the President, since the end of 2008, a rather minor one, failed to attain the 59 vote super majority necessary to amend the Tribal Code.[128] The proposal, sponsored by Speaker Morgan, would have given the chief legislative counsel authority to write and release legal opinions, independent of the Attorney General, head of the Department of Justice, and would have empowered the Office of Legislative Counsel to issue notices and subpoenas on behalf of the council and its committees. Nothing major has occurred as of fall 2023. If major changes are to be seriously considered, consistent with Dine philosophy, there will have to be a series of community meetings and forums as well as extensive discussion in the Council. The Office of Government can also assist by organizing focus groups, conferences and other vehicles for reflecting Dine views and promoting dialogue. What the Navajos develop, may also provide lessons and guidance for other nations struggling with inappropriate governmental systems.

While nothing further has so far developed at the Navajo Nation national level, the four reform options set forth by the Dine Policy Institute provide ideas and models that can help in future reform efforts. Meanwhile, initiatives continue to be taken and proposals made toward realizing the potential of chapter governance.

Further Thoughts on Moves and Proposals for Native Nation Return to Governance According to Traditional Values

The Institute report is interesting in reflecting the general principles of Indigenous government, discussed above, that for the most part, are shared across North America. One aspect of this is that, except for the first option, the proposals shine light on the impact that contact with Native people had on the political thinking of the Europeans who colonized what became the United States as the second through fourth options have a remarkable similarity to the first government the United States developed in the Articles of Confederations. The Articles granted

all of the national government's limited authority to its legislature, which elected a weak executive committee to see to implementation of legislation and administration, while many of the newly independent states at that time also functioned with strong legislatures and weak governors. The drafting of the Articles was influenced by the practice of the many Indian nations with whom its authors had experience, but most particularly by the governing system of the Haudenosaunee.[129]

The U.S. experience with the articles and the similar state governments may be useful in considering what Indian nations might do in one regard returning to traditional principles of governance. Problems in governing under the articles for a decade were a major factor in replacing them with the Constitution in 1787. While much of the European thinking involved in writing the new basic document is at odds with Navajo ways of seeing, and that of Indigenous peopled more generally, one point is worth noting. Even in 1787, U.S. and state governments had become sufficiently complex that the weak executive under the articles, a committee of the Congress with a President chosen by the Congress, had insufficient power to oversee the carrying out of decisions and coordinate even the small executive branch of the time.[130] The state governments of the time with weak executives also found them to have insufficient power and unity and soon changed them. As Alexander Hamilton wrote in Federalist Papers 81, a sufficiently strong unitary executive is necessary to coordinate the execution of policy and to make quick decisions when necessary. That is even more the case today with governments running vast and complex programs requiring coordination and emergencies and other situations arising that often need quick decision.

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

Some of the contemporary methods available for inclusive participation have been used by the nations discussed at length here. Surveys and representative focus groups were used by all but the Comanches, who relied on a computer assisted consensus process at the National level, which was applied without the computer in the communities. Except for the division of the ILIS sessions into various rounds of different kinds, this is essentially a traditional process undertaken in various forms by many nations. There is an advantage using processes, often by adaptation, that are as traditional in form as possible, provided they continue to be appropriate for the developing situation. Traditional forms are familiar, valued and tend to reinforce and help revitalize the traditional. But what is most important is to use vehicles that follow, apply and promote traditional

values. For the Alaska and north Canadian tribes, the application of the Baha'i consultation method, while essentially traditional for some nations, was not for those who adopted it. But it kept the essential principles of their previous informal consensus governance which was no longer viable. Other forms for reaching consensus and encouraging community solidarity might have been viable alternatives, but if the unverified reports of its operation were correct, the Baha'i consultation method functioned very well for the concerned communities in their new circumstances.

Many of the contemporary forms for involving people in the decisions of their community take advantage of modern methods of communication. Communicating fully and transparency on issues and their resolving has always been a critical part of inclusive involvement. Previously, when there was often considerable time to come to decisions, communication was by word of mouth, sending family or group representatives to councils, or sending runners to inform of, and often invite, distant tribal members to a meeting, as the Haudenosaunee often did.[131] Today, time and geographical or ideational distance require some of the contemporary methods. A key is to apply them in as traditional a way as possible, as the Comanche did with ILIS.

