



THE NAVAJO NATION

OFFICE OF THE PRESIDENT & VICE PRESIDENT

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CONTACT: GEORGE HARDEEN
COMMUNICATIONS DIRECTOR
OFFICE – 928-871-7917
CELL – 928-309-8532
pressoffice@opvp.org

Navajo President Joe Shirley, Jr., vetoes two pieces of legislation citing concerns about illegal bribes, self-interest in elections laws

WINDOW ROCK, Ariz. – Navajo Nation President Joe Shirley, Jr., vetoed two pieces of legislation on Monday, expressing concern that one may have been influenced by offers of illegal bribes to Navajo Nation Council delegates, and the other had the appearance of being self-serving and counter to the public interest.

The President vetoed Resolution No. CO-42-10 which would have approved the Sempra/IPP term sheet for the development of the Grey Mountain Wind Farm in Cameron, Ariz.

He also vetoed Resolution No. CO-43-10 which would have amended the Navajo Election Code to prevent anyone with a felony conviction from ever running for elective office but eliminated a misdemeanor conviction as grounds for removal or for seeking elected office.

In his Nov. 8 veto message to Navajo Nation Council Speaker Lawrence T. Morgan, President Shirley cited several problems with the Sempra/International Piping Products, Inc., term sheet but said he was most troubled by an allegation that Council delegates may have been offered bribes for their votes to approve it.

“On Oct. 21, Council Delegate Norman John stated on the floor of the Navajo Nation Council that on Sept. 23 he was offered ‘campaign funds’ to vote green,” President Shirley said. “He said he had not voted on Sempra during that morning’s Resources Committee meeting, and did not want to vote after the offer was made without being advised by the Legislative Counsel.”

The President said he was concerned that Mr. John’s statement was not immediately addressed but that the

Council instead proceeded to a vote on the term sheet legislation.

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– Navajo Nation President Joe Shirley, Jr.’s veto message

“Despite this alarming pronouncement alleging an illegal bribe, Council debate was allowed to continue when an immediate inquiry was warranted,” the President said. “Consequently, the integrity, probity and rectitude of the Nation’s government is at stake. I cannot stand by to allow such questionable activities and possible violation of the Navajo Ethics and Government Law to dictate this important policy decision that will have long-term impacts on the Navajo Nation and our natural resources.”

Other problems with the legislation included the lack of required review and approval by the Resources Committee, and a failure to have terms negotiated by the Executive Branch as required by Navajo law, he said.

The legislation would have granted exclusivity to a non-Navajo entity to gain and maintain complete control over a Navajo resource encompassing 45,000 acres of Navajo trust land for up to 75 years.

By comparison, the Big Boquillas Wind Project, which involves the Navajo Nation, NTUA, Edison Mission Energy, and Foresight Energy, uses only 4,500 acres of land and is a Navajo Nation project.

Through the use of a for-profit affiliate, NTUA will be a 51 percent owner of the project. The Navajo Nation negotiated with NTUA to complete the agreements with the project company consistent with the requirements of Navajo law.

The Sempra/IPP term sheet would not allow the Navajo Nation a controlling ownership interest of 51 percent-plus in the Cameron wind project, he said. That omission would have permitted Sempra/IPP to control and decide all assignments and subleases without Navajo approval.

In addition, the term sheet would have waived all applicable Navajo taxes, and Sempra/IPP would be under no obligation to comply with the Navajo Nation Procurement and Employment laws.

Regarding his veto of Resolution No. CO-43-10, the President said the amendments would change the Election Code to create an inconsistency.

Currently, if an individual is convicted of either a felony or misdemeanor, he or she is subject to removal from office or would not be able to seek elected office for five years.

Under the amendments, a felony conviction would forever prohibit an individual from running for any elected office.

That prohibition would be universal, applying to the offices of Navajo Nation President, Vice President, Navajo Nation Council, chapter offices, and other elected offices, such as farm board and grazing committee positions.

However, the amendments would eliminate a misdemeanor conviction as grounds for removal from office or from seeking elected office for top elected officials such as President, Vice President and Council delegates but not for other elected offices.

That would hold those officials at the chapter level to a higher standard and is thus an inconsistent application of the law.

Although the intent of the legislation is to provide consistency related to felony convictions for all elected officials, the President found that the elimination of the penalty for a misdemeanor conviction for top elected officials would be self-serving.

Title 11 of the Navajo Nation Code defines convictions of misdemeanors as matters:

“involving deceit, untruthfulness, and dishonesty, including but not limited to extortion, embezzlement, bribery, perjury, forgery, fraud, misrepresentation, false pretense, theft, conversion, or misuse of Navajo Nation funds or property, and crimes involving the welfare of children, child abuse, child neglect, aggravated assault and aggravated battery.”

By contrast, a misdemeanor conviction for all other Navajo elected positions at the chapter level would constitute grounds for removal from office or from seeking elected office for five years.

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