



## The 21<sup>st</sup> Navajo Nation Council

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## President Shirley continues to halt Judicial Elections Referendum Act of 2010 in an effort to stop Navajo people from voting

**WINDOW ROCK, Ariz.** – The Navajo peoples voting rights continue to be threatened by President Joe Shirley, Jr., as he continues to attempt to stop the people from voting on the Judicial Elections Referendum Act of 2010 in the upcoming election.

On Oct. 11, President Joe Shirley, Jr.'s application for preliminary injunction on a referendum to elect Navajo Nation Judges and Justices was denied by the Window Rock District Court. Shirley immediately attempted to appeal the decision to the Supreme Court, prior to receiving full explanation of the district court decision.

Shirley's first attempt to appeal the decision was denied on the grounds that he acted prematurely. Last week, he re-submitted the appeal through an application for extraordinary writ, per the recommendation of the Supreme Court. If granted, an extraordinary writ would provide Shirley an alternative to the typical appeal process.

On Friday, Oct. 8, Judge Allen Sloan heard over five hours of oral arguments in Shirley vs. Navajo Nation Council and Navajo Board of Election Supervisors. Three days later, an issue was ordered, providing full detail on his decision.

The Court stated, "The harm to the public will be far greater than the harm to the Petitioner (Shirley), if the Court stops the Election Board." It went on to state that Shirley had an opportunity to approach the legislature and express his concern under the principle of K'e, which he did not attempt.

The order also provided possible approaches Shirley could have taken, but, instead, Shirley chose to address the matter in the "11th hour" when the people have already been presented with the notion that the issue of election of judges would go before them during election time.

"It is an impossible task to take back a notion that you've created in the mind of the People: election of judges," the order reads. "You cannot unring a bell."

The Court's order concluded, "This case is not about whether Judges and Justices should be subject to the elections. Such questions are ultimately for the People to decide. It is about whether the President has given the Court a very important reason why the Election Board should be prohibited from placing the referendum on the November 2, 2010 general election ballot. The Court is not convinced that the President is entitled to a preliminary injunction."

Currently, approximately 6,000 absentee ballots have been returned to the Navajo Elections Administration office. Efforts to educate the Navajo people on the referendum have been done through forums and public education meetings, as well as radio spots, and newspaper ads, and will continue until Election Day.

Shirley advocated strongly that the Navajo people should have the right to reduce their Council and grant the President line-item veto power through referendum initiatives; however, he is now attempting to deny their right to vote on whether judges and justices should be elected, and is ultimately undermining the Navajo people. His actions are contradictory to the notion of the Navajo people's choice.

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