In the Twenty-First Century, since many important tribal decisions are made by administrative agencies or personnel, it is important to have public input into their operations. This is first to keep administrators and agencies in tune with the needs and thinking of tribal citizens, creating a common bond amongst them. Second, administrative personnel are impacted by tribal decisions at every level and ought to have a say in them, plus they have direct knowledge of the policies and situations they work with and expertise that are important to share with tribal members. An example of that is the multi-method process the Southern Utes used to design a new health care plan which involved Ute citizens and the staff of the healthcare agency. In addition, as Indigenous peoples have long recognized, but reductionist Western thinking often forgets, everything is related to everything else, and problems and planning require holistic thinking. Today, the complexities of life require a great deal of specialization, including in administration. Often problems and projects require the input of more than one agency. Thus, regular communication, cooperation and interagency teamwork are necessary to adequately deal with issues and apply programs. The undertaking of the Design Team at Southern Ute in 1999 and 2000 with citizen involvement to coordinate the many services that involved children is a good example. A more recent one is the coming together of people from the Tribe’s Environ-mental Programs Division (EPD) and Wildlife staff to undertake a study of the impact of water pollution on certain fish species.[132] Finally, in large tribes. with central and local governments, where central government coordination of policy is necessary, the central government can set guidelines for local governments to develop the details of policy, just as the U.S. Environmental

Protection Agency sets minimum standards for regulation of air pollution authorizing states and tribes to fill in the details according to local needs and conditions.[133]

For good decision-making that builds and maintains the solidarity of a community, and thus is in tune with traditional values, it is best if all aspects of governance involve everyone who is impact by or involved with an issue in a cooperative, inclusive participatory process. Of the three Nation's governance discussed at length in this paper, the Southern Utes have advanced the most in doing this. At Navajo nation there have often been complaints of government being too

bureaucratic, and this author has seen no evidence of citizen or employee participation in administration or of interagency collaboration. If those are indeed missing, it would be wise to add them. The introduction of ILIS at Comanche worked very well for legislative decisions. If it had been continued, it would have been wise to expand it, or some other participatory and cooperative process to administration.

Bringing Traditional Values into Adjudication and the Restoration of Harmony

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

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

Very important is that Western criminal law, and to some extent civil law, focuses on deterrence, with other values such as rehabilitation and restoration secondary. Western law reduces the concerns in adjudication to the immediate action or harm being complained of. By contrast, traditional Indigenous approaches to trouble cases center on restoring harmony to all involved, with concern for all the involved relationships. Rupert Ross in three volumes explains how the Western criminal law process in Canada has been extremely harmful to First Nation people.[134] Sentencing convicted offenders to jail removes valuable people from the community while in most instances doing little to help the offender. Too often imprisonment makes for worse criminals. The Indigenous approach to wrongdoing is to restore the individual offender's relationship to others and the community through healing and teachings. Ross was able to facilitate considerable cross-cultural understanding leading to Canadian courts establishing alternative sentencing for First Nation offenders in their communities. This practice also is developing in the United States, including at the tribal level. For example, Southern Ute Judge Pearl Casias related to this author that she offered second offenders the option of working with an elder on their issues. She said none of those who accepted this option in her court offended again.

A number of nations have continued use traditional methods of resolving conflicts and harmful behaviors through restorative processes of reconciliation. Among the best known are the Navajo Peacemaking Courts which continue to be very effective.[135] There also are instances of nations adopting such processes from other Indigenous peoples. This only works well, however, when the transferred process is modified to fit the adopting nation's culture and circumstances.

Moreover, the adoption usually will not hold up unless supported by a significant portion of the adopting community. Where this does not initially exist, it is possible to first establish it on a demonstration basis involving people who volunteer to participate in it. If the demonstration functions successfully, others will likely want to utilize the restorative process until it becomes the accepted tribal method of dispute resolution. Early runs of any process can also lead to learnings that improve it, as the Comanche achieved on reflecting upon the first uses of the ILIS process.

