



## The Navajo Nation Council — Office of the Speaker

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**FOR IMMEDIATE RELEASE**

### **Chief Legislative Counsel: Navajo Nation law limit the Navajo Nation President to serve no more than two terms**

*President Shirley breaking Navajo Nation law if he seeks to run for third term*

**WINDOW ROCK, Ariz.** – The Chief Legislative Counsel issued an opinion reaffirming the two term limit of the Navajo Nation President. The opinion requested by Council Delegate Young Jeff Tom addresses concerns of President Joe Shirley Jr. possibly seeking to run for a third term as president.

Opinion No. CLC-01-10, answers the question: Does Navajo Nation law, as adopted by the Navajo Nation Council, allow a Navajo Nation President who has been elected to two consecutive terms of office as Navajo Nation President and who is serving the second of those two consecutive terms to serve a third consecutive term as Navajo Nation President?

The legal opinion states, "No. The provisions of Navajo Nation law limit the Navajo Nation President to serve no more than two (2) terms."

The question raised can be answered by the clean and plain language of 2 N.N.C. § 1002 (C), which states, "The President shall serve no more than two (2) terms." This language was enacted, with proper underscoring, as new statutory language in the passage of Resolution CD-68-89 by the Navajo Tribal Council on December 15, 1989. The proposed language, as originally drafted, stated that "The President may serve no more than two terms." This language was amended by the Navajo Tribal Council on December 14, 1989 to change the word "may" to "shall." This amendment clarified that adherence to the two term limit is mandatory, and not discretionary.

Recently, the Council made amendments to the usage of Diné Fundamental Law, which President Shirley hoped to use in challenging the Navajo Elections Administration should they deny his candidacy packet. The amendments restrict the usage of the fundamental laws to the Peacemaking Courts of the Navajo Nation.

The provisions of Diné Fundamental Law, as amended by Resolution CJA-08-10, clearly states, "Foundation of the Diné, Diné Law and Diné Government does not supersede Navajo Nation statutory laws or policies." 1 N.N.C. § 200 (A). The Diné Fundamental Law further provides that it "does not delegate authority to substitute alternatively formulated 'fundamental laws' or policies instead of Navajo Nation laws or policies (Diné bibeel'áanii) duly-adopted by the leaders of the Legislative Branch." 1 N.N.C. § 200 (B). Accordingly, it is clear that the clear and plain language of 2 N.N.C. § 1002 (C) cannot be overcome by claims that the Presidential two term limit is invalid on the basis of claimed inconsistency with the Diné Fundamental Law.

The legal opinion also cites other instances of term limits of other sovereign governments. Our federal government instituted a two term limit for the U.S. President, as well as numerous states for governor.

A copy of the legal opinion was sent to President Joe Shirley Jr., Speaker Lawrence T. Morgan, Chief Justice Herb Yazzie and all Navajo Nation Council delegates.

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