

# THE NAVAJO NATION

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JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

November 11, 2019

Hon. Seth Damon  
Office of the Speaker  
Post Office Box 3390  
Window Rock, AZ 86515

RE: CO-36-19, *Approving an Act to Amend the Navajo Nation Code, Title 2, Chapter 3, Subchapter 11, Boards and Commissions; Article 6 Navajo Nation Human Rights Commission Sections 921, 922(A)(C), 923 and 924*

Dear Speaker Damon,

Pursuant to the authority vested in the Navajo Nation President, I am vetoing CO-36-19.

The Navajo Nation Human Rights Commission and Office has provided a valuable service to the Navajo People since its inception. The Commission and its staff have fought for the rights of Navajo voters, protected the Navajo People from unscrupulous auto dealers, and worked to protect the civil rights of Navajo individuals in border towns. The Commission and staff must be commended for all they do. The issue here is the amendment giving the authority to the Commission to "litigate discriminatory actions taken against citizens of the Navajo Nation." Pursuant to Navajo law the Department of Justice and the Office of Legislative Counsel are the entities to provide legal services to their respective Branches. To remove that authority diminishes the overall authority of the Navajo Nation Council by taking their decision making authority and consultation with their attorney and transferring that authority to a Commission which has no legal background or legal advisors.

In addition, inserting this amending language will set up the Commission to violate Navajo law with regard to the practice of law by licensed practitioners. Supporting the Commission to protect our Navajo People is vital but should be done with great care. I am vetoing CO-36-19 and open to a change that will not violate Navajo law.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Nez".

Jonathan Nez, President  
THE NAVAJO NATION

RESOLUTION OF THE  
NAVAJO NATION COUNCIL  
24<sup>th</sup> NAVAJO NATION COUNCIL -- First Year, 2019

AN ACT

RELATING TO LAW AND ORDER, NAABIK'ÍYÁTI' COMMITTEE AND THE NAVAJO NATION COUNCIL; APPROVING AN ACT TO AMEND THE NAVAJO NATION CODE, TITLE 2, CHAPTER 3, SUBCHAPTER 11, BOARDS AND COMMISSIONS; ARTICLE 6 NAVAJO NATION HUMAN RIGHTS COMMISSION SECTIONS 921, 922(A)(C), 923 AND 924

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Law and Order Committee of the Navajo Nation Council, pursuant to 2 N.N.C. § 601(B)(14), reviews and makes recommendations to the Navajo Nation Council on proposed amendments to and enactments in the Navajo Nation Code.
- B. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council. Pursuant to 2 N.N.C. § 164(A)(9), the committee reviews proposed legislation which requires final action by the Navajo Nation Council.
- C. The Navajo Nation Council enacts laws and sets policy for the Navajo Nation. 2 N.N.C. § 102.

SECTION TWO. FINDINGS

- A. The Navajo Nation Human Rights Commission (Commission) was established within the Legislative Branch as an entity of the Navajo Nation Government pursuant to 2 N.N.C. § 920.
- B. The Commission is established as a clearinghouse to address discriminatory actions against citizens of the Navajo Nation; and to interface with the local, state, and federal governments and with national and international human rights organizations

in accordance with its plan of operation and applicable laws and regulations of the Navajo Nation. 2 N.N.C. § 921.

- C. The Commission has requested, by Commission Resolution NNHRCMAY-23-19, certain amendments be made to its enabling legislation. See **Exhibit A**.
- D. The Navajo Nation Council finds it to be in the best interest of the Diné to approve such amendments as requested by the Commission pursuant to NNHRCMAY-23-19 and to make these amendments to Navajo Nation Code, Title 2, Chapter 3, Subchapter 11, Article 6, §§ 921, 922 (A)(C), 923 and 924, at a Regular Session of the Navajo Nation Council.

### **SECTION THREE. AMENDING TITLE 2**

The Navajo Nation Council hereby amends the Navajo Nation Code, 2 N.N.C. § 921, 922 (A)(C), 923, 924 as follows:

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**THE NAVAJO NATION CODE  
TITLE 2 NAVAJO NATION GOVERNMENT  
Chapter 3 Legislative Branch  
Subchapter 11. Boards and Commissions  
Article 6. Navajo Nation Human Rights Commission**

\*\*\*\*

**§ 920. Establishment**

There is hereby established the Navajo Human Rights Commission (herein referred to as the Commission) in the Legislative Branch as an entity of the Navajo Nation Government.

