

RESOLUTION OF THE  
NAVAJO NATION COUNCIL  
25<sup>th</sup> NAVAJO NATION COUNCIL - FIRST YEAR, 2023

AN ACTION

RELATING TO AN EMERGENCY AND THE NAVAJO NATION COUNCIL; OPPOSING THE CONFIRMATION OF SECRETARY-DESIGNEE JAMES R. MOUNTAIN TO THE NEW MEXICO INDIAN AFFAIRS DEPARTMENT

WHEREAS:

- A. The Navajo Nation Council is the governing of body of the Navajo Nation. 2 N.N.C. § 102(A).
- B. Pursuant to 2 N.N.C. § 164 (A)(16) "[m]atters constituting an emergency shall be limited to the cessation of law enforcement services, and disaster relief services, fire protection services or other direct services required as an entitlement under Navajo Nation or Federal law, or which directly threaten the sovereignty of the Navajo Nation. Such an emergency matter must arise due to the pressing public need for such resolution(s) and must be a matter requiring final action by the Council.
- C. The confirmation of James R. Mountain as Secretary to the New Mexico Indian Affairs Department would negatively impact the critical work of New Mexico's Missing and Murdered Indigenous Woman and Relatives ("MMIWR") Task Force and its collaboration with the Navajo Nation. Mr. Mountain's confirmation and appointment to the MMIWR Task Force would undermine the work of both governments in their cooperative advocacy for victims and families of missing and murdered Diné relatives, and would contradict the Navajo principles of Hozho' and Ke'. Therefore, opposing the imminent confirmation of Mr. Mountain is an urgent and pressing matter that constitutes an emergency for the Navajo Nation.
- D. This matter meets the 2 N.N.C. 164(A)(16) criteria for Emergency Legislation as one responsibility of a sovereign government is to protect its people. The failure of the Nation to oppose the confirmation of a person with a past such as Mr. Mountain would be a lapse of its responsibilities and a threat to the exercise of its sovereignty.
- E. New Mexico has the most missing and murdered Indigenous women and girls in the United States, according to a task force report from December 2020. See NM MMIWR Report FINAL WEB v120920.pdf (state.nm.us).

- F. Albuquerque ranked second for such cases out of seventy-one (71) cities the Urban Indian Health Institute surveyed in 2017. Gallup ranked sixth. See Missing and Murdered Indigenous Women & Girls - Urban Indian Health Institute (uihi.org).
- G. The New Mexico Indian Affairs Department's ("Department") vision is that tribal nations, tribal communities and Indigenous people are happy, healthy and prosperous and that traditional ways of life are honored, valued and respected. See NM Indian Affairs Department | (state.nm.us).
- H. Housed within the Department is the Missing Murdered Indigenous Woman and Relatives (MMIWR) Task Force, which was created to partner with Tribal Governments, Tribal law enforcement, and the United States Department of Justice to address the epidemic issues effecting tribal communities suffering from the high rates of violence towards Native American woman. See Missing & Murdered Indigenous Women & Relatives | NM Indian Affairs Department (state.nm.us).
- I. The MMIWR Task Force committed to creating a safe space for sexual assault survivors and to build trust with families of missing and murdered Indigenous people.
- J. The Secretary of the New Mexico Indian Affairs Department is appointed by the governor with the consent of the Senate.
- K. On February 3, 2023, when the State of New Mexico celebrated American Indian Day, Governor Michelle Lujan Grisham announced the appointment of James R. Mountain, former governor of the Pueblo de San Ildefonso, as Secretary of the New Mexico Indian Affairs Department. James R. Mountain has not been confirmed, but it has been stated that confirmation was going to be pursued by the Governor after the 60-day legislative session ends March 28, 2023. See <https://www.abqjournal.com/2577883/confirmation-hearing-for-embattled-indian-affairs-secretary-designate-unlikely-to-happen-during-60-day-session.html>.
- L. According to the Albuquerque Journal, in 2008, James R. Mountain was charged with "criminal sexual penetration, kidnapping and aggravated battery against a household member, after accusations of rape in 2007." The charges were dismissed in 2010, after the prosecution said it had insufficient evidence to proceed to trial. See Advocates protest governor's Indian Affairs appointee - Albuquerque Journal (abqjournal.com).
- M. Despite the dismissal of the charges against Mr. Mountain, the appointment and confirmation of James R. Mountain as Secretary of the New Mexico Indian Affairs Department is counter to the mission of the MMIWR Task Force. The Task Force desires to

create a safe space where representatives from Tribal Nations, legislators, community partners, sexual assault survivors, and affected families can come together to address the crisis of violence towards Tribal people. This mission cannot be accomplished, and the Task Force cannot build trust with families of missing and murdered Indigenous people, if Mr. Mountain is confirmed in the Secretary position.

