The Farmington Report: Civil Rights for Native Americans 30 Years Later

New Mexico Advisory Committee to
the U.S. Commission on Civil Rights

[November 2005]

The United States Commission on Civil Rights

The U.S. Commission on Civil Rights is an independent, bipartisan agency established by Congress in 1957, reconstituted in 1983, and reauthorized in 1994. It is directed to investigate complaints alleging that citizens are being deprived of their right to vote by reason of their race, color, religion, sex, age, disability, or national origin, or by reason of fraudulent practices; study and collect information relating to discrimination or a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, age, disability, or national origin, or in the administration of justice; appraise federal laws and policies with respect to discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, disability, or national origin, or in the administration of justice; serve as a national clearinghouse for information in respect to discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, disability, or national origin; submit reports, findings, and recommendations to the President and Congress; and issue public service announcements to discourage discrimination or denial of equal protection of the laws.

The State Advisory Committees

By law, the U.S. Commission on Civil Rights has established an advisory committee in each of the 50 states and the District of Columbia. The committees are composed of state citizens who serve without compensation. The committees advise the Commission of civil rights issues in their states that are within the Commission's jurisdiction. More specifically, they are authorized to advise the Commission on matters of their state's concern in the preparation of Commission reports to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public officials, and representatives of public and private organizations to committee inquiries; forward advice and recommendations to the Commission, as requested; and observe any open hearing or conference conducted by the Commission in their states.

This report is available on disk in ASCII and WordPerfect 5.1 for persons with visual impairments. Please call (202) 376-8110. It is also posted on the Commission's Web site at www.usccr.gov.

The Farmington Report: Civil Rights for Native Americans 30 Years Later

Letter of Transmittal

New Mexico Advisory Committee to the
U.S. Commission on Civil Rights

Members of the Commission:

Gerald A. Reynolds, *Chairman*
Abigail Thernstrom, *Vice Chair*
Jennifer C. Braceras
Peter N. Kirsanow
Arlan D. Melendez
Ashley L. Taylor
Michael Yaki

Kenneth L. Marcus, *Staff Director*

The New Mexico Advisory Committee submits this report, *The Farmington Report: Civil Rights for Native Americans 30 Years Later*, as part of its responsibility to advise the Commission on civil rights issues in New Mexico. The Committee approved this report by a vote of 14 yes, 0 no, and no abstentions.

In 1974, in response to the brutal murder of three Navajo youths and numerous complaints from Navajo leaders concerning unequal protection and enforcement of the laws, the Advisory Committee undertook an intensive study of the social and economic relationships between the City of Farmington and the County of San Juan and the Navajos living in the community and in the adjoining reservation. In July, 1975, the Advisory Committee released the report, *The Farmington Report: A Conflict of Cultures.* The report detailed information on the administration of justice, the delivery of health services, employment, and the economic environment. The report concluded with a series of findings and recommendations urging local and county officials in Farmington and San Juan County, in conjunction with Navajo leaders, to take steps to initiate concrete action to improve the treatment of Navajos living in the border areas of northwestern New Mexico.

In April 2004, 30 years later, the New Mexico Advisory Committee returned to Farmington and San Juan County, New Mexico. The Committee desired to learn of changes in relationships between Farmington and San Juan County and the Navajos living in the community and in the adjoining reservation. The Committee is pleased to report that the intervening 30 years have witnessed an improvement with respect to the equal protection and enforcement of laws for Native Americans. Problems continue to persist; however, and these are addressed in this report to the Commission. Nevertheless, the climate of tolerance and respect between the two cultures is a marked improvement from the conditions the Committee observed 30 years ago in 1974. This improvement presents a justification for the efforts of the Commission and other civil rights organizations and local leadership for the past several decades.

It is hoped that the Commission will find this report of value in carrying out its responsibility to study and collect information relating to discrimination or a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, age, disability, or national origin, or in the administration of justice.

Respectfully,

Stanley Agustin, *Chairman*
New Mexico State Advisory Committee

New Mexico Advisory Committee to the U.S. Commission on Civil Rights
Stanley Agustin, *Chairman*
Albuquerque

Emma Armendariz
Las Cruces

John I. Binkley
Santa Fe

Rebecca Bustamante
Santa Fe

Dale B. Carmichael
Santa Fe

Patrick D. Collins
Roswell

Lynda B. Eaton
Bloomfield

D. Kent Evans
Las Cruces

Pamela D. Evans
Hobbs

Valerie Webb Jaramillo
Albuquerque

Cindy J. Lovato-Farmer
Santa Fe

James A. Nez
Las Cruces

Hilary A. Noskin
Albuquerque

Ricardo Ramirez
Las Cruces

Acknowledgements

The New Mexico Advisory Committee expresses its appreciation to the Commission's Rocky Mountain Regional Office. The project was directed by John F. Dulles, regional director,

who also supervised the public forum. Initial report writing and follow-up research was conducted by Peter Minarik, regional director of the Commission's Southern Regional Office. Additional writing and editing were performed by John Dulles. Assistance was provided by Malee Craft, civil rights analyst, and Evelyn Bohor, secretary. The legal review was provided by Emma Monroig, solicitor for the U.S. Commission on Civil Rights.

Contents

Figures

Tables

Appendices

Chapter 1
Background

Purpose of the Forum

In April 1974 the bodies of two men, Herman Dodge Benally, 34, of Kirtland and John Earl Harvey, 39, of Fruitland, were found near Farmington, partially burned and bludgeoned. One week later, a third body was discovered, that of 52-year-old male, David Ignacio. All three men were Navajo. On May 1, 1974, three Farmington High School students were charged with the murders. Later, it would be alleged that the incident was part of "Indian Rolling"—the practice of abusing Navajo street inebriates, and that such incidents occurred repeatedly, mostly at the hands of white teenagers.[1]

The brutality of these crimes provoked an angry outrage and the Native American community started holding protest marches through downtown Farmington denouncing the pervasive racism and bigotry of the community. The dismissive attitude of the white community to the indigenous community, long a way of life in Farmington, was abruptly ended. As tensions mounted, much of the white community in Farmington found itself not only ill prepared to deal with the ensuing crisis, but indeed confused, threatened, and frightened.

In the midst of this crisis, the New Mexico Advisory Committee came to Farmington and undertook an intensive study of the social and economic relationships between the white community and the Navajos. This included three days of public hearings in August of 1974. In July 1975, the Advisory Committee released its report, *The Farmington Report: A Conflict of Cultures* (*The Farmington Report*). The report described a community ill prepared to handle a crisis in race relations and included in-depth analysis of (1) community attitudes, (2) the administration of justice, (3) the delivery of medical services, and (4) employment and the economic system.

The report concluded with a series of findings and recommendations. Regarding prevailing community attitudes, there were three major findings.

> ●First, "many elected public officials, . . . as well as civic, business, and professional leaders failed to assume a sense of active responsibility for promoting positive and productive relationships among the diverse segments of the population which they serve."[2]
>
> ●Second, the areas of "health, employment, police-community relations, and social services are all areas which require attention and programming initiatives."[3]

[1] Laura Banish, "The Broken Circle," *Daily Times*, Farmington, NM, Apr. 21, 2004.
[2] New Mexico Advisory Committee to the U.S. Commission on Civil Rights, *The Farmington Report: A Conflict of Cultures*, July 1975, p. 132.
[3] Ibid., p. 133.

- Third, there was "no mechanism available in Farmington to investigate and process complaints alleging discrimination."[4]

Regarding police protection and the administration of justice, there were five findings.

- First, "the Farmington Police Department employs a disproportionately low number of Native Americans in all aspects of police work."[5]
- Second, "the community relations program of the Farmington Police Department has been ineffective in promoting understanding between the police and the community, especially the minority community in Farmington."[6]
- Third, there was "no requirement by the Farmington Police Department to provide any kind of cultural awareness, sensitivity, or human relations training to its officers."[7]
- Fourth, "the crime rate among Navajos in Farmington is substantially higher than for non-Indians, and that the vast majority of those Navajos taken into custody are arrested for alcohol-related crimes."[8]
- Fifth, "Native Americans who appear in municipal court are at a serious disadvantage primarily because proceedings are in a language other than their native tongue."[9]

The Advisory Committee found that the health care situation for Navajos living in the northwestern part of New Mexico was at a crisis stage.

- There were allegations that local hospitals refused services to Navajos in need of medical attention and that the Contract Medical Care (CMC) Program was inadequate to meet the health and medical needs of Navajos residing in the Shiprock and Farmington areas.[10]
- "Alcoholism and alcohol abuse are a pervasive and a profound problem affecting the Navajo people."[11]

Regarding employment and the local economy, Navajos were at an economic disadvantage.

- The majority of Indians employed in the private sector were concentrated in low-skilled and low-paying jobs.[12]
- In the public sector, there was "a severe underutilization of Native Americans in local government employment."[13]

---

[4] Ibid.
[5] Ibid., p. 134.
[6] Ibid., p. 135.
[7] Ibid., p. 136.
[8] Ibid., p. 137.
[9] Ibid., p. 138.
[10] Ibid., pp. 141-42.
[11] Ibid., p. 139.
[12] Ibid., p. 146.
[13] Ibid., p. 149.

- In the local economy "the economic reciprocity which binds Navajo to Farmington and establishes the relationships between these two groups is, in almost every phase of life, basically unequal. The relationship is one of dominance and very little cooperation on the part of the predominantly Anglo community of Farmington towards Navajos instead of mutual understanding."[14]

Thirty years after its first visit to the city of Farmington and the county of San Juan and the Navajos living in the community, the Advisory Committee returned to the community to learn of the extent that changes had occurred in the social and economic relationships between the diverse communities. On April 30, 2004, a daylong community forum was held in Farmington on the campus of San Juan College, entitled "Confronting Discrimination in Reservation Border Town Communities."[15]

During morning and afternoon sessions, tribal leaders, state and local elected officials, community leaders, educators, representatives of law enforcement and business, and the general public made presentations to the Advisory Committee. In addition to revisiting topics from its first visit, the Advisory Committee examined aspects of political participation, education, and the inclusion of Native Americans in community and decision-making.

Organization of the Forum

In preparation for the forum, staff from the Rocky Mountain Regional Office of the U.S. Commission on Civil Rights contacted more than 100 people in Farmington and San Juan County, New Mexico, to gather background information and invite them to attend the event. Those contacted included Native American and Navajo community representatives, local, county, and state officials, law enforcement agencies, members of the local business community, and representatives from schools and health service providers.

Respondents to this broad outreach included the vice chairman of the Navajo Nation; representatives of the New Mexico legislature; the mayor of Farmington and the president of the Shiprock Chapter of the Navajo Nation. Also included were members of the Navajo community and local business owners; officials from the Farmington Police Department, the San Juan County sheriff, and the district attorney for the Eleventh Judicial District, New Mexico; the superintendents of Consolidated School District No. 22, the Bloomfield schools, the Farmington municipal schools, and Tótah Behavioral

[14] Ibid., p. 150.
[15] Following the 1974 hearings of the New Mexico Advisory Committee, the federal government took several enforcement actions. A voting rights suit was filed against the county of San Juan, leading to a change from three to five commissioners and the creation of a single-member districting plan (two county commissioners are now Navajo). Legal action was filed against the local hospital, resulting in that facility providing emergency room care for Navajo patients; and the Equal Employment Opportunity Commission filed against the city of Farmington for employment discrimination, resulting in the municipality adopting an affirmative action plan to remedy imbalances in its workforce.

Health Authority; as well as other interested members of the community who testified at the public session.[16]

The week before the public forum, the Farmington *Daily Times* published a weeklong series titled, "The Broken Circle." The series chronicled the turbulent period of racial tensions of the 1970s, including the Advisory Committee's earlier work in Farmington. In addition to providing an excellent retrospective, with many diverse viewpoints, the series also assessed the current status of race relations in Farmington. The articles were written by Laura Banish, under the direction of *Daily Times* Publisher Keith Haugland, Editor Barry Heifner, and City Editor Mark Lewis.[17]

[16] Appendix I lists the presenters at the community forum.
[17] Laura Banish, "The Broken Circle" Farmington *Daily Times*, Farmington, New Mexico. Apr. 21 through Apr. 27, 2004.

Chapter 2
Demographic and Socioeconomic Characteristics of the Farmington Area

Geography

San Juan County is located in the northwest corner of the state of New Mexico, bordering Arizona, Colorado, and Utah. The county is comprised of 5,500 square miles. Farmington, the largest city in the county, is located in the northern half of the county and is situated at the confluence of the San Juan, Animas, and La Plata rivers. It provides a shopping hub for the area that covers a 150-mile radius and includes the smaller towns of Aztec, Bloomfield, and Shiprock, New Mexico, as well as several towns in Colorado including Durango and Cortez.

Nearly three-fourths of the land in San Juan County consists of Indian reservations. The vast Navajo Nation Reservation lies adjacent to the county, as does the Jicarilla Indian Reservation. An Indian reservation is a land reserved to an Indian tribe, and on each reservation the local governing authority is the tribal government.[1]

Figure 1—San Juan County, New Mexico

Source: U.S. Bureau of the Census, Census of the Population, 2000.

New Mexico, with American Indians comprising 10 percent of the state's population, has the third largest percentage of American Indians of all states. Only Alaska, where 19 percent of the total population is American Indian or Alaskan Native, and Oklahoma (11 percent) had higher rates. In addition, New Mexico ranks fourth among the states in the

[1] There are approximately 275 Indian land areas administered as Indian reservations, and the states in which reservations are located have limited powers over them and only as provided by federal law.

number of American Indian residents (187,323), behind only California (413,382), Arizona (294,137), and Oklahoma (279,559).[2]

Demography

In the intervening 30 years since the Advisory Committee's last report in 1975, the population of San Juan County has doubled from 52,517 to 113,801. The racial and ethnic composition of the county, however, is relatively unchanged. Whites remain the largest racial/ethnic group and comprise about half of the county's population and American Indians remain the largest minority group, about 37 percent of the county's population. Hispanics are the second largest minority group and are about 15 percent of the county residents. (See table 1).

Table 1—San Juan County Population 1970 and 2000 by Race and Ethnicity

	1970		2000	
	Number	Percent	Number[1]	Percent[2]
Total	52,517		113,801	
White-Non Hispanic	26,874	51.2	52,922	47.4
Latino	6,903	13.1	17,057	15.3
American Indian	18,439	35.1	41,290	37.0
African American	301	0.6	429	0.3

Source: U.S. Bureau of the Census, Census of the Population, 1970 and 2000.
[1]Population totals for individual race and ethnic groups include only individuals identifying themselves as of one race/ethnicity.
[2]Percents are based upon the total population of individuals identifying themselves as one race/ethnicity.

Though there has been a perceptible shift to urbanization among households, the county continues to have a large rural population. In the 1970s, more than half of the population lived in rural areas; whereas the 2000 census reports 46,388 of the county's residents, 40 percent, living in rural areas.[3]

Table 2—City of Farmington, Population, by Race and Ethnicity

Category	Population	Pct Tot
Total	37,844	100.0
Non-Hispanic White	23,780	62.8
Black	316	0.8
American Indian	6,419	17.0
Asian, Pacific Islander & Non-Hispanic Other	264	0.7
Non-Hispanic,Bi-and, Multi-Racial	631	1.7
Hispanic or Latino (of any race)[1]	6,434	17.7

Source: U.S. Bureau of the Census, Census 2000 Redistricting Data.
[1]Hispanic persons are classified as an origin rather than a race since people of Hispanic origin fall into several racial categories.

[2] U.S. Census Bureau, State Rankins—Statistical Abstract of the United States, July 2003.
[3] U.S. Census of the Population, 2000 census, SF-1 tables.

The 2000 census recorded a population of 37,844 people in Farmington. Of this number, 62.8 percent were white; 17.7 percent were Hispanic; and 17.0 percent were Native American.

Most households in Farmington are married couples living together and nearly 40 percent of the households have children. Of the 13,982 households in Farmington, 54.3 percent are married couples living together, 12.4 percent have a female householder with no husband present, and 27.8 percent are non-families. (See table 3). Thirty-eight percent (37.9%) of all households have children under the age of 18 living with them. The average household size is 2.67 and the average family size is 3.13.

The population is spread out with the median age 34 years. About 30 percent of the population (29.3%) is under the age of 18; about 10 percent (9.9%) is from 18 to 24; almost 30 percent (28.5%) is from 25 to 44 years; and about 30 percent of the population is over the age of 45 with 21.5 percent from 45 to 64 and 10.7 percent who are 65 years of age or older. For every 100 females there are 96.2 males. For every 100 females age 18 and over, there are 93.0 males.[4]

Table 3—City of Farmington, Household Composition

HOUSEHOLD TYPE				**Pct of Total**
Family Households	**10,099**	**72.2%**		
With own children under 18			5,299	37.9%
Married-couple family			7,599	54.3%
Female householder, no husband			1,730	12.4%
Non Family Households	**3,883**	**27.8%**		
Householder living alone			3,165	22.6%
Householder, 65 years and over			1,013	7.2%
Total Households	**13,982**	**100%**		

Source: U.S. Bureau of the Census, Census 2000.

[4] http://en.wikipedia.org.

Chapter 3
Perspectives on Changes in Farmington Community Attitudes

Thirty years have passed since the Advisory Committee first came to Farmington and concluded that elected public officials and the local civic, business, and professional leaders had generally failed to assume a sense of active responsibility for promoting positive and productive relationships among the diverse segments of the population which they serve, particularly with respect to the Navajo people. This passive behavior in the face of ongoing and overt discrimination against the Navajo people created a permissive culture of bigotry and racial intolerance.

Thirty years later, two leaders from the two major communities, William Standley, mayor of Farmington, and Duane Yazzie, president, Shiprock Chapter, Navajo Nation, as well as other community leaders came and told the Advisory Committee that there has been a marked improvement in social relations and civil rights in the Farmington community from three decades ago.

William Standley, Mayor, City of Farmington

Speaking to the Advisory Committee, Mayor Standley acknowledged that bigotry was part of the community's past and was candid in admitting that some vestiges of prejudice and bigotry still exist in the community. Nevertheless, he insisted that the Farmington community has made real progress in civil rights and that current public and private leadership was committed to continuing these efforts.[1] He told the Committee:

> We who serve in the positions of leadership in Farmington are very aware that we carry with us both the blessing and the burdens of the past. This heritage has included both an enlightened side and the dark side of the history of human interactions in this Four Corners area. Will you find examples in our community where people are not well treated? Probably. Will you hear complaints of unequal treatment and restricted access to opportunity? Undoubtedly. But you will see examples of progress, good will and commitment to a positive change in the city of Farmington, and we believe and hope that you will.
>
> We are proud to say that we have voluntarily established and fully utilized an affirmative action plan for the city of Farmington. The plan includes provisions for proactive recruitment of minorities for positions within the City, as well as policies to prevent discrimination and promote qualified women and minority employees in internal hiring.
>
> For many years, our regional community has been plagued by high levels of alcohol abuse, often manifested in the highly visible presence of street inebriants in various

[1] As a personal attestation of the new commitment by elected officials, after speaking to the Advisory Committee, Mayor Standley stayed and remained in the audience to listen to all other presenters and presentations for the entire proceedings of the day-long community forum.

