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The 21st Navajo Nation Council

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Thomas Walker: Proposal to reform Judicial Branch is a form of democracy

WINDOW ROCK, Ariz. – Council Delegate Thomas Walker Jr.'s proposal to reform the Navajo Nation Judicial Branch has started discussion despite the plan's infancy stage status.

In his report to the Judiciary Committee of the 21st Navajo Nation Council, Walker (Birdsprings/Leupp/Tolani Lake) reported on his referendum effort to change appointed judges into elected positions as part of comprehensive government reform, which the Office of the President has advocated for by attempting to reduce the Navajo Nation Council from 88 members to 24 members.

Walker believes his plan of reforming the Judicial Branch will bring transparency. He believes his proposal will compliment the Office of the President's initiative to true government reform and is a step in the right direction to ensure that the interests and rights of the Navajo people are fairly protected.

"The time is now to elect judges because the Navajo people want government reform, accountability and transparency from all who hold public offices and public positions," Walker said. "What has been in place for years in the judicial system has proven not to work in the best interest of the Navajo people, so if the judges are elected, it will bring positive change to the bench."

Some of the positive changes include:

1. Elected judges taking greater interest and assuring family safety as they will work more closely with families through all available resources
2. Elected judges and court staff would be much more courteous and helpful
3. Candidates for judgeship would come before the people to introduce themselves familiarizing the people with their rulings
4. Elections would remove the judgeship from politicizing the judicial system; currently, the President recommends individuals for appointment as the Council confirms judgeship

In contrary to the press release issued by the Office the President, Mr. Walker nor the Navajo Nation Council is not retaliating against appointed judges but is simply exercising "the Navajo Nation's governing authority by upholding public trust and committing to a responsive and accountable government that preserves, protects and enhances Diné culture and sovereignty."

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"It is an opportunity for the Navajo people to elect judges based on their interpretation of the law, and to ensure due deliberation and decision making rather than rulings based on personal viewpoints," Walker added. "The Navajo people will ensure that established court rules are followed and that the laws are adhered to. Judges will be the people's choice; thus, held to higher standards."

Walker said the Navajo Nation government is considered to be a government "for the people" and now must be "by the people," which makes the most sense to try to put the proposal in ballot form for the upcoming Navajo Nation General Election where thousands of Navajo voters are estimated to cast their votes.

"This effort is something that deserves support from all three branches because we are talking about government for the people," Walker said. "President Joe Shirley issued a press release to discredit me for my efforts to introduce a legislation to place a referendum on a ballot to allow the Navajo people to decide if judges should be elected by the people. Across the nation, judges are elected and it does work, it strengthens democracy. Press releases from the Office of the President are deceiving and serve only to "muddy the waters.""

"President Shirley's motive is just another political tactic to mislead the Navajo people into believing that all Council Delegates are unworthy to hold a leadership position," Walker said. "It is time for the Navajo people to stand up for local leadership and community interest and ask President Joe Shirley Jr. why he continues to manipulate words and actions to gain political support that have done nothing but lead the Navajo Nation further into turmoil."

The referendum process would allow the Navajo electorate to vote "Yea" or "Nay" on a ballot question asking the Navajo public to vote on whether to make Navajo Nation judges elected positions. Through the referendum method, direct democracy would be exercised as a result of direct involvement of voters in local governmental affairs, which is commonly the political culture at the chapter level.

The referendum process is projected to involve more than 16,000 voters unlike the special election initiative in which less than 10 percent of total registered voters participated. This referendum would spark debate and direct involvement among the people in possibly reforming another aspect of their government.

"The people would become the selectors and evaluators, which would elevate highly qualified candidates to administer fair justice," added Walker who also said judicial retention elections would be part of the process if his proposal becomes law.

In judicial retention elections, Navajo voters would vote "Yea" to extend a sitting judge's term or vote "Nay" against the sitting judge's term. To maintain incumbency, a Navajo Nation judge would need majority votes from the Navajo electorate to stay in office.

Walker also believes it is also the responsibility of the Judiciary Committee and Judicial Branch to make necessary amendments for the betterment of a "just" Navajo society. Walker's proposal of electing Navajo Nation judges does that.

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The Navajo Nation Council would provide the Navajo Elections Administration with funds for public education through the media, documents to disseminate and public hearings regarding the referendum.

Council Delegate Nelson Gorman Jr. (Chinle) agreed that reform is needed and said "past efforts of reform have failed."

"I think there needs to be reform. I think that is where our courts fall short," Gorman said. "What our government is supposed to be doing is providing service to our people. I do favor statutory reform. We need to meet justice for our Navajo people."

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