- N. The Eastern Navajo Agency Council calls upon the 25<sup>th</sup> Navajo Nation Council and the Office of the President and Vice-President to support its resolution, ENAC-03-2023-104, attached as **Exhibit A**, opposing the nomination of Secretary-Designate James R. Mountain for the Department.
- O. For the reason stated above, it is in the best interest of the Navajo Nation that the Navajo Nation Council oppose the appointment of Secretary-Designate James R. Mountain.

**THEREFORE, BE IT RESOLVED:**

- A. The Navajo Nation Council strongly opposes the appointment of James R. Mountain as the New Mexico Secretary of Indian Affairs and respectfully requests Governor Michelle Lujan-Grisham to withdraw the nomination and nominate another person, in consultation with the Navajo Nation.
- B. The Navajo Nation Council strongly requests the New Mexico Senate Rules Committee and the Senate to vote down the appointment of James R. Mountain as the New Mexico Secretary of Indian Affairs.
- C. The Navajo Nation Council authorizes the Navajo Nation President and Navajo Nation Speaker to affirm the Navajo Nation's position of coordinating a dynamic holistic approach to help combat the missing murdered Diné relatives crisis on and off the Navajo Nation.

CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the 25<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 17 in Favor, and 00 Opposed, on this 21<sup>st</sup> day of April 2023.

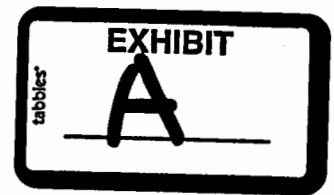


Honorable Crystalyne Curley, Speaker  
25<sup>th</sup> Navajo Nation Council

4/27/23  
DATE

Motion: Honorable Shawna Ann Claw  
Second: Honorable Shaandiin Parrish

Speaker Crystalyne Curley not voting



**RESOLUTION**  
**OF THE**  
**EASTERN NAVAJO AGENCY COUNCIL**  
**THE NAVAJO NATION**

**No. ENAC-03-2023-104**

**OPPOSING THE NOMINATION OF SECRETARY-DESIGNATE JAMES R. MOUNTAIN FOR NEW MEXICO INDIAN AFFAIRS DEPARTMENT; RESPECTFULLY REQUESTING GOVERNOR MICHELLE LUJAN-GRISHAM TO WITHDRAW THE NOMINATION AND NOMINATE ANOTHER PERSON UPON CONSULTATION WITH THE NAVAJO NATION; AND REQUESTING NEW MEXICO STATE SENATE TO NOT CONFIRM THE APPOINTMENT OF SECRETARY-DESIGNATE JAMES R. MOUNTAIN**