> avenues in the city of Farmington. Three years ago, we . . . launched a new organization in the Farmington area known as the Tótah Behavioral Health Authority. This authority outlined a comprehensive, systematic, and cooperative model for addressing alcohol abuse crisis.
>
> Another program which we developed in the past three years is a program called, "The Roof." During the winter, we have had every year Navajos dying from exposure on our streets. Three years ago, the city of Farmington for the first time opened a winter-wet shelter called The Roof. It is fully funded by the city of Farmington. We have had not one person die on our streets from exposure since this program started.
>
> Farmington Intertribal Indian Organization came into being in the 1970s as an agency in Farmington providing direct service to Native American residents and visitors to the community. These services include providing a welcoming and accessible location for Native American visitors to visit or gather, providing hot meals, emphasizing Native American dishes, hosting Native American events, and musical performances advising Native Americans on their interactions with local social agencies, businesses, government offices, and assisting clients in interpreting and negotiating sales contracts. The city of Farmington has been a major supporter of this important operation.
>
> Finally, (we have) an initiative . . . to transform the overall climate of the community into one of inclusion, respect, and equality. For several years, we have enjoyed working with former Navajo Nations Vice President Marshall Plummer. He has assisted us in orienting our employees to Navajo culture and important factors involved in interaction between Navajo and western cultures.
>
> I want you to know that my words are sincere, that they are not only words but expressions of my personal commitment on behalf of the city of Farmington to make a difference. And as mayor and as a citizen of this wonderful community, I have greatly enjoyed expanding my own horizons with regard to enriched gifts brought forward by the cultures of our area.[2]

Because the bigotry in Farmington was so egregious 30 years ago and there was no mechanism available to investigate complaints alleging discrimination or an official body to provide recommendations on human rights, the Mayor was asked whether Farmington had established a citizen-based human relations commission. Mayor Standley said such a commission had not been established, though he added that there has been "dialogue on this . . . and (he) would be open-minded to (the idea if) that would improve input or communications or help the community and city to move forward."[3]

---

[2] Testimony of William Standley to the New Mexico State Advisory Committee to the U.S. Commission on Civil Rights, community forum, April 30, 2004, Farmington, NM, (hereafter cited as Farmington Transcript), pp. 16-39.

[3] Ibid., p. 39. Mayor Standley also presented the Advisory Committee with a document titled, "Reflections on Progress: Meeting the Civil Rights Challenge, Farmington, New Mexico," a report prepared by the city of Farmington (April 30, 2004). The report contains sections outlining progress in the following areas: government services, law enforcement, the business community, education, health, and the faith community.

Duane Yazzie, President, Shiprock Chapter, Navajo Nation

President Yazzie, similar to Mayor Standley, told the Advisory Committee that though remnants of bigotry persist, there has been real progress in terms of civil rights and a considerable improvement in the general social climate in and around Farmington for Navajo people.

> Thirty years ago, we marched on Farmington to make a stand against racism and discrimination that we were subjected to, which we silently accepted as normal for many years. We made our point then and now we look back and ponder the progress we have made.
>
> I stand before you today with my report card that reads Farmington, which was dubbed "The Selma, Alabama, of the Southwest," in 1974 coming from a grade of D to a B- in race relations. I point to the deliberate efforts made by the city's elected officials and civic leaders through the years to improve our relations. These sustained efforts are to be commended. On behalf of my people, I do very much appreciate these efforts.
>
> Yes, there continue to be periodic problems but, for the most part, the efforts of the public servants, including law enforcement, the courts, the business community, and the major employers in the regions, there has been considerable advancement.
>
> Even so, the influence of the most effective programs will not reach all the people. That is the case here. Where we--even though we as civic and business leaders try to strive to make a better world, some of the citizens will always be rednecks, Indian-haters, and bigots. By the same token, I admit that there are Indian people who will also always be racist.[4]

Other Community Leaders

Ervin Chavez, county commissioner of San Juan County, affirmed the comments of Mayor Standley and President Yazzie that there has been a genuine improvement in cultural awareness and tolerance since the 1970s.

> We still have a ways to go yet, . . . but I think through my experience as county commissioner over the past (and) when you see things that happened back in the mid-'70s to the '80s versus now, we've come a long ways. I think that was a real awakening of what happened back in the 1970s. And it is really good to see that because you have to have a lot of good players in place to make a lot of things move, and that's what you're seeing here.[5]

Leonard Tsosie, senator, New Mexico Senate, cautioned that racism continues to exist and will continue to be in Farmington. Now, however, the racism is more subtle and more difficult to detect so it takes a greater vigilance to ensure civil rights.

---

[4] Testimony of Duane Yazzie, Farmington Transcript, pp. 39-43.
[5] Testimony of Ervin Chavez, Farmington Transcript, pp. 55-61.

> I suggest that we do not give up on the efforts to stamp it (racism) out, that we continue to implement changes, so that we bring not only harmony to the Native American world, but also to the world in general. So long as there is racism, there will be conflicts. So long as we do not understand diversity, there will be conflicts and wars.
>
> I believe there is a gradium of racism; there are subtleties and there is overtness. Through historical times, I think we've seen the lynching of people of different color and it was so overt. Now we somewhat see the racism going into the closet. The overt expression of racism may not be there anymore and, therefore, gives us the false impression that it is not there. I think, therefore, that we need to be more vigilant in trying to figure out a way to understand racism in modern times.[6]

Larry Emerson, an educational consultant from Shiprock, told the Committee that his research revealed that the "first recorded potshot where someone intentionally, just for the fun of it, takes shots at Indians here in San Juan County, here in Farmington" occurred in 1879. "So the idea of rolling Indians is not a new phenomena that some media might suggest."

Mr. Emerson provided an overview of the historical relationship between whites and Indians in the region, describing it as "the dominant's relationship to the subordinate . . . in terms of legal, cultural, land, economic, political dimensions of our relationship." The themes are those of "the sophisticated and the primitive, the civilized and the barbaric, the savage and the civilized." Noting these themes and the policies of paternalism are well documented and unavoidable, he said that Native people have "tried to maneuver and strategize ourselves away from that kind of treatment." Describing the state of current race relations in the region, Mr. Emerson observed the "term of polite racism probably more characterizes a lot of what goes on now."[7]

Frank Dayish, Jr., is the Vice Chairman of the Navajo Nation, also from Shiprock; he listened to some of the testimony and then commended the Advisory Committee for its work, extending a pledge of cooperation and support. He addressed the Committee and the audience:

> We welcome everybody here. We don't leave anybody out. We want to welcome non-Natives as well and we've done that for a long time. And Farmington is a suburb of our nation . . . . We're a citizen of the state of New Mexico. And we're a citizen of the United States. And we're looking for our inherent rights and that's all we would like to have observed by everybody that's here.
> And in terms of education, let it be said that on April 30, today, that from the Office of the President and Vice President of the Navajo Nation, the Navajo culture, education that would be the cornerstone of all education—from our nation—and we're willing to teach that to non-Natives that would like to participate in that endeavor as well.

[6] Testimony of Leonard Tsosie, Farmington Transcript, pp. 62-64.
[7] Testimony of Larry Emerson, Farmington Transcript, pp. 162-66.

Mr. Dayish referred to consumer and employment issues, as well as education, and thanked the Committee for exploring these issues.[8]

[8] Testimony of Frank Dayish, Jr., Farmington Transcript, pp. 208-09. Mr. Dayish met with Committee Member Linda Eaton and Regional Director John Dulles in Farmington on Jan. 23, 2004. He strongly urged the Committee to investigate the employment practices of major energy-related companies in San Juan County.

Chapter 4
Farmington Revisited—Law Enforcement, Employment, and Health Services 30 Years Later

In its first visit to Farmington in 1974, the New Mexico Advisory Committee examined community attitudes and the social and economic relationships between the white community and the Navajos in three specific areas: (1) law enforcement and the administration of justice, (2) employment and the economic system, and (3) the delivery of medical services. The Committee found improvements in police-community relations but American Indians are still disproportionately arrested and incarcerated. In terms of economic conditions, Navajos are still impoverished and relegated to low-income occupations. With respect to health services, although still suffering disproportionate high levels of disease and health-related problems, local and area health delivery systems and hospitals are more open and accommodating to Navajos than in the past.

Law Enforcement and the Administration of Justice

A major civil rights concern of American Indians throughout New Mexico and Navajos in the Farmington community has been law enforcement and the administration of justice. A recent report by the U.S. Department of Justice revealed a disturbing picture of American Indian involvement in crime as both victims and offenders. The rate of violent victimization estimated from responses by American Indians is well above that of other U.S. racial or ethnic subgroups and is more than twice as high as the national average. (See table 4). This disparity in the rates of violence affecting American Indians occurs across age groups, housing locations, income groups, and sexes.

With respect to the offender, American Indians are more likely than people of other races to experience violence at the hands of someone of a different race, and the criminal victimizer is more likely to have consumed alcohol preceding the offense. On a given day, an estimated 1 in 25 American Indians age 18 or older is under the jurisdiction of the criminal justice system—2.4 times the per capita rate of whites and 9.3 times the per capita rate of Asians. But black Americans, with a per capita rate nearly double that of American Indians, are more likely to be under the care or custody of correctional authorities.[1]

[1] U.S. Department of Justice, Office of Justice Programs, "American Indians and Crime," Foreword, February 1999.

Table 4—Violent Victimizations, 1992-96, by Race

	Number of violent victimizations per 1,000 persons age 12 or older**
All races	50
American Indian	124*
Black	61
White	49
Asian	29

*American Indians experience per capita rates of violence that are more than twice those of the U.S. resident population.

Source: U.S. Department of Justice.

In addition to high levels of victimization, American Indians by percentage as a group are also disproportionately arrested and incarcerated. That is American Indians have the highest prison population in relation to their percentage of the population. Moreover, most American Indians who are incarcerated in New Mexico come from the more heavily populated counties, such as San Juan and McKinley.[2]

Police Community Relations

The city of Farmington is located within the boundaries of San Juan County, and as a result law enforcement responsibilities are divided. The Farmington Police Department has primary jurisdiction over matters within the city limits of Farmington while the San Juan County Sheriff's Department has responsibility for maintaining law and order in the other parts of the county.[3] Three law enforcement officials spoke to the Advisory Committee: Michael Burridge, Jr., chief of police, city of Farmington; Bob Melton, sheriff, San Juan County, and Lindy Bennett, deputy district attorney, who represented District Attorney Greg Tucker.

In the 1975 *Farmington Report*, several witnesses alluded to the prejudicial attitudes of police officers toward Navajos. There were also accusations of racial slurs by the police and complaints about inequity of police protection. Chief Burridge addressed this issue with the Advisory Committee:

> We have aggressively addressed issues concerning racism and intolerance within the community. As an example, after several rumors of Native Americans being assaulted, we immediately assigned our Street Crimes Task Force to address those issues and rumors. The task force sergeant was assigned to be a liaison with the Tótah Behavioral Clinic, "The Roof," and the street inebriants and homeless in an attempt to learn the depth of the problem and come up with a plan of action.

[2] James W. Zion, "Discrimination Against Indigenous Peoples in State Justice Systems: A Case Study from the Southwest of the United States," paper presented to Expert Seminar on Indigenous Peoples and the Administration of Justice, Madrid, Spain, November 2003.

[3] The Navajo Nation also has a tribal police department which conducts law enforcement functions within the reservation.

> The members of this department, both sworn officers and civilians, care deeply about our community and all members of the community that we serve, regardless of race, gender, religion, or sexual preference. Many of our department members serve the community in special ways, by serving and volunteering on committees, commissions, and boards.[4]

Sheriff Melton told the Advisory Committee that the San Juan County Sheriff's Department, as all police agencies nationwide, has as its priority impartiality, fairness, courtesy, and the use of force only when appropriate. Moreover, he expressed the opinion that it is incumbent upon police leadership to have a real and meaningful impact on the attitudes and behaviors of its officers to ensure these priorities are put into practice.

With respect to his department and its dealings with the various communities in and around the Farmington community, Melton told the Committee the sheriff's department of San Juan does not discriminate and welcomes scrutiny and evaluation of its dealings with the public.

> (The San Juan County Sheriff's Department) does not discriminate as it goes about the business of providing effective and competent law enforcement services to a racially and culturally diverse community. (And) it is through (the Department's) practice, respective to racial and cultural diversities, that it should and will be judged and evaluated. (So) as a public agency, I and my staff welcome scrutiny and evaluation. I would hope that at the conclusion of this investigation, the Commission on Civil Rights is as confident as I that the values we hold respective to race and culture are in fact reflected in our day-to-day practices.[5]

Similarly, Lindy Bennett told the Advisory Committee that the district attorney's office pursues the administration of justice without prejudice.

> The district attorney's office is committed to fair, aggressive, and professional prosecution, regardless of race, creed, or color. We have 22 committed prosecutors in our office who are dedicated to achieving justice in San Juan County. As most of you know, as a District Attorney, we're not just an advocate for the state of New Mexico. Our job is to see that justice is achieved. Sometimes that might mean dismissing a case. Sometimes that means prosecuting a case to the fullest . . . . And I can assure you that prosecution here in San Juan County proceeds without regard to race, creed, or color.[6]

Detentions, Arrests, and Jail Conditions

The Advisory Committee previously reported that the arrest rate among Navajos in Farmington was substantially higher than for non-Indians, and that the vast majority of those Navajos taken into custody are arrested for alcohol-related crimes. In 1974 the Commission studied Farmington's arrest records for a 5-year period commencing in 1969. One major finding was the over-representation of Native Americans. Specifically, Indians comprised the following percentages of total arrests in Farmington from 1969 to

[4] Testimony of Michael Burridge, Jr., Farmington Transcript, pp. 115-22.
[5] Testimony of Bob Melton, Farmington Transcript, pp. 124-25.
[6] Testimony of Lindy D. Bennett, Farmington Transcript, pp. 126-29.

1973: 1969, 79 percent; 1970, 84 percent; 1971, 80 percent; 1972, 81 percent; and 1973, 83 percent.

Nearly 30 years later, data provided to the Committee by the Farmington Police Department demonstrated that in 2003, Native Americans represented 57 percent of all arrests, more than twice that of whites (24 percent); nearly 78 percent of all arrests for liquor law violations were Native American, compared to 14 percent for whites; Native Americans represented 58 percent of all arrests for DUI, compared with 26 percent for whites. Similar patterns were reported for disorderly conduct arrests. Of the 399 arrests for assault, aggravated assault, battery or aggravated battery, 186 (47 percent) were Native American (see table 5).

Therefore, the percentage of Native American arrests has declined since 1974; however, it remains disproportionately high, given the fact that only 17 percent of Farmington's population is Native American.

Table 5—Farmington Police Department, Assault and Battery Arrests, 2003

	Assault	Aggravated Assault	Battery	Aggravated Battery
Race/Ethnicity	**Number/Pct**	**Number/Pct**	**Number/Pct**	**Number/Pct**
White	5 (9.2%)	11 (26.2%)	84 (35.9%)	30 (30.9%)
Native American	18 (69.2%)	23 (54.8%)	94 (40.1%)	51 (52.6%)
Latino	3 (11.6%)	6 (14.2%)	49 (21.0%)	12 (12.4%)
African American	0	2 (4.8%)	7 (3.0%)	3 (3.1%)
Unknown	0	0	0	1 (1.0%)

Source: Farmington Police Department.

Chief Burridge was candid with the Advisory Committee about these concerns and the disproportionate arrests of American Indians.

> The arrest information we provided will show statistical information during the last five years regarding arrests for violent crimes as well as drugs and alcohol violations. Have we arrested more Native American men and women for alcohol-related offenses more than any other race? Yes. Yes, we have by quite a large majority. Does it show or mean that we're picking on, profiling on, or have a bias against the Native American race? Absolutely not. It shows that we have a societal problem with alcohol that is prevalent in our Native American community as well as other members of our society.[7]

Bob Melton, sheriff of San Juan County, provided crime statistics to the Committee following the public forum. Of total arrests made by the sheriff's department in 2003, 42 percent were Native American; 25 percent, white; and 26 percent, Hispanic.

Of all DWI arrests in this same year, 62 percent were Native American; 22 percent, white; and 8 percent, Hispanic. In the category, "Suspect Driver in Alcohol Related Crashes by Race in 2003," the figures were: Native American, 56 percent; white, 25 percent; and Hispanic, 19 percent. Mr. Melton also advised the Committee that recruits

[7] Testimony of Michael Burridge, Jr., Farmington Transcript, pp. 115-22.

receive 75 hours of training in the Basic Academy on cultural diversity, ethics, and racial sensitivity.[8]

Numerous Navajos, however, came forward and insisted that their community continues to be ill served by the police and justice system, and several individuals alleged overt discriminatory behavior by the police. As an example, Commissioner Chavez expressed incredulity at the high number of Native Americans in the county's DWI facility:

> It's kind of (peculiar) I guess when you look at the makeup of our population here in San Juan County within our DWI facility as well as our DWI treatment center. The majority of the population is made up of Navajos or Native Americans right now. You can't tell me that only Indians drink in this town.[9]

Ruth Russell told the Advisory Committee about encountering alleged police harassment on a routine shopping trip.

> My mom and I were stopped by a policeman and when we stopped and rolled down the window, he poked his head in the window and he said, "It smells like you're drinking." My mother and I do not partake of liquor. We do not use alcohol and we were not intoxicated. We were just driving home. And another incident with the police, my sister was being harassed by some teenage white boys on the way home from work. She approached three local policemen at the Dunkin' Donuts place. They were having coffee and donuts there and she told them, "I'm being harassed. I'm frightened." And they just offered to buy her a donut.[10]

Ramona Tewa told the Committee about her experience with police officers who she said were uncooperative when she filed a report.

> A case in particular involves law enforcement. My brother, Purnell Tewa, has been missing since May 1998. It took five attempts to file him missing. He was deemed a wandering drunk Indian. The officer told me to go out and look in the bars and the streets and on the reservations, because that's where they usually end up. (My brother) was driving a car that was found burnt out in Chokecherry Canyon. The vehicle was later lost by the department. I later found it at a local salvage yard. This case is still unsolved.[11]

Several of the invited speakers addressed the disproportionate numbers of Navajos in prison. Others described overcrowded conditions and jails lacking essential services. And others asserted that the high rate of incarceration of Native Americans was due to the lack of social services. Hoskie Benally, Jr., noted for the Committee:

> In 2001, 800 juveniles went through the court system and at least 70 percent of those were Navajos. A lot of them end up in the juvenile detention centers because there's no (health) treatment available for them. And it's not only just treating the drug and alcohol usage, but other disorders and mental health issues that are causing and driving this

[8] Letter from Bob Melton, sheriff, San Juan County, to John Dulles, regional director, June 14, 2004.
[9] Testimony of Ervin Chavez, Farmington Transcript, pp. 55-61.
[10] Testimony of Ruth Russell, Farmington Transcript, pp. 369-70.
[11] Testimony of Ramona Tewa, Farmington Transcript, pp. 413-14.

> alcohol and drug usage and there are no resources here in this community to address that.[12]

Edward Smiley, executive director of the Farmington Inter-Tribal Indian Organization, told the Advisory Committee of overcrowding and abusive conditions in community prisons.