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

In Conclusion

As Native nations across the Unites States and Canada move forward in a great renewal, a large number of communities are moving to restore traditional values in the lives of their people. One dimension of this is moving in ways to have governance in each community functioning in ways that are consistent with their traditional values in forms that fit their current and developing circumstances. The cases we have examined here have provided examples of Indigenous nations working to achieve this in legislation and in one instance in administration. Rupert Ross unfolds how many First Nations, and some Aboriginal organizations have been undertaking this concerning restoring community harmony across Canada.[136]

Ross consideration of restoration in Canada also involves the broader underlying concern of education in many forms to bring tribal citizens of all ages and experiences to understand and live according to traditional values. The work includes healing from multi-generation trauma and unresolved historical grief, along with related negative behaviors resulting from colonial oppression. It also encompasses community activities of renewal along with the many tribal members not brought up traditionally learning their traditions.[137] Often this involves adult tribal members and some non-members, many with a tribal ancestry, beginning as youths in learning from elders. This is extremely important with the majority of tribal citizens living off reservation, and even on reservation many having learned little or none of the traditional ways. It will be most interesting to see how this renewal unfolds in the years to come.

NOTES

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

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

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

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

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

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

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

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

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

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

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

[10] The history of this development is outlined in O'Brien, American Indian Tribal Governments, Parts 2 and 3. The background of the development of U.S. policy toward tribes, and of tribal-federal, state and local government relations is discussed in some detail in LaDonna Harris, Stephen M. Sachs, and Barbara Morris, "Native American Tribes and Federalism: Can Government to Government Relations Between the Tribes and the Federal Government Be Institutionalized?," Proceedings of the 1997 American Political Science Association Meeting (Washington, DC: American Political Science Association, 1997).

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

[12] For example, see Brenda Norell, "Chaos Continues for San Carlos," Indian Country Today, August 31-September 7 1998, p. A 6 and "The Power that Divides: San Carlos Conflict Isn't Resolved with New Council," Indian Country Today, January 4-11, 1999, p. C1; George Pierre Castile, To Show Heart: Native American Self-Determination and Federal Indian Policy, 1960-1975 (Tucson: University of Arizona Press, 1998), pp. 129-133; and Gerald Alfred, "From Bad to Worse: Internal Politics in the 1990 Crises at Kahnawake" Northeast Indian Quarterly, Spring 1991. See also Loretta Fowler, Arapahoe Politics, 1851-1978 (Lincoln: University of Nebraska Press, 1982), Fred Eggan's "Forward," p. 15, and "Introduction," p. 1; and Cornell, Accountability, Legitimacy and the Foundation of Native Self Governance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[26] "Coffee with a Cop on Oct. 7," Southern Ute Drum, September 30, 2016, p. 5.

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

[28] "Tribe asks for feedback from membership," Southern Ute Drum, October 14, 20.

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

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

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

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

[33] McKayla Lee, "Skatepark raises concerns for elders," Southern Ute Drum, November 21, 2018.

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

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

[36] "Growth Fund announces Arrowhead Propane as strategic supplier," Southern Ute Drum, October 20, 2023.

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

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

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

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

[41] Wallace and Hoebel, The Comanches, p. 4.

[42] Ibid.

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

[44] Hoebel, The Law of Primitive Man, pp. 128-129.

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

[46] Hoebel, The Law of Primitive Man, pp. 128-142, Wallace and Hoebel, The Comanches, pp. 22-24, Ch. IX,

[47] Wallace and Hoebel, The Comanches, p. 31.

[48] Hoebel, The Law of Primitive Man, Ch. IX.

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

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

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

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

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

[54] Foster, Being Comanche, pp. 137-139.

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

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

[57] Ibid., p. 1-2.

[58] Unless otherwise noted, information on the Comanche tribal government is from, Ibid.

[59] Foster, Being Comanche, p. 161.

[60] Ibid., p. 204, footnote 79.

[61] Ibid., p. 138.

[62] Ibid., p. 60.

