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Historic and Demographic Changes that Impact the Future of the Diné and Developing Community-Based Policy

Yolynda Begay

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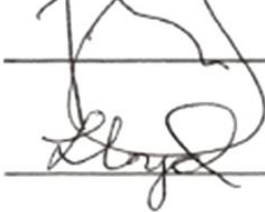
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**Historic and Demographic Changes that Impact the Future of the *Diné* and
Developing Community-Based Policy**

BY

Yolynda Begay

B.A., Criminology, University of New Mexico, 2005

THESIS

Submitted in Partial Fulfillment of the
Requirements for the Degree of

**Master of
Community and Regional Planning**

The University of New Mexico
Albuquerque, New Mexico

May, 2011

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DEDICATION

This is dedicated to the next generation Aliyana, Isaiah, Eelyn, Roy, Peyton and the many beautiful children to come. May you carry forward our traditional way of life.

ACKNOWLEDGMENTS

I heartily acknowledge David Henkel, for continuing to encourage me through teachings and the long number of months writing and rewriting these chapters. The guidance and professional style will remain with me as I continue my career.

I also thank my committee members, Dr. Lee and Dr. Jojola for their valuable recommendations pertaining to this study and assistance in my professional development. I appreciate your expertise and consider the both of you leaders in the Indigenous Academic world.

To the Bureau of Business and Economic Research and Navajo Office of Vital Records for the data, thank you. I truly appreciate the experience and wealth of knowledge you have shared with me throughout the years.

To my family, thank you for the many years of support. Your encouragement is greatly cherished. I appreciate all your prayers, support, love and guidance. To my mom and dad, there are no words that express the gratitude I have for you, thank you for your love. To my sisters and brother, Elvira, Thomascita and Douglas, you are the best friends in my life, thank you for making this sister who she is today.

And finally to my son, Eelyn, your love is the greatest gift of all.

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ABSTRACT OF THESIS

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ABSTRACT

The history and legacy of Native American relationship with the U.S. government has been marred with policies on termination, assimilation, annihilation, and displacement of Indian communities. The Dawes Act, also known as the General Allotment Act of 1887, was the starting point of enrolling tribal members for land allotments (Spruhan, 2006-2007, p. 2). The act required a population survey of individual persons residing on allotted lands. This, in turn, required Indian agents to conduct census rolls (see glossary). The purpose of the Dawes Act was to “turn Indian people into Jeffersonian farmers by breaking up communal landholdings and allotting parcels to individual owners” (Deloria & Lytle, 1983, p. 104). The ongoing changes and the push to create a formal tribal government led to some of the tribal policies that are still in effect today. Most of the Indian¹ policies missed a crucial step throughout Native America and that missing link is the connection to Indigenous worldview.

In 1953 the Navajo Nation adopted the one-quarter blood quantum standard for tribal enrollment. The official application process was finalized in 1955. Since then, the tribal

¹ The terms Indian, Native American, Native people and Indigenous people are used interchangeably throughout the document.

enrollment policy has been in place for 57 years and is in need of reevaluation by reflecting contemporary population changes and evaluating the policy from the Navajo worldview.

The customary process of acknowledging the individual as *Diné* is in total opposition of the concept of “*ako tao Diné nishl’i*” (I am Navajo) and obtaining the Certificate of Indian Blood for tribal enrollment. The *Diné* are in the midst of contemporary population changes, which is evident through evaluating quantifiable population data.

As of December 2010, the *Diné* have 293,864 enrolled members (Navajo Office of Vital Records 2010). The data paints the picture of an increasing population but with changing population dynamics. In light of those changes, how does that reflect on the existing policy? I write this thesis from the standpoint of understanding where we have been, where we are now, and where we are going.

This study focuses on the human dimensions aspect of community planning for Native communities by evaluating the Navajo population dynamics from the standpoint of the current tribal enrollment policy. The current policy for the Navajo Nation is based on satisfying the one-quarter blood quantum requirement, but what about cultural considerations for Navajo identity? At the core of *Diné*² identity is *K’é*, a network of clans that interweaves the individual to community and to relations with all things in terms of time and space. *K’é* is the essence of an individual and establishes one’s identity at birth.

The first part of the thesis introduces the subject, evaluates the contemporary context of identity, and analyzes current and historical demographic changes of the *Diné*. The analysis of the Navajo people includes data derived from New Mexico Department of Health, U.S. Census Bureau, and Navajo Office of Vital Statistics.

The second part of the thesis deconstructs the contemporary context of identity and evaluates Navajo history and the *Diné* worldview on identity. This thesis sets the stage for

² *Diné* is the term for Navajo in our language and is interpreted as “The People.” I use both terms interchangeably referring to the Navajo people throughout this paper.

dialogue on policy and the changing profile of the *Diné*. Given the power of exercising tribal sovereignty, how do we begin to talk about a policy that not only addresses the changing population and reinforces *Diné* identity but also creates a community-based policy that stays true to the Navajo worldview for the generations to come?

In my thesis, I evaluate the tribal enrollment policy, changes among the *Diné*, and explore key concepts of Navajo identity, constructing space for Native intellectualism. Given the traditional worldview of kinship, why is the current policy on tribal enrollment based on the imposition of blood quantum? And, is the current tribal enrollment policy viable for the next generation of the *Diné*?

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CHAPTER ONE: THE PROBLEM

My mom would occasionally share her point of view on the facts of life. When I was in middle school, she sat my sisters and me down for ‘the talk.’ It was not your ordinary talk; it was the talk on boys and how we were not allowed to have a boyfriend. From that conversation, the one thing I heard loud and clear was, “You are *Diné* and I will not allow you to date anyone who is not *Diné*.” My mom added, “And, he can’t be related to you!” My first thought was, “Whoa, wait a minute!” She isolated the population to a person who is Navajo and who is not related to me. That’s tough! At that time, it seemed irrational to say something like that to a child, but looking back, I know this is the kind of thing that establishes an individual’s values and morals and sets the stage for identity. Here I am, some years later, connecting the dots from what mom said to writing this manuscript to reflecting on our *Diné* people.

A. Introduction

For Native people, identity goes beyond a certificate of Indian blood (CIB)³ and tribal enrollment. Identity is based in kinship, *K’é*. This is how we relate ourselves to one another and our surroundings. Today, that middle school talk goes deeper. I feel as though my mom was telling me to be mindful of my decisions and how I could impact my children and their children. My mom was thinking ahead, not just of my immediate future, but of my children’s future and their children’s future. Our clans are the one string that ties all our generations of people together.

American Indians and Alaskan Natives are the only racial groups that have to prove their identity. No other races or ethnicities in the United States are required to provide policies or definitions on identity. “The definition of ‘Indian’ in federal and state law has engendered

³ The Certificate of Indian Blood (CIB) is also known as the Certificate of Degree of Indian Blood (CDIB). The CIB or CDIB are documents acknowledging that the individual meets the criteria for tribal enrollment.

endless controversy since the beginning of Indian policy in America” (Spruhan, 2000, p.1).

“About two-thirds of all federally recognized tribes of the coterminous United States specify a minimum blood quantum in their legal citizenship criteria, with one-quarter blood degree being the most frequent minimum requirement” (Garrouette, 2003, p. 15). Calculating blood quantum is an arbitrary method of enrollment, a scientific approach based on statistical methodology. This does not constitute Native identity. Rather, it disregards the pre-existing cultural knowledge of how tribes identified one another pre-invasion. Culture, language, and identity were once a determining role of the *Diné*. This essentially provided a road map, so to speak, of how we determined who was a part of the community despite their lineal descent.

This thesis evaluates the current and historical *Diné* population dynamics and how these dynamics impact tribal enrollment policy. This evaluation of the Navajo population is a reaction to the call and understanding of the creation of new and unprecedented responses from Native communities and academia to assist our Native nations towards progress. In the context of this analysis, progress is defined as stepping away from imposed policies and developing policies that are aligned with *Diné* cultural values. Lee, Assistant Professor at the University of New Mexico states, “We learned that an imposed enrollment system has impacted Native nations... We also learned that Indian identity has continued even with ethnic impersonation and blood-quantum bigotry” (2006, p. 79).

The next generation faces a time of uncertainty and a time of possibility in terms of identity and the types of decision making that goes into constructing and sustaining subsequent generations. As Native scholars, it is our responsibility to reflect on our history (both immediate and during the times of our creation), evaluate our current situation, and prepare for the future.

Diné identity can be viewed in a continuum with divergent perspectives on identity (Figure 1). On one end there is the colonial façade, or the political identity, generated from a long history with the United States Government. On the other end of the spectrum is the *Diné* worldview on cultural identity. The cultural perspectives are indigenous principles based on core values of the *Diné* people. This includes *K'é* also known as kinship.

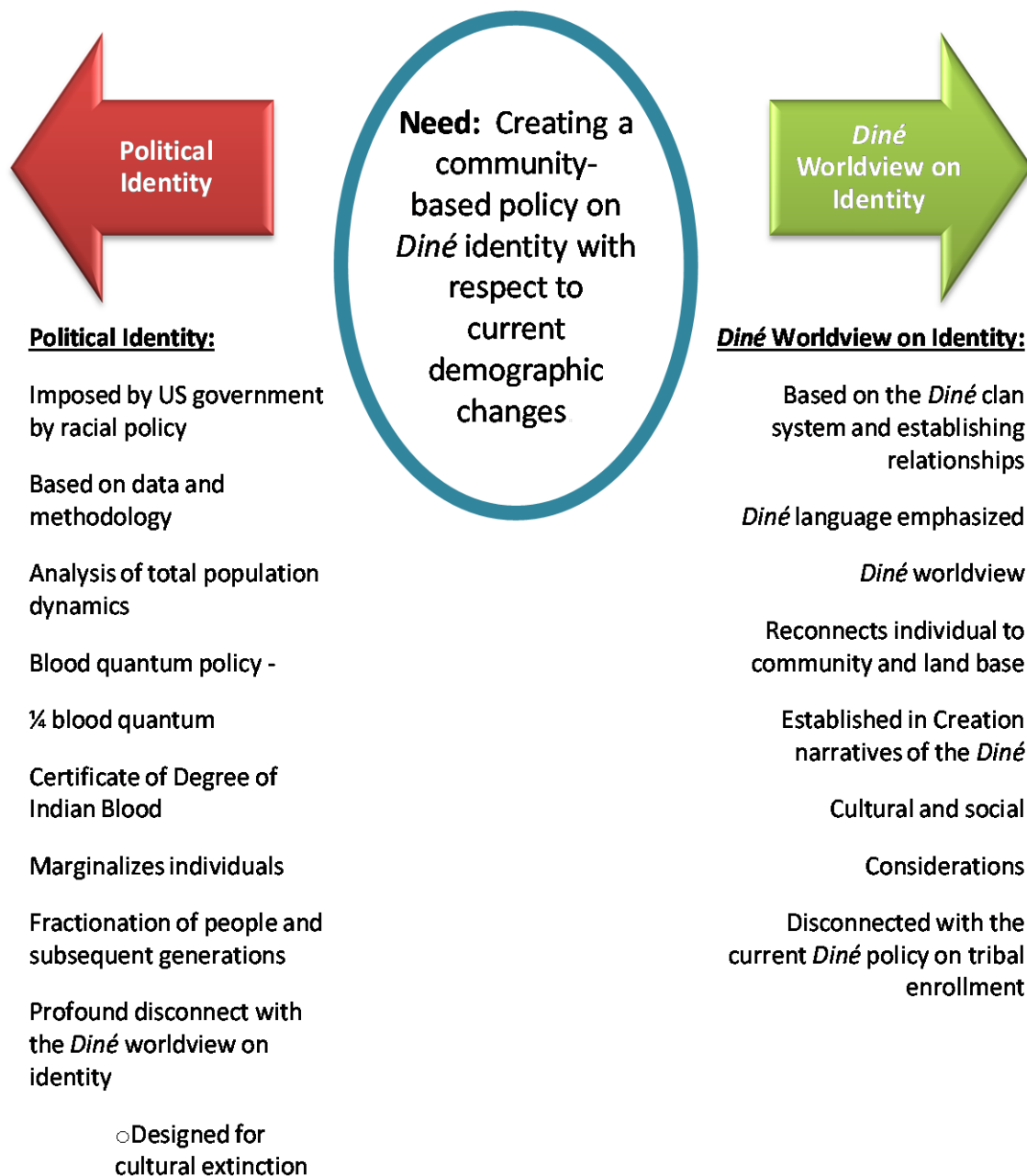


Figure 1 Continuum on political identity v. *Diné* worldview on identity

The two perspectives are disconnected. The establishment of the blood quantum policy was engineered to fraction individual identity that would essentially lead to fractionized generations. "Through intermarriage and application of a biological definition of identity Indians would eventually become citizens indistinguishable from all other citizens" (Garrouette, 2003, p. 42). Figure 1 illustrates two distinct perspectives on identity. In terms of the tribal membership context, "some see blood quantum as a negative force allegedly imposed by the United States and at odds with traditional forms of tribal membership...Others see it as a neutral method to define tribal membership when consistent with the policy goals of a tribe (Spruhan, 2006, p. 2). Since there is no middle ground between the two perspectives, the goal of this thesis is to begin unraveling the population dynamics of the *Diné* and to begin discussions on how we can reintegrate traditional knowledge into policy as it relates to tribal enrollment.

The current demographic trends of our people show that we are redefining our identity by simply evaluating the births of our children. The inter-tribal and inter-racial coupling rates are astonishing when compared to intra-Navajo coupling rates. According to the New Mexico Department of Health's births data from 1990 to 2003, the thirteen-year average of inter-tribal and inter-racial relationship for *Diné* males and females is 49.1%. That means that approximately 50% of births since 2007 have been from one parent who identified themselves as Navajo. This automatically gives the child a one-half blood quantum in terms of Navajo membership. The current demographic trends of the *Diné* people indicate inter-racial and inter-tribal relationships are occurring at a rate that will require preparation and planning for a changing Navajo Nation.

So, how does this birthing trend impact the Navajo's viability in terms of the blood quantum policy? Does the blood quantum policy serve as a systematic pattern to extinguish native nations?

A suggested approach to evaluating tribal enrollment policies is to begin to ask the *Diné* a question that is centered on their Indigenous worldview and the adoption of the Fundamental

Law,⁴ also known as the *Diné bi beenahaz'aanii* by the Navajo Nation Judicial Branch on November 8, 2002. That question can be viewed as: How might the current tribal enrollment policy fare under the *Diné bi beenahaz'aanii*? How did the *Diné* people define members of the community before tribal enrollment? And in terms of the modern era, how responsive are the *Diné* in light of a changing demography?

“Many people imagine that the American government sets the legal criteria for tribal citizenship. However, tribes have the exclusive right to create their own legal definitions of identity and to do so in any way they choose” (Garrouette, 2003, p. 15). This sovereign right has been upheld by the United States Supreme Court in the case of *Santa Clara v. Martinez* in 1978⁵. Garrouette says this is the “fundamental power of an Indian tribe” (2003, p. 39). Utilizing blood quantum as the standard for tribal enrollment has been the perennial challenge for tribes throughout the United States.

The Navajo Nation has set the tribal enrollment criteria to meet a one-quarter blood quantum to be an enrolled tribal member. According to Spruhan, the first base roll was created on June 1, 1928. In 1940 the Department of Interior updated the 1928 base roll. Today's tribal enrollment is based on the 1940 base roll. The 1940 base roll is utilized to establish the lineal descent for tribal enrollment (2006, p. 3-6). During the enumeration of the 1928 and 1940 base roll, the process was complicated. The Bureau of Indian Affairs (BIA) was taking names and giving numbers. Many *Diné* names were lost in translation and were given translated or proper English names. My third generation paternal grandfather's name was *Daghaal Chii Biiye'*. His name was translated into Douglas Chee Begay. This process created the surname myriad of

⁴ The Fundamental Law is also known as the *Diné Bi Beehaz'áanii Bitse Siléí*. The Fundamental Law is in the Navajo Nation Code and includes *Diné* Traditional Law, *Diné* Customary Law, *Diné* Natural Law and *Diné* Common Law. See Appendix B for more details on the Fundamental Law.

⁵ In the case of *Santa Clara v. Martinez*, Mr. Montoya lived at Santa Clara Pueblo in his mother's home. He raised four children at the pueblo and now has grandchildren there. However, Mr. Montoya cannot be enrolled in Santa Clara because since 1939 the pueblo has operated by a tribal law that allows for enrollment only on the basis of paternal descent – and his father was not from Santa Clara but from the nearby Isleta Pueblo. Montoya has inherited rights to his mother's property in Santa Clara, but his ability to exercise those rights remains uncertain (Garrouette, 2003, p. 20).

Begay's, Benally's, Yazzie's, Chee's, Claw's, and Tso's that are frequently associated with the Navajo people. During the enumeration process tribal enrollment coins were distributed to every individual. These coins were used to receive rations and livestock (L. Benally, Director of Navajo Office of Vital Records, personal conversation, February 13, 2008).

Diné history has been impacted by many federal Indian policies, which transformed the mindset of many *Diné* people. Garrouette states that the "the ultimate and explicit federal intention was to use the blood quantum standard as a means to liquidate tribal lands and to eliminate government trust responsibility to tribes, along with entitlement programs, treaty rights, and reservations" (2003, p. 42).

Given the continuing trend in the Navajo population, this research sets the stage for discussion on how the Navajo Nation can start to reformulate policies that reflect indigenous beliefs and values and the changing population. Rethinking tribal enrollment policy will require a regional indigenous community planning initiative. At the center of this issue is the understanding that "blood quantum is controversial among academics, policy makers, and affected individuals and outside tribal communities" (Spruhan, 2006, p. 2).

The issues with utilizing blood quantum are multi-faceted; many people have called the methodology "statistical extermination" (Garrouette, 2003 p. 59); others have referred to blood quantum as "blood pedigree" (Garrouette, 2003 p. 55); and in terms of historical racism, blood quantum is an off shoot of "racial hierarchy" with superior and inferior racial categories (Garrouette, 2003 p. 59). To further the discussion, "some allege that the federal government applies blood quantum to eliminate its responsibility to Indian people by legally defining Indians out of existence" (Spruhan, 2006, p. 2).

So in light of this intellectual indigenous space, this discussion opens in the form of a demographic profile in terms of historic and current changes to the *Diné* population. How will this trend impact the *Diné* tribe? More importantly, how do these trends impact the policy on tribal enrollment?

B. *Organization of the Thesis*

The first part of the thesis focuses on the contemporary context of identity, beginning with an analysis of the total population by evaluating data on the Navajo people. The second part of the thesis deconstructs the contemporary context of identity and moves towards the *Diné* worldview on Identity and how the Navajo people can begin to address their community's cultural and social dimensions. This leads to the concluding chapter and a process in developing community based policy and recommendations as the next steps of decolonizing the existing policy on Navajo enrollment.

C. Research Question

How do historic and current demographic changes impact the Navajo people and what are the impacts of population changes on community-based policies on tribal enrollment?

D. Methodology

Ya'aht'eeh! Shi ei Yolynda Begay yinishye. Naadaa'l gai Naasht'eezhi To'baaha nishli doo To'diichiinii bashishchiin. Kinlinchiinii da shi cheii do Tl'ahschi'ih das hi nali. Ako tao Diné asdzani nishli.

Western Translation:

Hello! My name is Yolynda Begay. I am of the Zuni White Corn - Water Edge People and born for the Bitter Water People. My grandfathers are the Red House People and my paternal grandfathers are from the Red Bottom People. This is what makes me a *Diné* woman.

As a *Diné* woman, I feel that it is necessary to introduce myself in the context of my *Diné* heritage. As Navajo people, it is common for us to properly introduce one another with respect to *K'é*. *K'é* is central to Dine identity and is known as kinship. This introduction is normative for many *Diné* people as it relates the individual to others who may be reading this paper, and it establishes my identity with respect to my people and community.

K'é is indigenous to the Navajo people since creation. The *K'é* concept is essential to the continuous existence of the *Diné*. Throughout this paper I speak from the voice and worldview of a *Diné* woman. The *Diné* worldview is consistent and parallels with the Indigenous Planning Paradigm. The ideology of the Indigenous Planning Paradigm is that the essence of indigenous scholarship is Native and Indigenous voices need no translation. This can be translated as adapting Native knowledge from experience to empower those within their community (Jojola, 2001, p. 309).

Jojola (2001) states that “Indigenous people are not afraid to be a part of their own community research, and the role of the expert is tempered by the collective experience” (p. 309). Deloria (1999) observes, “Traditional knowledge enables us to see our place and our responsibility within the movement of history. Formal American education, on the other hand, helps us to understand how things work, and knowing how things work, and being able to make them work, is the mark of a professional person in this society” (p. 143). Jojola and Deloria echo the same message with their perspectives on Indigenous planning and traditional knowledge and the need for reciprocity.

My personal experience as a traditional *Diné* woman enhances the legitimacy of this study. I have been fortunate to have been immersed into the *Diné* culture, language, and worldview through my family and community. As a *Diné* woman scholar, I have a vested interest in creating a study that will contribute to the *Diné*. It is from this passion that I approach the demographic analysis and evaluation of tribal enrollment policy with rigor for providing information that is credible in order to achieve an accurate community profile of the *Diné* tribe.

The stories and narratives of the Navajo people have been told from the outsiders’ point of view and this often portrays a different perspective. As a scholar, this research gives me the opportunity to mesh my professional training as a community-based planner and my *Diné* identity into a manuscript that begins to talk about issues our communities face. More importantly, it provides an opportunity to tell our story and how we reflect on traditional knowledge in the context of a western world. As Deloria states, “it is very important for younger Indians to take the lead in restoring the sense of family, clan, and community responsibility that undergirds the traditional practices. In doing so the next generation of Indians will be able to bring order and stability to Indian communities, not because of their professional expertise but because of their personal example” (1999, p. 143).

In this thesis, I contrast the traditional concept of *Diné* identity based on *K’é* with the dominant culture’s definitions based on quasi-biological indicators known as blood quantum. I

then draw inferences from these contrasting approaches for implications on tribal identity and governance, concluding with recommendations for a more appropriate set of measures that reinforce *Diné* culture.

E. Data

The data used in this study is collected from three sources: New Mexico Department of Health, the U.S. Decennial Census, and the Navajo Office of Vital Statistics. The following is a brief overview of the data.

- i. New Mexico Department of Health⁶:
 - o 1990 – 2003 Births Data

The data from the New Mexico Department of Health (NMDOH) was collected in 2007. The first part of the process was to clean the data and organize the dataset in SPSS⁷. This involved converting raw data into an SPSS worksheet. The process involved coding the data and making sure numbers were not transposed. NMDOH provided a data key to interpret the codes into variables like birth year, sex, place of birth, race/ethnicity, and tribe. Once this process was complete, I began the analyses. The analyses started by filtering out those that were non-Native. Then I reorganized the data by three variables: tribe of child, race of mother, and race of father by birth year. I selected the variable ‘tribe of child’ since a number of births occurred were from parent who were Navajo but the child was not classified as Navajo. I took into account evaluating all tribal groups, race and/or ethnicities. In the end, the analyses provided me with intra-tribal, inter-tribal, and inter-racial birth count of Navajo children. (See Appendix A for more details on the data not included in the Chapter 2.)

⁶The New Mexico births data from 1990 to 2003 was evaluated and processed by four variables, race of child, race of mother, and race of father by birth year. From this data I queried the American Indian or Alaskan Native births and isolated Navajo births.

