



The 21st Navajo Nation Council
Contact: Alastair L. Bitsoi, Public Information Officer
Phone: (928) 871-7228
Cell: (928) 255-2943
navajocouncil_pio@yahoo.com
abitsoi@navajo.org
www.navajonationcouncil.org

November 15, 2010

FOR IMMEDIATE RELEASE

Navajo Nation Council exercising rights as the governing body, President Shirley undermines Council with propaganda message of retaliation

"As the governing body, the Navajo Nation Council has the authority to consider legislation such as the removal and replacement of appointed and permanent officials, including its own members to instill justice and due diligence,"
– Kee Allen Begay, chairman for the Judiciary Committee

WINDOW ROCK, Ariz. – Title 2 of the Navajo Nation Code states that the Navajo Nation Council shall be the governing body of the Navajo Nation. As outlined in the Navajo Nation Code, the Navajo Nation Council exercises its authority by upholding public trust of being a transparent branch of government and protecting Diné culture, language and sovereignty.

On Nov. 14, Navajo Nation President Joe Shirley, Jr. issued a press release in an effort to undermine the credibility of the Navajo Nation Council's governing authority by alleging the legislature of retaliating against the Navajo Nation Attorney General, Deputy Attorney General and Navajo Nation Chief Justice for "recent decisions delegates have not liked," and also alleged that the removal of these officials would halt economic development on the Navajo Nation. Contrary to the president's belief, the Council, as the governing body, is acting in the best interest in protecting the sovereignty of the Navajo Nation, as spelled out in the Navajo Nation Code.

"Where is the fine line of the Navajo Nation Council conducting its official duties and the perception of retaliation," questioned Kee Allen Begay, chairman for the Judiciary Committee. "Presently, everything and anything the Council does is directly perceived or viewed as retaliation, conflict of interest or self serving. The sitting Council is exercising its authority under Title 2 of the Navajo Nation Code and acts in the best interest of protecting the sovereignty of the Navajo Nation."

Among other misconceptions, President Shirley accuses the Judiciary Committee for retaliating against the Supreme Court for its decision to remove probationary Associate Justices Louise Grant and Eleanor Shirley from the high court. Instead of highlighting the full details of both justice's removal, President Shirley only mentions the evaluation of Justice Grant as a "moot point" and Justice Shirley's "demeanor and poise" as reasons for removal. Furthermore, the president alleges more retaliation has occurred because of the committee's vote to amend the hearing rules for the removal of any permanent judge and justice and that legislation to remove Chief Justice Herb Yazzie, which has not surfaced before Council standing committees, is revenge.

"The press release issued by President Shirley is misleading and provides inaccurate information about the Judiciary Committee's actions, which follows the Navajo Nation Code," Begay said. "For example, the two year probationary period for Justice Grant and Justice Shirley had ended this past summer and according to the hearing rules of Title 7 the committee had to conduct an evaluation of the two year period. The president's press release states the less important details of the removal of the probationary associate justices."

On Oct. 12, the committee voted against Justice Shirley's permanent appointment as a result of various factors that the committee felt was important to the Navajo judiciary. The committee identified Justice Shirley's dependency on Chief Justice Yazzie, lack of dissenting opinions, ill preparation and the failure of the Navajo Nation Bar Association to provide sufficient, proper information regarding the evaluation of judges as undermining reasons for an unsatisfactory evaluation.

- more -

In mid-August, Chief Justice Yazzie attempted to convince the committee to surpass the legislative process for recommending Justice Shirley for permanent appointment, as set forth in Title 7 of the Navajo Nation Code.

On Oct. 13, the committee also denied permanent appointment of Justice Grant because there were no written copies of any evaluation provided by the chief justice for the record, which is a necessary component of the committee procedural hearing rules.

"If the Chief Justice followed the Navajo Nation Code and the probationary hearing procedures, I believe the Judiciary Committee could have had the hearing earlier," added Begay. "I personally believe it is the motive of the Chief Justice to have intentionally prolonged the hearing date, which has now portrayed the Council as retaliating against the high court."

"As the governing body, the Navajo Nation Council has the authority to consider legislation such as the removal and replacement of appointed and permanent officials, including its own members to instill justice and due diligence," concluded Begay. "The Judiciary Committee has tirelessly improved the current judicial system and will continue to do so wherever much needed improvements are necessary."

###