



The Navajo Nation Council — Office of the Speaker

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January 19, 2010

FOR IMMEDIATE RELEASE

Navajo voter Tim Nelson plans appeal to Navajo Supreme Court

Hearing Officer Karen Bernally dismissed grievance on Jan. 15

WINDOW ROCK, Ariz. - The Office of Hearings and Appeals' Administrative Hearing Officer Karen Bernally on Friday, Jan. 15 dismissed a grievance by Tim Nelson of Leupp regarding a hearing scheduled to be heard on Dec. 21.

The grievance was filed on behalf of the Dine for Fairness in Government challenging the Dec. 15 special election results.

Surprised by the dismissal, Nelson said he will appeal the Office of Hearings and Appeals' order on his dismissed complaint.

"We are going to be proceeding with an appeal on Tuesday to the Navajo Supreme Court," Nelson said. "I'm going take the next step. We do have grass roots support for what we are doing."

Attorney John Trebon of Flagstaff, Ariz., is representing Nelson's group, Dine for Fairness in Government.

The grass roots supporters argue the special election results are flawed because Navajo Nation laws are not being obeyed.

"The president and his initiatives are circumventing the law," Nelson added. "If you want government to succeed then elected officials have to abide the laws as well. The President is taking us back 20 years. The same people who wrote the laws after the 1989 incident are trying to circumvent the law they wrote."

Nelson sees the importance of laws being safety systems that should prevent things like the special election from occurring.

"I would like to see the Navajo Attorney General elected not selected by the President. At the grass roots level we are going to propose new legislation for political positions to be elected," Nelson added. "We cannot have the President selecting the Attorney General who is his best friend."

Council Delegate Young Jeff Tom (Mariano Lake/Smith Lake) also explained how laws are being violated, "We have laws that we have to abide by," said Tom. "We have Navajo people concerned about this and they are questioning why the Office of the President is putting reapportionment plans together -- that is not his job.

"That responsibility belongs to the Navajo Election Administration and not to the President or his staff," added Tom.

Advocates of the reapportionment plan believe the proper process is to use census data from the 2010 data collection and that the recent Office of Hearings and Appeals dismissal of Nelson's grievance will lead to further delay in the certification of the special election results.

"If simple majority takes precedence, it will do collateral damage. I am talking about the near future. If the Council of 24 does not work, then we can go back to 110 delegates," Nelson added. "People question what I am doing, but my primary focus is following the laws. If the President and the Attorney General do not follow rules, then I am going to change laws too."

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