⁷ SPSS is analytical software for quantitative and qualitative data.

ii. Navajo Office of Vital Records:

The data from the Navajo Office of Vital Records (NOVR) was collected from the tribal offices in Window Rock, Arizona. The Navajo Office of Vital Records operates in a number of capacities. Their services include tribal enrollment, data maintenance and updates on tribal membership, and archival of tribal base rolls. Although the electronic data made available dates back to 1938, the first enumeration of tribal enrollment dates back to June 1, 1928. The historical data are in the process of being archived into the software Progeny ES⁸ (Enrollment Suite). There were four sets of data gathered from NOVR:

- 1938 – 1998 Blood Quantum, Total Enrollment & Age
- 1971-1980 – Age Group Report, Blood Quantum & Total Population
- 1981-1990 – Age Group Report, Blood Quantum & Total Population
- 1991-2000 – Age Group Report, Blood Quantum & Total Population

The tribal enrollment data were initially in the form of reports. I converted the data in the reports to excel spreadsheets for analysis. From the analysis I produced spreadsheets based on blood quantum, total enrollment, and enrollment by age group for decennial years 1938 to 1998 and ten-year reports for 1971 to 1980, 1981 to 1990, and 1991 to 2000. (See Appendix B for more details of data not included in Chapter 2.)

In addition to the tribal enrollment data, I talked with Leonard Benally, Vital Statistics Manager, in February 2008 on the history of tribal enrollment and the overall process. The discussion included the initial 1928 base roll, 1940 base roll, complications on enumerating the tribal rolls, enrollment stories, and nuances in a virtual base roll.

⁸ Progeny ES is a tribal data resource and is the “leader in the provision of Tribal data management technologies.” More information on Progeny ES can be accessed at www.progenyes.com

iii. U.S. Census Bureau Decennial Census:

- 1990 Decennial Census
- 2000 Decennial Census

I gathered decennial data from the U.S. Census Bureau. I evaluated the 1990 and 2000 total population, male and female composition, individuals who spoke Navajo in their home across the Nation, and the Navajo tribe in comparison to other tribal groupings. The data are made available via the U.S. Census Bureau's website at www.census.gov.

The first step in the analysis was a comparison of the data sets from the U.S. Census Bureau and NOVR tribal enrollment data. I compared the total tribal enrollment population data and analyzed the data from these questions: What is the difference in the total number of *Diné* people and the total number of *Diné* enrolled as a tribal member? What is total population composition in terms of age and sex? Where is the *Diné* language spoken across the country? How does the *Diné* compare to other tribes in term of total population? How does the data on blood quantum change over time?

The NMDOH births data were evaluated from the standpoint of the composition of our next generation. I analyzed the data from the following questions: What are the birthing trends for the *Diné* people? Does this correspond with the tribal enrollment data? I concluded the analyses with the question: How significant are these changes in the population?

CHAPTER TWO: DEMOGRAPHY OF THE *DINÉ*

“One little, two little, three little Indians is not simply a familiar children’s nursery rhyme, it is also a celebration of North American genocide” (Deloria, 1999, p. 257). This was Deloria’s summation of how perplexed he felt about gathering data on Native peoples. Deloria goes on to say, “The federal census is probably an acceptable way to count Indians today because it does represent a nationally applicable methodology. Creating a composite figure of enrolled members of federally recognized tribes might be another way to compile reasonably accurate official figures defined solely by political status” (1999, p. 271).

Today, there are 565 federally recognized tribes in the United States. In a presentation at University of New Mexico’s Politics of Identity course by Lee, in the 2000 decennial census there were over 281 million people in the United States; of that, the American Indian or Alaskan Native (AIAN) population reflected 1.5% (4.1 million). The states with the highest concentration of AIAN population were: California (333,346), Oklahoma (273,230), Arizona (255,879), New Mexico (173,483) and Texas (118, 362). It is no surprise that these same states are home to many federally recognized tribes.

“The period from 1868 to early in the 1900s featured impressive demographic expansion. The Navajo people numbered perhaps as many as 15,000 in 1870; by early in the twentieth century their population had doubled” (Iverson, 1983, p. 6). There is no doubt that “gathering data on the number of Indians in the United States has always been an inexact science” (Deloria, 1999, p. 257). From 1790 to 1850 Native peoples were excluded from the census count. In 1860, American Indians who were considered assimilated based on land ownership were officially counted in the census. All other Indian people were excluded from the census count. In 1890, the Census Bureau attempted to conduct a full enumeration of the

Indian population. “In 1980 the federal census allowed people to identify their racial background themselves for the first time... The result of the new method was an increase in the American Indian population beyond anyone’s wildest estimate. In 1960 the census reported 523,591 Indians in the United States. That figure jumped to 792,730 in 1970, and the last census (1980) showed a count of 1,418,195 Indians in the United States” (Deloria, 1999, p. 230). What is speculative of the 1980 figure is the process of self-identification.

A. Diné Population on the National Level

“In the 2000 U.S. Census, 298,197 people identified themselves as Navajo, of which 269,202 identified as only Navajo and no other racial group” (Lee, 2006, pp. 79-80). According to the decennial census data the Navajo tribe is the second largest tribe in the nation (see Figure 3). The analysis is based on nationwide data and is not bounded just to those that reside on the Navajo Nation.

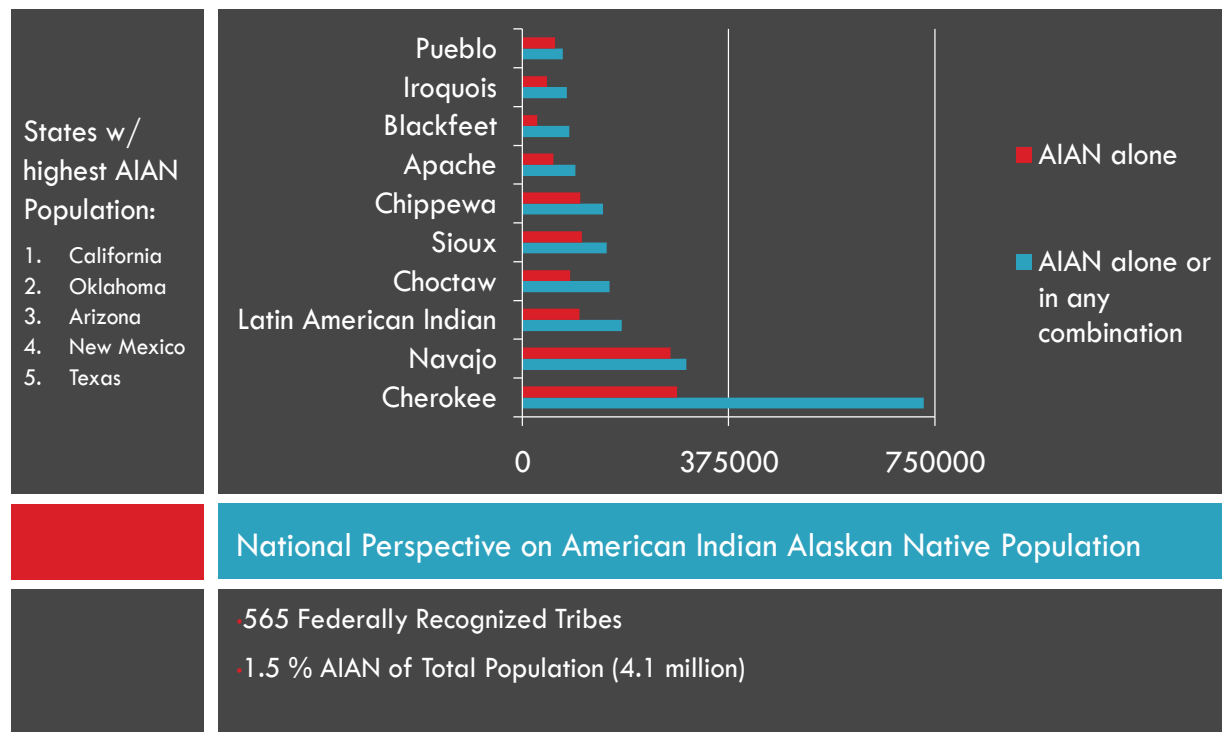


Figure 2. National data on American Indian and Alaskan Native tribal groupings in 2000. Source: 2000 Decennial Census – www.census.gov

Language has been identified as a marker associated with traditional worldview on identity. Table 1 below shows that there are Navajo speakers distributed across the U.S. with the exception of three states.

Table 1. *Navajo Language Spoken at Home for the Population 5 Years and Over by State: 2000*

| Navajo Language Spoken at Home for the Population 5 Years and over by State: 2000 | | | | | |
|--|--------------|------------|-------------------|--------------|------------|
| State: | Total | (%) | State: | Total | (%) |
| United States | 178,014 | 100.0 | Indiana | 84 | 0.0 |
| Arizona | 89,951 | 50.5 | Florida | 71 | 0.0 |
| New Mexico | 68,788 | 38.6 | Maryland | 70 | 0.0 |
| Utah | 9,373 | 5.3 | Tennessee | 59 | 0.0 |
| Colorado | 2,510 | 1.4 | Hawaii | 58 | 0.0 |
| California | 1,774 | 1.0 | South Dakota | 56 | 0.0 |
| Texas | 585 | 0.3 | Alabama | 53 | 0.0 |
| Nevada | 556 | 0.3 | Arkansas | 53 | 0.0 |
| Washington | 446 | 0.3 | West Virginia | 53 | 0.0 |
| Oklahoma | 437 | 0.2 | North Dakota | 47 | 0.0 |
| Idaho | 266 | 0.1 | Alaska | 44 | 0.0 |
| Ohio | 242 | 0.1 | Connecticut | 42 | 0.0 |
| Kansas | 241 | 0.1 | New Jersey | 42 | 0.0 |
| Oregon | 228 | 0.1 | Pennsylvania | 41 | 0.0 |
| North Carolina | 221 | 0.1 | Massachusetts | 34 | 0.0 |
| Wyoming | 180 | 0.1 | Minnesota | 34 | 0.0 |
| Georgia | 173 | 0.1 | New Hampshire | 30 | 0.0 |
| Missouri | 156 | 0.1 | South Carolina | 28 | 0.0 |
| Montana | 138 | 0.1 | Wisconsin | 19 | 0.0 |
| Virginia | 133 | 0.1 | Iowa | 16 | 0.0 |
| Kentucky | 128 | 0.1 | Mississippi | 13 | 0.0 |
| Illinois | 125 | 0.1 | Maine | 9 | 0.0 |
| Nebraska | 122 | 0.1 | Dist. of Columbia | 4 | 0.0 |
| Louisiana | 100 | 0.1 | Delaware | - | - |
| New York | 95 | 0.1 | Rhode Island | - | - |
| Michigan | 86 | 0.0 | Vermont | - | - |

Source: U.S. Census Bureau, Census 2000, Summary File 3. Table PCT 10.

The state of Arizona has the highest percentage of Navajo speakers with 50.5%, followed by New Mexico with 38.6%, and then Utah with 5.3%. The three states together reflect

94.4% of Navajo speakers. These three states correspond with the federal trust lands of the Navajo Nation. What is astounding is that almost every state has a Navajo speaker in the home with the exceptions of Rhode Island, Delaware and Vermont.

B. Diné Population by Reservation Boundary

We switch the analysis from the national level to the local level. The data collected in this section reflects the populations that are within the Navajo reservation boundaries. In this section, the analysis includes the population composition of age, sex, and total population by decennial year. Population pyramids are a way to illustrate the distribution of age and sex of the total population in five-year age increments. Population pyramids are age structure illustrations that show distribution of age in a specified geographic area, female and male percentages, and the total birth rate. Figures 4 and 5 are population pyramids from the 1990 and 2000 decennial census for those living within the Navajo Nation boundary. Overall, the total population increased from 148,451 in 1990 to 180,462 in 2000.

For the *Diné* we consider the 70 and over age group as our *Nii hahastsoi* and *Nii hizaani*. The western world refers to this age group as the elderly. However, this age group serves as a cultural resource for the *Diné* people. The total population in the 70 and over age group increased from 3.8% in 1990 to 4.5% in 2000.

The 40 to 69 age group are our *nihimasani* and *nihicheii*, the grandparents. The population pyramids show that this segment of the population increased from 25% in 1990 to 30% in 2000. A number of children in Navajo communities are raised by their grandparents, and this is why this part of the population has been segmented from the 70 and over age group. Overall, there was a 5% increase in this age group. This is consistent with the overall increase of the baby boomer population.

The middle segment of the population pyramid (20 to 34 age cohort) is what I call *nihima* and *nihizhe'e*. This is the age group that represents the workforce and supports the children.

This is also the portion of the population that bear children and create the next generation.

From 1990 to 2000 the population decreased from 23% to 19%.

The lower part of the population pyramid is known as *tsil ke and chii ke*, our children; they are the 5 to 19 age group. Although there was a population decline in the workforce age group, there was an increase in this segment of the population. From 1990 to 2000 there was an increase from 33% to 35% in this age group.

The 5 and under age group are our *awee*, the babies. This represents the birth rate of the total population. From 1990 to 2000 there was a decrease from 13% to 9.6% in the total births on the Navajo Nation.

1990 Navajo Nation Population Pyramid

Total Population:
148,451

70 & over: 3.8%

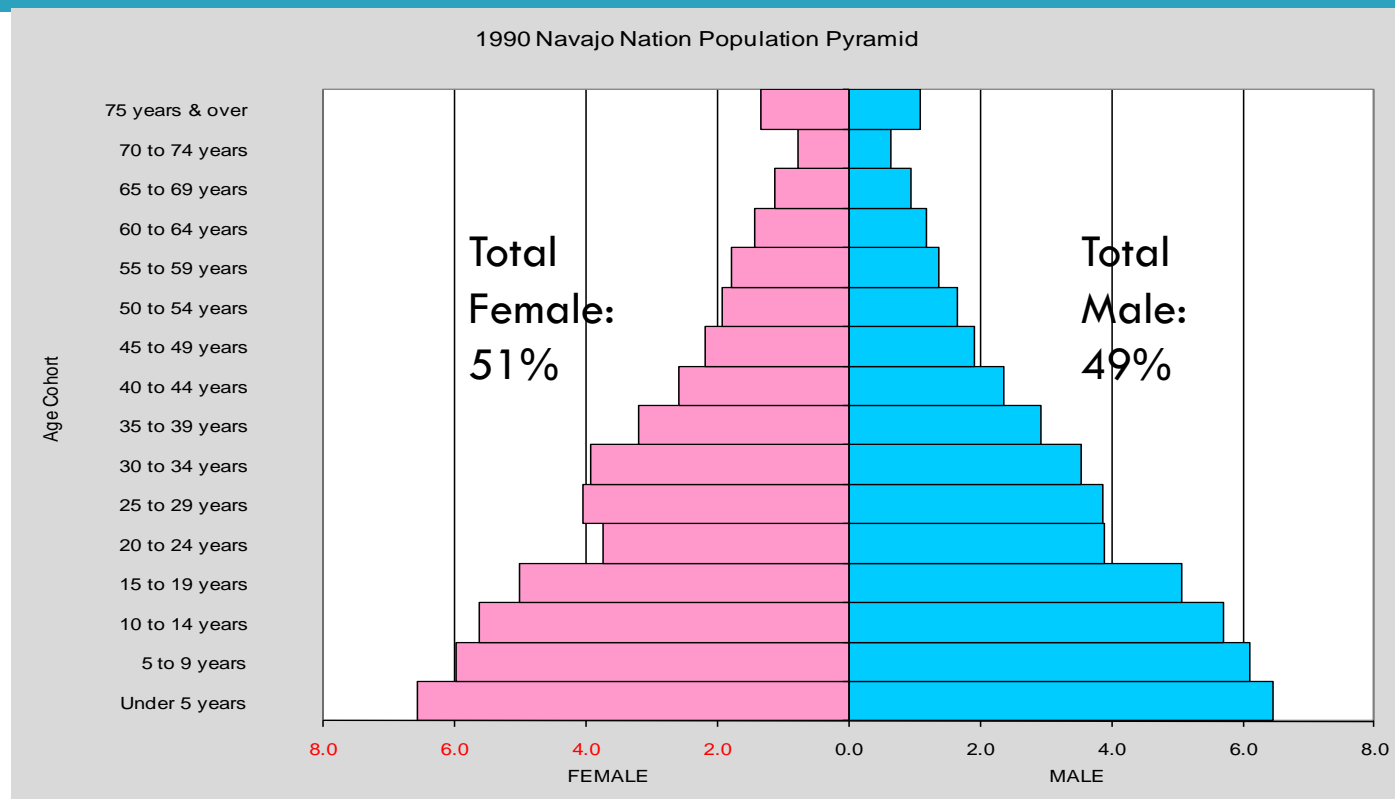
40 to 69 age group:
25%

35 to 39 age group: 6%

20 to 34 age group: 23%

5 to 19 age group: 33%

Birth Rate: 13%



Source: US Census Bureau 1990 Decennial Census – www.census.gov

Figure 3. 1990 population pyramid by age cohort and sex.

2000 Navajo Nation Population Pyramid

Total Population:
180,462

70 & over: 4.5%

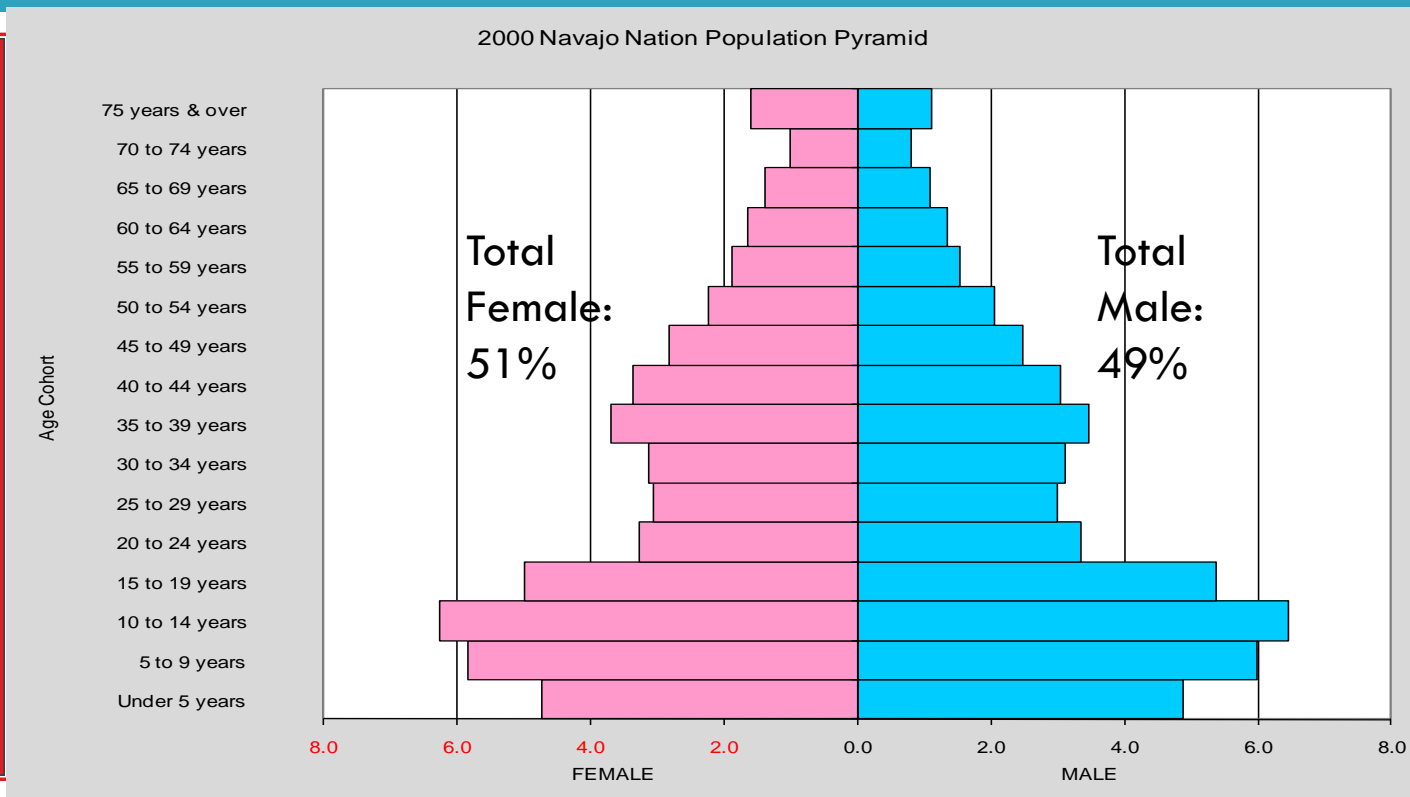
40 to 69 age group: 30%

35 to 39 age group: 7%

20 to 34 age group: 19%

5 to 19 age group: 35%

Birth Rate: 9.6%



Source: U.S. Census Bureau 2000 Decennial Census – www.census.gov

Figure 4. 2000 population pyramid by age cohort and sex.

The total population within the reservation boundary in 1990 was 148,451 and in 2000 this number increased to 180,462 (1990 and 2000 Decennial Census). Approximately 45% (120,749) of the total population lived outside the reservation boundaries in 1990, and in 2000 the percentage decreased to 40% (117,735).

Other noticeable differences between the 1990 census and the 2000 census are the decline in the 20 to 34 age cohort and in the 5 and under age group. The 20 to 34 age cohort's decline could be due to the lack of economic and educational opportunities on the reservation. The 20 to 34 age cohort is reflective of fertility; this is the population that bears the next generation. A potential decrease in this age group could mean a decrease in the number of births. This leads to the next noticeable difference. From 1990 to 2000, the total number of births decreases from 13% to 9.6%.

In his book *Studying Native America: Problems and Prospects*, Thornton (1998) suggests that a number of Native Americans who identify themselves as Native American or Alaskan Natives on the decennial census do not enroll as members of a Native American tribe. In essence, there is a large number of Native Americans who identify themselves as being American Indian or Alaskan Native (AIAN) on the decennial census but are not affiliated or enrolled as a member of a federally recognized tribe. Hatcher (2005) states that the estimated net undercount of the AIAN group was 12.2% in 1990 and 4.7% in 2000.

C. Navajo Office of Vital Records Data - Tribal Enrollment on Navajo Nation

This section describes the data from the Navajo Office of Vital Records. This level of analysis reflects the political identity and actual population reported in the tribal census. The Navajo Office of Vital Records is the tribal agency responsible for enrollment. There are six satellite offices located throughout the Navajo Nation and one central office in Window Rock,

Arizona⁹. The process of enrolling as a tribal member begins with an application supplemented with a birth certificate and social security card to prove the applicant's identity. The degree of Indian blood is calculated based on lineal descent. A Certificate of Degree of Indian Blood (CDIB) is issued once the application has been verified.

The initial tribal rolls were enumerated in 1928. During the first enumeration of the tribal rolls, a Navajo interpreter would go door to door throughout the reservation and explain the process. The type of information collected were name, date of birth, head of household, and the number of children. During the first enumeration, a family's blood quantum was determined and a coin was issued to enrolled individuals (see figure 5).



Figure 5. Tribal enrollment coins issued in the 1940 base roll.

The aluminum coin served as a token of being enrolled into the Navajo tribe. The 1928 rolls were deemed incomplete due to a lack of communication. A second base roll was completed in 1940, which added tribal members to the 1928 rolls and purged those who were

⁹ The Navajo Offices of Vital Records are located in Tohajillee, NM; Crownpoint, NM; Shiprock, NM; Chinle, AZ; Fort Defiance, AZ; Tuba City, AZ; and a central office in Window Rock, AZ.

deceased or relinquished their membership. The process of enrolling tribal members was quite complicated.

Census enumerators were puzzled with multiple intergeneration households living. The census takers viewed the practice of having multiple wives as out of context and completely out of line in terms of western values. Oftentimes, this led to many people being counted twice on the base rolls.

Documenting the date of birth is another complicated process. This was an arbitrary process since there was very little understanding and knowledge of the calendar year. Dates were measured and based on the season and the growth of crops. During the first enumeration in 1928 people often referenced the Long Walk as an approximate timeframe of when they were born. Many *Diné* people would say “*Shiigo Hweeldi dee nida’askai yee daa shidizhchi.*” This translated as “the summer after the Long Walk I was born.”

