



The 21st Navajo Nation Council

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Speaker Morgan, Council delegates respect the Navajo Nation Supreme Court's interpretations, clarifications of the law

WINDOW ROCK, Ariz. – Speaker Lawrence T. Morgan and the 21st Navajo Nation Council were not surprised by the opinions issued by the Navajo Nation Supreme Court in two high profile cases, Shirley vs. Morgan and Nelson vs. Initiative Committee to Reduce Navajo Nation Council and Dr. Joe Shirley. Both issued opinions favored President Shirley.

In Shirley vs. Morgan, the high court affirmed the Window Rock District Court's opinion that Resolution CO-41-09, which placed President Shirley on administrative leave, was "null and void, and therefore, unenforceable." The court also ruled that it has jurisdiction of this case because the Sovereign Immunity Act only applies when external entities sue the Navajo Nation, but in this case it is an internal litigation.

The Court further invalidated Resolution CJA-08-10 or the Foundation of the Diné, Diné Law and Diné Government Act of 2009 and said that government power comes from the People.

In Nelson vs. Initiative Committee to Reduce Navajo Nation Council and Dr. Joe Shirley, the high court ruled that "passage of the Reduction in Council Initiative by the People through an Initiative Election on December 15, 2009 is valid and proper. The Navajo Board of Election Supervisors (NBOES) shall immediately certify the above election results," which means there will be a 22nd Navajo Nation Council of 24 members.

The court opinion also stated that, "In accordance with the new law, the President shall present a reapportionment plan that has been discussed at community meetings by June 11, 2010 and the NBOES shall approve the reapportionment plan by June 18, 2010."

In response to the decisions, Speaker Morgan said he was thankful for the Navajo Nation Supreme Court's interpretation of the law and says it provides clarification to what action the Council will take next on behalf of the Navajo people.

"We spent too much time disagreeing. The people voted," Morgan said. "It is the people's government and there is nothing wrong with their votes. There are times when the people vote on new initiatives and things change accordingly such as at the chapter level when a new chapter president is selected -- there is a new direction, a new vision."

Council Delegate Leonard Tsosie (Pueblo Pintado/Torreón/Whitehorse Lake) said the decisions strengthen Navajo laws as a result of grass roots involvement.

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"This is a great day, these decisions determine where and which direction the Navajo Nation goes," Tsosie said. "Our laws have been strengthened. I see faith in my people. They are the ones who voted on this. They are going to led us is in the right way – it is the people who are leading, which is very interesting."

Council Delegate Kee Allen Begay (Many Farms) said the decisions of the high court have to be respected.

"The Court made the decision and I have to respect it. I know my Chapter voted in favor of the reduction and the line item veto; 2-1 votes on the reduction," Begay said. "Now Council Delegates will have to travel farther to get to meetings and that can be time consuming. I encourage the younger people to step up and bring forth their voices and their education, to help their people."

"I don't know why the chief justice and associate justices are legislating from the bench, they should just interpret the law," added Council Delegate Norman John (Twin Lakes). "However, with the high courts decision we have to look at what the law says, abide it and see the outcome."

Tim Nelson, petitioner, in the Nelson case said the high court's decisions are not a loss for the people but a gain.

"The clarification of laws was what I wanted more than anything," Nelson said. "I really don't have a problem whether we have reduced council or increase the council but the idea is we have representation by means of legislative process that we have in place for our people."

"The discrepancies and shortcomings of the law were clarified and now we can move forward," Nelson said. "Those points and issues we had were addressed, granted that some people will still disagree with it. We are now actually ready to move forward."

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