LEGISLATIVE SUMMARY SHEET

Tracking No. 0240-19

DATE: July 31, 2019

TITLE OF RESOLUTION: AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, NAABIK'ÍYÁTI' AND NAVAJO NATION COUNCIL; APPROVING THE REINSTATEMENT OF MS. DENISE DELILAH JOHNSON AS A MEMBER OF THE NAVAJO NATION

PURPOSE: This resolution will approve the reinstatement of Ms. Denise Delilah Johnson as a member of the Navajo Nation.

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD: 2300
Website Posting Time/Date:
Posting End Date: 8/10/19
Eligible for Action: 8/11/19

Health Education & Human Services Committee
Thence
Naabik'íyáti' Committee
Thence
Navajo Nation Council Committee

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

24th NAVAJO NATION COUNCIL – First Year, 2019

INTRODUCED BY

(Prime Sponsor)

TRACKING NO. 0240-19

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, NAABIK'ÍYÁTI' AND NAVAJO NATION COUNCIL; APPROVING THE REINSTATEMENT OF MS. DENISE DELILAH JOHNSON AS A MEMBER OF THE NAVAJO NATION

BE IT ENACTED:

SECTION ONE. AUTHORITY

A. The Health, Education and Human Services Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 400(A). The committee "serve[s] as the oversight committee for the Division of Health, Division of Social Services, Division of Human Resources Department of Diné Education, Division of General Services ...." 2 N.N.C. § 401(C)(1).

B. The Naa'bik´íyáti´ Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 700(A). All proposed legislation requiring final action by the Navajo Nation Council are assigned to the committee. 2 N.N.C. § 164 (A)(9).

C. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §102. Pursuant to 1 N.N.C. § 705, the Navajo Nation Council, by majority vote, must approve all requests for reinstatement of membership enrollment with the Navajo Nation.

SECTION TWO. FINDINGS

A. Ms. Denise Delilah Johnson (date of birth January 27, 1984) was an enrolled member of the Navajo Nation. See Exhibit "A," *Certificate of Navajo Indian Blood.* On July 16, 2002, she relinquished her membership with the Navajo Nation. See Exhibit "B," enrollment relinquishment with the Navajo Nation. Subsequently, she enrolled with the White Mountain Apache Tribe.

B. On December 27, 2017, Ms. Denise Delilah Johnson filed for relinquishment of her enrollment with the White Mountain Apache Tribe. See Exhibit "C," *Relinquishment of Tribal Head Rights.* On February 14, 2018, the White Mountain Apache Tribal Council approved Ms. Johnson's relinquishment request. See Exhibit "D," resolution number 02-2018-35, *Approval to Grant Tribal Relinquishment Request of Denise Delilah Johnson.*

C. On March 19, 2018, the Vital Records Department of the White Mountain Apache Tribe provided the Council's relinquishment notice to Ms. Denise Delilah Johnson. See lower portion of Exhibit "C," *Relinquishment of Tribal Head Rights.* See also, Exhibit "E," subsequent notice of Vital Records Department dated April 9, 2018, White Mountain Apache Tribe.

D. Ms. Denise Delilah Johnson is seeking reinstatement with the Navajo Nation. See Exhibit "F", letter dated July 6, 2018.

E. Ms. Denise Johnson is member of the Chichiltah community. See Exhibit "G," Ms. Johnson's letter dated September 23, 2018, addressed to Ms. Roselyn John, Community Services Coordinator, Chichiltah Chapter. See also, Exhibit "H," letter from Ms. Roselyn John dated October 20, 2018 and addressed to Speaker Seth Damon, Navajo Nation Council.

SECTION THREE. APPROVAL FOR REENROLLMENT

Ms. Denise Delilah Johnson, is and shall be reinstated, or otherwise reenrolled, as a member of the Navajo Nation. By this action of the Navajo Nation Council and pursuant to the laws of the Navajo Nation, she shall be entitled to all rights, benefits and privileges associated with membership with the Navajo Nation.