A contemporary issue that faces the Navajo people relates to the single mothers and children documented as part Navajo. Navajo mothers who do not disclose the father of the child or who have no father on a birth certificate bear the brunt of the enrollment process. The child may legitimately be a full-blooded Navajo, but due to the father being absent, the child is considered one-half or less depending on the mother’s blood quantum.

The latest development with respect to tribal enrollment comes from an executive order in January 2009 from the Navajo Nation President Joe Shirley. Shirley issued an executive order to replace the CIB document with a tribal enrollment identification card (personal communication with L. Benally, Director of Navajo Office of Vital Records, February 2008). In concept, each enrolled tribal member is issued a card that consists of a smart chip that contains personal information, contact information, hospital records linked to the Indian Health Services, voting records, any Navajo Nation law violations, Medicaid and/or Medicare insurance policy,

and blood quanta. While, at this point, the tribal enrollment identification card is conceptual, it does indicate that tribal enrollment is on the radar of the Navajo Nation president¹⁰.

The data have been processed from the standpoint of the current enrollment policy on blood quantum. Although the current standard is one-quarter, there is a percentage of the total population that falls in the categories of “unknown” and “1/16-3/16.” Given the current requirement of one-quarter, this population is enrolled partially due to their contested political identity. The term full blood is often associated with those that are 4/4; the other blood quantum groups identified in Tables 5 and Figure 7 are often called mixed bloods.

Table 2 provides data on the total number of enrolled members from 1938 to 1998. The total enrollment has increased from approximately 8,200 people in 1938 to 52,800 in 1998. Today, there are 291,238 enrolled tribal members. Figure 6 and Table 3 illustrate the overall population trend by analyzing the blood quantum group changes over the period of 1938 to 1998. (See Appendix B for more details.) The changes from a blood quantum standpoint are dramatically shifting in the overall population. In 1938 the population was composed of approximately 2.3% of mixed bloods and in 1998 that number increased to 62.2% of the total population. Based on the data, it appears that the overall population is becoming more racially diverse.

Table 2. *Total Tribal Enrollment – Navajo Office of Vital Records*

| Total Tribal Enrollment Navajo Office of Vital Records | |
|--|--------|
| Year: | Total: |
| 1938 | 8,189 |
| 1948 | 16,050 |
| 1958 | 32,879 |
| 1968 | 31,368 |
| 1978 | 34,238 |
| 1988 | 46,682 |
| 1998 | 52,800 |

¹⁰ In the court proceeding of *Gonzalez v. State of Arizona*, the issue of providing identification for voting purposes highlights a discussion on the creation of a tribal identification card. Larry Anderson, Council Delegate from Fort Defiance, put forth a motion to seek \$150,000 of tribal funds for creating an identification card system for tribal members. However, due to insufficient funds, the money was not allocated to proceed with the identification card system.

Table 3. *Percent of Enrolled Tribal Members by Blood Quantum - Navajo Office of Vital Records*

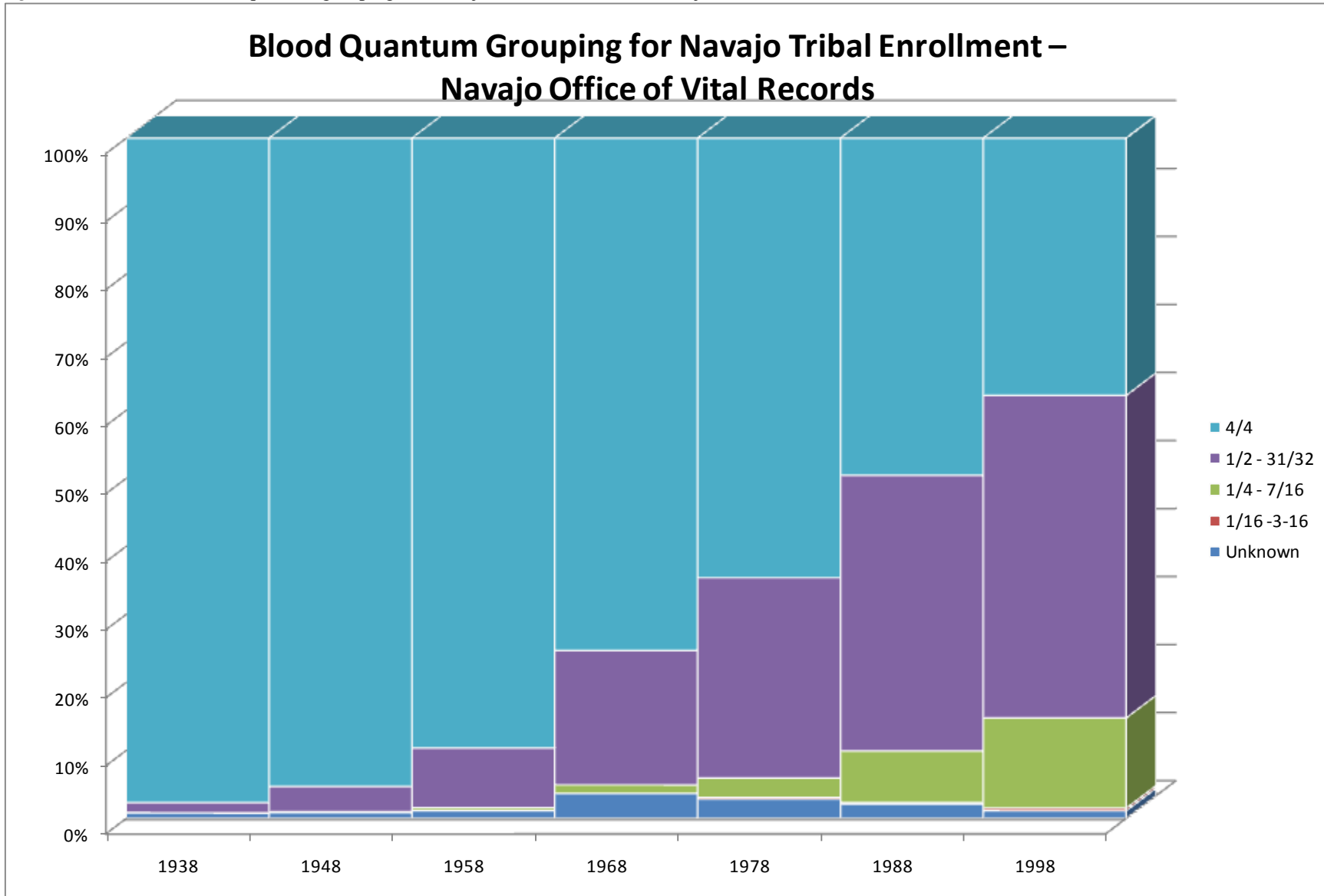
| Percent of Enrolled Members by Blood Quantum Group (%) | | | | | | |
|---|---------|------------|------------|-------------|------|--|
| Year: | Unknown | 1/16 -3-16 | 1/4 - 7/16 | 1/2 - 31/32 | 4/4 | |
| 1938 | 0.8 | 0.0 | 0.1 | 1.5 | 97.7 | |
| 1948 | 0.8 | 0.0 | 0.2 | 3.7 | 95.3 | |
| 1958 | 1.1 | 0.0 | 0.4 | 8.8 | 89.7 | |
| 1968 | 3.6 | 0.0 | 1.3 | 19.8 | 75.3 | |
| 1978 | 2.8 | 0.3 | 2.8 | 29.5 | 64.6 | |
| 1988 | 2.1 | 0.2 | 7.6 | 40.5 | 49.6 | |
| 1998 | 1.1 | 0.4 | 13.3 | 47.4 | 37.8 | |

In the above table we see a dramatic shift in the “4/4” category from 1938 to 1998 (see Table 3). In 1938, the four-fourths group was approximately 98% and by 1998 that amount decreased to approximately 38%. This trend may be due to exogamous relationships or absent fathers. This data set reflects actual tribal enrollment and shows that, overall, the *Diné* people are changing. Although the *Diné* population is increasing over time, there is a parallel trend of racial diversification.

The tribal enrollment process has created barriers for a significant portion of the population. The enrollment process requires documentation to prove one’s identity, and an applicant is required to show his/her birth certificate and social security card.

The biggest issue in the birth certificate process arises in situations where fathers are not listed. Fathers impact their child’s identity by not claiming their child on a birth certificate. For instance, if we have two Navajo parents where the father does not claim the child, that child’s blood quantum would be calculated based on the mother’s current blood quantum. At best, the child would be considered only one-half.

Figure 6. 1938 – 1998 blood quantum grouping for Navajo tribal enrollment – Navajo Office of Vital Records.



iv. New Mexico Department of Health

Figure 7 illustrates the total number of births that have occurred from 1990 to 2003. There are a few factors to consider when looking at this data. First, while the Navajo Nation encompasses a tri-state area of New Mexico, Arizona, and Utah, the data include only births in the state of New Mexico. Second, the birth statistics do not account for single-mother households. Therefore, the data reflect a higher count for inter-tribal and inter-racial childbearing unions. Third, the Navajo Nation’s tribal enrollment process relies on the data made available on birth certificates to verify the child’s mother and father. The birth certificates are required in the tribal enrollment application process.

1990 to 2003 Total Number of Births by Year

Intra-Navajo, Inter-Tribal & Inter-Racial Childbearing Unions

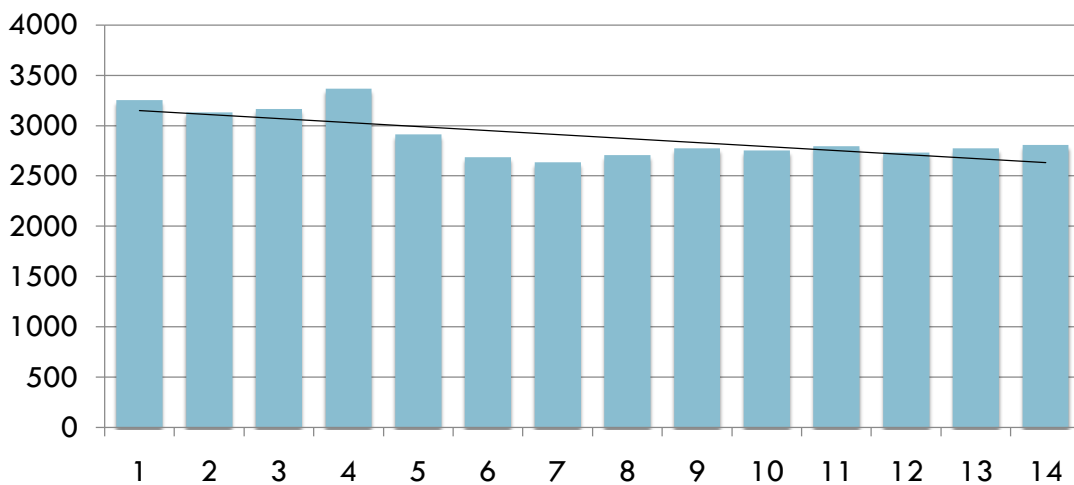


Figure 7. 1990 to 2003 total number of births by year.

The data show that 1993 (identified as 4 on the x-axis) had the highest number of births at 3,366 total births and 1996 (identified as 7 on the x-axis) had the lowest number with 2,635 births. Overall, births have decreased over the 14-year period. Unlike other communities that rely on natural increases (births minus deaths) and net gains in migration/immigration for

population increase, the *Diné* rely on the total number of births for increases in the total population enrolled as Tribal members. According to the following excerpt from the U.S. Census, 1910 proved to be a challenging year for Alaskan Natives and American Indians:

...data from the 1910 U.S. Census showing that early in this century, fertility rates for American Indians were relatively low. The mean number of children ever born to so-called 'full-blood' couples was 4.5, notably lower than the number born to interracial couples involving mixed-race and full-blood Indian spouses, with 5.4 and 5.1 children ever born, respectively. Likewise, nearly 11 percent of endogamous full-blood couples were childless in 1910, compared with about 8 percent of full-blood/white couples and 4 percent of mixed-blood/white couples. These decidedly lower rates of fertility among full-blood American Indians led the Census Bureau to predict their eventual disappearance. (Snipp, 1997, p. 62)

At first sight, the data in Tables 4, 5, and 6 show that Navajo mothers have a high rate of inter-tribal and inter-racial unions that result in children. What is not reflected is the high percentage of single-mother households, which results in the high percentage. Due to the methodology in processing the data, I did not account for the percentage of single-mother households.

Based on personal experience, when you have a child within the state of New Mexico you file for your newborn's birth certificate at the hospital. The birth certificate application has parental information fields for both parents. The application requires that both mother and father sign the birth certificate application with a witness. The biological father does not have to sign the birth certificate application and by action relinquishes his paternal rights to the child. As a result, the process impacts the calculation of the child's blood quantum since the tribal enrollment application is based on the information contained in the birth certificate.

| 1990 to 2003 Male and Female Inter-Tribal and Inter-Racial Child Bearing Unions | 1990 | 1991 | 1992 | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 |
|---|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Navajo - Male (Inter-Tribal & Inter-Racial) | 2.7 | 2.8 | 2.6 | 2.6 | 3.6 | 3.6 | 3.6 | 4.1 | 4.4 | 4.3 | 4.4 | 4.6 | 5.2 | 5.0 |
| Navajo - Female (Inter-Tribal & Inter-Racial) | 46.7 | 45.3 | 48.8 | 48.6 | 50.0 | 49.5 | 47.4 | 47.1 | 48.3 | 47.5 | 45.3 | 36.0 | 36.5 | 37.2 |
| TOTAL | 49.4 | 48.1 | 51.4 | 51.2 | 53.6 | 53.0 | 51.0 | 51.2 | 52.7 | 51.9 | 49.7 | 40.6 | 41.7 | 42.1 |

Data Source: New Mexico Department of Health (2007)

Table 4. *Male and Female Navajo Inter-Tribal and Inter-Racial Child Bearing Unions by Year (Percent)*

| | 1990 | 1991 | 1992 | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 |
|-----------------------------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| Intra Navajo Child Bearing Unions | 50.6 | 51.9 | 48.6 | 48.8 | 46.4 | 47.0 | 49.0 | 48.8 | 47.3 | 48.1 | 50.3 | 59.4 | 58.3 | 57.9 |

Data Source: New Mexico Department of Health (2007)

Table 5. *Intra-Navajo Child-Bearing Unions (Percent)*

| | 1990 | 1991 | 1992 | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 |
|---|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| Total Navajo Births by Year (Intra-Navajo, Inter-Tribal & Inter-Racial) | 3,252 | 3,134 | 3,166 | 3,366 | 2,912 | 2,687 | 2,635 | 2,707 | 2,774 | 2,752 | 2,795 | 2,733 | 2,774 | 2,807 |

Data Source: New Mexico Department of Health (2007)

Table 6. *Total Number of Births (Intra-Navajo, Inter-Tribal and Inter-Racial)*

Several factors should be considered regarding the decennial census and Navajo Office of Vital Records data. First, the U.S. Census Bureau allows respondents to self identify race and ethnicity. Second, the NOVR is based on lineal descent (a birth certificate is required that proves parentage and is cross referenced for blood quantum and status), which provides constraints to those that may qualify but have yet to go on with the process of enrolling into the tribe. Lastly, the population growth in the NOVR data is based on a natural increase of tribal members (births minus deaths). For purposes of political identity, the tribal enrollment data is utilized by the federal government to extend the plethora of federal trust responsibilities. You have to be a member of the Navajo Nation to take advantage of rights associated with federally recognized tribes.

v. *Demographic Analysis Findings*

The following are my findings based on the analysis of the 1990 and 2000 decennial census, Navajo Office of Vital Records data, and New Mexico Department of Health Births data.

- The Navajo Nation is the 2nd largest Tribe in the country.
- From 1990 to 2000 the population age groups have shifted with an increase in total population.
 - The overall birth rate has decreased from 13% in 1990 to 9.6% in 2000.
 - The 5 to 19 age groups have increased from 33% in 1990 to 35% in 2000.
 - The 20 to 34 age groups have decreased from 23% in 1990 to 19% in 2000.
 - Beginning with the 35 to 69 age groups, there is an overall increase of 25% in 1990 to 30% in 2000.

- There has been a decrease in the total number of births supported by the 1990 and 2000 Decennial Census and NMDOH Births data.
- Of the births from 1990 to 2003, almost half have been Inter-Tribal, Inter-Racial or to single-headed households.
- From 1938 to 1998 there have been an increasing number of Navajo tribal members of mixed blood.
- The 1990 and 2000 Decennial Census are significantly higher than NOVR Tribal Enrollment Data.

CHAPTER THREE: HISTORICAL ANALYSIS OF THE *DINÉ*

Over time, the definition of what constitutes an individual as *Diné* has changed. The change in identity has been influenced by the historical trauma the Navajo people have faced. Prior to the Long Walk in 1868 there was no question as to who was or was not *Diné*. Identity was based on kinship and language. Clans were created to include people into a community. The Coyote Pass people, *Ma'ii Deeshgiizhnii*, originated from individuals who intermarried with the Pueblo of Jemez; *Nakai Diné'e* clan was created for the Mexican people; and my own clan, the *Naasht'ezhi Tobaahi*, is translated as the Zuni-Water Edge People. The creation of these clans shows that there has been a historical trend of intermarriage for centuries.

This chapter provides a brief history of the *Diné* that extends from the creation narratives to the present. (See Appendix C for more historical details.) By evaluating the history of the *Diné* we can begin to understand how the *Diné* got to where we are today. It is not the norm for the *Diné* people to discuss history, but this chapter portrays the legacy of survival and a continuously growing population.

A. *The Diné View of History*

The story of the *Diné* encompasses a worldview that is based on emerging from a central place and through a series of worlds. The *Diné* have existed since time immemorial, and only recently has the history of the *Diné* been documented.

There are many ways of labeling the Navajo people. Amongst the Navajo traditionalists, we call ourselves the *Nahookaa Diné* (Earth Surface People) and *Bila Ashdla'ii* (Five-Fingered Ones) (Nez-Denetdale, 2006). The most common interpretation is *Diné*, “The People.” The

Diné worldview is influenced by the relationship and connections to our homeland. The geographic nature of our homeland is encompassed by six sacred mountains: *Dzil Sisnaajini* to the east, *Dzil Tsoodzil* to the south, *Dzil Dook'osliid* to the west, *Dzil Dibe Nitsaa* to the north, the central mountains are *Dzil Naaodilthle* and *Dzil Chooli'ih*. Dr. Jennifer Nez-Denetdale said, "The Holy People, the *Diné* received knowledge, material gifts, rituals, and ceremonies for a proper life. The Holy People also provided knowledge on proper relationships between the world and all beings" (Nez-Denetdale, 2007, pp 135-136).

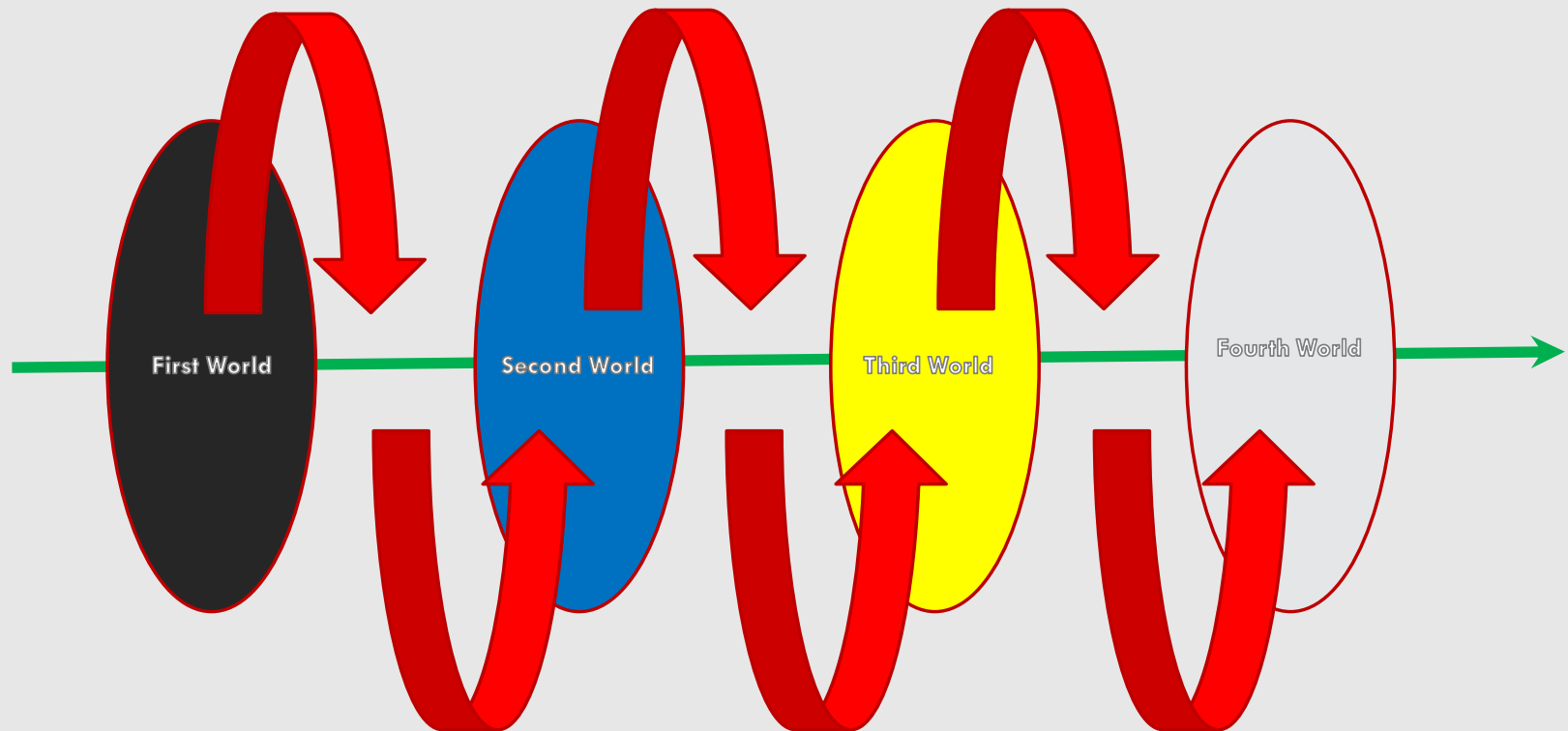
The *Diné* worldview is too elaborate to include the details in this paper, but I will touch on the key concepts as they relate to identity, the social framework of *K'é*, and major events that have impacted the *Diné*. The *Diné* philosophy is communicated from one generation to the next in the form of oral tradition told in the creation stories¹¹ that are shared during the winter season.

Cajete (2000) states that origin stories are the philosophical foundation of worldview. The creation stories reconnect an individual's identity to his/her ancestors, provide an understanding of the way of life, and serve as an education tool. Creation stories also create values and philosophical ideals within a community. Indigenous peoples often refer to creation stories in a way that connects individuals to their ancestors and community in terms of time and space (Cajete, 2000).

The creation stories of the *Diné* establish the fundamental cultural worldview of the people. The creation stories are what distinguish the *Diné* people from the theories of migration. The emergence stories parallel the Indigenous Planning paradigm in that the *Diné* people come from a central place and emerge through a series of four worlds.

¹¹ The term *creation stories* is used interchangeably with *origin stories* and *origin narratives* throughout the manuscript.

DINÉ TIMELINE



Emergence, *Diné* Worldview, & Pre-Contact

Figure 8. Emergence and *Diné* worldview.

The four worlds modeled a cyclical pattern where society is at its highest point and in a harmonious state, then deceit or betrayal occurs, which leads to chaos and forces the *Diné* people to emerge into another world. Cajete (2000) describes chaos as “the field from which all things come into being” (p. 16).