> (In) our jails, we see overcrowding situations, and sometimes reports by our homeless people that they're abused by the jailers and inmates. And then . . . those at our jail also do not have immediate medical attention--especially those with diabetic and related health problems, and they usually need immediate assistance.[13]

Ray Begaye, New Mexico House of Representatives, said that an issue that has been oppressing in Indian country is the overcrowding in the tribal prisons and jails, which has caused some prisoners to be released because of health concerns.

> Jails in Indian Country operate well beyond the capacity in 2002, with one jail in six holding twice their recommended maximum of prisoners according to figures released by the Justice Department. There were 70 jails, detention centers, and other correctional facilities in Indian Country housing 2,080 inmates in 2002, up 2 percent from the prior year. On average, during June 2002, the 70 jails were operating at 92 percent capacity, with 13 stretched beyond capacity on any given day. The Tohono O'odom and the Mescalero Detention Centers were strained most severely, on average holding more than three times the number of inmates it was designated to accommodate.
>
> Inmates are released due to public environmental health concerns. And we continue to experience that on the Navajo Nation today—this lack of jail facilities to house inmates, and a lot of times they're released sooner. And at one time, Shiprock jail was shut down for health reasons. And my concern, I guess, is really going back to the federal government.[14]

Minority Police Officers and Access to Legal Services

In 1975, the New Mexico Advisory Committee reported on the low number of minority and American Indian police officers. The Committee found both police agencies, the Farmington Police Department and the San Juan County Sheriff's Department, employed a disproportionately low number of Native Americans. In Farmington, of the 57 police officers, only two (3.5 percent) were Navajo. In 1974, there were 13 deputies in the sheriff's department, one of whom was Navajo.

In the intervening 30 years, the percent of minority police officers has increased in both agencies. Since 1974, the number of police officers in Farmington has doubled to 106 certified police officers, eight (8 percent) of whom are Native American. Despite the improvement, however, American Indians are still underrepresented in their number of police officers as they comprise 17 percent of the city's population. Similarly for the

[12] Testimony of Hoskie Benally, Jr., Farmington Transcript, pp. 167-76.
[13] Testimony of Edward Smiley, Farmington Transcript, pp. 196-210.
[14] Testimony of Ray Begaye, Farmington Transcript, pp. 44-49.

county, American Indians are 44 percent of the county but only 9 percent of the deputized sheriff force.

Table 6—Law Enforcement Police Officers, 1974 and 2004, Farmington Police Department and San Juan County Sheriff's Department

	Farmington Police Department		San Juan County Sheriff's Dept.	
	1974	2004	1974	2004
No. of police officers	57	106	13	90
Percent Native American	3.5%	8.0%	8.0%	5.5%

Source: U.S. Commission on Civil Rights, *The Farmington Report: A Conflict of Cultures*; Farmington Police Department; and Office of the Sheriff, San Juan County.

Mr. Bennett told the Advisory Committee that it was his belief that the district attorney's office had no Native American prosecutors.[15]

Other speakers mentioned the need for public defenders who can work closely with Native Americans regarding court procedures, pending judgments, postponing court dates, repeated arrests, and clearance of records. In addition, several presenters decried the cost of legal services and that such high costs have had a chilling effect on Navajos challenging civil rights violations. Some noted that in the past, Native people and Navajo people depended a great deal on legal services and that the Navajo people used to be able to obtain legal services from such entities, but there has been a de-funding in recent years for such programs.[16]

Income, Employment, and the Local Economy

Income and Poverty

According to the 2000 Census, New Mexico's median household income ranked 44th among the 50 states and the District of Columbia. The United States has a median household income of $41,994. The city of Farmington has higher income levels and less poverty compared to San Juan County. The median income for a household in Farmington is $37,663.

Based on a three-year average (1997-1999), the poverty rate for American Indians and Alaska Natives was 25.9 percent. This is higher than the poverty rates for non-Hispanic whites (8.2 percent) and Asians and Pacific Islanders (12.4 percent) but not statistically different from the rates for African Americans (25.4 percent) and Hispanics (25.1 percent).[17]

Sixteen percent (16%) of the population and nearly 13 percent (12.9%) of families in San Juan County are below the poverty line. Out of the total people living in poverty, 22.8

[15] Testimony of Lindy Bennett, Farmington Transcript, p. 137.
[16] See, for example, the testimonies of Edward Smiley and Leonard Tsosie, Farmington Transcript.
[17] U.S. Census, press release, 2000.

percent are under the age of 18 and 7.2 percent are 65 or older. Poverty remains a particularly harsh reality for most American Indians in San Juan County.

In San Juan County, the median income for a household in the county is $33,762, and the median income for a family is $37,382. Males have a median income of $35,066 versus $21,299 for females. The per capita income for the county is $14,282. Twenty-one (21.5%) percent of the population and 18.0 percent of families are below the poverty line. Out of the total people living in poverty, 26.6 percent are under the age of 18 and 18.2 percent are 65 or older.[18]

Occupations and Industry in San Juan County

The economy of San Juan County is based in natural resources, power production, recreation, and retail trade. Beginning in the 1970s, the county experienced economic growth through the construction of several gasification plants, the construction of several plants to supplement the Four Corners Power Plant operated the Arizona Public Service Company, and the continued development of Navajo irrigation projects. Though education, health, and social service jobs are the largest employment sector in the county, nearly one in nine jobs in the county are in the mining and agriculture sector. The next largest sectors of employment are construction, transportation and public utilities, and entertainment. (See table 7).

Table 7—Employment by Industry 2000, San Juan County

Industry	Number	Percent
Manufacturing	1,766	4.0
Mining, Agriculture, Forestry	4,832	10.8
Contract Construction	3,934	8.8
Transportation & Public Utilities	3,682	8.3
Wholesale Trade	1,621	3.6
Retail Trade	5,860	13.2
Finance, Insurance & Real Estate	2,039	4.6
Arts, Entertainment, Lodging & Food Service	4,019	9.0
Information	632	1.4
Professional, Scientific, Administrative	2,340	5.3
Educational, Health & Social Services	9,199	20.7
Public Administration	2,372	5.3
Other Services	2,245	5.0

Source: U.S. Census Bureau, 2000 Census.

Throughout New Mexico, American Indians find themselves concentrated in the low-income occupations. Though they comprise almost 6 percent of the state's labor force, only 2 percent of the state's officials, managers, and professionals are American Indians. By way of contrast, 8 percent of all service workers and nine percent of all laborers are American Indians.

Table 8—EEO-1 Occupation Distribution of American Indians in New Mexico

	Total	Official	Prof.	Tech.	Sales	Office	Crafts	Oper.	Labor	Service
Total	179,373	16,328	31,565	18,865	24,102	26,172	13,271	12,892	11,115	23,946

[18] http://en.wikipedia.org.

Am. Ind.	10,182	373	582	786	1,494	1,225	1,378	1,080	1,024	1,910
Pct Am. Ind.	5.7	2.3	1.8	2.5	6.2	4.7	10.4	8.4	9.2	8.0

Source: U.S. Equal Employment Opportunity Commission.

Senator Tsosie argued that economic conditions and employment opportunities have not measurably improved for American Indians. There is high unemployment and a reluctance by public and private entities to actively engage affirmative action programs.

> There is high unemployment. On the Navajo Nation, over 50 percent are still unemployed. In municipalities for other groups, unemployment has declined or is much less, even three, four-fold less in terms of employment. But for Native Americans, the high unemployment remains.
>
> In terms of subtleties, programs that were designed to increase Native employment are under attack. I talk about the federal Indian Preference Law and also the Navajo Preference Law. Companies now use constitutional arguments to say that these laws themselves discriminate and, therefore, should be abolished. And such actions make tribal governments hesitant to vigorously advocate on behalf of their people to try to promote Indian preference within towns or by private employers because it is always under constant attack.[19]

Steve Grey, chairman, Navajo Nation Telecommunications Regulatory Commission, argued a similar point, i.e., American Indians and in particular Navajos in and around the Farmington community are not afforded equal employment opportunity in professional occupations and the higher-paying blue collar jobs.[20]

---

[19] Testimony of Leonard Tsosie, Farmington Transcript, pp. 62-88. In the past the U.S. Supreme Court has allowed preferences to members of Indian tribes. In Morton v. Mancari, 417 U.S. 535 (1974) it upheld the Indian Self-Determination and Education Assistance Act's employment preference condition that "any contract, subcontract grant, or subgrant" pursuant to the Act "shall require that to the greatest extent feasible ... preferences and opportunities for training and employment in connection with the administration of such contracts or grants shall be given to Indians."19 Plaintiff alleged that this provision was in contradiction to Title VII of the Civil Rights Act of 1964, Pub. Law No. 92-261, 86 Stat. 103 (codified at 42 U.S.C. § 2000e (2005). The Court held that American Indians could be treated differently than other citizens because doing so recognized them as members of quasi-sovereign tribal entities, rather than as members of a "racial" class. Footnote twenty-four of the opinion says that the preference applies only to Indians who are members of federally recognized tribes. As a result, it is settled that the unique legal status of Indian tribes under federal law permits the Federal government to enact legislation singling out tribal Indians, legislation that might otherwise be constitutionally offensive. American Federation of Government Employees v. United States, 104 F. Supp. 2d 58 (D.D.C. 2000) upheld a contracting preference for firms mostly owned by American Indians, Indian tribes or Native-Hawaiian organizations. However, in Dawavendewa v. Salt River Project Agricultural Improvement and Power District, 154 F.3d 1117 (9th Cir. 1998) the Ninth Circuit held that the Navajo Nation's tribal preference policy constituted Title VII national origin discrimination against a non-Navajo Indian under Title VII of the Civil Rights Act of 1964. See Elizabeth Zarden Mazzarella, Note: Employment Law: Dawavendewa v. Salt River Project Agricultural Improvement and Power District: The Need for Congressional Change in Native American Hiring Preferences, 28 American Indian Law Review 413 (2003/2004).

[20] Testimony of Steve Grey, Farmington Transcript, pp. 105-14.

> Administrative and managerial positions are still filled with few, if any, Native Americans. It doesn't matter if you look at the county, the city, or even local institutions. You still find very few Native Americans in high-level, decision-making positions. After 30 years, you would think the local governments would have made great progress in this area. In the local area, the professional area, (only) 2 percent of Native Americans are in those professional areas. In skilled craft areas, they are 14 percent. Those are very low numbers when you compare them to the overall population of the Navajo. On the Navajo Nation, there are over 8,000 tribal employees that work for the tribal government--quite a large (number) when you compare this to the 600 to 800 workers both at the city and at the county levels. This does not include the hundreds of employees that work for Indian Health Service or the Bureau of Indian Affairs. To make statements that there are no professional Native Americans is nothing more than an excuse. I have many colleagues who possess those degrees, such as master's and Ph.D. degrees. I know many Navajo law enforcement officials as well as judges. Many of those professional Navajos commute from areas like the Four Corners to jobs far from Farmington. You can't tell one that--you can't tell me that they would not like to work closer to home and in communities such as Farmington, New Mexico.[21]

Tina Deschenie, testifying as part of the Navajo Leadership Panel before the Advisory Committee, lamented the lack of equal opportunity in the employment sector for American Indian women, particularly in higher-paying positions.

> There are (only) a few instances of Indian women progressing to higher-level positions of employment. Indian women are largely excluded from corporate groups, boards of directors, and are under-represented in positions of influence and status and economic reward. (And) single-woman households are increasing and this is because women are forced to move away from their home communities to pursue education, such as what is offered here by San Juan College. And that leads to all kinds of family breakdown, in some cases due to divorce, sometimes abandonment or domestic violence. Domestic violence is very high among Indian women.[22]

Public Employment

The city of Farmington is one of the largest employers in San Juan County. When the Committee visited Farmington in 1974, only 4 percent of the city's employees were American Indian in a city that had a population of almost 8 percent American Indian. Today, 30 years later, the city's past disproportionate employment of American Indians has been largely corrected. In 2003, 18 percent of the city's workforce was American Indian contrasted with 17 percent of the population. In almost every job category, the percent of American Indians employed by the city has increased to generally approximate the proportion of residents.

Table 9—EEO-1 Occupation Distribution, City of Farmington, 1974 and 2003

	1974			2003		
Category	**Total**	**Whites**	**Indians**	**Total**	**Whites**	**Indians**
Administration[1]	181	156	5 (2.8%)	132	97	21 (15.9%)
Police	72	66	2 (2.8%)	146	107	20 (13.7%)

[21] Ibid.
[22] Testimony of Tina Deschenie, Farmington Transcript, pp. 176-86.

Parks	15	10	0 (0.0%)	129	63	49 (38.0%)
Housing[2]	32	27	4 (12.5%)	73	40	14 (19.2%)
Sanitation[3]	54	28	4 (7.4%)	132	85	19 (14.4%)
Fire	33	29	1 (3.1%)	78	68	3 (3.9%)
Total	**387**	**316**	**16 (4.1%)**	**690**	**460**	**126 (18.3%)**

Sources: *Farmington Report* (1975); City of Farmington 2004 Affirmative Action Plan (2003).
[1]Administration: combines Administration and Airport for 1974; combines Legislative, Judicial, Administration, Legal, IT, Admin Services, General Services, and Human Resources for 2003.
[2]Housing: Combines Housing, Planning, and Streets for 1974; is Community Development for 2003.
[3]Sanitation includes Sanitation and Electric for 2003.

One job category in city employment that remains substantially under-represented is the fire department. Of the 78 persons employed by the department, only three (3.9%) are American Indians. The fire department is the one city job category that has not shown substantial increases in minority employment in the past 30 years, remaining approximately 90 percent white.

Perspectives on Community Attitudes and Economic Opportunity from Business Leaders

Previously the Advisory Committee had reported on the local economy and found that the economic relationship between the Navajo and the Farmington business community is, in almost every phase of life, unequal. The relationship is one of dominance with very little cooperation on the part of the predominantly Anglo community of Farmington towards Navajos. Perspectives regarding economic relations were solicited from the business community and the native community.

Generally, the business community told the Advisory Committee about equal employment opportunity in local business and that employers strive to hire as diverse a group of people as possible. Several also noted an improved attitude by business owners toward minority customers and an increased cultural sensitivity. The American Indian community, however, was less conciliatory, and argued that predatory lending and price-gouging actions against Indians were still prevalent.

Gary Dethloff, store manager, American Home Furnishings, Farmington, told the Advisory Committee that today there is a positive attitude on the part of local business towards minority customers:

> I have lived in Farmington for the past five years serving as the store manager for American Home Furnishings, located directly west of the downtown district. I can offer no simple explanations or solutions for the long-standing problems described by your 1975 report as "Conflict of Cultures." Since I am a newcomer to Farmington, I cannot properly judge the progress made by either culture in reducing this conflict in the past 30 years. But from what I have seen and heard in the past five years, I am certain that progress has been made.
>
> Currently, American Home has eight store locations in New Mexico and Arizona. We are an equal opportunity employer and we always strive to hire and mentor as many different

> groups of people as possible, including minorities and the handicapped. My store has done an increasingly better job accomplishing this goal since it opened in Farmington 15 years ago . . . . I am required by my supervisors to report and repair any damaged relationships since long-term relationships are the very essence of our success as a business.
>
> Although percentages naturally fluctuate over time, my staff of 40 to 50 generally ranges from a third to one half Native American employees. My mostly Navajo employees exhibit a caring and committed dedication to service for all of our customers, as do the rest of our employees. Everyone is accepted, welcomed, and invited to shop at American Home. We would like to partner with the colleges and the chapter houses so that American Home can be more successful recruiting Native Americans to professional retail sales and management.[23]

Joyce Donald, president, Four Corners/Western Slope Better Business Bureau, said there has been a tremendous change in the attitudes of local business:

> The mission of the Better Business Bureau is to promote and foster the highest ethical relationship between business and the public through voluntary self-regulation. And one of the things that I like to put across (to business owners is that) customers sign your paycheck. They are the ones that bring the money to your business. So it's very important how you treat them, what you do for them, how you educate them.
>
> I find sometimes with the Navajos, that an older lady or an older gentleman will get into a situation where they cannot read the contract. I will say to their son, daughter, or anybody that might bring them in, 'Go with them when they're going to make a major purchase. Make sure that they understand. Help them.' Because I think our younger people can help. I think there is a responsibility not only with business, but it's also with the families to help these people when they're making purchases and going into something strange that they don't know about.
>
> The one thing that I have seen over 20 years is a tremendous change in the attitude of businessmen as far as the Native Americans and blacks, and how the businesses are treating them.[24]

Ms. Donald told the Committee that communications with customers as well as the customer becoming educated "is what it's all about." She expressed concern with lending institutions, noting that predatory lending has been "a big problem we've suffered with." In response to a Committee member's inquiry, she stated that of a total membership of 800 to 850 businesses, the Better Business Bureau has but two Navajo member organizations. The bureau also has no minority staff.[25]

---

[23] Testimony of Gary Dethloff, Farmington Transcript, pp. 211-16.
[24] Testimony of Joyce Donald, Farmington Transcript, pp. 217-24.
[25] Farmington Transcript, pp. 262, 264. In response to the Committee's request, Ms. Donald agreed to forward for the record, statistical information regarding complaints filed with the Better Business Bureau, data which she said was kept by her organization. However, despite follow-up efforts by regional staff after the forum, this data was never submitted to the Committee.

Melissa Lane, president, Farmington Chamber of Commerce, discussed cultural sensitivity and told the Advisory Committee that the racial climate has improved.

> The Farmington Chamber of Commerce has a Champion of Customer Service Committee. That committee has been in place for a few years. I will tell you even prior to the inception of that committee, probably for about the last ten years, we've been working on customer service training and cultural sensitivity training.
>
> Our Telecommunications and Transportation Committee has been working on several initiatives. One of the initiatives is working with a Navajo tribe and Citizens Communications to bring a fiber optic system to the Four Corners. I believe that over the past years we have come a very long way in making sure that we are communicating . . . . At the Chamber, we do receive complaints and we do our best to answer those and refer them to either the Better Business Bureau or to where it is appropriate.
>
> I think that we have a great collaborative effort here in our community. The Farmington Chamber of Commerce works very closely with the city of Farmington, with San Juan College, with San Juan County, with the Farmington Convention and Visitors Bureau, and with the Navajo Nation. I think we try and make a positive difference in the community. Certainly we are still working on making sure that everybody's needs are being met, but we have come a long way and we are very excited with the initiatives that we have right now with (former Navajo tribal official) Mr. Plummer and with the city of Farmington working on a systemic approach to cultural sensitivity training.[26]

In response to a Committee question, Ms. Lane told the Committee that "two or three" of the chamber's members are Navajo. She also stated that her organization has no minority employees.[27]

Steve Melloy, director, Advantage Dodge, Farmington, told the Advisory Committee that it was essential to be culturally sensitive to do business in Farmington:

> From a standpoint of doing business in Farmington, it is a multi-cultural area and that's part of the reason I am here. I like the area we live in. I like New Mexico. I like the multi-cultural aspect of Farmington. I like where it is and the people that live here and the type of business that we have is. We deal with a lot of different cultures and a lot of different people. Consequently, what we have to do is we try to be aware of certain things that might offend people and that might be offensive to a certain culture and—because it's different doing business here than what it is in—possibly in Albuquerque or a different area.
>
> The Navajo reservation has 250,000 people, which is a large group of people. And in order to do business in Farmington, you should very much be prepared to deal with the Navajo reservation and how to do business on the reservation. We've tried to address these issues, but sometimes, from a cultural standpoint, it is hard to keep an open line of communication because sometimes what we think and what somebody else thinks might be two different things. What we try to do is if a person comes into our dealership and is in the process of buying a car or in the process of obtaining service for their car, their

[26] Testimony of Melissa Lane, Farmington Transcript, pp. 225-31.
[27] Farmington Transcript, pp. 262, 264.