EXHIBIT
A

THE NAVAJO NATION

KELSEY A. BEGAYE
PRESIDENT

TAYLOR McKENZIE, M.D.
VICE PRESIDENT

UNACCEPTABLE IF ALTERED

CERTIFICATE OF NAVAJO INDIAN BLOOD

PART A (To be used if applicant is enrolled)

FORT DEFIANCE
AGENCY

June 6, 2002
DATE

I certify that Denise Delilah Johnson Is listed on the Navajo Indian Census Roll, dated January 01, 1940 , Which is an official record of this office as being of 1/2 Degree Navajo Indian blood, with Roll Number, Redaction , Date of birth January 27, 1984 .

Record: August 22, 1986.

VITAL STATISTICS MANAGER
VST/

THE INFORMATION CONTAINED ON THIS DOCUMENT
HAS BEEN TAKEN FROM THE OFFICIAL TRIBAL ROLL OF THE NAVAJO NATION.

VITAL RECORDS & TRIBAL ENROLLMENT PROGRAM
THE NAVAJO NATION ♦ P.O. BOX 3240 ♦ WINDOW ROCK, ARIZONA 86504

COPY
07.29.2015

EXHIBIT
B

RELINQUISHMENT OF NAVAJO NATION MEMBERSHIP

I, Denise Delilah Johnson, R#632,112, petition the President of the Navajo Nation that my name be stricken from the Navajo Census Roll. My reason is that I want to enroll with the White Mountain Apache Tribe.

Subject to the acknowledgment of the Navajo Nation President, I do hereby withdraw and renounce my membership in the Navajo Nation.

I understand and agree that by executing this relinquishment, I am forfeiting any and all my rights and benefits I have, including, but not limited to, any personal or other property of any kind of character, which is based on Navajo membership. I further understand that this relinquishment will become effective upon receipt of the Navajo Office of Vital Records.

Signed at Vital Records this 16 day of July 2002.

Denise Delilah Johnson, R#632,112
(Signature Required)

PO Box
Address
Vanderwagon, NM 87324

WITNESSES:

Susie Francisco
Name
PO. BX
Address
Vanderwagon NM 87324

Jerome Begay Jerome Begay
Name
PO Box
Address
Vanderwagon, NM 87324

ACKNOWLEDGED:

President, The Navajo Nation

9-11-02
Date Approved

Recorded on Page 112 Southern Navajo Indian Census Roll, Arizona. Application 2002-278. Recorded on April 07, 2003.

Leonard Benally, Program Supervisor I
Navajo Office of Vital Records

CC: Tribal Enrollment Services, Fort Defiance Agency, The Navajo Nation, PO Box 290, Fort Defiance Arizona 86504

White Mountain Apache Tribe, Office of Vital Records, P.O. Box 700, Whiteriver, Arizona 85941

Form A
ADULT

RELINQUISHMENT OF TRIBAL HEAD RIGHTS
WHITE MOUNTAIN APACHE TRIBE
FORT APACHE INDIAN RESERVATION

received 12/27/2017

EXHIBIT C

I, DENISE JOHNSON, an enrolled member of the WHITE MOUNTAIN APACHE TRIBE, do hereby of my own free will, as an adult over the age of 18 years, voluntarily and with full knowledge of making this decision, request the TRIBAL COUNCIL of the WHITE MOUNTAIN APACHE TRIBE, FORT APACHE INDIAN RESERVATION, WHITERIVER, ARIZONA, to remove me from the Tribal Census Rolls of the White Mountain Apache Tribe to enable me to enroll with the NAVAJO NATION.

Further, I understand that once my relinquishment is accepted by Tribal Council Resolution, it will be **TOTAL AND IRREVOCABLE.** I will no longer have fishing or hunting privileges on the Fort Apache Indian Reservation; no rights to homesite or farmland assignments, claim or title to any resources of the WHITE MOUNTAIN APACHE TRIBE, or monies distributed pursuant to Judgment under the Indian Claims Commission Act. Further, that I must remove from the Fort Apache Indian Reservation within ninety (90) days after the resolution date accepting my relinquishment, all my livestock and personal property.