Figure 9 illustrates the cyclical pattern of the *Diné*. The journey of the *Diné* emerging into the present world is replicating the movement from chaos to order from previous worlds as we transition from one world to the next. The emergence through each world demonstrates the *Diné*'s strongest characteristic, the ability to adapt to change.



Figure 9. Painting by Adee Dodge – Nayee'nezghani, Slayer of the Alien Gods or Monster Slayer. (Courtesy of Blue Coyote Gallery)

The Navajo creation stories often reflect on the *Diyin Diné'e* (the Holy People) whose actions are retold in the creation stories. These beings are considered very powerful spiritually and are called upon in ceremonies.

In the beginning of the fourth world,¹² clans were created by a female deity, *Asdzaa Naadlehi* (Changing Woman or White Shell Woman).

Changing Woman was found by First Man and First Woman as an infant on the top Gobernador Knob¹³. She reached puberty in four days and would later have twins for the Sun God. The twins known as *Nayee'nezghani*

(Monster Slayer) and *To'bajizhchini* (Born for Water) are the twin heroes who destroyed the

¹² There are several iterations of the Navajo creation stories. Some *Diné* people believe in the fifth world theory as opposed to the fourth world theory which is referenced in this section.

¹³ Gobernador Knob is located in the ancestral lands of the Navajo people known as Dinétah, which is just east of Farmington, New Mexico. The boundary of Dinétah geographically encompasses a large part of northwestern New Mexico, southwestern Colorado, southeastern Utah, and northeastern Arizona.

monsters that were ravaging the people (Tohe, 2000, p. 104). Figure 9 is a painting by Adee Dodge (brother of my paternal grandmother) depicting *Nayee'nezghani*.

Changing Woman gave the *Diné* people the first clans and rules on how the *Diné* should live. Four clans were created from various parts of her body. From the skin from her breast she created people of the *Kinyaa'aanii* (Towering House Clan), from her back she created the *Honaghaahnii* people (One-Walk-Around Clan), from the skin under her right arm she created the *Todich'ii'nii* people (Bitter Water Clan), and from the skin under her left arm she made the *Hashtl'ishnii* (Mud Clan) (Interview with Mary Tso December 23, 2008). Today, there are a total of nine clan groupings and about seventy plus clans overall¹⁴. (Refer to Appendix A for a listing of Navajo clans by grouping.) This narrative sets the basis for how the *Diné* identified who was a part of their community.

During this period of creation, ceremonies, law, language, and the foundation of the *Diné* people were established. The *Diné* creation narratives are passed down from one generation to the next by way of oral knowledge. “The *Diné* culture takes identity from the female, not the male, through clan membership” (Tohe, 2000, p. 104). Although some practices have been forgotten, the stronghold of the *Diné* people remains in the form of language, cultural practices, and kinship.

¹⁴ The nine clan groupings were derived from the following website at www.lapahie.com

DINÉ TIMELINE

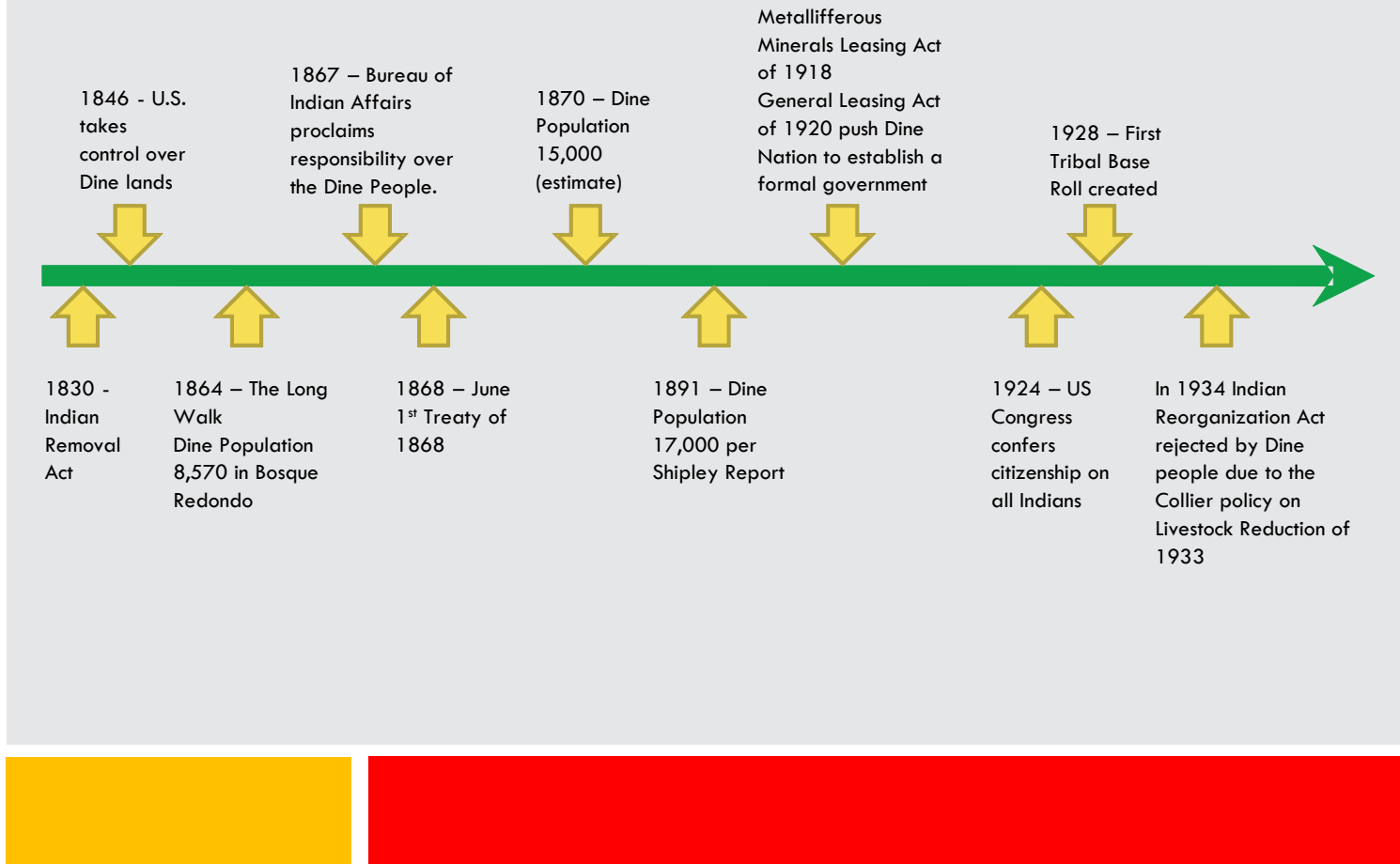


Figure 10. Diné timeline 1830-1934.

DINÉ TIMELINE

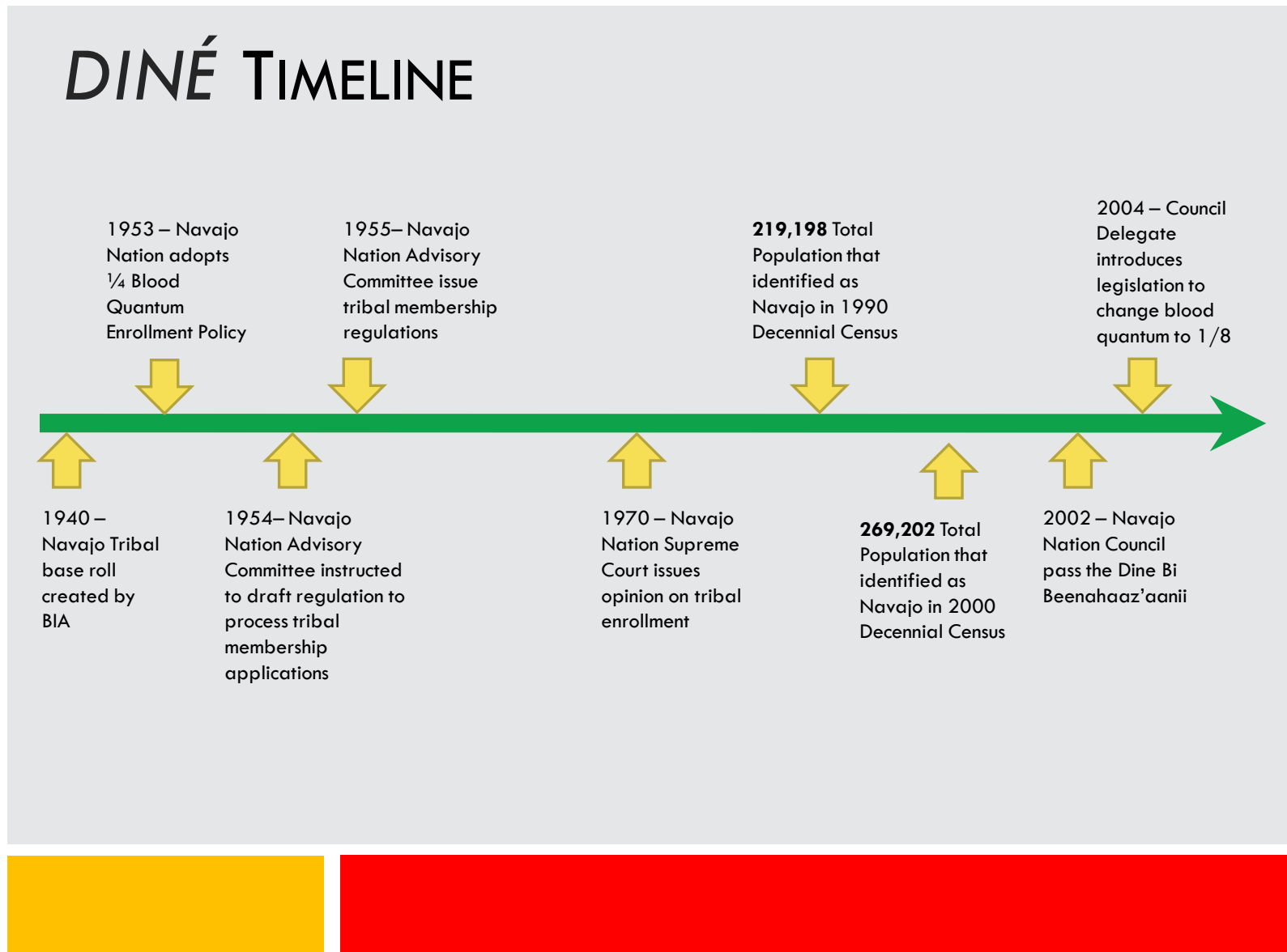


Figure 11. Diné timeline 1935-present.


B. The Blood Quantum Concept as a Federal Determinant of Tribal Enrollment

The definition of tribal membership dates back to 1923 and parallels the development of the Navajo Nation's natural resources and adoption of a constitution (Spruhan, 2007, p 4). The discussion of defining tribal membership has not been evaluated since the initial enrollment policy in 1953. The Bureau of Indian Affairs (BIA) conceptualized the one-quarter minimum blood quanta standard for other federally recognized tribes and influenced the decision of adopting such a policy.

“Although the understanding of the origin of blood quantum is not clear, the use of blood quantum by Native Americans can be traced back to the federal government in 1935” (Spruhan, 2006, p. 3). Around this time in Native America “a major transitional development in Indian law set up procedures for tribes to adopt constitutions to define their membership” (Spruhan, 2006, p. 3). The Indian Reorganization Act (IRA) of 1934 “authorized tribes to form constitutional governments and create business entities, and authorized the Bureau of Indian Affairs to provide loans and other benefits for individuals defined as Indian” (Spruhan, 2006-2007, p. 2). The blood quantum dichotomy emerged as a result of tribes attempting to create policy on who was Indian or a tribal member. Due to a lack of understanding the federal government, the Bureau of Indian Affairs intervened with the blood quantum definition. Section 19 of the IRA includes: (1) all persons of Indian descent who are members of a recognized tribe, (2) descendants of such members living on a reservation, and importantly, (3) all others of one-half or more Indian blood” (Spruhan, 2006-2007, p. 2).

In 1952, the Navajo Nation had a dialogue with the BIA's central office and the Commission of Indian Affairs discussed an approach to tribal membership requirements. This led to confusion on defining who is a member of the Navajo Nation. The tribal council was forced to clearly define tribal membership. Some delegates thought all Navajos living off the reservation for three years or more should be purged from the Navajo Nation. This was

stipulated in the provisions of the Treaty of 1868. There was also discussion about the patrilineal descent rule and conditions such as the requirement that a person be born on the reservation. In 1953, the Navajo Nation adopted the one-quarter blood quanta enrollment policy through council's resolution. The enrollment policy was drafted and recommended by the BIA with 68 council members in favor and 1 opposed. In 1954, the Navajo Nation council instructed the Advisory Committee of the council to draft a regulation to process membership applications. By 1955, the Advisory Committee issued membership regulations. An Enrollment Screening Committee was created to consider membership applications. Applicants who did not meet the one-quarter blood quanta were rejected. Those who met the full-blood conditions were automatically approved for tribal enrollment. At this time, mixed-bloods had to demonstrate cultural connections, and additional non-biological requirements were created to keep those of mixed-descent out of the tribe. The policy was aimed at those who were Mexican slaves (Spruhan, 2007, pp. 11-13).



THE NAVAJO NATION

JOE SHIRLEY, JR.
PRESIDENT

FRANK DAYISH, JR.
VICE PRESIDENT

UNACCEPTABLE IF ALTERED

CERTIFICATE OF NAVAJO INDIAN BLOOD

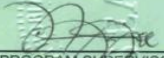
PART A (To be used if applicant is enrolled)

CHINLE
Agency

July 25, 2005
Date

I certify that Yolynda Begay is listed on the Navajo Indian Census Roll, dated January 01, 1940, which is an official record of this office as being of 4/4 Degree Navajo Indian blood, with Roll Number XXX,XXX Date of birth XXX,XXX.

RECORDED: December 10, 1982


 For PROGRAM SUPERVISOR /
 Office Asst.

THE INFORMATION CONTAINED ON THIS DOCUMENT
 HAS BEEN TAKEN FROM THE OFFICIAL TRIBAL ROLL OF THE NAVAJO NATION.

VITAL RECORDS & TRIBAL ENROLLMENT PROGRAM
 NORTHERN NAVAJO AGENCY ♦ P.O. BOX 0060 ♦ SHIPROCK, NEW MEXICO 87420

Figure 12. Certificate of Indian Blood.

In 1940, a tribal base roll was created by the BIA to confirm enrollment of a Navajo applicant's ancestors. Figure 12 is a Certificate of Indian Blood (CIB) that references the 1940 base roll and shows the degree of Navajo blood. Being of one-quarter blood quanta was

sufficient for establishing tribal enrollment. There was no longer a cultural requirement for mixed-bloods.

In 1970, the Navajo Nation Supreme Court issued an opinion from the tribal enrollment screening committee. In the case, *Trujillo vs. Morgan*, the applicant Jose Pablo Trujillo had not shown he was of one-quarter or more blood quantum and was denied enrollment into the Navajo tribe (Spruhan, 2007, pp. 18-19).

In 2002, the Navajo Nation Council passed the Fundamental Law of the *Diné*. The Fundamental Law is also known as *Diné Bi Beenahaaz'aanii*. The basic tenets of the Fundamental Law include traditional law, customary law, natural law, and common law. The Navajo Nation judicial branch applies these laws to the operation of the Navajo Nation. The purpose is to “uphold the values and principles of the *Diné bi beenahaaz'aanii* in the practice of peace making, obedience, discipline, punishment, interpreting laws, and rendering decisions and judgments (Spruhan, 2007, pp. 20-24).

In 2004, Ervin Keeswood, Council Delegate of *Tsedakaan* (Hogback, NM), introduced legislation to lower the one-quarter blood quantum to one-eighth. The intent was to increase the size of the tribal population for more federal funds. The council voted 44 in favor and 18 opposed (Spruhan, 2007, p. 18). It did not become law, however.

As of today and half a century later, the 1953 council resolution and 1955 advisory council regulations continue to define *Diné* membership/enrollment. There has been continuous movement among the Navajo people to adopt a formal constitution, where a deep discussion on enrollment policy will have to take place.

C. The Collision of Worldviews

In analyzing the history of the *Diné* people, we see how the United States imposed a new worldview on the *Diné* people. Prior to the Long Walk, the *Diné* people were never treated

as a collective unit. The people were independent communities and bands that scattered over a vast area. Survival was dependent on working together with fellow community members. The events that occurred since Bosque Redondo have changed the *Diné* perception of identity.

The history of the *Diné* people puts into perspective the identity, land, language, and culture we almost lost through continuous assimilation efforts. Here we are almost 150 years later and the Navajo people have survived the era of conquest, war, assimilation, termination, and reorganization. In the book *The Navajo Long Walk* by Lawrence Cheek, Johnson Dennison (2004) says, "...the weapon we need to overcome all these problems, we already have it. All we need is to rediscover who we are" (p. 22).

The "Navajo Nation became an institution and agency many ancestors never envisioned or contemplated. It became a Westernized political organization, a three-branch governmental system that includes 110 chapter houses designed to be community links to the centralized political structure (Lee, 2008, pp. 96-97).

Blood Quantum Policy

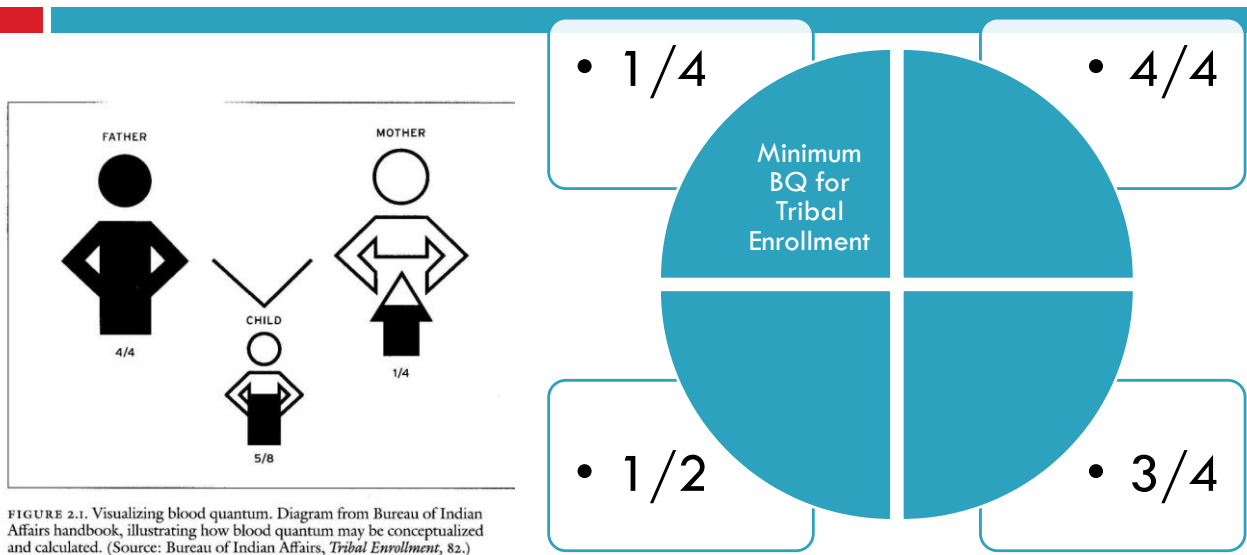


FIGURE 2.1. Visualizing blood quantum. Diagram from Bureau of Indian Affairs handbook, illustrating how blood quantum may be conceptualized and calculated. (Source: Bureau of Indian Affairs, *Tribal Enrollment*, 82.)

Figure 13. Blood Quantum Policy.

Many Native nations have yet to revisit the tribal enrollment policy. The ill effects of the termination era policies aimed at assimilating, terminating, and exploiting Indian communities still linger in the minds of Native people. The following is an excerpt from the book "Blood Struggle" by Charles Wilkinson on tribes that were terminated by the federal government.

MEANWHILE, the tribes that had actually been terminated had to endure what the Colville, Flathead, and a few other candidates for liquidation managed to stave off. There were no success stories among the terminated tribes. With their reservations liquidated, members fled to the cities or remained near their former homeland, the sense of community shattered and their economic status diminished even more. (2005, p. 182)

Today, many tribal communities are educating professionals to evaluate policies that impact our Native communities. The initial intent of tribal enrollment policy was to dilute Indians out of existence through the process of intermarriage. Essentially, tribes would extinguish themselves through the practice of exogamy. Furthermore, the blood quantum policy has created this sort of Indian pedigree that has racialized and fragmented our Indian communities.

TABLE I. Calculating the Quantum of Indian Blood

| Non-Indian | 1/16 | 1/8 | 3/16 | 1/4 | 5/16 | 3/8 | 7/16 | 1/2 | |
|------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| 1/16 | 1/32 | 1/16 | 3/32 | 1/8 | 5/32 | 3/16 | 7/32 | 1/4 | 9/32 |
| 1/8 | 1/16 | 3/32 | 1/8 | 5/32 | 3/16 | 7/32 | 1/4 | 9/32 | 5/16 |
| 3/16 | 3/32 | 1/8 | 5/32 | 3/16 | 7/32 | 1/4 | 9/32 | 5/16 | 11/32 |
| 1/4 | 1/8 | 5/32 | 3/16 | 7/32 | 1/4 | 9/32 | 5/16 | 11/32 | 3/8 |
| 5/16 | 5/32 | 3/16 | 7/32 | 1/4 | 9/32 | 5/16 | 11/32 | 3/8 | 13/32 |
| 3/8 | 3/16 | 7/32 | 1/4 | 9/32 | 5/16 | 11/32 | 3/8 | 13/32 | 7/16 |
| 7/16 | 7/32 | 1/4 | 9/32 | 5/16 | 11/32 | 3/8 | 13/32 | 7/16 | 15/32 |
| 1/2 | 1/4 | 9/32 | 5/16 | 11/32 | 3/8 | 13/32 | 7/16 | 15/32 | 1/2 |
| 9/16 | 9/32 | 5/16 | 11/32 | 3/8 | 13/32 | 7/16 | 15/32 | 1/2 | 17/32 |
| 5/8 | 5/16 | 11/32 | 3/8 | 13/32 | 7/16 | 15/32 | 1/2 | 17/32 | 9/16 |
| 11/16 | 11/32 | 3/8 | 13/32 | 7/16 | 15/32 | 1/2 | 17/32 | 9/16 | 19/32 |
| 3/4 | 3/8 | 13/32 | 7/16 | 15/32 | 1/2 | 17/32 | 9/16 | 19/32 | 5/8 |
| 13/16 | 13/32 | 7/16 | 15/32 | 1/2 | 17/32 | 9/16 | 19/32 | 5/8 | 21/32 |
| 7/8 | 7/16 | 15/32 | 1/2 | 17/32 | 9/16 | 19/32 | 5/8 | 21/32 | 11/16 |
| 15/16 | 15/32 | 1/2 | 17/32 | 9/16 | 19/32 | 5/8 | 21/32 | 11/16 | 23/32 |
| 4/4 | 1/2 | 17/32 | 9/16 | 19/32 | 5/8 | 21/32 | 11/16 | 23/32 | 3/4 |
| 1/32 | 1/64 | 3/64 | 5/64 | 7/64 | 9/64 | 11/64 | 13/64 | 15/64 | 17/64 |
| 3/32 | 3/64 | 5/64 | 7/64 | 9/64 | 11/64 | 13/64 | 15/64 | 17/64 | 19/64 |
| 5/32 | 5/64 | 7/64 | 9/64 | 11/64 | 13/64 | 15/64 | 17/64 | 19/64 | 21/64 |
| 7/32 | 7/64 | 9/64 | 11/64 | 13/64 | 15/64 | 17/64 | 19/64 | 21/64 | 23/64 |
| 9/32 | 9/64 | 11/64 | 13/64 | 15/64 | 17/64 | 19/64 | 21/64 | 23/64 | 25/64 |
| 11/32 | 11/64 | 13/64 | 15/64 | 17/64 | 19/64 | 21/64 | 23/64 | 25/64 | 27/64 |
| 13/32 | 13/64 | 15/64 | 17/64 | 19/64 | 21/64 | 23/64 | 25/64 | 27/64 | 29/64 |
| 15/32 | 15/64 | 17/64 | 19/64 | 21/64 | 23/64 | 25/64 | 27/64 | 29/64 | 31/64 |
| 17/32 | 17/64 | 19/64 | 21/64 | 23/64 | 25/64 | 27/64 | 29/64 | 31/64 | 33/64 |
| 19/32 | 19/64 | 21/64 | 23/64 | 25/64 | 27/64 | 29/64 | 31/64 | 33/64 | 35/64 |
| 21/32 | 21/64 | 23/64 | 25/64 | 27/64 | 29/64 | 31/64 | 33/64 | 35/64 | 37/64 |
| 23/32 | 23/64 | 25/64 | 27/64 | 29/64 | 31/64 | 33/64 | 35/64 | 37/64 | 39/64 |
| 25/32 | 25/64 | 27/64 | 29/64 | 31/64 | 33/64 | 35/64 | 37/64 | 39/64 | 41/64 |
| 27/32 | 27/64 | 29/64 | 31/64 | 33/64 | 35/64 | 37/64 | 39/64 | 41/64 | 43/64 |
| 29/32 | 29/64 | 31/64 | 33/64 | 35/64 | 37/64 | 39/64 | 41/64 | 43/64 | 45/64 |
| 31/32 | 31/64 | 33/64 | 35/64 | 37/64 | 39/64 | 41/64 | 43/64 | 45/64 | 47/64 |

SOURCE: Bureau of Indian Affairs, Tribal Enrollment, app. H.

