



The Navajo Nation Council — Office of the Speaker

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FOR IMMEDIATE RELEASE

President Shirley ignores law as he seeks third term

President making mockery of tribal laws

WINDOW ROCK, Ariz. – Navajo Nation President Joe Shirley Jr. ignored Navajo Nation law today by filing for a third consecutive term as president. A recent legal opinion from the Chief Legislative Counsel reaffirmed the two term limit of the Navajo Nation President set forth at 2 N.N.C. 1002 (C).

The legal opinion answers the question, "Does Navajo Nation law, as adopted by the Navajo Nation Council, allow a Navajo Nation President who has been elected to two consecutive terms of office as Navajo Nation President and who is serving the second of those two consecutive terms to serve a third consecutive term as Navajo Nation President? The answer was, "No. The provisions of Navajo Nation law limit the Navajo Nation President to serve no more than two (2) terms."

For the past two presidential terms, the President battled the Council on various issues with no accomplishments which some believe have destabilized the entire Navajo Nation government. The President passed himself off as the "Champion of Change" heavily criticizing the Council, the people's voice in their government, for allegedly breaking the Navajo Nation laws. But his action to seek a third term as President displays disregard for the laws of the Nation.

With his declaration, the President's action may harm the Navajo Nation. Companies and corporations may be discouraged from doing business with the Nation, based on the fact our own President refuses to follow Navajo Nation laws.

The President is apparently counting on using Diné Fundamental Law to his benefit. Recently, the Council restricted the use of this law to the Peacemaking Courts of the Navajo Nation.

The provisions of Diné Fundamental Law, as amended by Resolution CJA-08-10, clearly state, "Foundation of the Diné, Diné Law and Diné Government does not supersede Navajo Nation statutory laws or policies." 1 N.N.C. § 200 (A). The Diné Fundamental Law further provides that it "does not delegate authority to substitute alternatively formulated 'fundamental laws' or policies instead of Navajo Nation laws or policies (Diné bibeehaz'áanii) duly-adopted by the leaders of the Legislative Branch." 1 N.N.C. § 200 (B). Accordingly, it is clear that the clear and plain language of 2 N.N.C. § 1002 (C) cannot be overcome by claims that the Presidential two term limit is invalid on the basis of claimed inconsistency with the Diné Fundamental Law.

The legal opinion also cites to term limits for Executive Branch heads of other sovereign governments. Our federal government maintains a constitutional two term limit for the U.S. President – 36 states impose term limits on their Governor as well.

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