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

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

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

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

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

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

[69] In ILIS (TIMS) the idea generation is usually accomplished by first providing participants time to think about their answers to the triggering question and write them down and then asking the participants to share one of their responses (or pass) each time it is their turn to speak in the oral round that follows the writing. This process of "Nominal Group Technique" (NGT) is discussed in A. L. Delbeq, A. H. Van de Ven and D. H. Gustafson, Group Techniques for Program Planning: A Guide to Nominal Group and DELPHI Processes (Glenview, IL: Scott, Forseman, 1975). NGT is used in situations in which uncertainty and disagreement exist about the nature of possible ideas. An alternative method of idea generation is Ideawriting, a methodology that allows a group to develop a list of ideas and explore their meaning. In this process small groups of 3-6 people are formed from the general meeting. Following presentation of a triggering question, each participant writes down a list of answers to the question. Then the written lists of ideas are exchanged among the members, with each member having an opportunity to add ideas as

they read each other's papers. The group then discusses and clarifies the ideas, and then reports and explains their group's list to the general meeting. Idea Writing is discussed in Warfield, A Science of Generic Design, Vol. 19, No. 2, pp. 205-228. It is important to note that the selection of appropriate triggering questions is critical to the success of ILIS (TIMS) processes. The question sets the agenda for the session and must be selected in a manner that is representative of the concerns of the participants. In the Comanche ILIS sessions reported here, the triggering questions were set by the participants with the assistance of the facilitator(s).

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

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

[72] In the first Comanche ILIS (TIMS) meeting, all ideas receiving at least one vote were included in the structuring process. This was appropriate for the work at hand, especially as it reinforced the principle of inclusiveness of the process, so that each person would feel that their ideas were included. In other consensus decision making situations, it may be appropriate to consider those items that receive at least a higher number of votes, agreed to by the group (i.e., all items receiving at least x votes will be considered), or the group may wait to see the pattern of voting and then decide by consensus what the minimum number should be, as is appropriate to the circumstances.

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

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

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

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

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

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

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

[80] Reported in La Donna Harris letter of July 15, 1990.

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

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

[83] LaDonna Harris letter of July 15, 1990, pp. 9 and 11.

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

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

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

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

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

[89] The Comanche have their own Protestant Churches. See Foster, Being Comanche, particularly pp. 120-122.

[90] Harris, "Final Evaluation," p. 2.

[91] Developing a well-established consensus process is a strategic matter that needs to be undertaken according to the circumstance. Generally, it is best to include all of the major parties from the beginning, lest those who are left out oppose and undermine the process. For example, failure by a firm to make the union an equal partner in an employee participation process has often led to union opposition and the demise of the process (Sachs, "Building Trust in Democratic Organizations"). But if trying to bring all of the parties together at the beginning is too difficult, it may be advisable to start with the most important parties, and then, once some level of trust and narrowing of differences has been achieved among the initial participants, it may be appropriate to bring in the other parties. This was done with some success in settling a 80 year old water rights debacle at Pyramid Lake, between California and Nevada, though one of the parties dropped out of the negotiation and did not participate in the settlement (See William Blomquist, "Improving Dispute Resolution," in U.S. Army Corps of Engineers, How to Prepare for Drought (Fort Belvoir, VA: Water Resources Institute, forthcoming circa 1994) and Leah Wilds and Danny Gonzales, "On the Cutting Edge: Overcoming Obstacles to the Resolution of Water Resource Conflicts in the West" (Seattle, Western Political Science Association Meeting, 1991). and Lloyd Burton, American Indian Water Rights and the Limits of the Law (Lawrence, KS: University of Kansas Press, 1991)). Which issues to tackle first is also a strategic question. Often, trust in the process and among the parties can most safely and quickly be built by starting with relatively easy issues. But the process can be most firmly established if the largest issues can be settled first, as was done at Pyramid Lake. The Comanches, using a process designed to deal with complex issues, began with the central questions, but set in motion processes to work with a number of issues of different levels of difficulty according to time tables that seemed appropriate for each issue in the context of the perceived needs of the larger process and situation.

[92] LaDonna Harris letter of July 15, 1990, p. 2.

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

[94] AIO, "Progress Report for 1993" (Bernalillo, NM: AIO, 1993). ILIS is now a central process for AIO. Its more recent applications, including in international meetings, are reported in AIO's Ambassador. For Example, Nicole Wheeler, "Bolivian Interactive Advisory Forum," in Vol. 11, No. 2, summer 2008, discusses the application of ILIS in a meeting jointly run by AIO and Advancement of Maori Opportunity (AMO) of New Zealand with Indigenous people in Bolivia, "to develop a working relationship with several Indigenous communities to further the leadership

skills and self-determination capabilities of Indigenous people world wide." That same issue also carries a discussion, in "Staff Development," of Virtual ILIStm, applying ILIS for meetings on the internet.