NOTE: To determine the degree of blood of a child, find the degree of one parent in the left-hand column and the degree of the other parent in the top row. Read horizontally to the right and vertically down to find the degree. Example: If one parent is 11/16 and the other is 5/8, the child is 21/32 degree.

TABLE I. (continued)

| | 9/16 | 5/8 | 11/16 | 3/4 | 13/16 | 7/8 | 15/16 | 4/4 |
|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| 1/16 | 5/16 | 11/32 | 3/8 | 13/32 | 7/16 | 15/32 | 1/2 | 17/32 |
| 1/8 | 11/32 | 3/8 | 13/32 | 7/16 | 15/32 | 1/2 | 17/32 | 9/16 |
| 3/16 | 3/8 | 13/32 | 7/16 | 15/32 | 1/2 | 17/32 | 9/16 | 19/32 |
| 1/4 | 13/32 | 7/16 | 15/32 | 1/2 | 17/32 | 9/16 | 19/32 | 5/8 |
| 5/16 | 7/16 | 15/32 | 1/2 | 17/32 | 9/16 | 19/32 | 5/8 | 21/32 |
| 3/8 | 15/32 | 1/2 | 17/32 | 9/16 | 19/32 | 5/8 | 21/32 | 11/16 |
| 7/16 | 1/2 | 17/32 | 9/16 | 19/32 | 5/8 | 21/32 | 11/16 | 23/32 |
| 1/2 | 17/32 | 9/16 | 19/32 | 5/8 | 21/32 | 11/16 | 23/32 | 3/4 |
| 9/16 | 9/16 | 19/32 | 5/8 | 21/32 | 11/16 | 23/32 | 3/4 | 25/32 |
| 5/8 | 19/32 | 5/8 | 21/32 | 11/16 | 23/32 | 3/4 | 25/32 | 13/16 |
| 11/16 | 5/8 | 21/32 | 11/16 | 23/32 | 3/4 | 25/32 | 13/16 | 27/32 |
| 3/4 | 21/32 | 11/16 | 23/32 | 3/4 | 25/32 | 13/16 | 27/32 | 7/8 |
| 13/16 | 11/16 | 23/32 | 3/4 | 25/32 | 13/16 | 27/32 | 7/8 | 29/32 |
| 7/8 | 23/32 | 3/4 | 25/32 | 13/16 | 27/32 | 7/8 | 29/32 | 15/16 |
| 15/16 | 3/4 | 25/32 | 13/16 | 27/32 | 7/8 | 29/32 | 15/16 | 31/32 |
| 4/4 | 25/32 | 13/16 | 27/32 | 7/8 | 29/32 | 15/16 | 31/32 | 4/4 |

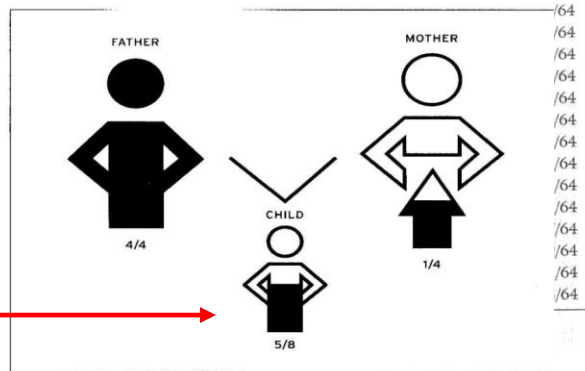


FIGURE 2.1. Visualizing blood quantum. Diagram from Bureau of Indian Affairs handbook, illustrating how blood quantum may be conceptualized and calculated. (Source: Bureau of Indian Affairs, Tribal Enrollment, 82.)

Figure 14. Calculating blood quantum.

Source: (Garrouette, 2003, pp. 40 & 44-45)

In the book *Mixed Blood Indians: Racial Construction in the Early South*, Theda Perdue (2005) argues that “It (blood quantum policy) drives a wedge between the members of the Native community by using blood to privilege some, discredit others, and ultimately racialize Native societies in ways that are foreign to Native cultural traditions” (Perdue, 2005, p. x). In this same statement she advocates for moving beyond histories that rely on blood, “We need to understand more fully the incorporation of non-Indian into Native societies, the participation of

their descendants as tribal members and the construction of the racial category ‘mixed bloods’” (Perdue, 2005, p. x).

D. *Diné* Identity

When we think of the *Diné* worldview on identity, we must focus on a time pre-contact. There is a moment in *Diné* history when stories of origin governed our people. The *Diné* Nation is showing signs of promise by incorporating Fundamental Law into the judicial branch of the Navajo Nation. The following is an excerpt from Kenneth Bobroff (2004-05) in his evaluation of the *Diné* Customary Law (a section in the Fundamental Law) referring to *K'é* as the foundation of all laws.

According to the amended code, Customary Law also protects the right and freedom of the people to have the sacred system of *K'é* taught and preserved. The Navajo Common Law Project explains *K'é* as the Navajo system of clans based upon the four original clans created by the Navajo holy figure Changing Woman: *Kiiyaa'áanii* (Towering House People), *Todích'íi'nii* (Bitter Water People), *Honagháahnii* (“The Back or One-Who-Walks-Around-You”), and *Hashtl'ishnii* (Mud People) and the many clans descended from those four. According to the Project, the clan system is the foundation of keeping healthy bloodlines and assuring the well-being of individuals, families, and the Navajo Nation as a whole; it should be considered before a couple weds to avoid incest. The Project notes the foundational importance of *K'é*, describing how it was within the very first set of laws coming from within the Holy Spirit at the time of the *Diné* origin and how the Holy People were told they would address the Holy Spirit through *K'é*. According to the Project, “*K'é* is a law and is the foundation of all laws ... [and] [h]ence became the foundation for the guiding principles established by the Holy People. (2004-05, p. 8)

Navajo identity, in true form, is centered on the principle of *K'éí*, a system of clans that establishes kinship. Kinship is based on the bilateral inheritance of maternal and paternal clans and maternal and paternal grandfather clans. There are a number of unwritten policies with

respect to clans. For example, it is immoral to intermarry within the mother and father's clan. The typical male and female arrangement involves full disclosure of both individual's clans. The maternal and paternal clans set the parameter on what constitutes an appropriate relationship. If there is no relationship with respect to the clan system, the relationship is deemed appropriate. The practice of disclosing clans to potential mates is fairly common for many *Diné* men and women.

In addition, the *K'é* system reinforces community and creates relationships with other *Diné* people. It is fairly common to run into a brother, sister, uncle, aunt, grandpa, or paternal grandpa on the other side of the reservation. The *K'é* system also plays a huge role in ceremonies.

The power of *K'é* situates an individual in community with respect to one's mother, father, maternal grandfather, and paternal grandfather. The legacy of *K'é* further establishes the matriarch as the pivotal inherent marker for identity. Although kinship has been communicated as matriarch, I have been informed by fellow scholars that the *Diné* kinship is bilateral due to the inheritance of a mother and father's clan.

Key changes in Indian policy serve as historical markers that led to the current Navajo government. This paper touches on a brief description of the *Diné* indigenous perspective of emerging from four worlds, but I do not intend on elaborating outside the scope of what would be deemed as inappropriate in the *Diné* way of life. It is important to mention that the *Diné* people are in the fourth world, it is from this point we begin to synchronize our history in terms of a timeline with dates.

Native American communities are survivors of colonization and assimilation. Since the 1800's the intention of the United States Government has been articulated as fixing the Indian "problem." To this day, those intentions are demonstrated through public policy, legislation, court decisions, and programs to assimilate the Indian. The notion of assimilation was for the Indian to become indistinguishable from any other American. Native Americans were to

become a part of the American melting pot, identities lost, traditions and culture invalidated over time.

The legal membership for the Navajo Nation was defined in 1953 (Spruhan, 2007). The history of the Navajo has had a profound impact on the current policies adopted by the Navajo people. The process of legally defining tribal members was a direct result of development of the Navajo Nation's natural resources and attempts to adopt a constitution.

Initially, the tribal membership criterion was drafted by the local Bureau of Indian Affairs (BIA) officials and the Navajo Nation's attorney. Blood quantum was the generic approach to determining a tribe's legal identity (Spruhan, 2007). The initial definition was set forth in the proposed 1953 Constitution created under the Indian Reorganization Act of 1934. Below is the membership requirement drafted in the 1953 Constitution, Article III:

The membership of the Navajo Nation shall consist of the following persons: (a) All persons of Navajo blood whose names appear on the official roll of the Navajo Tribe maintained by the Bureau of Indian Affairs, as of the date of adoption of this constitution, provided, however that corrections may be made in said roll for a period of ten years hereafter. (b) Any person who is at least of one-fourth (1/4) degree Navajo blood, but who has not been previously enrolled as a member of the Tribe, is eligible for membership and enrollment. (c) Children born to any enrolled member of the Navajo Tribe subsequent to the adoption of this constitution shall automatically become members of the Navajo tribe, provided they are at least one-fourth degree Navajo blood. (Spruhan, p. 7, 2007)

Although the proposed constitution was never adopted by the Council, the blood quantum requirement was adopted through a separate resolution by the Navajo Nation Council on July 20, 1953. An Advisory Committee was established in 1954 to draft regulations on how to process applications for membership. The Advisory Committee issued the membership criterion in 1955 and created the Screening Committee to review applicants. The blood

quantum resolution was intended to be temporary, but over time the resolution became codified as part of the Navajo Nation law (Spruhan, 2007).

It is my hope that our younger generation and the generations to come continue to practice our *Diné* culture and language. The oral tradition surrounding *K'é* was established prior to documented history and serves as the strength for our communities.

E. Enrollment Policies Impacting Native Communities

The Department of Interior had pre-established federal identification policies that were instituted and reinforced through the Dawes Act. The citizenship of members of federally recognized tribes is tri-dimensional. In a statement by Deloria "Indians have three layers of citizenship (tribal, state and federal) and Indians' distinctive relationship to the American political system" (Wilkins, 2007, p. xv.). No other population group or race has this type of citizenship.

Land, language, culture, traditional worldview, and clans provided the sacred framework that held communities together and one's identity was never questioned. Even if one was outside the tribe, adoptions were common among Native communities. To be banished from a tribe or clan was rare and often occurred only when someone had committed a severe offense.

The motives for disenrollment vary from tribe to tribe. Tribes threaten disenrollment to those who oppose leadership, or individuals of multi-racial identity, but the underlying frequency tends to be related to economic wealth. Today, many tribes that are economically prosperous operate like exclusive clubs. Indian gaming has reconfigured what it means to be Native. In light of casinos, per capita income becomes the impetus for establishing stringent tribal enrollment policy. Expelling members from tribal rolls has become frequent among many gaming tribes; however, disenrollment has also occurred among non-gaming tribes.

Other tribes are relying on science to prove their Native American identity. Companies like Gene Tree and Family Tree DNA offer home testing kits for \$200-\$400 to prove Indian descent. The Meskwaki Nation requires DNA testing to prove members have Indian blood. Tribal Council member Keith Davenport said, "It was something we needed to be in place to protect the tribe" (Kaplan, 2005, p. 1). The caveat of utilizing DNA is that there is no identifiable phenotype that is linked to lineage but can be viewed from the standpoint of a geographical gene. The DNA is linked "by examining what kind of mutations a person has and scientists can get an idea of whether one's ancestors came from Africa, Europe, Asia or North America"

(Kaplan, 2005, pp. 2-5). In other words, tribes do not have a DNA gene that is unique to that specific tribal grouping but have identified a marker in human genetics.

Scientists have found certain... “markers” in human genes that they call Native American markers because they believe all “original” Native Americans had these genetic traits... The markers are principally analyzed in two locations in people’s genes-in their mitochondrial DNA and on the Y-chromosome. On the mitochondrial DNA, there are a total of five different “haplotypes”...which are increasingly called “Native American makers,” and are believed to be a genetic signature of the founding ancestors. As for the Y-chromosome, there are two primary lineages or “haplogroups” that are seen in modern Native American groups... It must be pointed out that none of these markers is exclusive to Native American populations-all can be found in other populations around the world. They simply occur with more frequency in Native American populations¹⁵ (Shelton & Marks, 2001, pp. 2-4).

In an article on legitimizing identity through blood testing, Kay Yellow Horse solicited the help of a DNA company based in Seattle, Genelex Corp. Yellowhorse claims, “after getting those results (DNA results), now I feel like pedigreed show dog. It’s given me a feeling of authenticity” (Kaplan, 2005, pp. 4-5). Although DNA is a tool that could potentially be utilized by tribes, there are obvious flaws and there are considerations that still need to be examined. There is a misunderstanding of the measurement of one’s blood through the process of DNA. Blood is not equivocally inherited from one’s mother and father. In an article by Kimberly Tallbear (2001), DNA to prove one’s Indian identity is a “technological manifestation of sociopolitical ideas of race” (pp. 3-4).

The legacy of proving one’s identity and tribal disenrollment has given a nasty taste to self-determination and what tribes can do to their communities. In the 1978 case of Santa Clara

¹⁵ Shelton and Marks, “Genetic Markers,” 1-2

vs. Martinez,¹⁶ Supreme Court Justice Thurgood Marshall stated that sovereign tribes will not be “interfered with by the federal government.” The decision to uphold the tribe’s sovereign right to determine tribal membership has set precedence for many tribes. It is one case where the paramount power was upheld and acknowledged by the U.S. Supreme Court. Many view this as a huge victory for Native communities. David Wilkins (2006) proposed that “tribal governments currently engaged in or considering such actions (disenrollment) should look deep within their own past for guidance on such important decisions” (pp. 2-3). The banishment or disenrollment of tribal members focuses on the individual and not on cultural or communal loss of tribal communities.

¹⁶ *Santa Clara Pueblo v. Martinez* involved a dispute over the membership status of the children of Julia Martinez, a member of Santa Clara Pueblo, and her husband Myles Martinez, a Navajo. The Santa Clara Pueblo passed a membership ordinance in 1939, which stated that children of females who married outside the Pueblo were not members, while the children of men who married outside the Pueblo could be members. Unable to persuade the Pueblo to change its membership rules, Julia Martinez and her daughter filed a lawsuit under the Indian Civil Rights Act of 1968 (ICRA) in federal court, asking the court to invalidate the ordinance and require the Pueblo to include her children as members (Riley, [year](#), pg. 955).

CHAPTER FOUR: INDIGENOUS INTELLECTUALISM, IDENTITY, AND SOVERIGNTY

There are mobilization efforts among many academics that adopt Indigenous Intellectualism and challenge dominant modes of identity theory that have contributed to the current state of Native America.

A. *Race and Identity*

In, “American Indian Identity and Intellectualism: The Quest for a New Red Pedagogy” Grande (2000) articulates the need for Indigenous Intellectualism. She describes how important it is to “construct a viable space for American Indian intellectualism and the need for American Indian scholars to meet the needs of their communities” (p. 344-346). She also proclaims that there is a political urgency for communities to engage in the struggle against global, racist, and patriarchal capitalism.

Grande states that American Indian identity has been constructed and perpetuated by mainstream America. This has created controversy among Native communities. These groups are identified as new Indians, wannabes, frauds, and real Indians. Oftentimes, the real Indians are identified as the full bloods and speak from authority of Native America. Deloria (1997) discusses the race policy as it applies to the United States.

They are discontented with their society, their government, their religion, and everything around them and nothing is more appealing than to cast aside all inhibitions and stride back into the wilderness, or at least a wilderness theme park, seeking the nobility of the wily savage who once philosophically fought civilization and now, symbolically at least is prepared to do it again. (p. 2)

According to Deloria the racial construct of Indian identity continues the cycle of psychological control over the over-consumption of modern society by requiring Indians to

remain nature-loving primitives. In this discussion, there is also the need to satisfy authenticity of being Indian set forth by identity policies like blood quantum.

The phrase Indigenous Planning was coined by the Community Fellows Program in the Department of Urban Studies and Planning at MIT in 1992. In 1994, the United Nations announced the International Decade of the World's Indigenous People creating momentum for an Indigenous movement in the professional field of planning. In 1995, the efforts of the MIT students and educators came to fruition as the Indigenous Planners Network (IPN) was envisioned at the American Planning Association's Conference in Chicago, Illinois. The IPN was modeled after the United Indian Planners Association that was established in the 1970s as a result of a tribal planning agenda by the Office of Economic Opportunity (OEO). Shortly after the establishment of the IPN in 1995, a newsletter entitled *Indigenous Planning* was created to reinforce the goal of "forming a new division within the APA for Native/Indigenous planning" (2004, pp. 1-5).

The essence of Indigenous Planning is the connection to land and the stewardship principle. The Indigenous Planners Network formulated five basic principles: (1) People thrive in community; (2) Ordinary people have all the answers; (3) People have the basic right to determine their own future; (4) Oppression continues to be a force that devastates people; and (5) The people are beautiful already (Jojola, 2004, p. 3).

The Indigenous Planning paradigm is embedded in the following tenants (which are by no means definite and may change as indigenous communities evolve and move forward):

First – indigenous people are not minorities. The territories of indigenous people are characterized by a social and cultural geography where it is the outsider or non-native who is [the] minority. Indigenous communities and lands exist where the presence of the outsiders and non-natives is almost non-existent. As long as indigenous communities continue to unconsciously ply the notion that their power is insolvent because they are demographic majorities, the collective will continue to be marginalized and made to appear invisible and insignificant;

Second – the essence of indigenous scholarship is native itself. True indigenous scholars and activists do not suffer from cultural amnesia! In the spirit of idealism, indigenous people adapt their ideas from experience. As proven time in and time out, indigenous people excel in the process of deconstruction as characterized by reflection and introspection. Indigenous planners are not afraid to be a part of their own community research and the role of the expert is tempered by the collective experience;

Third – indigenous voices need no translation. Rather, indigenous people are educated and trained in the best of traditional and western traditions. Their voice is neither revisionist nor elitist. Instead, it empowers the collective mind by challenging those who attain their expertise solely through individualism and privilege. Native people are posed to take their rightful role as enablers of their own communities. This is accomplished by mutual respect, participatory styles of consensus making, and the adherence to traditional protocols; and

Fourth – the indigenous planning process is informed by the indigenous world-view [with] values associated with territory, land-tenure, and stewardship. It represents a philosophical construction of humankind's relationship to the natural world and is demarcated by territories that balance human needs with ecologically viable and sustainable development. World-views were endowed with ideals that integrate the past and present, and projects itself into the future. (Jojola, 2004, pp. 14-15).

Tribal planning in Native communities needs to be comprehensive in handling the complexities we face in light of social and economic changes. It can be argued that the Indigenous Planning paradigm is brand new to the professional field of planning. However, Indigenous communities have shown that planning has been historically a part of their way of life. Petroglyphs and settlements have been discovered throughout the country and these settlements demonstrate the initial Indigenous planners.

In the first *Indigenous Planning* newsletter, Editor Sean Robin wrote, “[m]odern times have brought great changes to Native communities and Indigenous people. The history has been both one of disruption and difficulties, but also a time of ‘survance’ or finding new and better ways of thriving” (2004, p. 8).

B. Diné Nationhood

In the article “Reclaiming Indigenous Intellectual, Political, and Geographic Space” Lee (2008) suggests establishing *Diné* Nationhood to reclaim independence. The peoplehood model is intertwined with community, language, and cultural practice. At the core of Indigenous identity are kinship networks. The model is fluid compared to the current legal definition of Native identity and focuses on individuality to regenerate the Indigenous ways of life. Lee outlines the process in achieving *Diné* nationhood.

First, Navajo people can secure passage of the Declaration on the Rights of Indigenous Peoples by the UN General Assembly. The Human Rights Council in the UN adopted the declaration on June 29, 2006; however, the General Assembly postponed its vote until September 2007. In 2005 the UN declared a second Indigenous peoples decade. This acknowledgement presents an opportunity to continue the discussion on the significance and importance of self-determination for Indigenous peoples.

Second, Navajo people must change the way they think of Navajo nationhood. This is a realistic goal that cannot be ignored. For the last sixty years, Western education has either acculturated or assimilated Navajo people. The education policy, curriculum and standards currently in use must be radically amended to incorporate historical Navajo principles. The people can take control of [the] education system on the Navajo Nation.

Third, Navajo people need to demand a change to the current government structure. The current government structure is rooted in American values and ideas - the way of being and relating that disproportionately benefit the settler-colonizer. A fresh government can incorporate historical *Diné* philosophies and ideas.

Finally, the people need to continue to communicate to the American people the meaning of true Navajo nationhood. The Navajo people can educate and show others how the Navajo Nation can work together with the American

people so that Navajo society has a true self-sufficiency. (Lee, 2008, pp. 103-107)

The process discussed by Lee has been reiterated throughout Indigenous communities all over the world. In a lecture addressing the federal employees of the Forest Service and National Park Service, Walter Echohawk (2009) highlighted how the United Nations Declaration on Indigenous Rights would reinforce the humane approach to governing and working with sovereign nations. Echohawk communicated the factors that threaten the survival of Indigenous communities. The factors are assimilation, destruction of habitat, and the lack of legal protection. In the 21st century, the survival of Indigenous communities hangs in a balance. At the essence of changing the way we govern ourselves, we need to educate our communities and ourselves. In addition, Indigenous communities need to strengthen our laws and policies to protect our people, property, and government.

CHAPTER FIVE: CONCLUSION

As *Diné* people, we have the opportunity to define who we are by exercising our sovereign right to self-govern our people in a direction that corresponds with the Fundamental Law. How we choose to tackle this issue is a big question. The current legal definition of a tribal member has no historical or cultural context to the *Diné* tribe. If the policy has no connection to the cultural values of *K'é* then why do we continue to use the imposed policies? Does the policy follow the Sa'ah Naaghai BiK'éh Hozhoo (SNBH) paradigm that has historically and traditionally governed our people? At some point in the near future, we, as a community, need to engage in a proactive planning approach by evaluating how the *Diné* have incorporated traditional knowledge into policy. Our perennial challenge is how we, as a Nation, can collectively process this type of analysis and use it for the purposes of generating policy that sustains our children, grandchildren and subsequent generations.