**WHEREAS:**

1. The Eastern Navajo Agency Council (ENAC) is established under the Legislative Branch of the Navajo Nation pursuant to Resolution IGRS-251-01; and pursuant to 26 N.N.C. Section 103(D)(4), the Eastern Navajo Agency Council, a consortium of elected Chapter Officials representing thirty-one (31) certified Navajo Nation Chapters agree to address and undertake common goals and interests for the benefit of the Eastern Navajo Agency Chapters; and
2. Pursuant 2 N.N.C SECTION: 4028; the Eastern Navajo Agency Council is vested with government authority to review all matters affecting the community to make most appropriate recommendations when necessary to the Navajo Nation, County, State, Federal and other local agencies; and
3. New Mexico Indian Affairs Department (NMIAD) was created in Laws 2004 in the executive branch of the State of New Mexico as a cabinet department and part of its function is to hold hearings, conduct meetings, make investigations and confer with officials of local, state and federal agencies to secure cooperation between the local, state, federal and Indian tribal governments in the promotion of the welfare of the Indian people of New Mexico; and the chief executive and administrative officer of the department is the "secretary of Indian affairs". The secretary is appointed by the governor with the consent of the senate and holds the office at the pleasure of the governor and serve in the executive cabinet; and
4. On February 3, 2023, Gov. Michelle Lujan Grisham announced the appointment of James R. Mountain of the Pueblo de San Ildefonso as the secretary of the New Mexico Indian Affairs Department;
5. Since the appointment, it has been revealed through media reports that James R. Mountain was once accused of and charged or indicted in 2008 on charges of kidnapping and battery after accusation of a rape. The criminal case was dismissed in 2010 after prosecutor stated that they did not have enough evidence. The matter of allegation against Secretary-Designate Mountain is very alarming, and troubling; and
6. The Secretary of NMIAD presides over the Missing and Murdered Indigenous Women and Relatives (MMIWR) Task Force which was established in collaboration with tribal governments, tribal law enforcement, and the U.S. Department of Justice to determine the scope of the problem, identify barriers, and create partnerships to improve processes for reporting and investigating cases; and
7. The 31 Navajo Chapters of Eastern Navajo Agency works continually with NMIAD on capital outlay and other issues or problems. Again, the Navajo Chapters and persons will have a problem working with Mr. Mountain.

**NOW, THEREFORE BE IT RESOLVED THAT:**

1. The Eastern Navajo Agency Council hereby opposes the nomination of Secretary-Designate James R. Mountain for New Mexico Indian Affairs Department; and respectfully requests Governor Michelle Lujan-Grisham to withdraw the nomination and nominate another person, upon consultation with the Navajo Nation.
2. **BE IT FURTHER RESOLVED** that the Eastern Navajo Agency Council respectfully requests New Mexico Senate Rules Committee and the Senate to not approve of the appointment of James R. Mountain as Secretary of the New Mexico Indian Affairs Department.
3. **BE IT FURTHER RESOLVED** that the Eastern Navajo Agency Council calls upon the 25<sup>th</sup> Navajo Nation Council and the Office of the President and Vice President (OPVP) to support this Resolution and expressly oppose said nomination.
4. **BE IT FURTHER RESOLVED** that this Resolution be distributed or communicated to Gov. Governor Michelle Grisham-Lujan, members of the New Mexico Senate Rules Committee, members of the New Mexico State Senate, members of the Navajo Nation Council, President Buu Nygren, and Vice President Richelle Montoya.

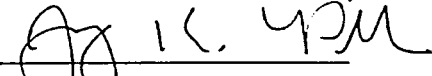
**CERTIFICATION**

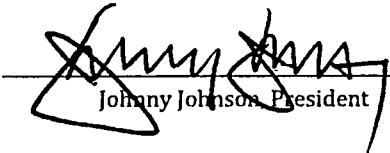
I hereby certify that the foregoing resolution was approved by the Eastern Navajo Agency Council at a duly called meeting in Nageezi, New Mexico and via Teleconference, at which a quorum was present and the same was passed by a vote of 46 in favor, 00 opposed, 03 abstained, this 4<sup>th</sup> day of March 2023.

Motion: Henry Begay, Mariano Lake Chapter

Second: Alva Tom, Tse'ii'ahi Chapter

ATTEST:

  
Judy Platero, Secretary

  
Johnny Johnson, President

# NAVAJO NATION

122

4/21/2023

Navajo Nation Council Spring Session

05:07:16 PM

Amd# to Amd#

Legislation 0077-23: Opposing  
the Confirmation of Secretary-  
Designee James R. Mountain to  
the New Mexico Indian Affairs...

PASSED

MOT Claw, S  
SEC Parrish, S

**Yeas : 17**

**Nays : 0**

**Excused : 5**

**Not Voting : 1**

## **Yea : 17**

Arviso, S  
Aseret, L  
Begay, H  
Begay, N  
Claw, S

Daniels, H  
James, V  
Jesus, B  
Johnson, C

Nez, A  
Notah, N  
Parrish, S  
Simpson, D

Slater, C  
Tso, O  
Yanito, C  
Yazzie, C

## **Nay : 0**

## **Excused : 5**

Charles-Newton, E  
Crotty, A

Damon, S

Nez, R

Simonson, G

## **Not Voting : 1**

Tolth, G

**Presiding Speaker: Curley, C**