> vehicle, if they do not understand, whether it be a Hispanic or Navajo-speaking person, we try to provide somebody in our dealership, an employee in our dealership, who can help translate and help provide the information so they can understand, can feel comfortable when they come into our business and be able to do business and have the respect that they should have and be treated properly in our dealership.[28]

Dave Turnbull, president, Western Tire and Appliance, Farmington, told the Advisory Committee that a policy of nondiscrimination is simply good business.

> What I have learned over all my years is that customer service is number one. A business will not survive if it does not take care of its customers. I guess the biggest thing that I've heard this morning and that I learned when I was a very young man (in the retail business) was a policy that has stuck with me to this day--no discrimination.
>
> We have customers every day that only speak Spanish, Navajo, or whatever, and I am so grateful to have many employees at my facility that can help them because I don't speak those languages and I wish I did. But I think we need to be looking at that and I think that's why we're here today, how do we keep educating our friends and neighbors. I feel privileged to be a suburb of the Navajo Nation. I want to continue to learn more and do the best job I can to continue a successful business. But we all have new employees all the time, and there is a need out there to keep educating these employees, whether people have just moved to the community or who have lived here all their lives.
>
> I know thousands and thousands of dollars have been contributed from local businesses to charitable organizations on the Navajo Nation, within this county, and it's fabulous. It is just fabulous.[29]

Mr. Turnbull noted, in response to a Committee member's question, that 58 percent of his employees are minority (37 percent Navajo); Mr. Melloy responded that 34 percent of his workforce is minority (16 percent Navajo); and Mr. Dethloff stated that 60 percent of his staff is minority, mostly Navajo.[30]

Perspectives on Community Attitudes and Economic Opportunity from the American Indian Community

DNA People's Legal Services is a non-profit law firm funded primarily by the federal government through the Legal Services Corporation. The agency serves the northwest part of New Mexico and has offices in Farmington and Shiprock, on the Navajo Nation. Both offices have a high caseload of consumer issues. The majority of DNA's clientele are Native Americans, who often fall victim to abusive consumer transactions and predatory lending practices. The Farmington office has processed 124 consumer-related cases with 12 open cases this year and the Shiprock office has processed 258 consumer-related cases and they also have12 consumer-related cases open this year. The numbers are relatively small because the offices are not fully staffed and DNA's representation is

[28] Testimony of Steve Melloy, Farmington Transcript, pp. 232-34.
[29] Testimony of Dave Turnbull, Farmington Transcript, pp. 234-36.
[30] Farmington Transcript, pp. 262-64.

limited to low income people.[31] Levon Henry, executive director for DNA People's Legal Services told the Advisory Committee that DNA has been in operation nearly 40 years and continues to see these problems and they do not seem to be getting any better.

> Many people in the Four Corners region have been devastated by the unscrupulous business practices of car dealers, mobile home dealers, pawn shops, and the new payday loan and title loan operations. Many of the unscrupulous dealers and business operators are willing to take full advantage of the elderly who they know full well don't understand the terms and conditions of the legal documents they are signing.
>
> While some community members may say that the blatant discrimination of Native Americans and low income persons is tempered by the passing years, it remains alive and well in another forum shown through the well-documented business practices of these unscrupulous car dealers, unscrupulous mobile home dealers, and unscrupulous pawn dealers.
>
> This is not to say that this is a reflection of this community. There are certain business dealers within this community that continue these practices and cast a bad light on this community. Many of the unscrupulous business dealers are willing to put an individual into a contract that they know that the individual cannot pay. Many of the unscrupulous dealers and business operators are willing to loan a person a small amount of cash for valuable property at exorbitant interest rates, then turn around and sell that property for a large amount without notifying the owner. Many of the unscrupulous dealers and business operators look forward to the tax season so that they can take advantage of the tax return loans offered to the people.[32]

A number of other speakers from the American Indian community reiterated Henry's testimony that individual consumers from their community do not receive fair treatment from some businesses in the Farmington area. Harry Descheenie, a presenter on the Navajo Leadership Panel at the community forum, told the Advisory Committee that American Indians often encounter problems when trying to purchase large items.

> A majority of the Navajo families who come in to make large consumer purchases purchase either cars or mobile homes. And there are instances of problems with those consumer transactions. Just the fact that between here and Shiprock, there are a number of pawn stores and trading posts that have large fenced-in yards full of vehicles and horse trailers is some indication that there is a struggle amongst Navajo families with money in that they are pawning large items from their households for cash. And so there is something wrong with the economic picture when you put all of those instances together.[33]

Smiley alleged that a number of commercial enterprises continue to overprice products and services sold to American Indians.

> As far as for business and consumer, there's a lot that we should look into, these are car dealers and repair shops and overpricing, things like that. I think as a Native American

[31] Testimony of Levon Henry, Farmington Transcript, pp. 89-104.
[32] Testimony of Levon Henry, Farmington Transcript, pp. 89-104.
[33] Testimony of Harry Descheenie, Farmington Transcript, pp. 187-95.

> consumer, we do not usually fully understand the paperwork involved and what it all means and we just sign off on the purchases.[34]

Begaye told how payday loan companies and installment loans are crippling many American Indian households.

> One is on the payday loans. It's pretty extreme in Gallup, New Mexico, and it is pretty extreme here in this area. Interests are insurmountable and loans cannot be consolidated or paid back in full once you get this payday loan. The requirement is for the consumer to pay back by installments. Late payments comes with additional late fees. And this has been a critical issue that's pressing the Native American people today that are seeking every avenue to secure some type of form of loan or some kind of friends to accommodate their household needs.
>
> Vehicle loans are another matter or concern. The Navajo people and poor minorities sacrifice their vehicles by surrendering their title in lieu of loans. The interests are insurmountable and loans cannot be consolidated or paid back in full here again. So a lot of the vehicles are confiscated, family vehicles of Indian people.
>
> Car dealer fraud is another one that continues to exist in border towns. Car dealers commit consumer frauds when they sell used cars without disclosing the history of major collision, odometer rollbacks, un-repairable mechanical problems, or undesirable prior use.[35]

Wallace Charley, Navajo Nation Council Delegate to the San Juan County Commission, also was critical of some local car dealers. He told the Committee that in the late 1990s, the Navajo Tribal Council passed legislation that mandated car dealers on and surrounding the Navajo reservation to discuss with all purchasers of vehicles the terms and conditions of the purchase agreement and loan. Most car dealers comply with the law and as a result there has been some improvement in the integrity of car retail transactions with Navajos in and around the Farmington community.[36]

Health Care Services for the American Indian Community

American Indians continue to experience health disparities and higher death rates than the rest of the U.S. population. Despite the funds appropriated by Congress to deliver health care services for Native Americans, a wide range of public health status indicators demonstrate that Native Americans continue to suffer disproportionately from a variety of illnesses and diseases. Based on a three-year average (1997-1999), 27.1 percent of American Indians and Alaska Natives lack health insurance coverage. This rate is

---

[34] Testimony of Edward Smiley, Farmington Transcript, pp. 196-210.
[35] Testimony of Ray Begaye, Farmington Transcript, pp. 44-49.
[36] Testimony of Wallace Charley, Farmington Transcript, pp. 50-54. For a 2003 article on predatory lending to Navajos in New Mexico, see http://www.indiancountry.com/content.cfm?id=1057937660. (last accessed 6/2/05). See press release March 31, 2004, of the National American Indian Housing Council titled, "Hearing Address Subprime and Predatory Lending: Native Americans Continue To Be Overlooked."

significantly higher than that of African Americans (21.6 %), Asians and Pacific Islanders (20.9 %), and non-Hispanic whites (11.6 %), but lower than that of Hispanics (34.3 %).[37]

The Indian Health Service (IHS) has been given primary responsibility for eliminating this disproportionate health status and has been largely successful in reducing mortality rates, while making significant improvements in other areas. The IHS provides health care services to approximately 1.5 million of the 2.6 million Native Americans in the United States. Recipients include members of more than 560 federally-recognized tribes in 35 states. IHS provides services primarily to the Native Americans living on or near reservations or in rural areas. Funds for IHS health care are discretionary, consequently, IHS provides health care services only to the extent appropriated funding allows.

When the New Mexico Advisory Committee visited Farmington in 1974, it found that the health care situation for Navajos living in the northwestern part of New Mexico was at a crisis stage. The Committee heard allegations that local hospitals refused services to Navajos in need of medical attention. There was evidence that the Contract Medical Care (CMC) Program was inadequate to meet the health and medical needs of Navajos residing in the Shiprock and Farmington areas. Alcoholism and alcohol abuse were a pervasive and a profound problem affecting the Navajo people.[38]

Today, a major health provider in the Farmington community is the San Juan County Regional Medical Center. Locally-owned and not-for-profit, the center is a federally-designated "sole community provider" with a service area covering more than 5,500 square miles. The center is governed with direct input from a corporation whose members represent more than 80 community organizations, including the Farmington Inter-Tribal Indian Organization.[39]

Still, available data suggests that 32 percent of the total San Juan County population is uninsured or underinsured[40] and alcoholism remains a devastating disease among Navajos in the Farmington community. In response to this continuing problem in the American Indian community, in November 2000 a local health summit convened and reported that there are at least 700 uninsured and untreated chronic public inebriates in the region who have become homeless and estranged from their families. Moreover, the summit found a tendency for inebriates to migrate to Farmington and the greater San Juan region, which has produced added pressure on limited resources of the community, of community agencies charged with protecting public health and safety.

Working in active partnership with officials from the Navajo Nation, the city of Farmington, and San Juan County, the Tótah Behavioral Health Authority (TBHA) began to serve this community two and a half years ago. It operates as an independent health delivery service with six other partnering agencies including the San Juan Regional

[37] U.S. Census, press release, October 2000.
[38] *Farmington Report*, pp. 141-42.
[39] *Decision Points*, San Juan Regional Medical Center Annual Report, 2003.
[40] *See* comments of Paul Ehrlich, Farmington Transcript, p. 315.

Medical Center, Farmington Inter-Tribal Indian Organization, Four Winds Recovery Center, Presbyterian Medical Services, the state of New Mexico Department of Health, and the federal Indian Health Services.[41]

American Indians Experience Significantly Higher Rates of Illness

American Indians continue to experience significant rates of diabetes, mental health disorders, cardiovascular disease, pneumonia, influenza, and infant mortality. As a result, the U.S. Commission on Civil Rights held a briefing on October 17, 2003, in Albuquerque, New Mexico, and found compelling evidence that disparities in the health status of Native Americans persist. The Commission reported substantial disparities between the American Indian community and the general populace in diabetes, tuberculosis, mental illness, alcoholism, suicide, and infant mortality.[42]

American Indians are 770 percent more likely to die from alcoholism, 650 percent more likely to die from tuberculosis, 420 percent more likely to die from diabetes, 280 percent more likely to die from accidents, and 52 percent more likely to die from pneumonia or influenza than other Americans, including white and minority populations. As a result of these increased mortality rates, the life expectancy for Native Americans is 71 years of age, nearly five years less than the rest of the U.S. population.[43]

- Diabetes is one of the most serious health challenges facing American Indians, and American Indians have the highest prevalence of Type 2 diabetes in the world.
- Although the tuberculosis rate among American Indians is declining, it continues to disproportionately affect this population.
- American Indians are at a higher risk for mental health disorders than other racial and ethnic groups.
- Alcohol abuse is widespread in Native American communities; Native Americans use and abuse alcohol and other drugs at younger ages, and at higher rates, than all other ethnic groups.
- The suicide rate for American Indians continues to escalate and is 190 percent of the rate of the general population; suicide is the second leading cause of death for American Indians 15 to 24 years old and the third leading cause of death for American Indian children 5 to 14 years old.
- From 1994 through 1996, the Indian Health Service estimated that the age-adjusted death rate from pneumonia and influenza for American Indians was 71 percent greater than the rate for the entire U.S. population.
- American Indian infants continue to die at a rate two to three times higher than the rate for white infants, and coincidently maternal health factors also indicate

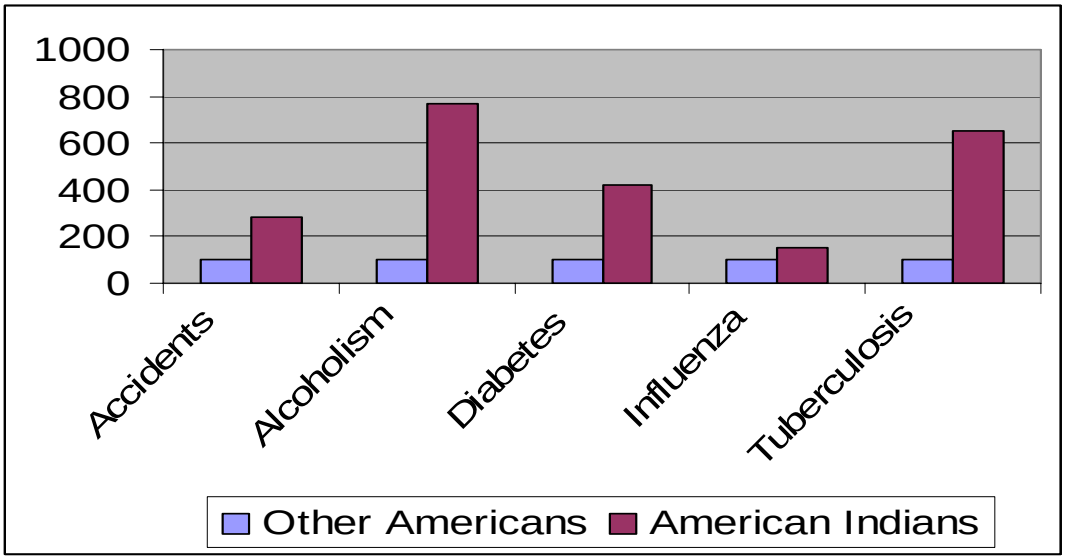
[41] *Ibid.*
[42] Since 1973, mortality rates have been reduced for the following: tuberculosis (82 percent); maternal deaths (78 percent); infant deaths (66 percent); accidents (57 percent); injury and poisoning (53 percent); and pneumonia and influenza (50 percent). Indian Health Service, *Trends in Indian Health 1998–99*, Aug. 21, 2003).
[43] U.S. Commission on Civil Rights, Native American Health Care Disparities Briefing, Albuquerque, NM, October 2003.

lower health status and pregnant American Indian women consistently hold the lowest percentage of women receiving early prenatal care.[44]

Despite the presence of the San Juan County Regional Medical Center and a more accommodating attitude in the Farmington community, American Indians in general continue to have disproportionately high levels of certain illnesses and diseases. The U.S. Commission on Civil Rights recently reported on the primary contributors to disparities in health status for Native Americans:

- Limited access to appropriate health facilities;
- Poor access to health insurance;
- Insufficient federal funding;
- Quality of care issues; and
- Disproportionate poverty and poor education.[45]

Figure 2—Rate of American Indians Susceptible to Death from Accidents, Alcoholism, Diabetes, Influenza, and Tuberculosis Compared to the General Population



Source: U.S. Commission on Civil Rights, report titled, *Broken Promises: Evaluating the Native American Health Care System* (February 2005).

Perspectives from the American Indian Community on Health Delivery Services

Several presenters from the American Indian community discussed health delivery services with the Advisory Committee. Generally, they agreed that the overall delivery of services to American Indians had improved in the past 30 years. Still, some voiced concerns about health care affordability, access to those services given the location of providers, and the seriously high rate of illness in the American Indian community. Paul Ehrlich, however, concentrated his comments detailing for the Advisory Committee the

[44] Ibid.
[45] U.S. Commission on Civil Rights, Native American Health Care Disparities Briefing, February 2004.

ongoing devastating effect of alcoholism on the American Indian community and the work of the Tótah Behavioral Health Authority (TBHA).

Tina Deschenie told the Committee that she was able to utilize health insurance from her employment and use all of the local medical service providers and the services provided had been good.[46] Smiley said that when Native Americans living in Farmington need medical attention, they go to San Juan Regional Medical Center and they do receive services. But he complained that often they end up paying for their health services, which can sometimes run from $3,000 to $15,000.[47]

Senator Tsosie voiced concerns that health care providers are not situated in locations convenient to the population they are to be serving.

> The IHS and the specialized health services have pretty much all migrated to the border towns and it's lacking where Indian people live. Almost all of the veterans' hospitals and clinics have migrated into border towns, and you see Native Americans hitchhiking,veterans hitchhiking, into border towns for services. We need to figure out a way to reverse that.

Ehrlich reminded the Committee and the audience of the historical legacy that helped produce high rates of alcoholism among the American Indian population, and the efforts of the Tótah Behavioral Health Authority to serve those suffering from the disease residing in the Farmington community. Speaking with Paul Ehrlich was Edward Begay, a traditional counselor at the TBHA, who vividly and emotionally described the intergenerational pain and suffering of the clients he serves at the center.

> (Ehrlich) I feel that it's important to keep in mind the historical context in which we all live. The record shows that alcohol was used as a tool of conquest and subjugation that added greatly to the oppression of Native American people. It has left a bitter legacy on Native communities throughout North America. It has devastated families and destroyed the lives of countless individuals. It has created an historical trauma that has powerful residual effects in the present day. Treating alcohol abuse successfully is one of the single most effective ways to begin to heal these wounds and redress injustice in the past.
>
> TBHA serves a monthly average active caseload of 117 clients and has successfully referred 79 clients, or more than 11 percent of our target population, to inpatient treatment for alcoholism. TBHA's current program statistics demonstrate that our primary target population is most likely to be male, approximately 42 years of age, 93 percent of whom are Navajo.
>
> Additional conditions that impact access and contribute to health disparity in this group are clustered in the following areas: Acuity of condition when entering the service system. Typically, when our clients present for treatment, their physical and mental condition is exceptionally acute, resulting in increased costs to local--the local health and safety network. This in turn complicates service delivery and coordination requirements. In addition to alcoholism and drugs--and addiction to other drugs, often accompanied by

[46] Testimony of Tina Deschenie, Farmington Transcript, pp. 176-86.
[47] Testimony of Edward Smiley, Farmington Transcript, pp. 187-210.

co-occurring mental health conditions--our clients frequently suffer with diabetes, chronic respiratory conditions, heart disease, STDs, malnutrition, and dental needs that have gone untreated, often for many years.[48]

(Edward Begay speaking in Navajo.) A lot of the population that we serve, the relatives that we serve here in the Four Corners area, have no knowledge, have no idea who they are, where they are coming from. They (migrate) into the border towns seeking jobs, seeking something better than what is usually found on the reservation, unemployment, lack of education, lack of support. A lot of our relatives and (much of the) population that we serve, were raised in single-parent homes due to alcoholism, due to domestic violence, due to a lot of unhealthy environments, unhealthy relationships.