We, the *Diné* people, have been resilient and have historically adapted to changes within our communities. The blood quantum policies are based on the termination of Native America. Once a person engages in an interracial union resulting in a child, that child and subsequent generations will never be full-blooded Indian. The blood quantum policies create tension amongst tribal communities. The expelling of fellow tribal members has resulted in fragmented communities. This has further created controversy among full bloods versus those who fall below that threshold.

Diné history is a story of struggle and demise, and yet through resilience of the people, the *Diné* continue to be one of the strongest Indigenous communities with respect to language and culture. Education policies were initially set forth to assimilate and invalidate language and culture over time. Today, language and culture hang in the balance. There are many issues we face in light of modernity, urbanization, and globalization. How do we

prepare our nations and communities for social, environmental, governmental, and other unanticipated changes?

We all live in a time of great challenges. We live in a time of uncertainty and there are constant changes taking place among us. The majority of our children are not speaking their Navajo language; they are not being taught their cultural and traditional values; the foundation of family values are [sic] not being emphasized to them; and we are straying away from our spiritual strengths and values. We must begin our journey back to being a strong Nation. We must start now... In light of these conditions among our people, we had reports of a visitation from our Deities at Rocky Ridge. A special message was delivered to us... I was asked by the Navajo people to organize a day of prayer where we could pause and unite in prayer... Prayers were offered for the Navajo Nation by a traditional Navajo Medicine man, a Native American Church Roadman, and a Christian Pastor... I believe that by the prayers that were offered by different religious means, we showed the United States that the Navajo people are the *Diné*, and no matter what differences we may have, we are tied by being Navajo first, and secondly by our unique clan system. (Kelsey Begaye – Speaker of the House, Navajo Nation quoted in *Navajo Time*, 25 July 1996)

The evolution of Native communities yields both positive and negative aspects. The *Diné* community survived the historic catastrophes of Kit Carson, the Long Walk, the BIA patriarchy, and legislation such as the termination and relocation policies. Even prior to documented historical events, the *Diné* emerged from the previous three worlds facing the challenges of chaos.

Many Native communities view economic welfare as the marker for success. The same is true for Navajo with recent developments in the construction of the Fire Rock Casino. It is important to balance economic welfare with other indicators that promote the continuity of the *Diné* like the survival of language and culture. The demographic data demonstrate that our economically active people (20 to 64 age group) are migrating away from the Navajo Nation for better opportunities. Males and females in the 20 to 35 age group are the parents of the next generation, and their outmigration becomes critical when we think about the continuity of our people. In light of recent demographic trends showing a

growing multi-racial population and outmigration of the Navajo people, the Navajo Nation should confront the tribal membership issue.

A. *Diné bi beenahaz'áanii* (Fundamental Laws of the *Diné*) and *Sa'ah Naaghai BiK'éh Hozhoo* (SNBH) Principle

The foundation and principles of SNBH (see appendix E for translation of *Sa'ah Naaghai BiK'éh Hozhoo*) are upheld and incorporated in two institutions on the Navajo Nation. First, the Navajo Nation Judicial Court utilizes the SNBH as the basis for legal analysis. Second, the *Diné* Policy Institute (DPI) advocates for research and policy analysis based on SNBH principles. The Fundamental Laws of the *Diné* are examples of how Traditional Knowledge has been transformed into policy.

Diné College is a secondary tribal education institution whose mission is to apply the principle of *Sa'ah Naaghai BiK'éh Hozhoo* (SNBH) in a learning environment. The SNBH model incorporates the tenants of *Nitsáhákees* (Thinking), *Nahat'á* (Planning), *liná* (Living), and *Siihasin* (Assuring). The SNBH principle is a complex paradigm that encompasses core *Diné* values. The *Diné* Policy Institute emerged out of legislation passed by the Navajo Nation Council and support from *Diné* College. DPI is a research institute that incorporates Western research practices and traditional Navajo values. The goal of DPI is to provide quality research that analyzes issues so that well-reasoned policies are developed to protect the sovereignty and cultural integrity of the *Diné* people.

For non-Navajos, the least familiar and most difficult aspect of *Diné bi beenahaz'áanii* described in the amended code relates to *Diné bi nahat'á*. Commonly translated as “planning,” the term seems far more significant in the structure of *Diné bi beenahaz'áanii* than that translation suggests. The code defines *Diné bi nahat'á* as “providing leadership through developing and administering policies and plans utilizing these laws [embodied within *Diné bi beenahaz'áanii*] as guiding principles.” It recognizes the importance of *Diné bi nahat'á* within *Diné bi beenahaz'áanii*: “the practice of *Diné bi nahat'á*

through the values and life way embodied in the *Diné bi beenahaz'áanii* provides the foundation for all laws proclaimed by the Navajo Nation government.” It states that “the faithful adherence to *Diné Bi Nahat'a* will ensure the survival of the Navajo Nation.” To a non-Navajo speaker this suggests that *Diné bi nahat'á* is the process of planning, based on the principles of *Diné* law, by which the Navajo Nation maintains sanctuary for the *Diné* life and culture, their relationship to the outside world, and their balance with the natural world (Bobroff, 2004, p. 6).

According to the amended code, Customary Law also protects the right and freedom of the people to have the sacred system of *k'é* taught and preserved. The Navajo Common Law Project explains *k'é* as the Navajo system of clans based upon the four original clans created by the Navajo holy figure Changing Woman: *Kiiyaa'áanii* (Towering House People), *Todích'íi'nii* (Bitter Water People), *Honagháahnii* (“The Back or One-Who-Walks-Around-You”), and *Hashtl'ishnii* (Mud People) and the many clans descended from those four. According to the Project, the clan system is the foundation of keeping healthy bloodlines and assuring the wellbeing of individuals, families, and the Navajo Nation as a whole; it should be considered before a couple weds to avoid incest. The Projects report notes the foundational importance of *k'é*, describing how it was within the very first set of laws coming from within the Holy Spirit at the time of the *Diné* origin and how the Holy People were told they would address the Holy Spirit through *k'é*. According to the Project, “*K'é* is a law and is the foundation of all laws ... [and] [h]ence became the foundation for the guiding principles established by the Holy People (Bobroff, 2004, p. 8).

The principles presented in the Fundamental Law of the *Diné* and SNBH would compliment and strengthen a policy that incorporates traditional knowledge. The foundational pieces are there to create the change: The creation narratives, the clan system, Traditional leaders, and Indigenous academic initiatives can work together in unison to create policy.

So how might the blood quantum policy fare under a Fundamental Law analysis? Would the fact that BQ is not a traditional cultural approach to identity affect the enforceability of the policy or change the policy to reflect the Fundamental Law? The Navajo people are at a crossroads with law and society by analyzing the tribal enrollment issue.

B. Next Steps - Navajo Nation Policy Charrette

Based on the demographic changes of the *Diné* people, we see that there is a need for reevaluation of the current tribal enrollment policy. The demographic trends show that: births have decreased, and of those births, the children are more racially diverse; there is a high rate of single-mothers; there is a disparity among those that have identified themselves on the 1990 and 2000 Census as Navajo and those that have enrolled into the tribe; and with the current tribal enrollment policy, the *Diné* are seeing more and more people that fall into the mixed-blood category. The data are real and show a population trend that will continue.

The next step is to begin a conversation with communities to talk about these changes and the population dynamics have the potential to be impacted by the tribal enrollment policy. As mentioned in the ideology of the Indigenous Planning paradigm, we as Native people need no translation for Native knowledge and we are the voice to empower our own knowledge.

I propose that we begin the discussion on tribal enrollment at the community level by locating discussions in the surrounding community and academic institutions to stage a charrette¹⁷. The charrette could be designed to inform the *Diné* people of where we have

¹⁷ A charrette is a process used by professional designers to explore possible solutions for challenging issues in a community, neighborhood and/or urban city in a short period of time. It is an intensive workshop usually held over a period of several days in which participants gain an understanding on community issues, infrastructure,

been, where we are, and where we want to go. I propose that these discussions occur in short intense workshops/studios oriented toward the specific goal of creating a community-based policy that is reflective of Traditional Knowledge. The Navajo Nation Policy Studio could focus on how we want to identify the *Diné* people.

The first session could focus on education by talking about the tribal enrollment policy, blood quantum as a way of diluting a community, political history, and the current population. Afterwards, there could be a listening session to hear the reflections and comments made by the community.

The second session could focus on the traditional aspect of *Diné* identity. In this session we could utilize the expertise of *Diné* College's Navajo Studies faculty, spiritual leaders, and elders to talk about identity pre-invasion. The previous section in this chapter highlights the capabilities of *Diné* College and the creations of SNBH. On a side note, this session would have to occur in the winter season since that is the appropriate time to talk about creation narratives.

The third session could be an action session that focuses on creating policy, exercising sovereignty, and creating self-government from a community standpoint. This is the session where we can break up into groups and begin working on how the people want to identify themselves in the form of a community-based policy.

The fourth session could be a presentation from the groups on their findings and ideas or suggestions on tribal enrollment. The discussion and material from each session could be collected to generate a policy document to support a community-based policy on tribal enrollment. The policy document could be presented to members of the Navajo Nation Tribal Council as suggestions with the intent to change the existing tribal enrollment policy. (Appendix E is the *Diné Bi Beehaz'áanii Bitse Siléí* (Declaration of the Foundation of *Diné*

historical precedents, and other resources so that design solutions can be considered and presented (Begay, et al., 2005, p. 4).

Law) that serves as an example of how traditional knowledge has been incorporated and upheld in the Navajo Nation courts.)

The effort to develop the *Diné Bi Beehaz'áanii Bitse Siléí* would be similar to developing a policy that incorporates *K'é*. It is my personal opinion that this would help restore the traditional knowledge that has been lost and would renew the cultural interest of our next generation. The following is what I envision as a certificate of enrollment. This is merely a concept and needs further reflection.

Enrollment Number: 123,456



Navajo Nation Certificate of Enrollment

Yolynda Begay

Naadaa'lgai Naasht'eezhi To'baaha nili

doo *To'diichiiinii* yashishchiin.

Kinlinchiinii da bi cheii do *Tl'ahschi'ih* da bi nali. Ako tao Diné nili.

Yolynda Begay has been acknowledged as a member of the Navajo Nation based on the

Diné Bi Beehaz'áanii Bitse Siléí-Declaration of the Foundation of Diné Law (1 N.N.C. § 201).

Navajo Nation President

Navajo Office of Vital Records Director

Figure 15. Navajo Nation Certificate of Enrollment (Sample).

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Glossary: Rolls Defined¹⁸

Allotment Roll (or Allotment Schedule): A list of people who received allotments of land on an Indian reservation. Generally, allotment rolls do not reflect degree of Indian blood.

Annuity Roll: List of people eligible to share in annual payments made to members of an Indian tribe under a Treaty or Act of Congress. The list usually names the members of the tribe as the date the payment was made.

Base Roll: The list of original members of a tribe as a designated in a tribal constitution or other document specifying enrollment criteria. Future members usually must be able to trace descent from a parent named on the base roll.

Census Roll: List of the population of a reservation. In addition to tribal members, it usually includes all other people associated with the tribal group, whether Indian or non-Indian. People named on a census roll who are not regarded as members of the tribe are generally shown as “N.E.” (non enrolled).

Descendancy Roll: A list prepared for distribution of judgment funds according to a Secretarial plan or Act of Congress. It differs from a tribal roll because it is prepared by the Secretary of Interior on a descendancy basis without regard to tribal affiliation and may include people who are members of other tribes. Being listed on a descendancy roll has no effect on an individual’s status as a member of an Indian tribe.

Membership Roll: A list of people who meet the requirements for citizenship in a particular tribe.

Payment Roll: A list of people entitled to share in the distribution of assets belonging to an Indian tribe. The payment may be based on membership or on descendancy, depending upon the source of funds and authorizations for their use.

Tribal Roll for Tribal Purposes: A list of people recognized by a tribe as members of that tribe. Although this roll should be the same as the membership roll, since a tribe has the authority to determine its own membership for tribal purposes, it may or may not contain the names of some people recognized by the Bureau of Indian Affairs as members of the tribe. A tribal roll for tribal purposes does not require approval of the Secretary of the Interior unless the tribal constitution or other tribal document provides for it. A tribal roll for tribal purposes is not binding upon the Secretary of the Interior in the distribution of trust assets to members of the tribe.

¹⁸ Source for the Rolls Defined is from the American Indian Policy Center website at <http://www.airpi.org/pubs/rolls.html>

APPENDIX A: Data from New Mexico Department of Health

1990

| | Count | Percent |
|---|--------------|--------------|
| Navajo Father: | | |
| Inter-Tribal | 26 | 0.8 |
| Non-Indian | 62 | 1.9 |
| Total Male Inter-Tribal & Inter-Racial | | 2.7 |
| Navajo Mother: | | |
| Inter-Tribal | 49 | 1.5 |
| Non-Indian | 1,471 | 45.2 |
| Total Female Inter-Tribal & Inter-Racial | | 46.7 |
| Navajo Male & Navajo Female Unions: | 1,644 | 50.6 |
| Total | 3,252 | 100.0 |

1991

| | Count | Percent |
|---|--------------|--------------|
| Navajo Father: | | |
| Inter-Tribal | 30 | 1.0 |
| Non-Indian | 59 | 1.9 |
| Total Male Inter-Tribal & Inter-Racial | | 2.8 |
| Navajo Mother: | | |
| Inter-Tribal | 64 | 2.0 |
| Non-Indian | 1,356 | 43.3 |
| Total Female Inter-Tribal & Inter-Racial | | 45.3 |
| Navajo Male & Navajo Female Unions: | 1,625 | 51.9 |
| Total | 3,134 | 100.0 |

1992

| | Count | Percent |
|--|--------------|--------------|
| Navajo Father: | | |
| Inter-Tribal | 20 | 0.6 |
| Non-Indian | 61 | 1.9 |
| Total Male Inter-Tribal & Inter-Racial | | 2.6 |
| Navajo Mother: | | |
| Inter-Tribal | 68 | 2.1 |
| Non-Indian | 1,478 | 46.7 |
| Total Female Inter-Tribal & Inter-Racial | | 48.8 |
| Navajo Male & Navajo Female Unions: | 1,539 | 48.6 |
| Total | 3,166 | 100.0 |

1993

| | Count | Percent |
|--|--------------|--------------|
| Navajo Father: | | |
| Inter-Tribal | 24 | 0.7 |
| Non-Indian | 62 | 1.8 |
| Total Male Inter-Tribal & Inter-Racial | | 2.6 |
| Navajo Mother: | | |
| Inter-Tribal | 58 | 1.7 |
| Non-Indian | 1,578 | 46.9 |
| Total Female Inter-Tribal & Inter-Racial | | 48.6 |
| Navajo Male & Navajo Female Unions: | 1,644 | 48.8 |
| Total | 3,366 | 100.0 |

1994

| | Count | Percent |
|--|--------------|--------------|
| Navajo Father: | | |
| Inter-Tribal | 23 | 0.8 |
| Non-Indian | 81 | 2.8 |
| Total Male Inter-Tribal & Inter-Racial | | 3.6 |
| Navajo Mother: | | |
| Inter-Tribal | 57 | 2.0 |
| Non-Indian | 1,400 | 48.1 |
| Total Female Inter-Tribal & Inter-Racial | | 50.0 |
| Navajo Male & Navajo Female Unions: | 1,351 | 46.4 |
| Total | 2,912 | 100.0 |

1995

| | Count | Percent |
|--|--------------|--------------|
| Navajo Father: | | |
| Inter-Tribal | 27 | 1.0 |
| Non-Indian | 69 | 2.6 |
| Total Male Inter-Tribal & Inter-Racial | | 3.6 |
| Navajo Mother: | | |
| Inter-Tribal | 55 | 2.0 |
| Non-Indian | 1,274 | 47.4 |
| Total Female Inter-Tribal & Inter-Racial | | 49.5 |
| Navajo Male & Navajo Female Unions: | 1,262 | 47.0 |
| Total | 2,687 | 100.0 |

1996

| | Count | Percent |
|--|--------------|--------------|
| Navajo Father: | | |
| Inter-Tribal | 18 | 0.7 |
| Non-Indian | 76 | 2.9 |
| Total Male Inter-Tribal & Inter-Racial | | 3.6 |
| Navajo Mother: | | |
| Inter-Tribal | 54 | 2.0 |
| Non-Indian | 1,195 | 45.4 |
| Total Female Inter-Tribal & Inter-Racial | | 47.4 |
| Navajo Male & Navajo Female Unions: | 1,292 | 49.0 |
| Total | 2,635 | 100.0 |

1997

| | Count | Percent |
|--|--------------|--------------|
| Navajo Father: | | |
| Inter-Tribal | 36 | 1.3 |
| Non-Indian | 75 | 2.8 |
| Total Male Inter-Tribal & Inter-Racial | | 4.1 |
| Navajo Mother: | | |
| Inter-Tribal | 73 | 2.7 |
| Non-Indian | 1,203 | 44.4 |
| Total Female Inter-Tribal & Inter-Racial | | 47.1 |
| Navajo Male & Navajo Female Unions: | 1,320 | 48.8 |
| Total | 2,707 | 100.0 |

1998

| | Count | Percent |
|--|--------------|--------------|
| Navajo Father: | | |
| Inter-Tribal | 34 | 1.2 |
| Non-Indian | 87 | 3.1 |
| Total Male Inter-Tribal & Inter-Racial | | 4.4 |
| Navajo Mother: | | |
| Inter-Tribal | 56 | 2.0 |
| Non-Indian | 1,285 | 46.3 |
| Total Female Inter-Tribal & Inter-Racial | | 48.3 |
| Navajo Male & Navajo Female Unions: | 1,312 | 47.3 |
| Total | 2,774 | 100.0 |

1999

| | Count | Percent |
|--|--------------|--------------|
| Navajo Father: | | |
| Inter-Tribal | 43 | 1.6 |
| Non-Indian | 76 | 2.8 |
| Total Male Inter-Tribal & Inter-Racial | | 4.3 |
| Navajo Mother: | | |
| Inter-Tribal | 55 | 2.0 |
| Non-Indian | 1,253 | 45.5 |
| Total Female Inter-Tribal & Inter-Racial | | 47.5 |
| Navajo Male & Navajo Female Unions: | 1,325 | 48.1 |
| Total | 2,752 | 100.0 |

2000

| | Count | Percent |
|--|--------------|--------------|
| Navajo Father: | | |
| Inter-Tribal | 33 | 1.2 |
| Non-Indian | 89 | 3.2 |
| Total Male Inter-Tribal & Inter-Racial | | 4.4 |
| Navajo Mother: | | |
| Inter-Tribal | 54 | 1.9 |
| Non-Indian | 1,213 | 43.4 |
| Total Female Inter-Tribal & Inter-Racial | | 45.3 |
| Navajo Male & Navajo Female Unions: | 1,406 | 50.3 |
| Total | 2,795 | 100.0 |

2001

| | Count | Percent |
|--|--------------|--------------|
| Navajo Father: | | |
| Inter-Tribal | 31 | 1.1 |
| Non-Indian | 95 | 3.5 |
| Total Male Inter-Tribal & Inter-Racial | | 4.6 |
| Navajo Mother: | | |
| Inter-Tribal | 82 | 3.0 |
| Non-Indian | 901 | 33.0 |
| Total Female Inter-Tribal & Inter-Racial | | 36.0 |
| Navajo Male & Navajo Female Unions: | 1,624 | 59.4 |
| Total | 2,733 | 100.0 |

2002

| | Count | Percent |
|--|--------------|--------------|
| Navajo Father: | | |
| Inter-Tribal | 45 | 1.6 |
| Non-Indian | 100 | 3.6 |
| Total Male Inter-Tribal & Inter-Racial | | 5.2 |
| Navajo Mother: | | |
| Inter-Tribal | 124 | 4.5 |
| Non-Indian | 888 | 32.0 |
| Total Female Inter-Tribal & Inter-Racial | | 36.5 |
| Navajo Male & Navajo Female Unions: | 1,617 | 58.3 |
| Total | 2,774 | 100.0 |

2003

| | Count | Percent |
|--|--------------|--------------|
| Navajo Father: | | |
| Inter-Tribal | 51 | 1.8 |
| Non-Indian | 88 | 3.1 |
| Total Male Inter-Tribal & Inter-Racial | | 5.0 |
| Navajo Mother: | | |
| Inter-Tribal | 123 | 4.4 |
| Non-Indian | 921 | 32.8 |
| Total Female Inter-Tribal & Inter-Racial | | 37.2 |
| Navajo Male & Navajo Female Unions: | 1,624 | 57.9 |
| Total | 2,807 | 100.0 |

APPENDIX B: Navajo Office of Vital Statistics Data

Data on Blood Quantum Group by Year

1938

| Blood Quantum Group: | Count | Percentage |
|----------------------|-------------|--------------|
| 1/16 -3-16 | 0 | 0.0 |
| 1/4 - 7/16 | 6 | 0.1 |
| 1/2 - 31/32 | 121 | 1.5 |
| 4/4 | 7999 | 97.7 |
| Unknown | 63 | 0.8 |
| TOTAL | 8189 | 100.0 |

1948

| Blood Quantum Group: | Count | Percentage |
|----------------------|--------------|--------------|
| 1/16 -3-16 | 1 | 0.0 |
| 1/4 - 7/16 | 25 | 0.2 |
| 1/2 - 31/32 | 592 | 3.7 |
| 4/4 | 15297 | 95.3 |
| Unknown | 135 | 0.8 |
| TOTAL | 16050 | 100.0 |

1958

| Blood Quantum Group: | Count | Percentage |
|----------------------|--------------|--------------|
| 1/16 -3-16 | 8 | 0.0 |
| 1/4 - 7/16 | 144 | 0.4 |
| 1/2 - 31/32 | 2888 | 8.8 |
| 4/4 | 29484 | 89.7 |
| Unknown | 355 | 1.1 |
| TOTAL | 32879 | 100.0 |

1968

| Blood Quantum Group: | Count | |
|----------------------|--------------|--------------|
| 1/16 -3-16 | 6 | 0.0 |
| 1/4 - 7/16 | 393 | 1.3 |
| 1/2 - 31/32 | 6196 | 19.8 |
| 4/4 | 23629 | 75.3 |
| Unknown | 1144 | 3.6 |
| TOTAL | 31368 | 100.0 |

1978

| Blood Quantum Group: | Count | |
|----------------------|--------------|--------------|
| 1/16 -3-16 | 92 | 0.3 |
| 1/4 - 7/16 | 964 | 2.8 |
| 1/2 - 31/32 | 10087 | 29.5 |
| 4/4 | 22126 | 64.6 |
| Unknown | 969 | 2.8 |
| TOTAL | 34238 | 100.0 |

1988

| Blood Quantum Group: | Count | |
|----------------------|--------------|--------------|
| 1/16 -3-16 | 97 | 0.2 |
| 1/4 - 7/16 | 3552 | 7.6 |
| 1/2 - 31/32 | 18906 | 40.5 |
| 4/4 | 23144 | 49.6 |
| Unknown | 983 | 2.1 |
| TOTAL | 46682 | 100.0 |

1998

| Blood Quantum Group: | Count | |
|----------------------|--------------|--------------|
| 1/16 -3-16 | 208 | 0.4 |
| 1/4 - 7/16 | 7003 | 13.3 |
| 1/2 - 31/32 | 25032 | 47.4 |
| 4/4 | 19970 | 37.8 |
| Unknown | 587 | 1.1 |
| TOTAL | 52800 | 100.0 |

