



23RD NAVAJO NATION COUNCIL OFFICE OF THE SPEAKER

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“No Haven for Dangerous Fugitives Act of 2018” would violate Navajo sovereignty and the Treaty of 1868

WINDOW ROCK – On Thursday, the Naabik’íyáti’ Committee approved legislation establishing the Navajo Nation’s opposition to H.R. 4864, a congressional bill that would violate tribal sovereignty and the Navajo Treaty of 1868 by permitting federal authorities to enter tribal reservation lands, including the Navajo Nation, to arrest persons fleeing arrest, custody, testimony, or service. H.R. 4864 was introduced by U.S. Rep. Kristi L. Noem (R-SD) of South Dakota, and seeks to amend U.S.C. § 1073 to add the new language.

Legislation sponsor Council Delegate Edmund Yazzie (Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau), who serves as the chair of the Law and Order Committee which oversees public safety on the Navajo Nation, said the proposed change in law would violate the sovereign status of the Navajo Nation, disregard Navajo laws, and negate the current extradition procedures that require the Navajo Nation’s approval to allow federal authorities to take custody of members of the Navajo Nation who are within the boundaries of the Navajo Nation.

“If congress passes this then it’s going to be a free-for-all for the FBI, federal law enforcement, or state police to come in and book someone and take them away without following the proper procedures,” said Delegate Yazzie, who also called on congressional leaders who represent the Navajo Nation to oppose H.R. 4864.

Council Delegate Raymond Smith, Jr. (Houck, Klagetoh, Nahata Dził, Tsé Si áni, Wide Ruins), said the extradition process is addressed in the Treaty of 1868, which includes the “bad men” clause that contains specific provisions for federal officials to provide notice, and request from the Navajo Nation, the delivery of “bad men” to federal law enforcement.

Council members also pointed out that the Navajo Nation has several cross-commissioning agreements with nearby counties and cities that allow police officers to respond to situations across jurisdictional boundaries, in order to provide shorter response times and to prevent “sanctuaries” for alleged criminals.

The legislation further states that the proposed Act ignores the mutual respect of governing sovereigns and weakens the government-to-government relationship between tribal nations, including the Navajo Nation, and the United States government.

At the conclusion of the discussion, the Naabik'iyáti' Committee approved Legislation No. 0052-18 by a vote of 12-0. The Naabik'iyáti' Committee serves as the final authority for the bill.

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