A lot of the people, the relatives that we serve here in Tótah Behavioral Health have childhood issues, unresolved issues, childhood traumas. (They have been called) words such as "stupid," "crazy," "uneducated," "stealer"—and a lot of these have caused these traumas. A lot of these words have caused major impacts to a point where they feel that they are stupid. They no longer have their input to society. These words cause them so much heartache, so much pain, the grief that comes with this abandonment.[49]

Perspectives of Medical Service Providers

Steve Altmiller is president and chief executive officer of the San Juan Regional Medical Center in Farmington. In a staff interview, he noted the following:

1. The hospital has one floor devoted exclusively for renal care. Ninety percent of the patients are Navajo. Many of the patients are terminal.
2. Approximately 100 patients per month are brought to the emergency room for detoxification. One-third of these are then referred to the Four Winds facility.
3. Thirty percent of all inpatients are Navajo, the bulk in renal care. Approximately 2 percent of the hospital's revenue is from the Indian Health Service.
4. Education is critical to improving the outlook for Navajo health conditions. Infrastructures need to be strengthened to support a healthier lifestyle, including transportation, and better housing and sanitary conditions. Transportation systems need to be improved. Diabetes is a serious problem and dietary changes must be promoted. The regional center is using videos to help in its educational outreach to the Navajo community.
5. Sixteen percent of the medical center's staff is Navajo.[50]

Dr. Richard Champany is the medical director of the Northern Navajo Medical Center in Shiprock (an Indian Health Service facility). This center provides extensive hospital and health care service throughout the northern Navajo Nation, including San Juan County. In a staff interview, Dr. Champany made the following observations:

1. There are serious issues concerning environmental health in San Juan County. In combination, automobiles, power plants, and the oil and gas industry are

[48] Testimony of Paul Ehrlich, Farmington Transcript, pp. 283-312.
[49] Testimony of Edward T. Begay, Farmington Transcript, pp. 313-39.
[50] Steve Altmiller, staff interview with John F. Dulles, regional director, Farmington, NM, Jan. 20, 2004.

producing nitrous oxides (a precursor to smog). Asthma is a major disease in the region, for which Shiprock has among the highest rates in the nation. One factor contributing to asthma is smog.

2. There is a lack of continuity in services. Many doctors serve in a temporary capacity. While the pay rate for primary care physicians is equal to the median salary throughout the state, there are significant sub-specialties (including orthopedics, anesthesia, emergency room care), where it is difficult to recruit physicians for the salary offered by the Indian Health Service.
3. The Indian Health Service is under-funded nationwide. A $500,000 deficit facing the Shiprock center is being deferred to the next year.
4. The Navajo Area Indian Health Service has 8 service units, located throughout the reservation. There are few dialysis services offered and there is not enough for all necessary dialysis care.[51]

Dr. Champany submitted additional comments to the Advisory Committee on March 15, 2005. These are included in appendix G.

[51] Staff interview, Dr. Richard Champany, with John F. Dulles, regional director, Shiprock, NM, Mar. 25, 2004.

Chapter 5
Education and Housing

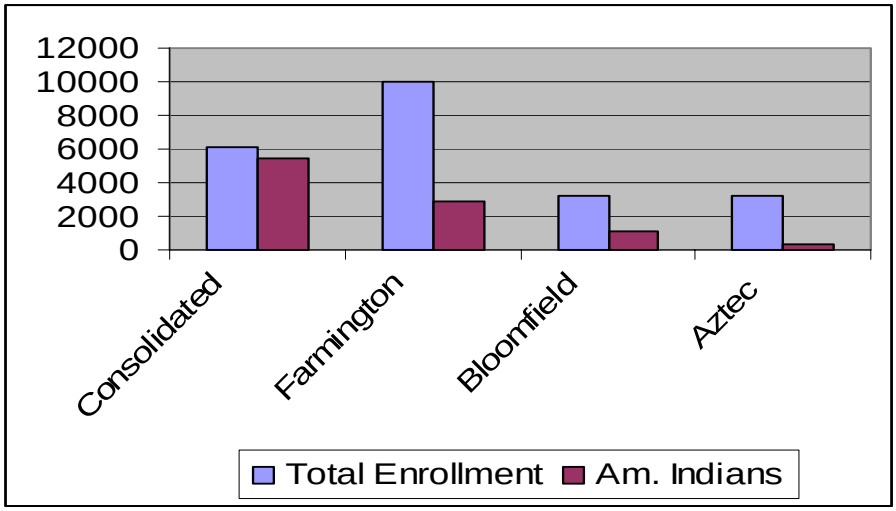
In its first visit to Farmington in 1974, the New Mexico Advisory Committee focused on the social relationships between the white community and the Navajos and issues of education and political empowerment were not specifically addressed. In its 2004 community forum, the Committee gave serious attention to these issues, particularly education. Representatives from the four public school districts serving the Farmington community spoke to the Advisory Committee and a number of individuals from the general public also expressed their concerns about education initiatives with respect to the American Indian community.

Education

Four major public school districts serve the Farmington area: Farmington, Central Consolidated, Aztec, and Bloomfield. Farmington is the largest of the four districts, with an enrollment of 10,055 students; whites and American Indians are 47 and 29 percent, respectively, of total enrollment.[1] It ranks fourth in the state in the number of American Indian students. The Aztec and Bloomfield districts are smaller districts with total enrollments of 3,229 and 3,178, respectively. American Indians are about 12 percent of all students in the Aztec district, and 35 percent of the student population in the Bloomfield school district.[2] The Central Consolidated District No. 22[3] (CCD) is located both on and off the Navajo Reservation and has 6,926 students, of whom 6,148 (88 percent) are American Indian and 4,125 (60 percent) are English language learners.[4] (See figure 3).

[1] School Year 2003-04, New Mexico Department of Education, www.ped.state.nm.us.
[2] Ibid.
[3] Central Consolidated School District No. 22 website: http://www.centralschools.org/AboutCCSD.html, (last accessed on 6/2/05).
[4] Presented exhibit, from Linda Besett, community forum, Farmington, NM, Apr. 30, 2004.

Figure 3—Total Enrollment and American Indian Enrollment for Central Consolidated District No. 22, Farmington, Bloomfield, and Aztec School Districts, 2003-04 School Year



Source: Central Consolidated School District and New Mexico Department of Education.

CCD has the most American Indian students of any school district in the state, and was the subject of a recent investigation by the Office for Civil Rights (OCR), U.S. Department of Education, for failing to provide adequate educational support for students with limited-English proficiency. In 2003, OCR investigated a complaint against CCD, alleging the district discriminated against students on the basis of national origin and race and that the district failed to provide adequate educational services to students with limited-English proficiency. The district acknowledged its non-compliance and resolved the complaint with OCR agreeing to ensure all newly enrolled students are assessed for English proficiency, and also agreeing to ensure an appropriately qualified staff to provide ESL/ELD instruction.[5] (The Resolution Agreement between the Central Consolidated District No. 22 and the Office for Civil Rights, U.S. Department of Education, is appendix B of this report).

Student Achievement

To measure student achievement, New Mexico administers the TerraNova assessment in grades 3 through 9. The TerraNova is a national, norm-referenced examination. The test results show how well students in New Mexico are performing in comparison to students nationwide and indicate whether they are meeting grade level standards in language arts, reading, and mathematics. The goal is for all students to meet or exceed grade level standards on the test.

Central Consolidated School District No. 22 has more American Indian students than the other three Farmington area school districts combined, 6,148. The academic performance for the American Indian students in the consolidated district is troublesome. In the 2003

[5] U.S. Department of Education, Office for Civil Rights, Case No. 08031201, November 2003.

school year, less than 2 percent of the fourth grade American Indian students read at an advanced or proficient level, whereas nearly 20 percent of the white students in the district are reading at a proficient level. Similarly, in math, only 3 percent, just 3 in 100, of the American Indian children perform at an advanced or proficient level, compared to 13 percent of white children. Moreover, the American Indian children in the district perform poorly as a group compared to children throughout the state. In reading, fourth grade American Indian children perform at the 32nd percentile, and in math their performance on state assessments is at the 28th percentile. [6] (See table 10).

Table 10—Reading and Mathematics Achievement, 4th Grade Students, Central Consolidated School District No. 22, New Mexico, 2003 School Year

	Percent proficient or advanced	State percentile rank
Reading		
American Indian	1.9%	32.1
White	19.5%	34.5
Mathematics		
American Indian	3.0%	28.3
White	12.8%	30.9

Source: Central Consolidated District No. 22.

Under the No Child Left Behind (NCLB) Act[7], schools are expected to make annual yearly progress (AYP) to ensure that all children meet performance standards.[8] NCLB and New Mexico state statutes require an accountability system for the annual rating of all public schools. Adequate yearly progress for grades 4, 8, and 11 is calculated based on the results of standards-based assessments administered in grades 4, 8 and 11.[9] Based on this criteria, half of the regular elementary schools in Central Consolidated School District No. 22 and two of the three schools in the Bloomfield School District were not meeting AYP standards. (See table 11).

Linda Besett, superintendent, Central Consolidated School District No. 22, acknowledged the low performance, telling the Advisory Committee that in the Central Consolidated School District, "seven of our 17 schools are in corrective action. Those seven schools are on the reservation, but we also have schools on the reservation that are not corrective action schools. In fact, we have four schools that are not corrective action that are located on the reservation."[10] Superintendent Besett also provided data on dropout rates for grades seven through 12, noting that they were a little higher than the overall rate in the state of 5.3 percent.[11]

[6] Presented exhibit, from Linda Besett, community forum, Farmington, NM, Apr. 30, 2004.
[7] Public Law No. 107-110, 115 Statute 1425 (2001) (codified as amended in scattered sections of 20 U.S.C.).
[8] Title X of the No Child Left Behind Act, the Native American Education Improvement Act of 2001, 25 U.S.C. § 2001 (2005), specifics reforms in the area of accreditation, accountability, recruitment of Indian teachers, and construction of Indian schools.
[9] New Mexico State Department of Education, *New Mexico Public School Accountability System, A User's Handbook*, Fall 2003, at www.ped.state.nm.us/div/ais/assess/sl/accountability.workbook.users.
[10] Testimony of Linda Besett, Farmington Transcript, pp. 270-77.
[11] Ibid.

Harry Hayes, superintendent of the Bloomfield School District, told the Committee that minority students, including American Indian students, continue to show improved achievement in math, reading, and language and that students in the lowest scoring percentiles are declining each year.[12]

Table 11—New Mexico Public Education Department, Regular Elementary Schools, Status 2003-2004 Designation Ratings, NCLB

District/School	Status Designation
Aztec	
Lydia Rippey	Meets Standards
McCoy Avenue	Meets Standards
Park Avenue	Probationary
Bloomfield	
Blanco	Meets Standards
Central Primary	Probationary
Naaba Ani	Probationary
Central Consolidated	
Eva B. Stokely	Meets Standards
Grace B. Wilson	Meets Standards
Kirtland	Meets Standards
Mesa	Meets Standards
Naschitti	Probationary
Nataani Nez	Probationary
Newcomb	Probationary
Nizhoni	Probationary
Ojo Amarillo	Probationary
Ruth N. Bond	Meets Standards
Farmington	
Animas	Meets Standards
Apache	Probationary
Bluffview	Meets Standards
Country Club	Meets Standards
Esperanza	Probationary
Ladera Del Norte	Meets Standards
McCormick	Meets Standards
McKinley	Meets Standards
Mesa Verde	Meets Standards
Northeast	Meets Standards

Source: New Mexico State Department of Education.

Tom Sullivan, superintendent, Farmington Municipal Schools, reported that there is a wide achievement gap between Native American students and Hispanic students and the more affluent Anglo American students. But he also pointed out that the American Indian students in the district have always performed slightly higher than American Indian students in the rest of the state. About the higher performance rates, Sullivan said:

> I think (the higher performance for American Indians in the Farmington district) may be partially due to the fact that so many of the (American Indian) families live in town and do not face the same challenges of distance and travel . . . . . Nonetheless, the

[12] Testimony of Harry Hayes, Farmington Transcript, pp. 278-81.

> performance is still beneath the level that we intend it to be and we are redoubling our efforts to correct that fact. I think we have turned the corner and we are starting to see the kinds of results that (we want).[13]

Tina Deschenie told the Committee that she has been a resident of Farmington for over twenty years and has children in the Farmington school district.

> I am very satisfied with the education that my children have received here in the Farmington public school systems, but I do want to comment that I have a daughter now in high school who had a Navajo teacher when she was in kindergarten and none since then. I have another daughter who's in middle school and she had a Navajo teacher in elementary and none since then. So there are very few Navajo teachers in the Farmington school system, although there are a few thousand Navajo students in our local school system. Ms. Deschenie also noted that she is a member of the district's Indian Education Committee (IEC) and in that capacity does have some opportunity to provide input on services provided to Indian students.[14]

Superintendent Besett was forthcoming to the Advisory Committee about special problems facing the district, including relations between the school board and the Indian Education Committee.[15] She said that transportation and language barriers were two serious problems, but also referred to several successful special initiatives. Besett gave her perspective about the Indian Education Committee and its disputes with the school board, attributing much of the discord to a power struggle within the Committee itself.

> Probably one of our biggest challenges is unpaved roads and unimproved roads. We have 210,634 miles traveling on unimproved roads with our buses. We operate 75 buses and transport 5,482 students. (The district) does have a bilingual program in every one of its schools. There are 17 schools and each school does have a bilingual program, both Spanish and Navajo programs. (As to supplemental services, there is) an in-home tutoring program, and tutors actually go to the homes and tutor the young people up to two nights a week. This is a choice program and parents let us know if they are interested in that service. The district also has 11 preschool programs that are funded through various federal sources because (the district) feels strongly about preschool education and early intervention.
>
> (The district's) Indian Education Committee does keep its by-laws and its policies and procedures up to date on the district level. They have always been submitted on time and revised on a regular basis. I believe there is a power struggle (within the Committee) and I'm not sure each of the individuals understands his or her role. We had a meeting with the Indian Education Committee, but we have struggled having full attendance and (full) membership. I believe there are up to ten members on that committee now, but most of the year we operated with five or six attending the meetings. We want more parental involvement. We do not want two or three members making decisions. We want a quorum present for the decision-making.

[13] Testimony of Tom Sullivan, Farmington Transcript, pp. 282-89.
[14] Testimony of Tina Deschenie, Farmington Transcript, p. 177.
[15] The Indian Education Committee is established pursuant to 25 C.F.R. § 273.15 (2005).

> Back in the fall of last year we actually had a mediator come in and mediate a meeting between the Indian Education Committee and the Board of Education. One item had to do with the Johnson O'Malley application.[16] For years, half of seven counselors' salaries have been paid from the Johnson O'Malley money. Those were removed and not being fully funded through the state, the salary increases in various programs that were required. We have asked that this year the district operation budget absorb three of those positions and then next year we'll transition.[17]

Education Concerns Expressed by the American Indian Community

Various individuals from the Native American community told the Advisory Committee of their concerns concerning public education. Bilingual education and cultural instruction as well as resistance from some school board members to input from the community were the two most significant concerns expressed. Others were critical of the resources provided to educate Native children.

Still other speakers bemoaned the lack of Indian faculty in the public schools. In the Central Consolidated School District, 26 percent of the faculty (131 of 511 teachers) is American Indian.[18] Superintendent Hayes of the Bloomfield School District told the Advisory Committee that about one-third of the district's employees were minority, and two of the five board members were minority. Superintendent Sullivan noted that 6 percent of the Farmington School District's teachers were Native American, exceeding the state average twelve-fold, yet that 6 percent of Native American teachers is still very much not representative of the percentage of Native students that we are serving.

Larry Emerson, presenter with the Navajo Leadership panel at the community forum, told the Advisory Committee:

> There's a pattern with the (Central Consolidated) board where two board members especially want to . . . suppress dissenting voices from the community. There (is also) a state agency operating inside the Navajo Nation in which they've created a state apparatus to do whatever they want with Native children and not really provide meaningful input from the Native community.[19]

Hoskie Benally iterated similar concerns about the struggle by the Navajo community with school officials trying to obtain quality education opportunities for their children.

> (The Navajo community) has been in a long struggle with Central School District for about a year and a half now trying to make sure that our Navajo youth get the entitlement of their rights to bilingual education and cultural instruction. But we have been experiencing just the opposite in the school district. The whole thing began about a year and a half ago when the school board president made remarks and tried to blame and scapegoat bilingual education as the reason for low reading scores in the school district.[20]

---

[16] 25 C.F.R. §§ 273.11-273.29 (2005).
[17] Testimony of Linda Besett, Farmington Transcript, pp. 270-77.
[18] Presented exhibit, from Linda Besett, community forum, Farmington, NM, Apr. 30, 2004.
[19] Testimony of Larry Emerson, Farmington Transcript, pp. 161-66.
[20] Testimony of Hoskie Benally, Farmington Transcript, pp. 167-68.

Duane Yazzie, Shiprock Chapter president, offered the following perspective:

> Then there are the do-gooders who apparently cannot or will not comprehend the notion that we as Navajo people understand our world, our needs, and our aspirations. I refer to the Central Consolidated School District leadership who, unfortunately, exhibit the unfounded notion that only they know what is best for us. I do not suggest that this constitutes racism, only that it smacks of blatant disregard for the wishes of the community that it purports to serve.[21]

Harry Descheenie, chairperson for the Indian Education Committee for Central Consolidated Schools, also described conflicts between the Native community and the school board.

> The conflict that we've been having has boiled to the extent to where we've had to have certain hearings. The Civil Rights Commission (New Mexico Advisory Committee subcommittee) has come before to Shiprock to have an open hearing, and then the Indian Legislative Committee has also come to Shiprock to have these open meetings. And the result of those hearings was that the administration of CCSD, the board members, the Indian Education Committee, and the community needed to have a mediation meeting. So on November 17, we did have a mediation meeting and we did agree upon three items, and this that I have is the Central Consolidated School District Mediation Report on that item there. And the thing that we did agree upon, the Indian Education Committee would function as one and then the others, the board would give the charge to the Indian Education Committee to work on a long-range bilingual education plan to preserve the Navajo language .... But they're reneging on their agreement is what it is, and it's not going very well. A lot of the things that are being done are obviously in the wrong, I feel.
>
> Also in Title VII, which is a Government program, that has—that requires an IEC signature and that never came to the IEC. It was never presented to us, but the application was sent to Washington already and they already got it and we wondered, 'How in the heck did that happen?' The needs assessment that was sent out, the Code of Federal Regulations—C.F.R. 25 of Johnson O'Malley clearly indicates that the Indian Education Committee are the ones who are supposed to do the needs assessment.[22] The needs assessments were done, did pass—by the board—and it became law practically, but we never even had any input, the IEC. We never saw it. So we objected to it.[23]

Senator Tsosie remonstrated that "like" does not mean "equal" when it comes to education. Providing services that are alike does not imply providing services that are equal as some individuals require additional resources and services.