Navajo Office of Vital Statistics Data on Tribal Enrollment by Age Group

1980 Navajo Tribal Enrollment by Age Cohort

| Age Cohort: | Total |
|-----------------|---------------|
| Under 5 years | 148 |
| 5 to 9 years | 38 |
| 10 to 14 years | 41 |
| 15 to 19 years | 43 |
| 20 to 24 years | 69 |
| 25 to 29 years | 4,117 |
| 30 to 34 years | 15,187 |
| 35 to 39 years | 11,724 |
| 40 to 44 years | 1,498 |
| 45 to 49 years | 556 |
| 50 to 54 years | 184 |
| 55 to 59 years | 64 |
| 60 to 64 years | 36 |
| 65 to 69 years | 18 |
| 70 to 74 years | 14 |
| 75 years & over | 39 |
| unknown | 4 |
| TOTAL | 33,780 |

1990 Navajo Tribal Enrollment by Age Cohort

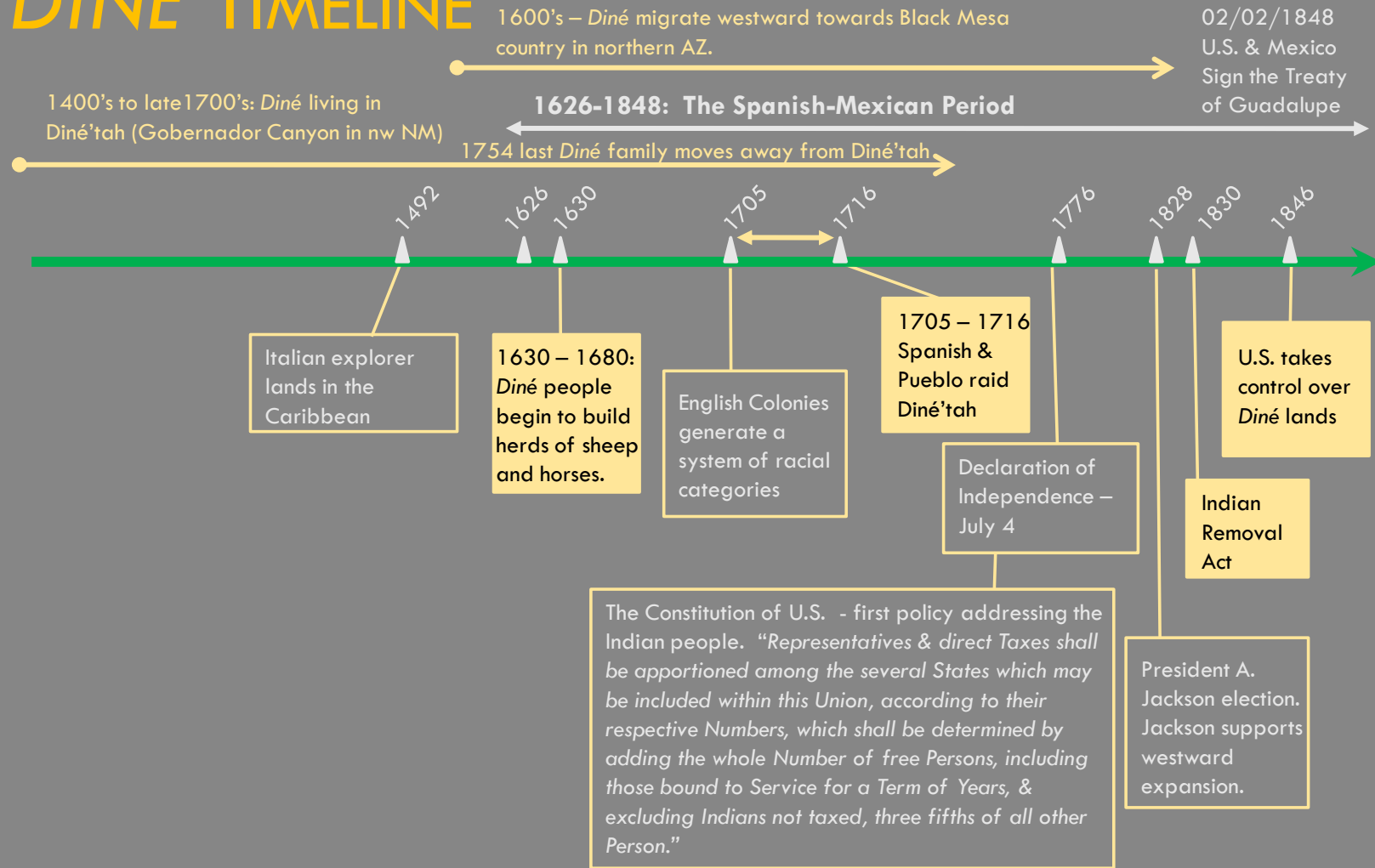
| Age Cohort: | Total |
|-----------------|---------------|
| Under 5 years | 85 |
| 5 to 9 years | 30 |
| 10 to 14 years | 33 |
| 15 to 19 years | 2,802 |
| 20 to 24 years | 18,483 |
| 25 to 29 years | 15,121 |
| 30 to 34 years | 1,783 |
| 35 to 39 years | 535 |
| 40 to 44 years | 299 |
| 45 to 49 years | 152 |
| 50 to 54 years | 47 |
| 55 to 59 years | 17 |
| 60 to 64 years | 9 |
| 65 to 69 years | 11 |
| 70 to 74 years | 3 |
| 75 years & over | 17 |
| unknown | 9 |
| TOTAL | 39,436 |

2000 Navajo Tribal Enrollment by Age Cohort

| Age Cohort: | Total |
|-----------------|---------------|
| Under 5 years | 38 |
| 5 to 9 years | 2,129 |
| 10 to 14 years | 11,871 |
| 15 to 19 years | 16,664 |
| 20 to 24 years | 4,263 |
| 25 to 29 years | 816 |
| 30 to 34 years | 382 |
| 35 to 39 years | 168 |
| 40 to 44 years | 77 |
| 45 to 49 years | 57 |
| 50 to 54 years | 31 |
| 55 to 59 years | 20 |
| 60 to 64 years | 17 |
| 65 to 69 years | 1 |
| 70 to 74 years | 8 |
| 75 years & over | 27 |
| unknown | 25 |
| TOTAL | 36,594 |

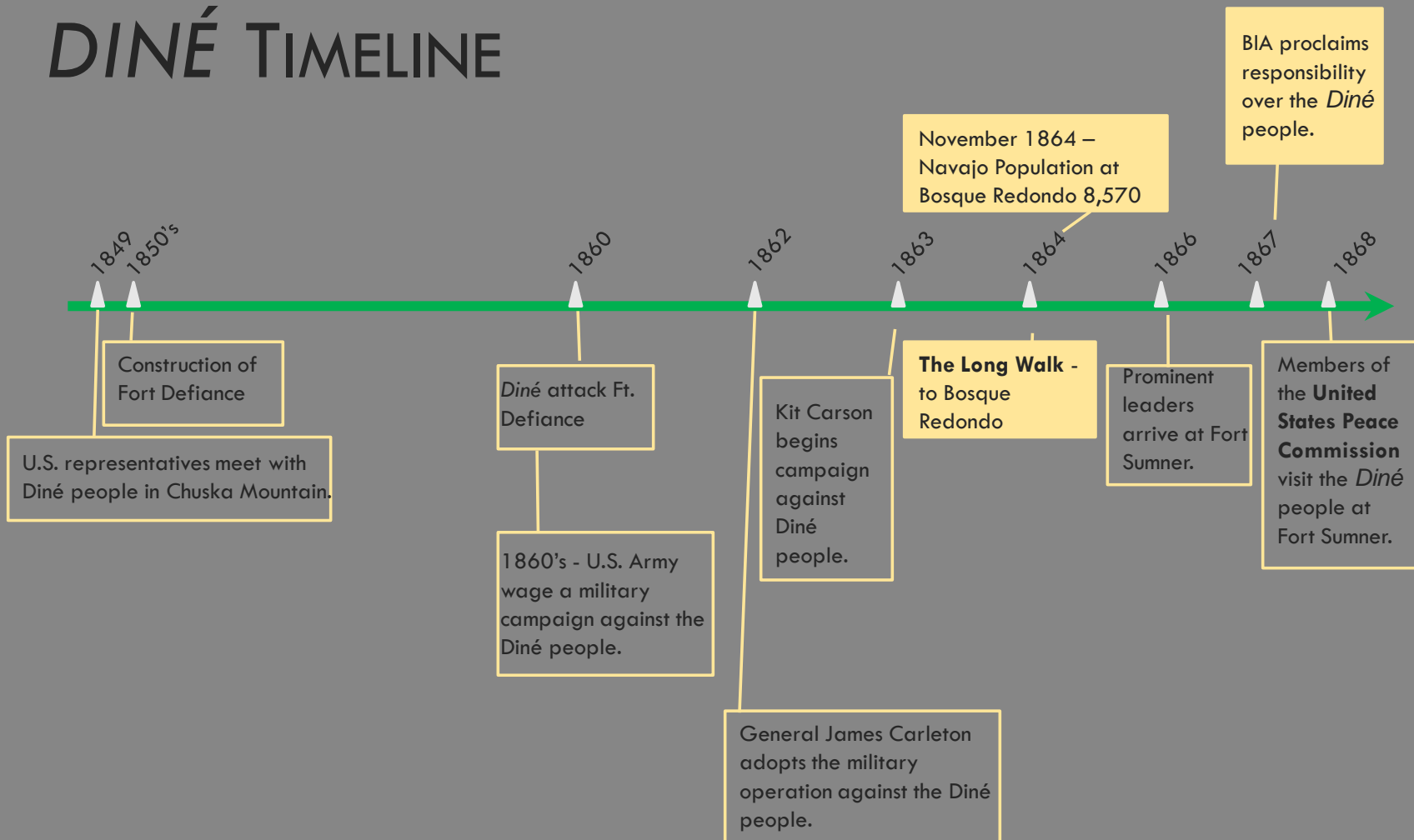
APPENDIX C: U.S. Indian Policy Timeline & *Diné* Timeline

DINÉ TIMELINE



Discovery, Conquest & The Spanish-Mexican Period
1492-1846

DINÉ TIMELINE

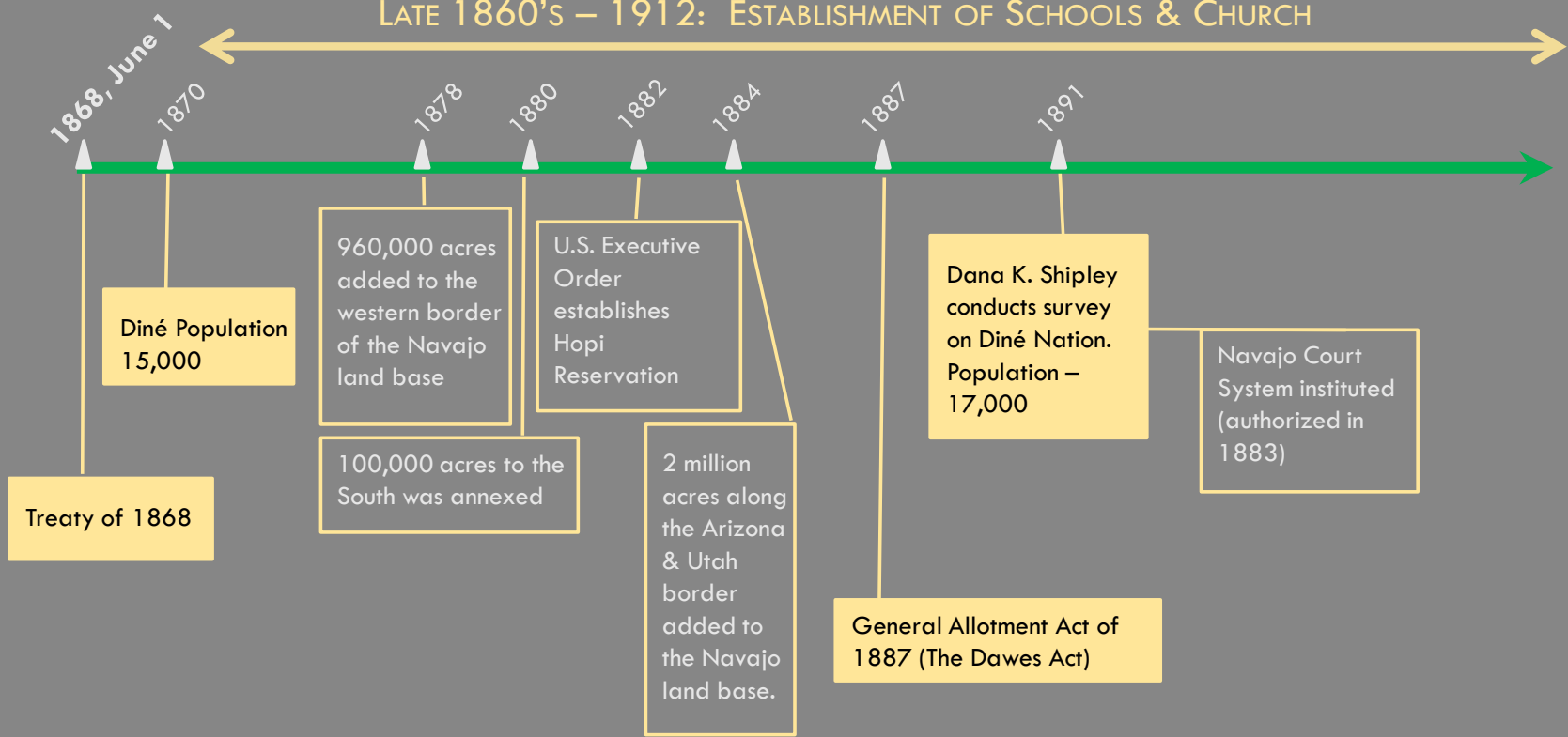


The Struggle to Survive & The Long Walk Era

1849 - 1868

DINÉ TIMELINE

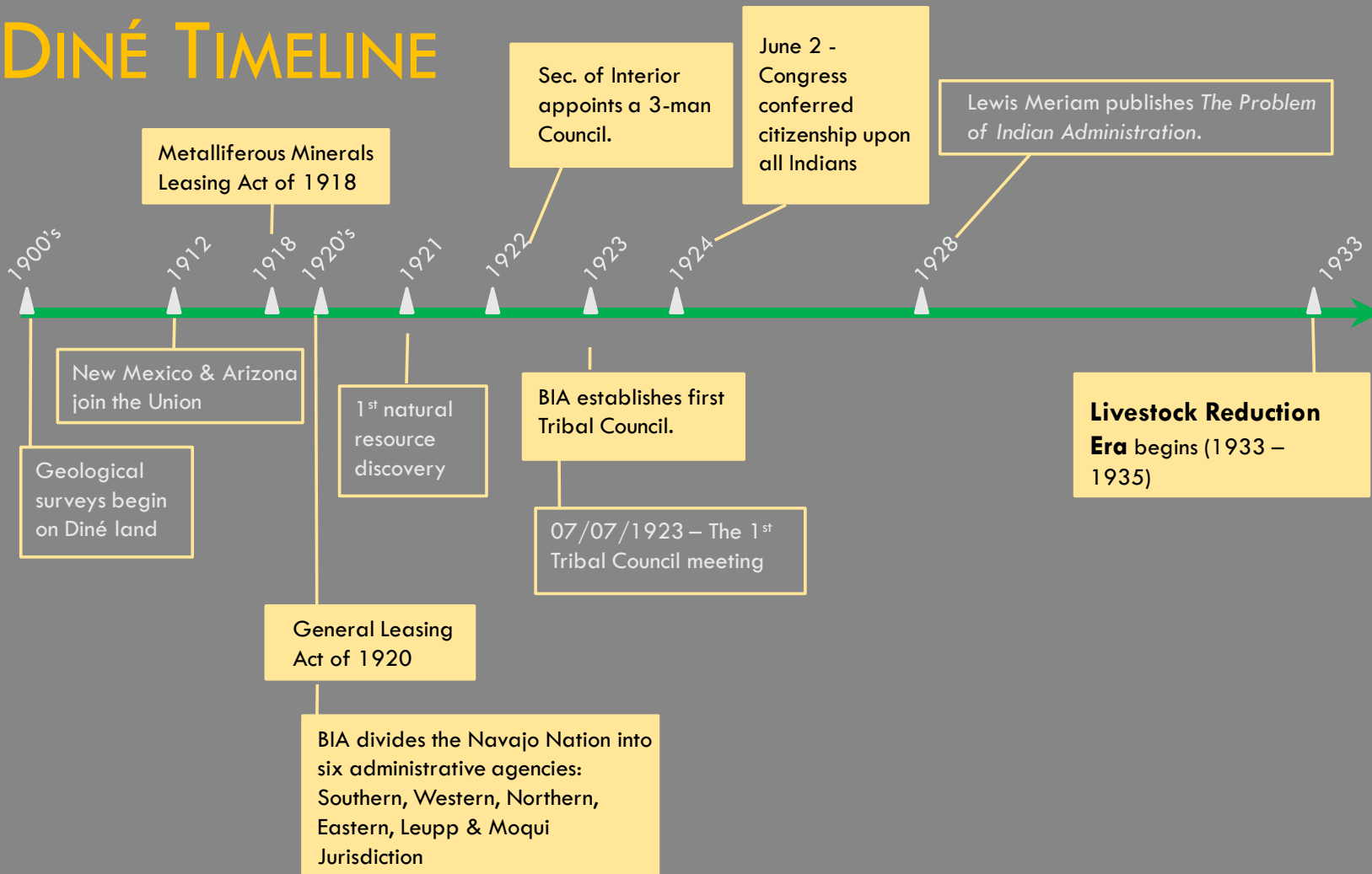
LATE 1860'S – 1912: ESTABLISHMENT OF SCHOOLS & CHURCH



Treaty of 1868, Establishment of Schools & Church

1868 - 1912

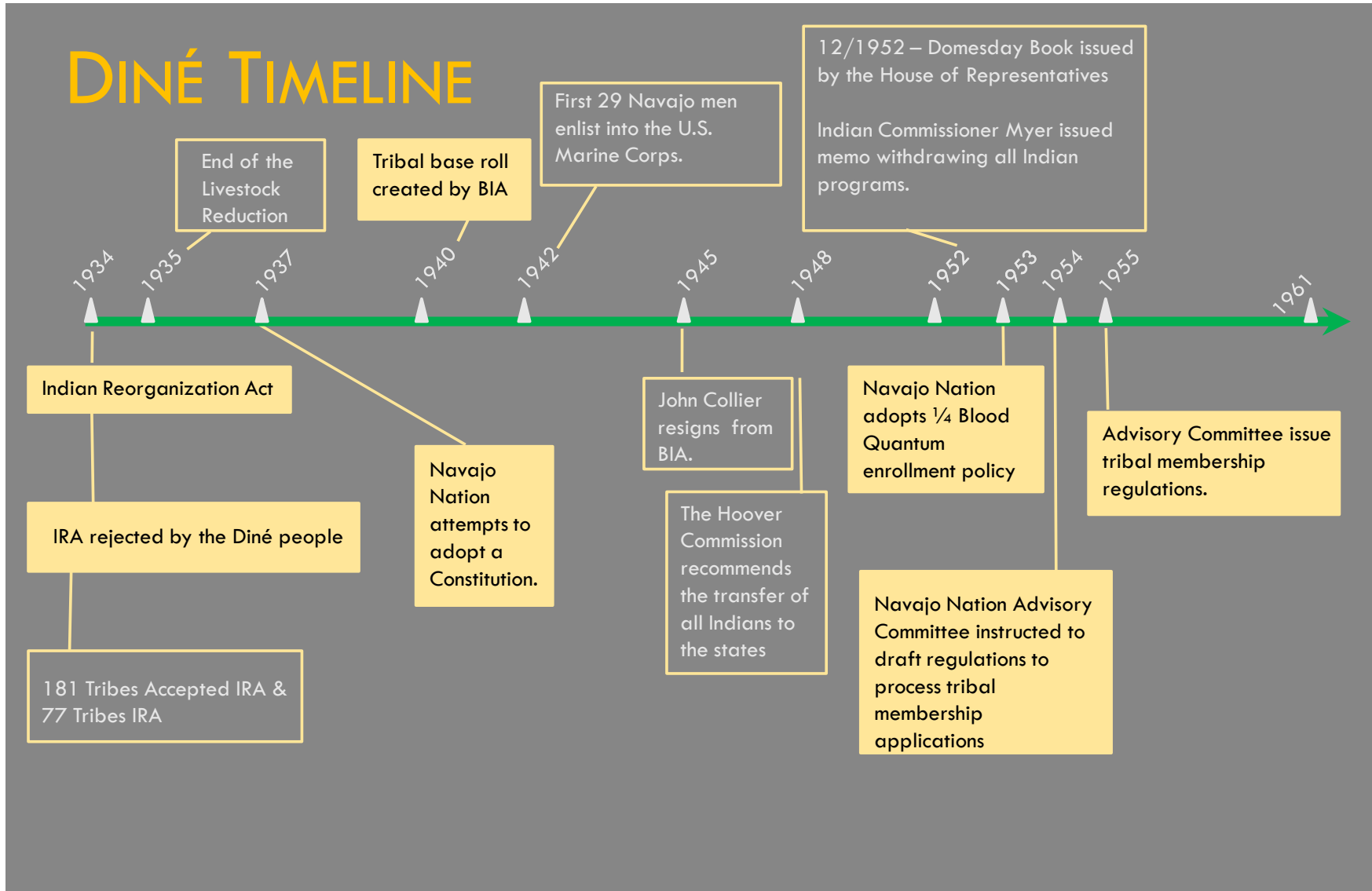
DINÉ TIMELINE



Establishment of the Navajo Government & Collier Policy

1900 - 1933

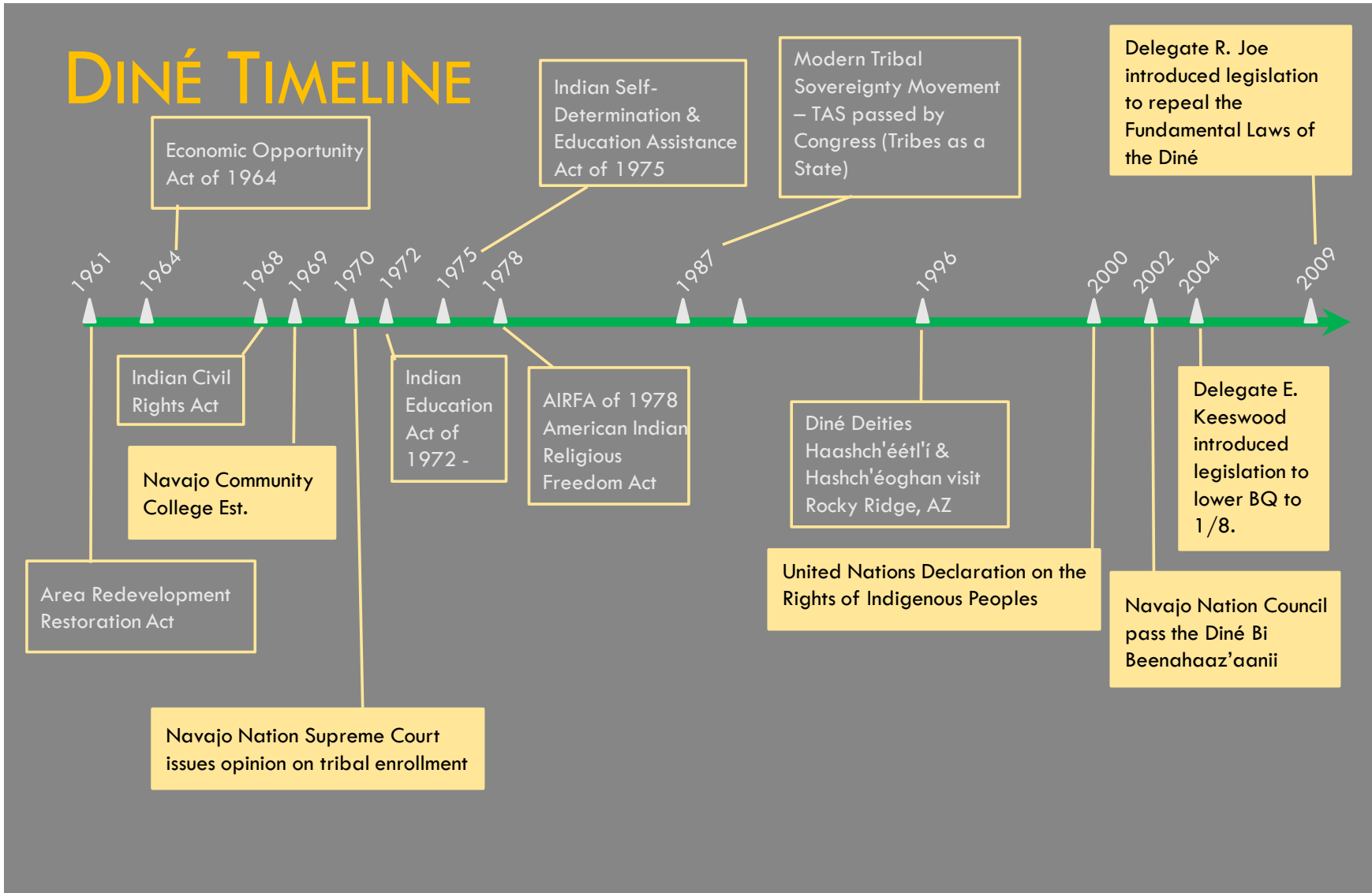
DINÉ TIMELINE



Reorganization, Struggle for Self-Determination & Termination Era

1934 - 1961

DINÉ TIMELINE



Self-Determination & Establishing Diné Bi Beenahaaz'aanii
1961 - Present

Source for timeline:

- <http://www.doi.gov/enrollment.html>
- www.narf.org
- www.navajotimes.com
- www.nebraskastudies.org
- http://www.nm.blm.gov/features/Din%e9tah/Din%e9tah_opening.html
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APPENDIX D: Navajo Clan Groupings

Kinyaa'aanii - Towering House People

Related Clans:

| | |
|-------------------------|------------------------|
| Dzil t'aadnii | Near the Mountain Clan |
| Azee'tsoh <i>Diné'é</i> | Big Medicine People |
| Tazhii <i>Diné'é</i> | Turkey People |
| Bít'ahnii | Folded Arms People |

Adopted Clans:

| | |
|-------------------------|--------------------------|
| Halgai <i>Diné'é</i> | People of the Valley |
| Naashashí <i>Diné'é</i> | Bear Enemies - Tewa Clan |
| Naadaa <i>Diné'é</i> | Corn People |

Honágháahnii - One-Walk-Around Clan

Related Clans:

| | |
|------------------|---------------------------------------|
| Tó'áhaní | Near-To-Water Clan |
| Ta'néészahnii | Badlands People |
| Hashk'aa hadzohí | Yucca Fruit-Strung-Out-In-A-Line Clan |

Adopted Clans:

| | |
|------------------|-------------------------------------|
| Níhoobáanii | Gray-Streak-Ends Clan |
| Ts'ah Yísk'ídnii | Sagebrush Hill Clan |
| Dzil tl'ahnii | Mountain Cove Clan |
| Dzil Ná'oodilnii | Turning (Encircled) Mountain People |

Tódích'í'í'nii - Bitter Water Clan

Related Clans:

| | |
|----------------|--------------------|
| Tseikeehé | Two-Rocks-Sit Clan |
| Tsín Síkaadnii | Clamp Tree Clan |
| Biih Bítóo'nii | Deer Spring Clan |

| | |
|---------------------|--------------------|
| Tódík'ozhí | Salt Water Clan |
| Tl'ógí | Weavers - Zia Clan |
| Yoo'í <i>Diné'é</i> | Bead People |

Adopted Clans:

| | |
|-------------------------|-----------------------------|
| Tóbaazhni'ázhí | Two-Who-Came-To-Water Clan |
| Naakét'ahí | Flatfoot People - Pima Clan |
| Biihyázhí <i>Diné'é</i> | Little Deer People |
| K'aa' <i>Diné'é</i> | Arrow People |
| Tséghadínidini | Crystal Rock |

Hashtl'ishnii - Mud Clan

Related Clans:

| | |
|---------------|--------------------------|
| Hooghan lání | Many Hogans Clan |
| Tótsóhnii | Big Water Clan |
| Dzaanééz lání | Many Mules (Burros) Clan |

Adopted Clans:

| | |
|-----------------------|--------------------|
| Lók'aa' <i>Diné'é</i> | Reed People |
| Bít'ahnii | Folded Arms People |
| Tsédeeshgizhnii | Rock Gap Clan |

Táchii'nii - Red-Running-Into-The-Water Clan

Related Clans:

| | |
|----------------------------------|--|
| Nát'oh <i>Diné'é</i> | Tobacco People |
| Yé'ii <i>Diné'é</i> | Giant People |
| Dólii <i>Diné'é</i> | Blue Bird People |
| Naasht'ézhí <i>Diné'é</i> | Zuni Clan |
| Bíih <i>Diné'é</i> Táchii'nii | Deer People of Táchii'nii |
| Gah <i>Diné'é</i> Táchii'nii | Rabbit People of Táchii'nii 7 |
| Náneesht'ézhí Táchii'nii | Charcoal-Streaked Division of Táchii'nii |
| Nóoda'í <i>Diné'é</i> Táchii'nii | Ute Division of Táchii'nii |

Adopted Clans:

Kinlichíí'nii Red House People - Zia Clan

Tábaahí - Water's Edge Clan

Related Clans:

Haltsooi *Diné'é* Meadow People

Tóbaazhní'ázhí Two-Who-Came-To-Water Clan

Tséníjikiní - Cliff Dwelling Clan

Related Clans:

Dibé lizhiní Black Sheep - San Felipe Clan

Ashiinii (extinct) Salt People

Ma'iideeshgiizhinii Coyote Pass People - Jemez Clan

Adopted Clans:

Ashiihi Salt Clan

Beiyóodzíne' *Diné'é* 34 Paiute People

Dzil Ná'oodilnii Turning (Encircled) Mountain People

Kinlitsonii Yellow House People

Naayíziltsooi *Diné'é* Pumpkin People

Tí'izhilizhiní *Diné'é* Black Goat People

Tó'aheedliinii - Water-Flows-Together Clan

Related Clans:

Naakaii *Diné'é* Mexican Clan

Adopted Clans:

Nóóda'i *Diné'é* Ute Clan

Keha'atiinii Foot-Trails People

Tsi'naajínii - Black-Streaked-Wood People

Related Clans:

Deeshchii'nii Start-Of-The-Red-Streaked People

Kinlichíí'nii Red House People - Zia Clan

Tl'izilani Many Goats Clan

| | |
|---------------|---------------------------------------|
| Tl'aashchí'í | Red Cheek People |
| Tsenahabihnií | Sleep-Rock (Over-Hanging Rock) People |

Adopted Clans:

| | |
|-------------------------|-----------------------------------|
| Naashashí <i>Diné'é</i> | Bear Enemies - Tewa Clan |
| T'iisch'ebaanii | Gray-Cottonwood-Extend-Out People |

Other Adopted Clans

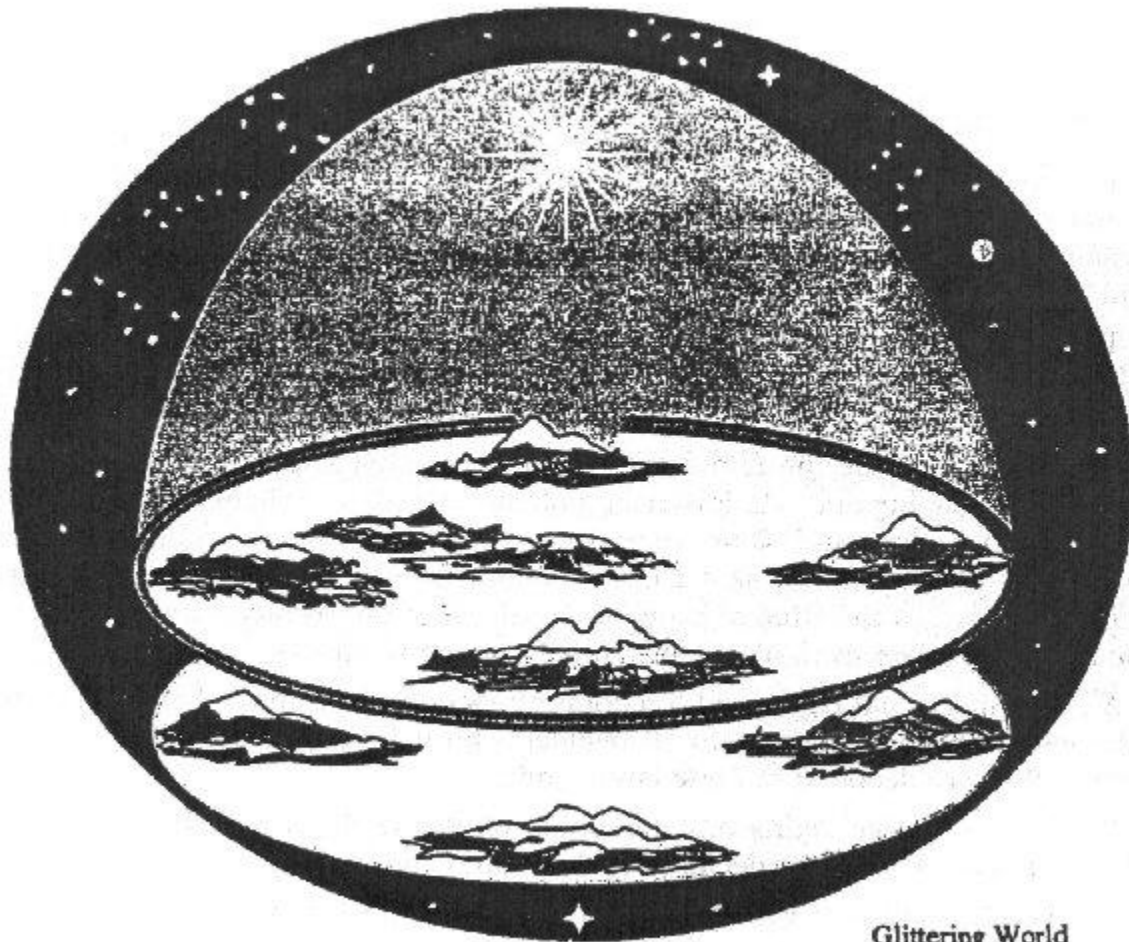
| | |
|----------------------------------|--------------------------------------|
| Ats'osi <i>Diné'é</i> | Feather People |
| Bííh <i>Diné'é</i> | Deer People |
| Biihtsoh <i>Diné'é</i> | Big Deer People |
| Bit'aanii (extinct) | Talks-In-Blanket Clan |
| Chíshí | Chiricahua Apache |
| Dilzéehi | Mohave Clan |
| 'lich'ah <i>Diné'é</i> (extinct) | Moth People |
| Jaa'yaalóolii <i>Diné'é</i> | Sticking-Up-Ears People |
| Ma'iitó | Coyote Spring People |
| Naalani <i>Diné'é</i> | Many Commanche Warriors Clan |
| Naashashí <i>Diné'é</i> | Bear Enemies - Tewa Clan |
| Naashgalí <i>Diné'é</i> | Mescalero Apache Clan |
| Naayízí <i>Diné'é</i> | Squash People |
| To'azoli | Light-Water People |
| Sei Bse Hooghnaai | Sand Hogan People |
| Téetiin | Trail-To-Garden People |
| Tsetaa'aanii | Rock-Extends-Into-Water People |
| Tseyanatohnii (extinct) | Horizontal-Water-Under-Cliffs People |
| Tsezhindii'aai | Slanted-Lava-Spire People |
| Tsin Yee Na'alo'ii <i>Diné'é</i> | Tree Stretcher People |

Source: http://www.lapahie.com/Diné_Clans.cfm

APPENDIX E: *Diné Bi Beehaz'áanii Bitse Siléí*

DECLARATION OF THE FOUNDATION OF DINÉ LAW (1 N.N.C. § 201)

Mother Earth and Father Universe



White World

Glittering World

§ 1. *Diné Bi Beehaz'áanii Bitse Siléí*--Declaration of the Foundation of *Diné* Law (1 N.N.C. § 201)¹⁹

We, the *Diné*, the people of the Great Covenant, are the image of our ancestors and we are created in connection with all creation.

¹⁹ <http://www.navajocourts.org/Diné.htm> provide the information regarding the Fundamental Laws of the *Diné* people.

Diné Bi Beehaz'áanii Bitsi Siléí

Diyin *Diné*'é

Sin dóó sodizin

Bee

Nahasdzáán dóó yádiłhił nitsáhákees
yił hadeidiilaa,

Tó dóó dził diyinii nahat'á yił
hadediilaa,

Niłch'i dóó nanse' al̄taas'éí iiná yił
hadediilaa,

Ko', adinídíín dóó ntł'iz náadahaniihji'
sihasin yił hadeidiilaa.

Díí ts'ídá aláají nihi beehaz'áanii bitse
siléí nihá' ályaa.

Nitsáhákees éí nahat'á bitsé silá.

liná éí sihasin bitsé silá.

Hanihi' diilyaadi díí nihihdaahya' dóó
bee hadíníít'é.

Binahji' nihéého'díłzingíí éíí:

Nihízi',

Ádóone'é niidlíinii,

Nihinéí',

Nihee ó'ool íłł,

Nihi chaha'oh,

Nihi kéK'éhashchíín.

Díí biK'éhgo Diyin Nohookáá *Diné*
nihi'doo'niid.

Kodóó dah'adíníísá dóó dah'adiidéél.

Áko dííshjigi nitsáhákees, nahat'á,
iiná, saad, oodłą',

Dóó beehaz'áanii ał'aą ádaat'éego
nihitah nihwiileeh,

Ndi nihi beehaz'áanii bitsé siléí nhá
ndaahya'áá t'ahdii doo łahgo
ánééhda.

Éí biniinaa t'áá nanihi'deelyáhaą doo
niłch'i divin hinááh nihihdaahya'aą
ge'át éigo,

T'áá *Diné* niidljigo náásgóó ahoól'á.

Declaration of the Foundation of Diné Law

| | |
|--|--|
| The Holy People ordained, | Our clan, |
| Through songs and prayers, | Our language, |
| That | Our life way, |
| Earth and universe embody thinking, | Our shadow, |
| Water and the sacred mountains embody planning, | Our footprints. |
| Air and variegated vegetation embody life, | Therefore, we were called the Holy Earth-Surface-People. |
| Fire, light, and offering sites of variegated sacred stones embody wisdom. | From here growth began and the journey proceeds. |
| These are the fundamental tenets established. | Different thinking, planning, life ways, languages, beliefs, and laws appear among us, |
| Thinking is the foundation of planning. | But the fundamental laws placed by the Holy People remain unchanged. |
| Life is the foundation of wisdom. | Hence, as we were created with living soul, we remain <i>Diné</i> forever. |
| Upon our creation, these were instituted within us and we embody them. | |
| Accordingly, we are identified by: | |
| Our <i>Diné</i> name, | |

§ 2. *Diné Bi Beenahaz'áanii* (1 N.N.C. § 202)

The *Diné bi beenahaz'áanii* embodies Diyin bitsaądeę beenahaz'áanii (Traditional Law), Diyin *Diné'é* bitsaądeę beenahaz'áanii (Customary Law), Nahasdzáán dóó Yádiłhił bitsaądeę beenahaz'áanii (Natural Law), and Diyin Nohookáá *Diné bi beenahaz'áanii* (Common Law).

These laws provide sanctuary for the *Diné* life and culture, our relationship with the world beyond the sacred mountains, and the balance we maintain with the natural world.

These laws provide the foundation of *Diné bi nahat'á* (providing leadership through developing and administering policies and plans utilizing these laws as guiding principles) and *Diné* sovereignty. In turn, *Diné bi nahat'a* is the foundation of the *Diné bi naat'á* (government). Hence, the respect for, honor, belief and trust in the *Diné bi beenahaz'áanii* preserves, protects and enhances the following inherent rights, beliefs, practices and freedoms:

- A.** The individual rights and freedoms of each *Diné* (from the beautiful child who will be born tonight to the dear elder who will pass on tonight from old age) as they are declared in these laws; and
- B.** The collective rights and freedoms of the Diyin Nohookáá *Diné* as a distinct people as they are declared in these laws; and
- C.** The fundamental values and principles of *Diné* Life Way as declared in these laws; and
- D.** Self-governance; and
- E.** A government structure consisting of Hózhóójí Nahat'á (Executive Branch), Naat'ájí Nahat'á (Legislative Branch), Hashkééjí Nahat'á (Judicial Branch), and the Naayee'jí Nahat'á (National Security Branch); and
- F.** That the practice of *Diné bi nahat'a* through the values and life way embodied in the *Diné bi beenahaz'áanii* provides the foundation for all laws proclaimed by the Navajo Nation government and the faithful adherence to *Diné Bi Nahat'á* will ensure the survival of the Navajo Nation; and
- G.** That *Diné bi beenahaz'áanii* provides for the future development and growth of a thriving Navajo Nation regardless of the many different thinking, planning, life ways, languages, beliefs, and laws that may appear within the Nation; and
- H.** The right and freedom of the *Diné* to be educated as to *Diné Bi beenahaz'áanii*; and
- I.** That *Diné Bi beenahaz'áanii* provides for the establishment of governmental relationships and agreements with other nations; that the *Diné* shall respect and honor such relationships and agreements and that the *Diné* can expect reciprocal respect and honor from such other nations.

§ 3. *Diyin Bitsqadęę Beenahaz'áanii--Diné Traditional Law (1 N.N.C. § 203)*

The *Diné* Traditional Law declares and teaches that:

- A.** It is the right and freedom of the *Diné* to choose leaders of their choice; leaders who will communicate with the people for guidance; leaders who will use their experience and wisdom to always act in the best interest of the people; and leaders who will also ensure the rights and freedoms of generations yet to come; and
- B.** All leaders chosen by the *Diné* are to carry out their duties and responsibilities in a moral and legal manner in representing the people and the government; the people's trust and confidence in the leaders and the continued status as a leader are dependent upon adherence to the values and principles of *Diné* bi beenahaz'áanii; and
- C.** The leader(s) of the Executive Branch (Alaąjil' Hózhóójí Nahat'á) shall represent the Navajo Nation to other peoples and nations and implement the policies and laws enacted by the legislative branch; and
- D.** The leader(s) of the Legislative Branch (Alaąjil' Naat'ájí Nahat'á and Alaąjil' Naat'ájí Ndaanit'áii or Naat'aanii) shall enact policies and laws to address the immediate and future needs; and
- E.** The leader(s) of the Judicial Branch (Alaąjil' Hashkééjí Nahat'á) shall uphold the values and principles of *Diné* bi beenahaz'áanii in the practice of peace making, obedience, discipline, punishment, interpreting laws and rendering decisions and judgments; and
- F.** The leader(s) of the Security Branch (Alaąjil' Naayee'jí Nahat'á) are entrusted with the safety of the people and the government. To this end, the leader(s) shall maintain and enforce security systems and operations for the Navajo Nation at all time and shall provide services and guidance in the event of severe national crisis or military-type disasters; and
- G.** Our elders and our medicine people, the teachers of traditional laws, values and principles must always be respected and honored if the people and the government are to persevere and thrive; the teachings of the elders and medicine people, their participation in government and their contributions of the traditional values and principles of *Diné* life way will ensure growth of the Navajo Nation; and from time to time, the elders and medicine people must be requested to provide the cleansing, protection prayers, and blessing ceremonies necessary for securing healthy leadership and the operation of the government in harmony with traditional law; and
- H.** The various spiritual healings through worship, song and prayer (Nahaghá) must be preserved, taught, maintained and performed in their original forms; and

I. The *Diné* and the government must always respect the spiritual beliefs and practices of any person and allow for the input and contribution of any religion to the maintenance of a moral society and government; and

J. The *Diné* and the government can incorporate those practices, principles and values of other societies that are not contrary to the values and principles of *Diné* Bi Beenahaz'aanii and that they deem is in their best interest and is necessary to provide for the physical and mental well-being for every individual.

§ 4. *Diyin Diné'é Bitsqadęę Beenahaz'áanii--Diné Customary Law (1 N.N.C. § 204)*

The *Diné* Customary Law declares and teaches that:

A. It is the right and freedom of the people that there always be holistic education of the values and principles underlying the purpose of living in balance with all creation, walking in beauty and making a living; and

B. It is the right and freedom of the people that the sacred system of k'é, based on the four clans of Kiiyaa'áanii, Todích'iínii, Honagháahnii and Hashtl'ishnii and all the descendent clans be taught and preserved; and

C. It is the right and freedom of the people that the sacred *Diné* language (nihiinei') be taught and preserved; and

D. It is the right and freedom of the people that the sacred bonding in marriage and the unity of each family be protected; and

E. It is the right and freedom of the people that every child and every elder be respected, honored and protected with a healthy physical and mental environment, free from all abuse.

F. It is the right and freedom of the people that our children are provided with education to absorb wisdom, self-knowledge, and knowledge to empower them to make a living and participate in the growth of the Navajo Nation.

§ 5. *Nahasdzáán dóó Yádilthił Bitsqadęę Beenahaz'áanii--Diné Natural Law (1 N.N.C. § 205)*

Diné Natural Law declares and teaches that:

A. The four sacred elements of life, air, light/fire, water and earth/pollen in all their forms must be respected, honored and protected for they sustain life; and

- B.** The six sacred mountains, Sisnajini, Tsoodzil, Dook'o'oslííd, Dibé Nitsaa, Dził Na'oodiíi, Dził Ch'ool'í'í, and all the attendant mountains must be respected, honored and protected for they, as leaders, are the foundation of the Navajo Nation; and
- C.** All creation, from Mother Earth and Father Sky to the animals, those who live in water, those who fly and plant life have their own laws, and have rights and freedom to exist; and
- D.** The *Diné* have a sacred obligation and duty to respect, preserve and protect all that was provided for we were designated as the steward of these relatives through our use of the sacred gifts of language and thinking; and
- E.** Mother Earth and Father Sky is part of us as the *Diné* and the *Diné* is part of Mother Earth and Father Sky; The *Diné* must treat this sacred bond with love and respect without exerting dominance for we do not own our mother or father.
- F.** The rights and freedoms of the people to the use of the sacred elements of life as mentioned above and to the use of the land, natural resources, sacred sites and other living beings must be accomplished through the proper protocol of respect and offering and these practices must be protected and preserved for they are the foundation of our spiritual ceremonies and the *Diné* life way; and
- G.** It is the duty and responsibility of the *Diné* to protect and preserve the beauty of the natural world for future generations.

§ 6. *Diyin Nohookáá Diné bi beenahaz'áanii--Diné Common Law (1 N.N.C. § 206)*

The *Diné* Common Law declares and teaches that:

- A.** The knowledge, wisdom, and practices of the people must be developed and exercised in harmony with the values and principles of the *Diné Bi Beenahaz'aanii*; and in turn, the written laws of the Navajo Nation must be developed and interpreted in harmony with *Diné* Common Law; and
- B.** The values and principles of *Diné* Common Law must be recognized, respected, honored and trusted as the motivational guidance for the people and their leaders in order to cope with the complexities of the changing world, the need to compete in business to make a living and the establishment and maintenance of decent standards of living; and
- C.** The values and principles of *Diné* Common Law must be used to harness and utilize the unlimited interwoven *Diné* knowledge, with our absorbed knowledge from other peoples. This knowledge is our tool in exercising and exhibiting self-assurance and self-reliance in enjoying the beauty of happiness and harmony.

Diné Original Law Structure

