



## The 21<sup>st</sup> Navajo Nation Council

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## IGR Committee passes legislation urging law enforcement agencies to respect Navajo extradition laws, Treaty of 1868

**WINDOW ROCK, Ariz.** – The Intergovernmental Relations Committee of the 21<sup>st</sup> Navajo Nation Council met today during a regular meeting and passed legislation urging the federal government, the Federal Bureau of Investigation (FBI) and other federal law enforcement agencies to respect Navajo Nation extradition laws and its Treaty of 1868.

Council Delegate Ernest Yazzie sponsored legislation No. 0044-10 urging federal entities to honor Navajo sovereignty. The FBI, without due process, incarcerates defendants who commit crimes on the Navajo Nation.

Navajo Nation Chief Prosecutor Bernadine Martin expressed Yazzie's concern and explained situations where the FBI violated due process rights and extradition laws of the Navajo Nation.

"Historically, in recent history no federal agency has followed the procedure. The federal government badged out defendants who committed crimes on Navajo without informing the Office of the Prosecutor," Martin explained. "To not inform the Office of Prosecutor, staff cannot follow up on those cases that get declined and could be filed in tribal court. In 2005, more than half of Indian crimes were denied. In one case, the defendant was held in jail for 29 days without being charged. There is an extradition process on the Navajo Nation that needs be honored."

In the recent case of Reehalio Carroll, who is charged for the murder of Sister Marguerite Bartz, Carrol was taken into custody by the FBI while he was held in Navajo jails pursuant to the order issued by Judge Carol Perry. The federal government did not honor the Navajo Nation extradition laws.

"I refused to turn Carrol over because he was held on a valid tribal court order. An extradition procedure would have authorized the release to the federal government," Martin said. "I told the federal judge in the Carrol case that the Navajo Nation is a sovereign government with our own laws and courts of competent jurisdiction."

"Unfortunately, the Navajo Nation Council, President Shirley and the Navajo courts must inform Congress of Navajo sovereignty, particularly with crimes," she added. "We don't have problems with the states of New Mexico, Arizona and Utah. The states inform us of arrest warrants and provide documents that support our extradition protocol. The relationships with the states have been working."

Yazzie's legislation proposes defendants who commit crimes on the Navajo Nation are subject to Navajo laws and if a federal offense requires federal action, then federal agencies need to honor the Navajo extradition protocol, not the process where the FBI wants to take defendants when they want to.

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"I'm not questioning the jurisdiction of the federal government," Martin said. "It's how we get there is what concerns me. I hope that there is some compromise with the federal laws and Navajo laws."

"The Navajo extradition statutes were enacted in January 1956," Martin added. "In October 1967, the Navajo Chairman ordered that every Navajo accused will be brought before a judge for an extradition hearing and that is codified. In 1994, the solicitor of the Navajo Judicial Branch further clarified the extradition procedure which is how both entities should be operating."

The IGR committee accepted Yazzie's legislation with a 7-0 vote.

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