**§ 921. Purpose**

The Commission is organized to operate as a Navajo human rights clearinghouse entity to administratively address and when necessary, litigate discriminatory actions taken against citizens of the Navajo Nation, and to interface with the local, state, and federal governments and with national and international human rights organizations in accordance with its plan of operation and applicable laws and regulations of the Navajo Nation.

**§ 922. Organization; powers; and office**

- A. The Commission shall consist of five commissioners appointed in accordance with the plan of operation. Qualifications for the commissioners in accordance with the plan of operation shall include persons with reputable and established backgrounds in the fields of education, business, law enforcement, and social services and Navajo traditional culture. A majority of the commissioners shall be Navajo. The commissioners shall be appointed by the Speaker of the Navajo Nation Council and confirmed by the ~~Intergovernmental Relations~~ Naabik'iyáti' Committee.
- B. Commissioners shall receive no additional compensation for their activities in connection with the Commission, other than reimbursement for required and authorized expenses incurred in the performance of their duties.
- C. The Commission shall receive reports of ~~discriminationery~~ and ~~racial acts of racism~~ perpetrated against citizens of the Navajo Nation enrolled members of the Navajo Nation. The Commission will compile this data and track occurrences of these events, ~~and~~ refer documented incidents to the proper authorities, subject to applicable laws, and offer technical and administrative support to enrolled members of the Navajo Nation as they seek guidance to remedy their grievances.
- D. The Commission shall have the authority to approve the rules, policies and procedures for the Commission and its office, to conduct public hearings, and to issue subpoenas, in accordance with the laws of the Navajo Nation. Commissioners shall hire and supervise an Executive Director for the Commission in accordance with the Navajo Nation Personnel Policies Manual.
- E. The Executive Director shall administer the daily operations of the Commission through the Office of the Navajo Nation Human Rights Commission. The Executive Director shall be responsible and accountable to the Commission and shall be authorized to employ necessary personnel in accordance with the Navajo Nation Personnel Policies Manual and the Navajo Nation operating budget.

F. The Commission shall coordinate with other Navajo Nation offices, departments, and other governmental entities as necessary to carry out the Commission's purposes and authorities, subject to applicable laws. This Act shall not be construed to diminish the operation of the Navajo Nation Business Opportunity Act, the Navajo Nation Business and Procurement Act, the Navajo Preference in Employment Act, the Navajo Nation Bill of Rights, or any other laws of the Navajo Nation.

### **§ 923. Legislative Oversight**

The Commission shall operate under the legislative oversight of the ~~Intergovernmental Relations~~ Naabik'iyáti' Committee of the Navajo Nation Council, pursuant to 2 N.N.C. § 701(A)(5). The Commission shall operate pursuant to a plan of operation recommended by the Office of the Speaker and adopted by the Navajo Nation Council.

### **§ 924. Amendments**

The enabling legislation for the Commission may be amended by the Navajo Nation Council upon recommendation of the ~~Intergovernmental Relations~~ Naabik'iyáti' Committee of the Navajo Nation Council.

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## **SECTION FOUR. CODIFICATION**

The provisions of the Act which amend or adopt new sections of the Navajo Nation Code shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate such amended provisions in the next codification of the Navajo Nation Code.

## **SECTION FIVE. SAVING CLAUSE**

Should any provision of this Act be determined invalid by the Navajo Nation Supreme Court or the District Courts of the Navajo Nation, without appeal to the Navajo Nation Supreme Court, the remainder of the Act shall remain the law of the Navajo Nation.

**SECTION SIX. EFFECTIVE DATE**

The provisions of this Act shall become effective pursuant to 2 N.N.C. §§ 221(B) and 1005 (C)(12).

**CERTIFICATION**

I hereby certify that the foregoing resolution was duly considered by the 24<sup>th</sup> Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 20 in Favor, and 00 Opposed, on this 23<sup>rd</sup> day of October 2019.



