



The Navajo Nation **DR. BUU NYGREN** *PRESIDENT*

Yideeskáądi Nitsáhákees | *Think for the Future*

Submitted via email to: bjspra.comments@ojp.usdoj.gov

August 28, 2026

Mr. Steven Perry
Bureau of Justice Statistics
999 North Capital Street, NE
Washington, D.C. 20531

Dear Mr. Perry,

On behalf of the Navajo Nation, I offer the following comments to the Bureau of Justice Statistics (BJS) regarding the Reinstatement of the Census of Tribal Court Systems (CTCS) in response to the Federal Register Notice published on June 29, 2026.

The Navajo Nation (Nation) is the largest tribal nation in the United States, with over 400,000 enrolled members and a land base of more than 27,000 square miles with three states spanning our lands – Arizona, New Mexico, and Utah – comprising a total land area larger than the state of West Virginia.

In 1868, the United States entered into a treaty with the Navajo Nation, pledging to provide healthcare, education, agricultural support, and to promote the general welfare of the Navajo people. Consequently, the United States Government is both legally and morally obligated by this treaty – and the sacred trust responsibility – to assist the Navajo Nation in confronting the numerous difficulties our people encounter, including safeguarding our people and the land held in trust for them.

It is in the spirit of our government-to-government relationship with the United States, rooted in the Treaty of 1868, that the Nation provides BJS with the following comments regarding the CTCS.

Tribal courts in Indian Country are generally funded or operated by the Bureau of Indian Affairs' Office of Justice Services (OJS). On the Navajo Nation, the tribal court system is operated by the Nation under a contract with OJS authorized by P.L. 93- 638, the Indian Self-Determination and Education Assistance Act. These contracts are known as "638 contracts."

OJS is underfunded by more than \$3.5 billion as of FY21 (the most recent year the BIA has released data for). Of that \$3.5 billion in unmet needs, \$1.5 billion is determined to be the unmet need for tribal courts. The remaining \$2 billion in unmet needs is calculated for tribal law enforcement and corrections services. These are all critical program areas that are vital to the safety and well-being of tribal members, visitors, and the strength of the United States – not to mention a trust obligation of the United States.

Funding is appropriated to the BIA and then allocated to OJS, split between these critical program areas, and then finally trickles down to the 638 contracts for tribal courts. At this point, the available funding becomes unsustainable to operate a comprehensive civil and criminal court system.

The underfunding of tribal courts means fewer personnel, including judges, and this understaffing results in large backlogs of cases. Equally as important, the underfunding of all these public safety and justice programs under the BIA means that limited funding is available for operations and maintenance – or replacement – of judicial facilities. Underfunding operations and maintenance directly results in derelict buildings that must be replaced. On the Navajo Nation, the Window Rock District Court – the district court of our Nation’s capital community – had been operating out of the conference room of a modular office facility for close to a decade after the circa-1950 BIA-owned building it was housed in was declared unsafe for work in 2018 and condemned. Luckily, the Navajo Nation built a new facility for the Window Rock District Court, which opened at the beginning of 2026, but similar stories exist for tribal courts across Navajo and across Indian Country.

The Navajo Nation appreciates that BJS is working to compile data on the staffing, functions, caseloads, civil and juvenile justice matters, and operations of tribal courts. This data collection will help ensure that lawmakers and federal agencies are making informed, data-driven decisions that will help support the fulfillment of the federal government’s treaty and trust responsibilities to tribes. The Navajo Nation recommends that BJS also include questions designed to collect data on the status and condition of tribal court facilities to help lawmakers understand the challenges with the facilities these courts occupy, and how those challenges impact the staffing and operations of tribal courts, and in turn, case backlogs.

It is critical that BJS continue to conduct the CTCS regularly to help convey trends in tribal court systems. As noted above, the CTCS helps support informed decision-making, and regularly conducting this census will help demonstrate if reforms instituted at the federal level are resulting in real change in Indian Country. The Nation also encourages BJS to disseminate reports on tribal matters, like the CTCS, to all tribal leaders when they are

approved for public release.

In closing, the Navajo Nation offers the following recommendations:

1. Inclusion in the CTCS of questions on court facilities to ascertain the impacts on the staffing and operations of respondent tribal courts.
2. Regularly conducting the CTCS.
3. Direct dissemination to all federally recognized tribal leaders of tribally focused BJS reports.

Should you have any questions or wish to discuss this matter further, please do not hesitate to reach out to Mr. Ammon Ranger, Acting Executive Director of the Navajo Nation Washington Office, at (202) 682-7390 or via email to ARanger@NNWO.org. *Ahéhee'* (thank you).

Sincerely,



Dr. Buu Nygren, *President*
THE NAVAJO NATION