---

[21] Testimony of Duane Yazzie, Farmington Transcript, pp. 39-43.

[22] 25 C.F.R. § 273.16(b)(2) (2005). The organizational papers and by-laws of the Indian Education Committee may include additional powers and duties which would permit the Committee to make an annual assessment of the learning needs of Indian children in the community affected. Article III-Powers and Duties of the By-Laws of Title VII Indian Education Committee of the Central Consolidated School District No. 22 provide that the powers and duties, include among others, to "participate in the planning, development and evaluation of programs through an annual assessment and conducting program monitoring visits." See http://www.centralschools.org/BOARD/Archives/2005?May/item29/pdf.

[23] Testimony of Harry Descheenie, Farmington Transcript, pp. 187-95.

> We have to understand that Native children and non-Native children or non-Indian children cannot be treated the same. It's just a necessary thing that we have to employ more dollars within Native districts because of the cultural and the language differences and also because of the ruralness and because of the transportation concerns and many other things.
>
> Yet arguments are made that we cannot discriminate between non-Indians and Indians and so we give the same dollar for both. But in the implementation of those policies, Native children are discriminated against because there are less dollars to implement the programs (necessary) to help them achieve.
>
> I am aware that in our state school districts there are Indians programs and school programs (funded) with federal dollars. And there are certain requirements to get those dollars, and (one of those) is that there is supposed to be consultation with the tribes. But we have found that that is not happening between the school districts and the tribal governments or tribal people. Instead, to try to get the money, some of the school districts just were sending old copies of Indian Policies and Procedures to the Department of Education and then our trustee in Washington, D.C., was blindly taking it and releasing the checks to the school districts without truly understanding the impacts and the lack of services to Native American children.[24]

Descheenie also expressed the concern that there were too few Indian teachers, and the few that are in the school systems are only in the elementary schools. In addition, the Navajos that are teacher assistants may soon be forced out of the schools because of the No Child Left Behind provisions.

> There are very few Navajo teachers in the middle and high schools. And, again, as I said before, the majority of the Indian teachers are primarily at the elementary school levels. The Navajo language teachers in the local public school systems are largely Navajo women. These Navajo language teachers are not supported in the school systems and are subjected to abuse in many forms, including that they're the ones who are required to pursue course work over and above that required of regular subject area teachers. The education assistants, who are primarily Navajo women, are now being told that they must become highly qualified according to the No Child Left Behind requirements in a very short time frame and they are also the ones, as mentioned this morning, who receive very low pay.[25]

It is significant to note that the State of New Mexico enacted its own Indian Education Act in 2003. The key provisions of the Act are as follows:

(1) The establishment of an Indian Education Division within the New Mexico Department of Education to provide assistance to school districts and tribes to meet the educational needs of American Indian students.
(2) The establishment of the Indian Educational Advisory Council, with a representative of each tribe in the state, to advise the Indian Education Division.

[24] Testimony of Leonard Tsosie, Farmington Transcript, pp. 62-88.
[25] Testimony of Harry Descheenie, Farmington Transcript, pp. 187-95.

(3) Preparation of an annual status report on American Indian education which will includes (a) student achievement measured by a statewide test; (b) school safety; (c) school dropout rate; (d) attendance; and (e) parent and community involvement.
(4) Creation of the Indian Education Fund with initial funding of $3.5 million to support improvement in American Indian education.[26]

Housing

In 1974, housing conditions for the Navajos were deplorable, both on and off the reservation. Many Navajo dwellings lacked indoor plumbing, electricity, refrigeration, and telephones. Domestic and agricultural water supplies for the more remote areas on the reservation were usually obtained from shallow wells, windmills, and ponds provided by the Bureau of Indian Affairs or the Public Health Service. Kitchen facilities were virtually non-existent on the reservation.[27]

Housing conditions for American Indians on reservations have not measurably improved in the two decades since. The census reported in 1995 that nearly one in five (18 percent) American Indian households on reservations was severely crowded. Severely crowded means that there are more than 1.5 persons per room. The comparable figure for the nation as a whole was 2 percent.[28]

Several speakers stressed that poor housing conditions are still a part of life for many American Indians in the Farmington community. Ray Begaye told the Advisory Committee that housing discrimination encountered by the Navajos is a serious and ongoing problem that needs to be addressed.

> Native people across the United States are encountering housing discrimination today. Nearly one of three Native Americans face discrimination when trying to rent a home, an apartment, a rate higher than any other minority group. According to the study conducted for the Housing and Urban Development Department by the private Washington-based Urban Institute, Native American renters were discriminated against more than 29 percent of the time. The Urban Institute also further produced a finding that they had done some testings on tribal land in three states, particularly New Mexico, Montana, and Minnesota.[29] This housing discrimination continues to exist today in some of the border communities.[30]

Steve Grey not only decried the housing conditions for Navajos in the Farmington community, but also pointed out the tragic irony that not only has the local Indian

---

[26] 2003, 2004 N.M. STAT. ANN. §§ 22-23A-1-23A-2.
[27] *The Farmington Report*, p. 43.
[28] U.S. Census, U.S. Department of Commerce, "Housing of American Indians on Reservations," Feb. 7, 1995. An updated report has not been released as of this report's release.
[29] Go to http://indiancountry.com?content.cfm?id=1070388320 to see article discussing study.
[30] Testimony of Ray Begaye, Farmington Transcript, pp. 44-49.

community lost claims to their water rights, but they are the ones most often lacking essential plumbing.

> Another is the water issue in the area. Here, city officials and community leaders have been very clear in stating their position on why the Navajos should not claim their water. Never mind that Navajos have done without running water for decades. Look right across the river here and you will see families still hauling drinking water for their purposes.[31]

[31] Testimony of Steve Grey, Farmington Transcript, pp. 105-14.

Chapter 6
Political Empowerment

Arguably, the most important civil rights issue is the protection of the right to vote. Nevertheless , the franchise has been denied to many groups throughout the nation's history, most notably including African Americans, women, and American Indians. In the two decades following the end of the Revolutionary War, various criteria were established for voting participation and of the more than 2 million free Americans at the close of the Revolutionary War, only 120,000 could meet the voting requirements established by individual states at that time.

It was not until 1924 that all Native Americans were granted citizenship with the passage of the Indian Citizenship Act,[1] which allowed American Indians to vote in national elections. However, well past 1924, several states with sizeable American Indian populations prohibited Indians from voting in local elections. It was not until 1948 that a three-judge court held in Santa Fe that New Mexico's constitutional provision barring "Indians not taxed" from voting is "discrimination on the grounds of race" and violates the U. S. Constitution. And the state of New Mexico did not extend the vote to Native Americans until 1962.[2]

In New Mexico, the right to vote of Indians was prohibited based on Article VII, paragraph one of the New Mexico Constitution, which read as follows:

> Every male citizen of the United States, who is over the age of 21 and has resided in New Mexico twelve months ... except idiots, insane persons, persons convicted of a felonious or infamous crime unless restored to political rights, and Indians not taxed, shall be qualified to vote ….

"Indians not taxed" referred specifically to reservation Indians, though it's unknown whether any Indians living off reservations had voted.

In 1948 Miguel Trujillo, a member of the Isleta Pueblo Indians lobbied for a repeal of the state law prohibiting American Indians to vote. Trujillo decided to take matters into his own hands and marched into a polling site in Los Lunas to cast what he knew would be an illegal vote. The Valencia County recorder turned him away, citing that the New Mexico Constitution prohibited American Indians who did not pay taxes from voting. Trujillo asked for an injunction from the state to restrain the recorder. His case found its way to a special, three-member federal panel of judges.

On August 3, 1948, the United States District Court for the District of New Mexico, in an unpublished decision in the case Trujillo v. Garley, No. 1350, voided New Mexico Constitution's provision disfranchising "Indians not taxed." This ban, the court found, contravened the 14th and 15th amendments to the U.S. Constitution, being discriminatory on account of race.

---

[1] Public Law No. 68-175, 42 Stat.253, codified at 8 U.S.C. § 1401 (b) (2005).
[2] See Native American Rights Fund, www.narf.org/pubs/faqs.html.

Also in 1948, the U.S. District Court in an unpublished decision in the case of Bowman v. Lopez, No. 1391, ordered the county clerk of McKinley County to register all Navajo Indians and not to exclude them by reason of being residents on the Navajo Reservation.

In 1962, the New Mexico Supreme Court in Montoya v. Bolack, 372 P.2d 387 (N.M. 1962), determined that for voting purposes, nothing exists in the New Mexico Constitution or statutes prohibiting an Indian from voting in a proper election, provided he fulfills the statutory requirements required by any other voter and that polling places can be located on the reservation.

To counter voter discrimination, Congress passed a series of civil rights laws in the 1950s and 1960s culminating in the 1965 Voting Rights Act.[3] The 1965 Voting Rights Act, though originally enacted to prevent the disenfranchisement of African Americans, has had significant implications for Indian voting. When the Act was renewed in 1975, Congress inserted a provision designed to provide bilingual ballots and voter assistance at the polls for linguistic-minority voters, 42 U.S.C. § 1973 (f) (2) (2005). [4] For purposes of the Act "language minorities" or "language minority group" means persons who are American Indian, Asian American, Alaskan Natives or Spanish, 42 U.S.C. § 1973l (c) (3) (2005). Under the 1982 amendments to section 2 of the Voting Rights Act, there is a prohibition on any "standard, practice, or procedure ... which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color," 42 U.S.C. § 1973 (a) (2005). The amended section 2 is interpreted as initiating a disparate impact test in districting cases. See, e.g. Thornburg v. Gingles, 478 U.S. 30 (1986).

Perhaps the most predominant method of vote dilution today is the misuse of at-large elections. Under these types of systems, the majority of the residents in a given district can prevent minority voters from electing representatives of their choice if the majority votes as a bloc. Problems of vote dilution have also developed in connection with reapportionment plans. In 1982, a New Mexico court found in *Sanchez* v. *King* that the state's reapportionment plan violated the one-person, one-vote rule and ordered the state to redraw its districts.[5] Two years later, in response to Indian and Hispanic claims that the new scheme unlawfully diluted minority voting strength, the court imposed its own redistricting plan so as to bring the state into compliance with the requirements of the Voting Rights Act.[6]

---

[3] Voting Rights Act of 1965, Public Law No. 89-110, 79 Stat. 437 (codified as amended at 42 U.S.C. §§ 1973-1973bb-1 (2005)).

[4] Applicable jurisdictions include those that: (1) the Census Bureau determines that 5 percent of the jurisdiction's voting age citizens are of a single language minority; and (2) the illiteracy rate in English of the language's minority is greater than the national English illiteracy rate. Illiteracy is defined as failure to complete the 5th grade.

[5] Sanchez v. King, 550 F. Supp. 13 (D.N.M.) aff'd 459 U.S. 801 (1982).

[6] Evans, Suzanne E., Voting, *Encyclopedia of North American Indians*, University of California at Berkeley, college.hmco.com/history/readerscomp/naind. In 1984, the court in Sanchez vs. King held that the New Mexico state legislative redistricting plan discriminated against American Indians. Sanchez v. King, C.A. No. 82-0067-M (D.N.M. 1984).

New Mexico, with American Indians comprising 10 percent of the state's population, has the third largest percentage of American Indians of all states. However, American Indians are underrepresented in statewide offices in New Mexico. Though American Indians are 10 percent of the state's population, of the 13 elected officials in the Executive Branch, only one is American Indian.[7] In the New Mexico Senate, only 2 of the 42 senators (4.8 percent) are American Indian,[8] and only 3 of the 70 representatives (4.3 percent) in the House of Representatives are American Indian.[9]

The two highest state courts in New Mexico are the Supreme Court and the Court of Appeals. Both are elected by the entire state. Of the 5 judges of the Supreme Court and the 10 judges of the Appellate Court, each of whom serves an 8-year term, none are American Indian.

Table 12—American Indian Representation in State Government

	Total	Am. Indian	Percent
Executive Branch	13	1	7.7%
State Senate	42	2	4.8%
House of Representatives	70	3	4.3%
Supreme Court and Court of Appeals	15	0	0.0%

Source: New Mexico Legislative Secretary of State.

Senator Tsosie expressed his concerns about the lack of American Indians in elected office and voter dilution practices in New Mexico.

> Political participation by Native Americans is still sparse, as it is for the whole country. In New Mexico, there are no U.S. senators or congressmen. State senators and representatives from Farmington that are Native American are lacking. There are none, to my knowledge. There is, to my knowledge, no mayor of Native American descent that has ever been elected or a city councilmember, even though the number of Native Americans voting population has somewhat been coalesced in a certain way and we try to help them but it's still not there.
>
> The lack of support for Native candidates in terms of dollars also is used in this effort to discriminate. When you don't have the dollars, you don't get elected.
>
> The Voting Rights Act was adopted for a purpose, and it is to encourage minority participation and for their voting protection. And now it has turned around to pretty much be a reverse discrimination argument. But we see the actual employment of dummy candidates to split the vote. That is a (Native) candidate who is put up against another Native candidate that will most likely be elected and so, therefore, assure no election of Native Americans. And we see some of that happening.[10]

[7] The 13 offices are: governor, lieutenant governor, secretary of state, auditor, treasurer, attorney general, commissioner of public lands, and five commissioners of the Public Regulation Commission. Lynda Lovejoy represents District 4 of the Public Regulation Commission.
[8] John Pinto (D-McKinley & San Juan-3) and Leonard Tsosie (D-Bern, L.A., McKinley, Sandoval-22).
[9] Ray Begaye (D-San Juan-4), Irvin Harrison (D-McKinley & San Juan-5), and James Madalena (D-Bern, McKinley, R.A., & Sandoval-65).
[10] Testimony of Leonard Tsosie, Farmington Transcript, pp. 62-88.

Grey told the Advisory Committee, with respect to changes in discrimination and prejudice within the Farmington community in the past 30 years, that the lack of representation by American Indians in positions of civic and public leadership is a measure of just how little progress has really occurred.

> I grew up in a community west of Farmington called Kayenta. It is deep in the heart of the Navajo Nation. I currently work in Shiprock, New Mexico. Growing up in the '60s and in the '70s, my family would come to Farmington like other Navajos for goods and services. At that time, we all experienced the hostile environment the community had toward Native Americans. No non-Native can ever say, I understand, because they never really felt and never will feel what our people have found since that period. You've asked if change—you asked if change has happened since the early 1970s? Consider that question by looking at the numbers. Each community's pillars are those that are elected as well as those that serve in the government structure. If one looks at those positions in the local government, you will find very few Native Americans in key administrative and managerial positions are still filled with few, if any, Native Americans. It doesn't matter if you look at the county, the city, or even local institutions. You will still find very few Native Americans in high-level, decision-making positions. After 30 years, you would think the local governments would have made great progress in this area.[11]

[11] Testimony of Steve Grey, Farmington Transcript, pp. 105-14.

Chapter 7
Public Testimony—A Summary

During the evening session of the Advisory Committee's public forum, 33 individuals took advantage of the opportunity to address the Committee. Their remarks were transcribed and are part of the formal record of the proceedings. Many of the statements made at this open session contain allegations of discrimination and unequal treatment.[1]

Several individuals also submitted written statements to the Committee following the forum. It is important to note that the Committee was not in a position to validate or confirm the allegations presented during the public testimony period, or in the written submissions. The statements are attributable only to the individuals who provided the information.

The following is a brief summary of some of the concerns raised during the public session, and in the written submissions.

1. The most frequent statements alleged improper conduct by law enforcement agencies. The allegations included: improper stops, racial profiling, intimidation, harassment, abusive treatment or use of excessive force; racist or prejudicial statements by officers; wrongful arrests; unsolved crimes involving Native American victims; and mistreatment during incarceration and jail conditions. The judicial system was also criticized for unfairness, inefficiency, and lack of Native American personnel and Navajo language competency.

2. Several individuals testified that they have experienced employment discrimination. The charges include: not hiring Native Americans, or hiring them only in low-level, service positions; lack of advancement to managerial or supervisory positions; and disparate treatment of employees, with Native Americans subjected to harsher conditions, greater discipline, lower wages, and longer hours. Some persons alleged that the larger energy-related companies discriminate against Native Americans, and sometimes do not honor collective bargaining agreements or Indian preference provisions.

3. Several speakers expressed their belief that they have been victims of public accommodation discrimination. Most common were allegations of disparate and discriminatory treatment by business establishments, including restaurants and hotels.

4. The Committee heard from several persons who believe that harassment of Native Americans by white persons, especially youth, is a continuing practice in Farmington. This includes acts of ethnic intimidation; threats of physical violence, assaults, and other potential hate crimes.

[1] Testimony, Farmington Transcript, pp. 339-452.

5. There were many complaints alleging unscrupulous business practices, often related to auto and mobile home sales. The terms and conditions of sales contracts, excessive interest rates, predatory and unfair lending practices, including "pay day" loans and other financial arrangements were also cited. In many cases, persons stated that they were not fully informed or aware of the contracts they had signed. Language and cultural barriers were cited as contributing to this problem.

6. Allegations were made that the local college hired few minority staff in higher level positions; failed to support incumbent minority staff; and Native American students were not encouraged or provided sufficient support services.

7. There were allegations that the local detoxification center discriminated against Navajos in employment and treated its Navajo clients in an insensitive, and inappropriate manner.

8. Several individuals addressed the problems at the Central Consolidated School District. There was both support and criticism expressed for the school district superintendent.

9. Insufficient mental health resources and culturally-competent health providers for Native Americans were mentioned by several individuals.

10. Several persons alleged inadequate enforcement of state laws governing alcohol sales, and noted the ready availability of alcohol in the community.

Ramona Tewa, whose brother was the fatal victim of an unsolved crime in Farmington, summarized her remarks before the Advisory Committee:

> The problems of racial profiling in this community are far too common and almost accepted by the silent, passive Native American Indian. The statement "drunk Indian" isn't acceptable and should no longer be tolerated.
>
> Although the national consensus is the Indian is viewed as poor and drunk, the complex and long history between Indians and whites are open wounds that have never healed. The contemporary Indian versus the traditional Indian, but both being displaced, it has become a social problem. We are faced with socio-cultural and socioeconomic breakdowns.
>
> We have to live among you. We have to progress sufficiently to compete in the modern world. Therefore, we must shop, live, work; learn along with the rest of you, along with the rest of the world. . . . I refuse to be shut out of the American dream. If we can't accept and face the problems of racial discrimination against American Indians in our community, then how can we solve and remedy these problems? They then lead to fatal, unwanted circumstances. If we can't face these problems, then is there no solution to our

demise? Can we not bridge a new system, a resolution between the American Indians and Anglos? Are we too stubborn and ignorant to change?[2]

[2] Testimony of Ramona Tewa, Farmington Transcript, pp. 397-98.

Chapter 8
Committee Observations (With Conclusions and Recommendations)

The New Mexico Advisory Committee to the United States Commission on Civil Rights is pleased to report that it found significant progress in race relations between Navajos and whites in Farmington during its recent investigations and hearings. In 1975, the Committee found that "many elected officials in Farmington--as well as civic, business and professional leaders--have generally failed to assume a sense of active responsibility for promoting positive and productive relationships."