Honorable Seth Damon, Speaker  
24<sup>th</sup> Navajo Nation Council

11-01-19  
DATE

Motion: Honorable Jamie Henio  
Second: Honorable Paul Begay

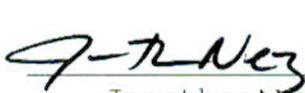
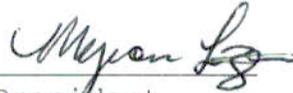
Speaker Seth Damon not voting

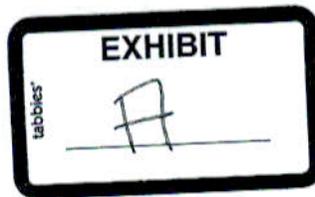
**ACTION BY THE NAVAJO NATION PRESIDENT:**

1. I, hereby, sign into law the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(10), on this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Jonathan Nez, President  
Navajo Nation

2. I, hereby, veto the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(11), on this 11<sup>th</sup> day of November, 2019 for the reason(s) expressed in the attached letter to the Speaker.

   
Jonathan Nez, President  
Navajo Nation



**RESOLUTION OF THE  
NAVAJO NATION HUMAN RIGHTS COMMISSION**

**Approving and Recommending the Proposed Amendments to the Navajo Nation Human Rights Commission Enabling Act and Plan of Operation**

**WHEREAS:**

1. Pursuant to 2 N.N.C. §920 and §921, the Navajo Nation Human Rights Commission ("Commission") is established within the Legislative Branch as an entity of the Navajo Nation government to operate as a clearinghouse to address discriminatory actions against citizens of the Navajo Nation; and to interface with the local, state, federal governments and with national and international human rights organizations in accordance with the Commission's plan of operation and applicable laws and regulations of the Navajo Nation; and
2. The Navajo Nation Council, by Resolution CS-68-18, adopted the Fiscal Year 2019 operating budget in which the Commission was identified as a program that needed to update its plan of operation. Since then, the Office of Navajo Nation Human Rights Commission ("Office") have worked diligently on updating the Commission's enabling act (2 N.N.C. §§ 920-924) and the plan of operation (Resolution CJN-15-08); and
3. The Commission's enabling act can only be changed by the Navajo Nation Council during the regular council session upon the recommendation from the Naabik'iya'ti'i Committee. In addition, the plan of operation can only be changed by the Navajo Nation Council upon the recommendation of the Commission and Naabik'iya'ti'i Committee; and
4. The Commission finds the amendments provided in Exhibits "A" and "B" are in the best interest of the Commission and Office in order to better serve the Navajo Nation and Navajo people.

**NOW THEREFORE BE IT RESOLVED:**

1. The Navajo Nation Human Rights Commission hereby approves and recommends the amendments to its enabling act (2 N.N.C. §§ 920-924) and the plan of operation (Resolution CJN-15-08) as provided in Exhibits "A" and "B" respectively.
2. The Navajo Nation Human Rights Commission further hereby directs the Office of Navajo Nation Human Rights Commission to properly secure sponsor of the legislation to approve amendments provided in Exhibits "A" and "B".

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Human Rights Commission as a duly called meeting at St. Michaels, Navajo Nation (Arizona), at which a quorum was present and same was considered by a vote of 3 in favor and 0 opposed, this 3th day of May 2019.

  
\_\_\_\_\_  
Jennifer Dehetdale, Ph.D, Chairperson  
Navajo Nation Human Rights Commission

1                                   NAVAJO NATION CODE ANNOTATED  
2                                   TITLE 2. NAVAJO NATION GOVERNMENT  
3                                   CHAPTER 3. LEGISLATIVE BRANCH  
4                                   SUBCHAPTER 11. BOARDS AND COMMISSIONS  
5                                   ARTICLE 6. NAVAJO NATION HUMAN RIGHTS COMMISSION  
6  
7

8 § 920. Establishment  
9

10                   There is hereby established the Navajo Human Rights Commission (herein  
11 referred to as the Commission) in the Legislative Branch as an entity of the Navajo  
12 Nation government.  
13