[95] "Americans for Indian Opportunity, Inc. Core Values: Relationships, Responsibility, Reciprocity and Redistribution," "Ambassadors Program/Indigenous Values-Based Leadership Development," GuideStar, https://www.guidestar.org/profile/52-0900964. The AIO Ambassadors Program is briefly described at: https://aio.org/about-the-aio-ambassadors-program/. A more detailed discussion of it is in Stephen M. Sachs, "The AIO Ambassadors Program: Nurturing Leadership, Building a Network for Indian Country and the Indigenous World," a paper presented at the 2009 Western Social Science Association Meeting, Albuquerque, NM, April 15-18, 2009, available from the author at: ssachs@earthlink.net.

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

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

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

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

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

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

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

[103] Kluckhohn and Leighton, The Navajo, p. 159. Wilkins, The Navajo Political Experience, pp. 82-87.

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

[105] Navajo Nation Constitutional Feasibility and Reform Project report, Section III, and p. 9.

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

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

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

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

[110] See Navajo Times, October 14, 2004, p. A12 and "Indian and Indigenous Developments, Tribal Developments," Indigenous Policy, Volume XVI, No 1, Spring, 2005, at: www.indigenouspolicy.org, and for the December 2005 update, “Baahaali Chapter beclmes LGA certifies, receives $160,00 check as incentive,” press Release, Navajo Nation Council – Office of the Speaker, December 30, 2008 available at http://www.navajonationcouncil.org/.

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

[112] Michael Parrish, B.A., Research Assistant Contribution by: Gilberta Yazzie, Edited by: Jen Byers, "Local Governance and Reform: Local Empowerment ,"Diné Policy Institute, September 2018, https://www.dinecollege.edu/wp-content/uploads/2018/04/Local-Governance-and-Reform-Local-Empowerment.pdf, pp. 24-29.

[113] Curley, A., & Parrish, M., Local governance and reform: Considering 20 years of the Local Governance Act. (Tsaile, AZ: Dine Policy Institute Press, 2016).

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

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

[116] Marley Shabela, “Speaker, prez battle over reform,” Navajo Times, December 30, 2008. p. A3. There was a battle of press releases on reform between the President and the Speaker, available at: http://www.opvp.org/default.asp, and http://www.navajonationcouncil.org/press.htm.

[117] See Shabela, “Speaker, prez battle over reform.”

[118] "Navajo President Joe Shirley, Jr. launches Government Reform Initiative." Press release from the Office of the Navajo President, April 29, 2008, available at: http://www.opvp.org/default.asp?CustComKey=6465&CategoryKey=151983&pn=Page&DomName=opvp.org. While the April 29 press release speaks of the President's State of the Navajo Nation State of the Union address calling for the establishment of a government reform taskforce, the published text does not specifically mention the taskforce or government reform. It speaks more generally of streamlining government and service delivery. The Task force was created, however, and guided the drafting and campaigning for the ballot initiatives (see the next footnote below for more information). The State of the Nation Address is available on-line at the same location as the press release.

[119] "Navajo President Joe Shirley, Jr. launches Government Reform Initiative."

[120] Jason Begay, "Government Reform Effort Falls Short," Navajo Times, December 30, 2008, p. A3.

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

[122] Marla Shebala, "Leupp voter files complaint against election," Navajo Times, December 30, 2009.

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

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

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

[126] Ibid., p. 19.

[127] Ibid., p. 53.

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

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

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

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

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

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

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

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

[136] This is particularly the case in Ross, Indigenous Healing: Exploring Traditional Paths. There is also some discussion of U.S. tribes bringing tribal adjudication and settling of disputes into harmony with traditional principles in, Harris, Sachs, and Morris, et al, Recreating the Circle, Ch. 4. Section 2.

[137] On community renewal activity, Rick Wheelock reported to this author one instance, in which the Oneida Nation has been engaging in much revitalization activity including the public telling of the Great Law of Peace. On

the teaching of members and some others of tribal tradition, for example see, Gross, Anishinaabe Ways of Knowing and Being, particularly Ch. 2, Part VI and Conclusion; D'Arcy Rheualt, Anishinaabe Mino Bimaadiziwin (The Way of a Good Life) (Peterborough, Ontario, Debewin Press: 1999; and O'Brien, with Talamantez, Religion and Culture in Native America.