In contrast, during staff and Committee visits to the area in 2003 and 2004, including a full public forum on April 30, 2004, the Committee noted that much of the leadership in Farmington--political, civic, business and professional--was engaged in promoting positive relationships with Native Americans and with the Navajo Nation. There was recognition of the value of Native Americans to the commercial and cultural vitality of the community.

While, clearly, racist attitudes persist among some of its citizens, there is new leadership in Farmington that is concerned about the future. The importance of the hugely successful San Juan College cannot be overestimated. This major educational resource provides a setting for improved economic, social, and cultural progress, and for bringing together diverse populations in a manner that will promote multicultural harmony. The San Juan County Regional Medical Center is another major institutional resource that can play a significant role in addressing health issues affecting urban Indians, and bridge the divide between tribal health and other healthcare resources.

The college and medical center are large, dynamic institutions that directly affect many citizens of Farmington and the Four Corners region. Therefore, their presence and the leadership they provide are of great importance.

The Advisory Committee also found the local newspaper, the Farmington *Daily Times,* to be providing a major contribution to changes in community attitudes and multicultural understanding. The publication's extensive coverage of news from the Navajo Reservation, and attention to educational and race-relations issues in the region, has served to better inform and educate. The Committee appreciates the cooperation received from Keith Haugland and Barry Heifner, publisher and editor, respectively. The paper's seven-part series preceding the public forum provided an important and well-balanced perspective of race relations over the past thirty years.

The Advisory Committee is grateful for the cooperation that it received from many key leaders in Farmington, most especially Mayor William Standley. The mayor's enlightened attitudes and sincere devotion to the betterment of his constituency, including Native Americans, the homeless and other disenfranchised communities, is one of the

critical factors that differentiated the Advisory Committee's current assessment from prior visits.

His personal commitment to the Tótah Behavioral Health Authority's Farmington program is a testament to his genuine concern. The Tótah program, is an alcoholic treatment program that incorporates Diné (Navajo) philosophy and ideals. Employing traditional counseling and healing practices, it is a unique and successful approach to addressing the problems of alcoholism that have ravaged Native Americans. It is a program that needs to be greatly expanded and could serve as a model for the nation.

The mayor has also improved white-Navajo relations by aggressively reaching out to Navajo chapter houses and communities beyond the city limits of Farmington.

The mayor's counterpart in Shiprock, Chapter President Duane "Chili" Yazzie (one of the young Navajo leaders of the 1974 march on Farmington) also provided much valuable support to the work of this Committee. Mr. Yazzie was found to be a significant political leader in the region, and his positive relationships with other non-tribal officials, including Mayor Bill Standley, are critical to the continued improvement in race relations.

The Advisory Committee also noted many business owners have improved customer relationships with their Native American clients. There is recognition of the economic importance of this customer base. More businesses are also hiring Navajos, although usually in lower-level positions.

The Better Business Bureau and the Chamber of Commerce in Farmington have programs to improve business and consumer relations. Unfortunately, there are few Navajo-owned businesses in Farmington and this limits the success of some of these well-intentioned initiatives. The Committee suggests that both the bureau and the chamber hire at least one Navajo employee.

The Committee commends the efforts of the Farmington Indian Center, and its director, Edward Smiley. The center serves a valuable purpose as a meeting place for Indians who visit the city. However, many more services could be provided at the center, including expanded consumer education and counseling, and programs for youth and seniors. The center needs additional funding support from the city and should also seek resources from the business community and other institutions that benefit from its existence.

The Advisory Committee was pleased to see that the Farmington public schools have made significant strides in improving the educational outcomes of Native American students. The superintendent demonstrated a strong appreciation for the value of Native American culture in the educational curriculum.

While the Committee's focus was on Farmington, it could not escape the serious conflicts affecting the Central Consolidated school system in Shiprock. The district terminated several Native American educators, and its Indian Education Committee contended that

the school board and administrators discounted its advice. The district went so far as to file lawsuits against at least two Navajo advocates and the Farmington *Daily Times* for libel and defamation. The district's superintendent clearly felt besieged by the criticism and considered it unfair. This Committee did not conduct a full investigation of the situation, however, we believe that a continuation of the adversarial relationship between key Navajo leaders and the school district leadership is untenable. Nearly 90 percent of all students in the school system are Navajo, and most live on the reservation. A public school system operating in that environment must find a way to incorporate Navajo culture, language, and values in order to succeed. Positive Navajo community and parental involvement is essential. The Committee encourages Native Americans to participate fully in school board elections. We also recommend that state and tribal education officials lend their prompt assistance to resolving the controversy, and that sustained mediation efforts be undertaken immediately among the key participants in the dispute. Furthermore, federal agencies should undertake compliance reviews to assure the district is meeting its obligations for federally-assisted Indian education programs.

The Native American population in Farmington is growing rapidly, and may soon represent nearly 20 percent of the population. For this reason, it is important that the city carefully study its city council election structure, to facilitate the potential election of a Native American to Farmington's city council.

There are two Navajo members of the county commission; however, the city council has not had an elected Navajo member. Accomplishing this would represent an enormously important milestone as the city looks to its future.

Such an achievement would be noticed far beyond the city limits, and might further enhance the economic and civic prospects of this dynamic northwestern New Mexico community.

Invited to participate in the Committee's forum, Native American state legislators from northwestern New Mexico spoke with passion and knowledge of the policy issues affecting their constituencies. While few in number, their presence is critical to addressing policy at the statewide level.

Farmington needs this voice at the city level, as do other reservation border town communities. It is also important that more Native Americans participate in the electoral process of all governmental entities affecting their lives, including school boards and other elective offices.

Police-community relations continue to be a problem in Farmington and San Juan County. Concerns with law enforcement practices, especially as they affect minority communities, is a national civil rights issue. While many individuals presented allegations of racial profiling and other law enforcement misconduct, the Committee cannot determine the extent of this problem, based on anecdotal information. Nonetheless, the testimony reveals that there are tensions within the community, and in

the region, needing attention. It was made clear by a number of speakers that they are apprehensive and sometimes fearful of interaction with law enforcement.

The Advisory Committee would like to commend Michael Burridge, Farmington police chief, for his extensive cooperation and support. Mr. Burridge provided the Committee members and staff with many hours of his time and provided valuable statistical information. He was in attendance for the entire public forum and followed up with additional critical input. It is essential that chief law enforcement officials be directly engaged in public policy matters. It is an unfortunate reality that many Native Americans, many of them juveniles, get caught up in the criminal justice system. Their overrepresentation in detention centers, jails, and other penal institutions presents shocking evidence of this nation's neglect of First Americans. This pattern repeats itself in the detention facilities in northwestern New Mexico.

The health care needs of Native Americans have been well documented by the U.S. Commission on Civil Rights in its recent report, *Broken Promises: Evaluating the Native American Health Care System* (2005). The Commission's finding that more money is spent per capita on prisoner medical treatment than for Indians is unconscionable. Northwestern New Mexico, with its large Native American population and the presence of the Navajo Reservation, suffers from this neglect. As the Commission has noted, more resources need to be made available for the Indian Health Service, including services for urban Indian health needs. The problem of alcoholism looms large over Farmington, as it did thirty years ago. Unable to purchase alcohol on the reservation, Indians travel to border towns such as Farmington and often fall victim to abuse and exploitation. Solutions to this problem must involve tribal, state, and local governments, as well as educational, religious and health organizations.

As noted above, the Tótah Behavioral Health Authority is a cutting-edge program that has proven successful in addressing alcoholism. It is imperative that this effort be expanded and supported by funding sources, including public health agencies. It is also important that the philosophy and practices used by this agency be transferred to other institutions that have a responsibility for treating Native American alcoholism.

The Committee found that alcohol is readily available for sale in Farmington where even convenience stores sell hard liquor. The state should carefully consider the need for stricter controls governing alcohol sales, and meanwhile, expand its enforcement efforts of present liquor laws in the Farmington area.

The Advisory Committee heard much testimony concerning consumer discrimination. Detailed evidence was presented concerning predatory lending practices, payday loans, usurious interest rates, deceptive sales practices, misrepresentation, and other egregious financial arrangements. Fortunately, the Committee believes that most businesses in Farmington are not engaged in such practices. However, the entire business community should become involved in helping to weed out the offenders. Farmington derives much revenue from the Navajo consumer, and it is in the interest of civic and business leaders to create a climate that encourages fair and honest business practices. This will only

expand the potential business sector opportunities in the community. Also helpful would be increased efforts to help recruit and support Indian-owned businesses in Farmington.

The New Mexico Advisory Committee has long been concerned about predatory lending practices in the state. Usurious interest is common. Payday, title loans, and other similar loan arrangements prey upon the most desperate and disadvantaged populations. The laws and regulations governing the finance industry are weak and allow for abuse and exploitation. The Committee heard much testimony in Farmington regarding how this situation victimizes Native Americans in northwestern New Mexico, where language and cultural barriers combine to aggravate the impacts of unfair lending. The Committee would urge the legislature and governor to consider reform efforts for correcting these egregious lending practices.

The Committee believes that more Native Americans need to be appointed to policy-making positions within the public and private sectors. San Juan Leadership is an excellent training program to develop new leadership in the region. Concerted recruitment efforts should be undertaken by governments at all levels to hire and promote Native persons into policy and decision-making positions. This includes the court system, public prosecutors and defenders. Other major employers, such as the college, school districts, medical center, energy companies, and retailers also should recruit Native Americans for key positions. As noted by several presenters at the forum, the Navajo tribal government has many experienced and professional persons in its employment. This could serve as a recruitment resource.

The city of Farmington could well serve as an example by hiring Navajos into top-level managerial and policy posts. This would encourage more Native Americans to apply for jobs within city government.

In its 1975 report, the Advisory Committee recommended that the city of Farmington establish a human relations committee "representative of all significant racial, cultural, and economic groups in the community." The Committee also suggested that ordinances and administrative mechanisms be put in place for addressing complaints of discrimination. Thirty years later, we still believe that these recommendations are appropriate. Many communities throughout the United States have established human relations commissions to advise elected officials on issues of race-relations, and other issues such as disability rights, senior, youth, and gender equity. The commissions serve as a sounding board, creating forums for hearing about community problems and helping elected officials make reasoned decisions on resolving these in a manner that avoids confrontation, conflict, and discord. Because local elected officials appoint the commission and their members are leaders in the community, these bodies (with a diverse membership) can be effective in solving problems at the local level. The New Mexico Advisory Committee strongly urges the city of Farmington to consider forming such a commission. Given the diverse populations in Farmington (including a rapidly growing Hispanic community), such an initiative could help Farmington identify and create solutions based on its own needs. There is much talent within the community to chose from in appointing such an advisory body.

The Committee believes that the leadership is presently in place to take Farmington to a new level of prominence and success. The community needs to seize this opportunity and sustain current efforts to improve relationships between the city and its Navajo residents and neighbors.

In addition to municipal initiatives, leadership throughout the region needs to be engaged in expanding dialogue and collaboration between tribal and non-tribal institutions and governments. This needs to be undertaken at the highest level of policy-making within the region. Key institutional and elected leaders must commit to this effort (the San Juan Forum might serve as a vehicle for this initiative).

The Advisory Committee is "bullish" on Farmington. Despite continuing problems, there is evident a new cadre of leaders that intend to move Farmington ahead as a vital center of commerce, education, culture and tourism. These leaders acknowledge that Farmington is a "suburb" of the Navajo Nation. They embrace, rather than resist their culturally rich and diverse heritage, recognizing this as an asset rather than a liability. This is the most significant difference observed by the Committee in our thirty years of involvement with the community. It offers a genuine basis for optimism, and we look forward to even greater progress as a result of these continuing efforts.

Appendix A
Speakers at the Community Forum

Appendix A – Speakers at the Community Forum

Scheduled Presenters (alphabetically):

Edward Begay, Traditional Counselor, Totah Behavioral Health Authority, Farmington

Ray Begaye, New Mexico House of Representatives, Shiprock

Hoskie Benally, Jr., Waterflow

Lyndy D. Bennett, Deputy District Attorney, Farmington

Linda Besett, Superintendent, Central Consolidated School District No. 22, Shiprock

Michael Burridge, Jr., Chief of Police, City of Farmington

Wallace Charley, San Juan County Commission, Navajo Nation Council Delegate, Shiprock

Ervin Chavez, San Juan County Commission, Aztec

Frank Dayish, Jr., Vice Chairman, Navajo Nation, Shiprock

Gary Dethloff, Store Manager, American Home, Farmington

Harry Descheenie, President, Gad i ahi Chapter, Navajo Nation, Farmington

Tina Deschenie, Farmington

Joyce Donald, President, Four Corners/Western Slope Better Business Bureau, Farmington

Paul Ehrlich, Executive Director, Totah Behavioral Health Authority, Farmington

Larry Emerson, Shiprock

Steve Grey, Chair, Navajo Nation Telecommunication Regulatory Commission, Shiprock

Harry Hayes, Superintendent, Bloomfield Schools

Levon Henry, Executive Director, DNA Legal Services, Window Rock, AZ

Steve Melloy, Director, Advantage Dodge, Farmington

Bob Melton, Sheriff, San Juan County, New Mexico

Edward Smiley, Executive Director, Farmington Inter-Tribal Indian Organization

William Standley, Mayor, City of Farmington

Tom Sullivan, Superintendent, Farmington Municipal Schools

Leonard Tsosie, New Mexico Senate, Crownpoint

Dave Turnbull, President, Western Tire and Appliance, Farmington

Duane “Chili” Yazzie, President, Shiprock Chapter, Navajo Nation

Presenters at the Open Session (alphabetically):

Franklin Adakai, Kayenta, AZ

Laverna D. Ahkeah, Shiprock, NM

Ken Augustine, Farmington, NM

Alta M. Begay, Blue Gap, NM

J. C. Begay, Shiprock, NM

Norman Benaly, Farmington, NM

Lucy J. Chillie, Bloomfield, NM

Chester C. Clah, Farmington, NM

Tim S. Claw, Kirtland, NM

Larry DiGiovanni, Shiprock, NM

Adele Foutz, Farmington, NM

Freda Garnanez, Farmington, NM

Anita Hayes, Shiprock, NM

Morris Johnson, Kirtland, NM

Alvis Kee, Fruitland, NM

Virgil L. Kirk, Jr., Shiprock, NM

Jimmie Largo, Jr., Farmington, NM

Valarie Lee, Waterflow, NM

Sterling Manuelito, Shiprock, NM

Geraldine Mike, Newcomb, NM

Claudia J. Vigil-Muniz, Dulce, NM

Raymond Joe, Shiprock, NM

Rosalyn Redhouse, Kirtland, NM

Ruth Russell, Farmington, NM

Samuel F. Sandoval, Shiprock, NM

Veronica Smith, Farmington, NM

Ramona Tewa, Norcross, GA

Michael Thompson, Farmington, NM

Harrison Todacheene, Shiprock, NM

Zelma J. Todacheeny, Shiprock, NM

Harrison D. Tsosie, Farmington, NM

Lydia Whiterock, Chambers, AZ

Dennis Williams, Fort Defiance, AZ

Levon Williams, Fort Defiance, AZ

Rena C. Williams, Fort Defiance, AZ

Lucinda Yazzie, Farmington, NM

Appendix B

Resolution Agreement between the Central Consolidated District #22 and the Office for Civil Rights, U.S. Department of Education

DEPARTMENT OF EDUCATION

REGION VIII FEDERAL OFFICE
BUILDING 1244 SPEER BLVD., SUITE
11310 DENVER, COLORADO
802043582

OFFICE OF THE REGIONAL DIRECTOR
OFFICE FOR CIVIL RIGHTS

FEB 0 5 2004

Dr. Linda Besett Superintendent
Central Consolidated School District
P.O. Box 1199
Shiprock, New Mexico 87420

RE: Central Consolidated School District
Case Number: 08031201

Dear Dr. Besett:

This is to notify you that the Office for Civil Rights (OCR) is closing the above-referenced complaint against Central Consolidated School District (District) based on the enclosed Resolution Agreement (agreement), signed by you on February 4, 2004.

The provisions included in this agreement, when implemented, will fully resolve the allegations raised in this complaint. Our final closure of this case is contingent upon the District's successful completion of the agreement, which includes monitoring the implementation of agreement provisions. The District's first monitoring submission is due to OCR by April 1, 2004.

We appreciate your efforts to achieve a satisfactory resolution of this case. If you have questions, please feel free to contact Ms. Kathleen McNickle-Cooley at (303) 844-4319, or me at (303) 844-4506.

Sincerely,

Tom Close

L. Thomas Close
Supervisory Team Leader

Enclosure

cc: Dr. Veronica Garcia, Cabinet Secretary for Education Public Education Department

Central Consolidated 5chool District #22

5hiprockAdministration P.O. Box 1199 5hiprock,,NM 87420
(505)-368-4984/598-9684 Fax 505-368-5232

CENTRAL CONSOLIDATED SCHOOL DISTRICT

Case Number 08031201

RESOLUTION AGREEMENT

The U.S. Department of Education, Office for Civil Rights (OCR), received a complaint of discrimination filed against the Central Consolidated School District (District). The complainant alleged that the District failed to provide educational services that ensure that limited English proficient students have equal and meaningful access to the District's educational program. Specifically, the complainant alleged that the District fails to timely assess students having a primary or home language other than English (PHLOTE), with English language acquisition assessments; fails to provide alternative language program services to all identified English language learner (ELL) students; and fails to provide a sufficient number of qualified staff to adequately implement an alternative language program.

OCR has jurisdiction to investigate this complaint under Title VI of the Civil Rights Act of 1964, and its implementing regulation at 34 C.F.R. Part 100. The District voluntarily acknowledged that it is in non-compliance with the above stated allegations and submits this Resolution Agreement (Agreement) with OCR to resolve the allegations and compliance issues involved in this complaint. The District agrees to comply with all parts of this Agreement within the time frames specified, unless OCR agrees in writing to modify such terms upon written request from the District.

A. Assessment of ELL students.

The District will ensure that all newly enrolled PHLOTE students are assessed for English language proficiency within 20 days of their enrollment, including the oral, reading, and writing assessments as appropriate. The District will implement the procedures it has adopted based on the New Mexico State Department of Education (NMSDE) Manual procedures (page 42), which state that all new PHLOTE students will be tested within 20 days of enrollment in the District.

By April 1, 2004, the District will provide a written plan-of-action for ensuring that all newly enrolled PHLOTF students are assessed for English language proficiency within 20 days of enrollment. OCR will request documentation following the beginning of school year (SY) 2004-0$ to verify that all PHLOTE students are timely assessed.

B. **Placement of ELL students.** The District will ensure the appropriate placement of all ELL students into alternative language program (ALP) services provided by qualified staff, during which they will receive an appropriate amount of daily ESUELD specific instruction time. The District will implement the procedures it has adopted based on the NMSDE Manual procedures (pages 33 and 34), which state that all ELL students are to receive English as a Second Language/English Language Development (ESIJELD) program services.

By April 1, 2004, the District will provide a written plan-of-action. for ensuring that all ELL students receive an appropriate amount of daily ESLlELD instruction from a qualified teacher.