14 § 921. Purpose  
15

16                   The Commission is organized to operate as a Navajo human rights clearinghouse  
17 entity to administratively address and, when necessary, litigate discriminatory actions  
18 taken against citizens of the Navajo Nation, and to interface with the local, state, and  
19 federal governments and with national and international human rights organizations in  
20 accordance with its plan of operation and applicable laws and regulations of the Navajo  
21 Nation.  
22

23 § 922. Organization; powers; and office  
24

25                   A. The Commission shall consist of five commissioners appointed in accordance  
26 with the plan of operation. Qualifications for the commissioners in accordance with the  
27 plan of operation shall include persons with reputable and established backgrounds in the  
28 fields of education, business, law enforcement, and social services and Navajo traditional  
29 culture. A majority of the commissioners shall be Navajo. The commissioners shall be  
30 appointed by the Speaker of the Navajo Nation Council and confirmed by the  
31 ~~Intergovernmental Relations~~ Naabik'iya'ti' Committee.

1  
2 B. Commissioners shall receive no additional compensation for their activities in  
3 connection with the Commission, other than reimbursement for required and authorized  
4 expenses incurred in the performance of their duties.

5  
6 C. The Commission shall receive reports of discrimination~~ory~~ and racial acts of  
7 racism perpetrated against citizens of the Navajo Nation enrolled members of the Navajo  
8 Nation. The Commission will compile this data and track occurrences of these events,  
9 and refer documented incidents to the proper authorities, subject to applicable laws, and  
10 offer technical and administrative support to enrolled members of the Navajo Nation as  
11 they seek guidance to remedy their grievances.

12  
13 D. The Commission shall have the authority to approve the rules, policies and  
14 procedures for the Commission and its office, to conduct public hearings, and to issue  
15 subpoenas, in accordance with the laws of the Navajo Nation. Commissioners shall hire  
16 and supervise an Executive Director for the Commission in accordance with the Navajo  
17 Nation Personnel Policies Manual.

18  
19 E. The Executive Director shall administer the daily operations of the  
20 Commission through the Office of the Navajo Nation Human Rights Commission. The  
21 Executive Director shall be responsible and accountable to the Commission and shall be  
22 authorized to employ necessary personnel in accordance with the Navajo Nation  
23 Personnel Policies Manual and the Navajo Nation operating budget.

24  
25 F. The Commission shall coordinate with other Navajo Nation offices,  
26 departments, and other governmental entities as necessary to carry out the Commission's  
27 purposes and authorities, subject to applicable laws. This Act shall not be construed to  
28 diminish the operation of the Navajo Nation Business Opportunity Act, the Navajo  
29 Nation Business and Procurement Act, the Navajo Preference in Employment Act, the  
30 Navajo Nation Bill of Rights, or any other laws of the Navajo Nation.

1 § 923. Legislative oversight  
2

3 The Commission shall operate under the legislative oversight of the  
4 ~~Intergovernmental Relations~~ Naabik'iya'ti'i Committee of the Navajo Nation Council,  
5 pursuant to 2 N.N.C. § 824(B)(1). The Commission shall operate pursuant to a plan of  
6 operation recommended by the Office of the Speaker and adopted by the Navajo Nation  
7 Council.  
8

9 § 924. Amendments  
10

11 The enabling legislation for the Commission may be amended by the Navajo  
12 Nation Council upon recommendation of the ~~Intergovernmental Relations~~ Naabik'iya'ti'i  
13 Committee of the Navajo Nation Council.  
14

NAVAJO NATION

183

10/23/2019

NNC 2019 FALL SESSION

12:54:05 PM

Amd# to Amd#

Legislation 0176-19: Approving  
an Act to Amend the Navajo  
Nation Code, Title 2, Chapter 3  
Subchapter 11, Boards and...

PASSED

MOT Henio, J  
SEC Begay, P

Yea : 20

Nay : 0

Excused : 3

Not Voting : 0

Yea : 20

Begay, E  
Begay, K  
Begay, P  
Brown  
Charles-Newton

Crotty  
Freeland, M  
Halona, P  
Henio, J  
James, V

Nez, R  
Slater, C  
Stewart, W  
Tso  
Tso, C

Tso, D  
Walker, T  
Wauneka, E  
Yazzie  
Yellowhair

Nay : 0

Excused : 3

Tso, E

Smith

Daniels

Not Voting : 0

Presiding Speaker: Damon