C. Staffing. The District will ensure that it has appropriately qualified staff to fully implement its ALP. The District will:

l . Determine the number of qualified staff who are currently available to implement the ALP, and how many additional staff members are needed to be trained, hired, or assigned to the ALP program to fill those staffing needs. _ .

2. Describe the staffing patterns it will use in the interim, while additional staff members arc being trained, hired or assigned to the ALP. The District will take timely measures to adequately staff the ALP.

By April 1, 2004, the District will provide a report addressing Agreement terms C.). and C.2 above.

OCR will request additional documentation at the beginning of SY 2004-OS to verify that the District is implementing a plan-of-action to ensure ELL students are placed in ALP classes with qualified teachers.

OCR may request additional reports and documentation until the District demonstrates full compliance with this agreement. Monitoring of this agreement may also require an on-site review by OCR, at a mutually agreed-upon date.

Linda Besett
SUPERINT8NDENT OR DESIGNEE

2/4/04
DATE

Appendix C

White Paper, Tótah Behavioral Health Authority, Program Description & Initial Findings, Mar. 15, 2004

WHITE PAPER
Totah Behavioral Health Authority
Program Description & Initial Findings

Problem:

During the Behavioral Health Summit held in Farmington in November, 2000, local officials estimated that there is a minimum of 700 uninsured and untreated chronic public inebriates who have become homeless and estranged from their families. They have a tendency to migrate to, or live in and around Farmington and the greater San Juan Region. This produces added pressure on the limited resources of community agencies charged with protecting public health and safety. By attempting to care for . this population through the emergency room and protective custody, a practice has been fashioned that is not only costly but, leaves the root syndromes of addiction and cooccurring mental health disorders untreated and thus creates a revolving door effect that tends to amplify and prolong these problems.

Service Area:

Communities served under TBHA's scope of work include the City of Farmington, San Juan County and the Northeastern quadrant of the Navajo Nation. San Juan County covers a geographic area of 5,500 sq. miles with a population of 113,811 persons and is roughly the size of Rhode Island. The majority of target area residents live within or near the three municipalities of Farmington (population 51,000); Aztec (3,265) and Bloomfield (6,321). The remaining 36% of the population resides within the Navajo Nation consisting of 18 rural Navajo Nation Chapter Houses. Diversity in the service area is reflected in the following data: *San Juan County - 15% Hispanic, 36.9% Native American, 52.8% White; Northeastern Navajo Nation - 97% Native American* [Dine/Navajo) (2000 Census).

Target Population:

Gathered over the past seventeen months, THBA's current program statistics demonstrate that our primary target population is most likely to be: male and approximately forty-two (42) years of age; Navajo (93%); found in an incapacitated inebriated state; retained in protective custody up to five times within a year; in immediate danger of hurting themselves or others; separated from relationships with family, clan and home; unemployed (79%); homeless (86%); low income and uninsured (95%); exhibiting a need for access to mental health, primary medical and other human services. The target population is most likely to exhibit multiple public episodes of intoxication and/or other behavior emanating from a co-occurring behavioral health conditions. These factors engage law enforcement who take them to the local hospital emergency room or place them in protective custody with a 72 hour hold which returns them to the streets for a repeat of the same or similar episode. It is not uncommon for members of the target population to repeat this cycle over 100 times with no intervention beyond the detoxification program and no continuity of care.

Need:

This population of chronic public inebriates is least likely to have access to financing mechanisms to pay for necessary services. In addition homelessness hinders their ability to apply for available public funds to cover the cost of care perpetuating health disparities in this high need group. Even if primary medical needs are covered by a third-party payor, few have access to coverage that incorporate behavioral health services including those eligible for Medicaid. Available data suggests that 32% (34,343; NM Health Policy Commission) of the total San Juan County population is uninsured or underinsured. This estimate significantly under-represents the target population. It is estimated that the target population exhibits a much higher level of poverty than the typical San Juan County resident resulting in over 95% who are uninsured or underinsured and without coverage to treat alcohol dependence and other co-occurring illnesses that tend to accompany addictive disease.

Additional conditions in the target population that impact access and contribute to health disparity in the group are clustered in the following areas:

Acuity of Condition When Entering the Service System: Typically when clients present for treatment, their physical and mental condition is exceptionally acute resulting in increased costs to the local health and safety network. This, in turn, complicates service delivery and coordination requirements. In addition to alcoholism and addiction to other drugs, often accompanied by co-occurring mental health conditions, the target population frequently suffers with diabetes, respiratory conditions, heart disease, STDs (in some cases including HIV/AIDS,) malnutrition and dental needs that have gone untreated; often for many years.

Disenfranchisement: Chronic alcoholism has usually isolated this population from family, home and clan and promoted distrust of any outreach to them further restricting access to care and perpetuating a revolving door from street to protective custody to 72 hour detoxification programs and back to the street without intervention.

Transportation: The lack of adequate transportation to services is also a barrier to care. Public transportation is limited. Travel to treatment sites often exceeds 60 miles one-way and most do not own a vehicle.

Housing: The public inebriate target population has been alienated from the family and not welcomed back in the home usually resulting in homelessness.

Limited culturally proficient services: Few medical or behavioral health professionals are trained to deliver culturally competent care especially for Native populations and do not speak Native languages. Native treatment options are also limited in the service area.

Lack of adequate safety net resources: Lack of financial resources allocated to address the problem result in under-funding of the total treatment system.

The population of chronic public inebriates in Farmington and the Greater San Juan Region has been given the highest priority of need for access to coordinated managed care services, especially behavioral health services, that target strategies to engage them in culturally responsive treatment environments that promote sobriety, facilitate linkages to their cultural, spiritual, and clan roots, and **reduce costs to the public including costs to the health care and public safety systems.**

Service Gaps:

Due to a lack of adequate funding for services for the uninsured, there exists a series of gaps in services that include: (1) lack of adequate infrastructure in information systems that allow service providers to share common data elements (financial, administrative, clinical, patient demographics) which can help contain costs; (2) limited training for health professionals in the area of substance abuse treatment as it applies to the cultural needs of clients entering the system; (3) little evidence of cultural competencies in serving the Navajo population.; (4) no dependable transportation or housing accommodations to support recovery and family re-integration or sustain participation in a continuum of care that promotes health disparity reduction; and (5) lack of staff resources dedicated specifically to designing and implementing effective systems of care for the target population, monitor the effectiveness of treatment and make appropriate changes when the data calls for a change. The population's need for both physical and behavioral health service as well as social service access is substantial. TBHA, using communication and networking; coordination of services and public insurance; promotion of common quality of care clinical protocols across target population serving agencies; case management services; networked billing, registration and data collection systems across safety net provider systems; and cultural competency in combination with best practices training strategies is working to improve access to services in a managed care cost containment environment.

Community Partnerships:

TBHA is designed to be an effective collaboration between the major govern-' mental entities in the region including the Navajo Nation, San Juan County and the City of Farmington as well as six other partnering agencies who are the predominant providers of primary medical and behavioral health services in the area. These are San Juan Regional Medical Center, Farmington Intertribal Indian Organization, Four Winds Recovery Center, Presbyterian Medical Services, the State of New Mexico Department of Health and Indian Health Services. Two thirds of our staff and our board of directors are Native American. There are a number of formerly homeless, recovering individuals on staff and those who serve as members of the board and its advisory committees.

Program Philosophy:

The essence of TBHA's traditional counseling program is rooted in Dine (Navajo) philosophy and ideals. Our primary objective is to promote healthy behavior by creating self-reliance based on an understanding of Dine origins. Our intent is to provide the opportunity for participants to regain knowledge of and integrate traditional values. Through building a positive sense of identity and an understanding of the foundation of the Dine way of life, we endeavor to enhance self-esteem and self-respect through relationship and a reorientation to the clanship system. When appropriate, the program employs traditional healing practices. The structure of the program is comprised of traditional rituals such as talking circles, minor tobacco, cedar burning and sweat lodge ceremonies. Additionally, we employ contemporary treatments such as Motivational Enhancement Therapy, individual and group counseling, and family intervention.

History of Current Project:

Within the Eastern Section of the Navajo Nation, Greater San Juan County and the Farmington Metropolitan Area, the Totah Behavioral Health Authority is charged with serving the homeless inebriate who is often diagnosed with co-occurring psychiatric disorders. TBHA provides individual, group and family counseling, case management, referrals to chemical dependency treatment, and other behavioral health services. We also provide referrals to primary medical and dental care. TBHA began its work two and a half years ago as a result of the 2000 Behavioral Health Summit and the active partnership of officials from the Navajo Nation, the City of Farmington and San Juan County. We are now in our third year of federal HRSA/HCAP funding. Our principal aim is to establish access to culturally relevant and clinically proficient behavioral health care and related support services.

Our intention is to promote the health and wellbeing of the uninsured, indigent multi-cultural population in the area and to intervene in the progression of alcoholism, drug addiction and co-occurring disorders, assist in appropriate treatment referrals and support healthy, productive reintegration into family and community life.

Since the inauguration of services, TBHA has contacted over 565 individuals who fit the criteria above or 81 % of the estimated 700 chronic public inebriates in the region. Based in harm reduction theory and employing outreach and facilitated case management models, TBHA serves an average active case load of 112 clients and has successfully referred 72 clients, or 10% of its target population, to inpatient treatment for alcoholism.

In the first year client satisfaction survey, it was noted by an outside evaluator that, "All clients were very grateful for the supports made available to them through TBHA." And, "Several individuals were very pleased that someone had reached out to them with an effort that seemed comprehensive and really interested in their welfare." Also that, "The client recruitment presentations given by staff members at the detox facility were seen as particularly valuable. Clients felt supported in their multiple needs and were uniform in considering Totah staff as advocates in helping them make the necessary changes in their lives. Special mention was made regarding the ability of the staff to speak Navajo and to understand where people raised on the reservation were coming from." And that, "The final point stressed by several individuals had to do with the availability of amenities present at the Totah offices - showers, clothes, food, personal hygiene packets, and a place to be social."

Submitted 3/15/04
Paul Ehrlich, MA
Executive Director

Appendix D

Testimony of Levon B. Henry, Executive Director, DNA People's Legal Services, Inc.

TESTIMONY OF LEVON B. HENRY
EXECUTIVE DIRECTOR
DNA - PEOPLE'S LEGAL SERVICES, INC.

Presented to:

New Mexico Advisory Committee
to the
United States Commission on Civil Rights

Community Forum
Henderson Fine Arts Center, San Juan College
Farmington, New Mexico
April 30, 2004

Good Morning Mr. Chairman and members of the, Committee. My name is Levon Henry. I am the Executive Director for DNA - People's Legal Services and have been in this position since September 2003. Prior to the DNA Executive Director position I was the Attorney General for the Navajo Nation for four years. I am an attorney licensed to practice on the Navajo Nation and the State of New Mexico. I have been practicing law for the past 17 years and in that time I have worked with the Navajo Nation and other Native American governments and with Navajo and other Native American individuals.

DNA - People's Legal Services (DNA) is a private non-profit law firm that for close to 40 years has provided free legal representation to low-income persons on and near the Indian reservations in our service area. Our service area includes portions of northeastern Arizona, northwestern New Mexico, and southeastern Utah and encompasses seven distinct Native American nations and two border communities. A majority of the individuals served by DNA are Native American residing on their lands and many retain their native language.

DNA receives the majority of its funding from the Legal Services Corporation (LSC), a corporation established and funded by the federal government to provide free legal assistance to low-income persons. DNA has established ten field offices across our service area. The Arizona offices location include Ft. Defiance, Chinle, Tuba City, Flagstaff and two offices located in Keams Canyon. The New Mexico offices location include Farmington, Shiprock, and Crownpoint. DNA has one office located in Mexican Hat, Utah. DNA's ethnic and cultural identification with its clients is significant and one of DNA's most valuable tools when providing client services.

As a result of a lack of economic opportunities, language barriers and access to available educational programs, DNA's clients are uniquely vulnerable to abuse in consumer transactions and often fall victim to predatory lending practices. DNA has taken a multifaceted approach to address the legal issues that face the people. In addition to the traditional litigation approach to protecting victims and advocating their rights, DNA employs a community education program to reach out to the public to inform them of their rights under the law and how they can protect themselves should they become a victim of unscrupulous dealers.

Over the past two years DNA's Farmington office processed 124 consumer related cases with 12 consumer related cases at this time. The cases include, but are not limited to, collection, repossession, garnishment, installment purchase contracts, and unfair sales practices. In this same area DNA's Shiprock office processed 258 consumer related cases over the past two years with 12 consumer related cases opened at this time. These numbers are a small representation of the egregious practice in the region in consumer matters because due to minimal staff, restrictions limiting representation to low-income persons, and addressing other legal issues DNA cannot provide legal representation to all persons who are victimized by certain local businesses.

Examples of egregious consumer cases handled by DNA include:

1. Several cases this year where a Native American client buys a car from a Fannington car dealership. The client is told the loan is approved and the client leaves with the car only to be called back to the dealership, sometimes days later, and told the loan was not approved after all. Client is told he/she must sign a new loan agreement (always at worse terms than the original agreement) or return the car and pay a cleaning and mileage fee.

2. A Native American client who defaulted on a car loan and the car is repossessed. The car is sold and a deficiency owed. The client does not pay the deficiency and the loan company eventually cancels the debt and reports the cancellation of the debt to the IRS, this acts as income to the client. But, the amount they reported as cancelled is inaccurate and extremely inflated, causing tremendous income to the client that is not in fact true. The client gets fined and owes back taxes to the IRS based on the loan company's reported numbers. Only after DNA gets involved are the true numbers reported by the loan company to the IRS.

3. A Native American client who could not pay the loan payment on a mobile home he purchased (the loan payments exceed his social security income). The client voluntarily signs a document allowing the mobile home to be repossessed. The client was not given a copy of the document he signed. The mobile home is sold (at a cost way lower than the likely true value, another practice that appears to be common in repossession cases) and the client is told he owes a deficiency. The client can not afford to pay it and comes in to DNA. DNA gets a copy of the voluntary surrender document and finds a written clause contained in the document saying that by signing the document and voluntarily surrendering the home the client WILL NOT be responsible for any remaining debt or deficiency. Despite this, the loan company continues to try to collect this non-existent debt and ruins the client's credit rating in the meantime.

4. A Native American client agrees to have her taxes done at a mobile home dealership and to use PART of the expected tax refund on the down payment for the mobile home the remainder of the refund is to go to her for her living expenses. When the refund is sent to the dealership, the dealership cashes the refund check and uses ALL of the refund as a down payment. The Farmington bank cashes the refund check without the client's signature.

5. An elderly Navajo speaking client takes jewelry and other property to a pawn shop. The client gets behind on the payments to the pawn shop. The pawn shop does not give the required notice to the client that the property will be sold on or after a certain date and all notices are sent to the client in English. The client returns to retrieve the pawned items and learns that it has been sold. The pawn shop refuses to tell the client the amount her property sold for, even though the pawn shop is required to give the client any surplusage.

6. A Native American client, who has Anglo features, tries to buy a car at a Farmington dealership. As soon as the dealership learns he is Native American the deal changes and becomes worse.

The six brief examples are indicative of the legal problems faced by DNA clientele and the problems continue year after year. Many, many people in the Four Corners region have been devastated by the unscrupulous business practices of car dealers, mobile home dealers, pawn shops, and the new pay day loan operations. Many of the unscrupulous dealers and business operators are willing to take full advantage of the elderly who they know full well don't understand the terms and conditions of the legal document they are signing. Many of the unscrupulous dealers and business operators are willing to put an individual in a contract that they know the individual cannot continue paying. Many of the unscrupulous dealers and business operators are willing to loan a person a small amount of cash for valuable property, at an exorbitant interest rate, then turn around and sell that property for a large amount without notifying the owner. Many of the unscrupulous dealers and business - operators look forward to the tax season so they can take advantage of the tax return "loans" offered to the people.

While some community members may say that the blatant discrimination of Native Americans and low-income persons is tempered by the passing years it remains alive and well in another form shown through the well documented business practices of those unscrupulous car dealers, unscrupulous mobile home dealers, and unscrupulous pawn shops.

Appendix E

Letter to John F. Dulles, Regional Director, from Dr. Richard Champany, Northern Navajo Indian Health Service, March 15, 2005

March 15, 2005

Mr. John Dulles
Rocky Mountain Regional Office
Suite 710
1700 Broadway
Denver, Colorado 80290

Dear Mr. Dulles;

As you recall, we spoke last week in order to finalize the details of your interview with me regarding the follow-up report for Farmington, NM. I would like to add a few more points. These points come from that which we submitted to the National Office in regards to Indian Health Care. It is not the whole of what we sent, but that which I consider pertinent to the Farmington area. I hope it is not too late to add these remarks.

1. Another environmental concern, beyond that of smog-producing nitrogen oxides of which we spoke, is mercury pollution in the San Juan River. This river flows from Farmington, through Shiprock, and into Lake Powell. The mercury contamination, along the Shiprock portion of the river (namely from Nenanahzad to Cudei Chapters), is at such a level that the NM State Environmental Department warns that pregnant women should eat no more than one fish per month which are caught from this portion of the river. Mercury is considered to be a neurotoxin, and the most common cause of mercury poisoning in young children is from fish which are eaten by the mother during pregnancy
2. IHS Contract Health Service (CHS) serves as the health insurance plan for care provided off-reservation. Because the CHS budget is under funded (resulting in lower reimbursement rates), and because payment processes with the federal government are slow, some physicians in Farmington do not treat "Shiprock patients". This forces Northern Navajo Medical Center to transfer patients to hospitals in far away cities, including Phoenix, Albuquerque and Tucson. All patients heal faster when they are around their support group of family and friends. However, the Navajo culture is such that healing is even more delayed when they are away from family and their sacred lands.
3. Various health care providers across New Mexico are hesitant to consult with or treat Native American patients. These providers fear that any medical malpractice lawsuit, which might occur as a result of their care or

consult, may be heard in a tribal court. A tribal court may not recognize the malpractice limits or caps, which were established by the New Mexico State Legislature. They may also use different procedures than those used by the District Courts of New Mexico. These reasons troubled the providers. The concern arose after misinformation was sent directly to physicians and dentists throughout the state. However, the trepidation to care for Native Americans has created an overwhelming burden on IHS physicians, who need to transfer acutely sick patients to a higher level of care. As a result, many patients were transferred out of state and far away from their family support groups, causing a delay in healing.

4. Many private physicians, who practice in Farmington, NM, do not accept Arizona or Utah Medicaid. They do accept Colorado Medicaid. They complain of low reimbursement rates and slowness of payments as the reason. However, the majority of patients residing in Southern Colorado are Anglo, whereas the majority (if not all) of the patients residing in northeast Arizona and southeast Utah are Navajo. This presents a problem for IHS. Contract Health Service is the payor of last resort. In the past, we sent patients to San Juan Regional which does accept all Medicaid. However, our CHS had to then pay for the private physicians' care. But, with budget deficits being projected for CHS; we must now send a majority of our patients to Albuquerque or Salt Lake City, "ere University of New Mexico Medical Center or University of Utah accepts Mediciad for full payment.

Please call me with any questions at 505-368-6455.

Sincerely,

Richard A. Champany, DDS, MPH
Former Clinical Director