Name DENISE JOHNSON Date of Birth 1/27/84
Social Security # redacted Degree of Indian Blood 1/2
Father FELIX JOHNSON Degree of Indian Blood 1
Mother ANGELA BEGAYE Degree of Indian Blood 1

SIGNATURE

SIGNATURE OF WITNESS

12/27/17
DATE

PO BOX VANDERWAGEN, NM 87326
ADDRESS

SUBSCRIBED AND SWORN before me this 27 day of December, 2017.

Sharla Thompson
Notary Public
Navajo County, Arizona
My Comm. Expires 10/12/2019

Notary Public

10/12/2019
Commission Expiration Date

ATTEST:

Chairman, White Mountain Apache Tribe — 3/22/18 Date

Tribal Council Secretary, White Mountain Apache Tribe — 3-22-18 Date

The foregoing request was approved by Resolution No. 02-2018-35 on 2/14/2018 at a meeting of the Tribal Council of the White Mountain Apache Tribe.

Enrollment Officer — 3/19/18 Date

*PLEASE RETURN YOUR TRIBAL IDs TO VITAL RECORDS DEPARTMENT WHEN YOU RETURN THIS FORM. THANK YOU

Resolution No. 02-2018-35

EXHIBIT D

WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Approval to Grant Tribal Relinquishment Request of Denise Delilah Johnson)

WHEREAS, Tribal Member, Denise Delilah Johnson, has requested that her tribal membership with the White Mountain Apache Tribe be relinquished so that she may become eligible for enrollment with Navajo Nation; and

WHEREAS, the Tribal Enrollment Committee reviewed and approved the relinquishment requests at a duly called meeting; and

WHEREAS, the Tribal Council concurs with the recommendation of the Tribal Enrollment Committee that the relinquishment from tribal membership be approved for Denise Delilah Johnson.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby grants the tribal relinquishment request of Denise Delilah Johnson, along with any and all privileges accorded to members of the White Mountain Apache Tribe such as, but not limited to, hunting, fishing, and recreational privileges upon the Fort Apache Indian Reservation.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs the Office of Vital Records to remove Denise Delilah Johnson from the membership rolls of the White Mountain Apache Tribe.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances or, any material facts concerning the issues presented are later found to be false, this Resolution shall be deemed null and void and have no legal effect.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Vice-Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on **FEBRUARY 14, 2018** duly adopted by a vote of **EIGHT** for and **ZERO** against with **ONE** abstaining by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it under the enumerated powers listed in Article IV, Section 1 of the WMAT Constitution, so ratified on September 30, 1993, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

Ronnie Lupe, Tribal Chairman — 2/15/18 Date

Doreen T. Numkena, Tribal Secretary — 2/24/2018 Date

WHITE MOUNTAIN APACHE TRIBE

OFFICE OF VITAL RECORDS
PO BOX 589
WHITERIVER, AZ 85941
PHONE: (928) 338-2558/2559 ~ FAX: (928) 338-1622

EXHIBIT
E

April 09, 2018

Ms. Denise Delilah Johnson
P.O. Box
Vanderwagen, NM 87326

Dear Ms. Johnson:

The White Mountain Apache Tribal Council passed Resolution No. 02-2018-35 at its February 14, 2018 meeting to approve your *application for relinquishment* of your membership with the White Mountain Apache Tribe.

A copy of your signed Relinquishment Application and Resolution are attached for your records. Please return your Tribal ID's to Vital Records Office and any important documents pertaining to the White Mountain Apache Tribe. *Please be advised that any privileges you had as a tribal member is revoke with your relinquishments.*

Should you have any questions, please call our office at the phone number/address provided above.

Sincerely,

Phoebe L. Nez
Family History Officer

XC: Rosita Ann Button, BIA Self-Determination Specialist, Land Office,
WMAT Game and Fish Department, BIA Forestry, WMAT Education
File

July 6, 2018



To Whom It May Concern:

I, Denise Johnson, am writing this letter in regards to re-enrollment to the Navajo Tribe. I am seeking re-enrollment to complete my process to obtain a homesite lease. I recently relinquished from the White Mountain Apache Tribe in Feburary 2018.

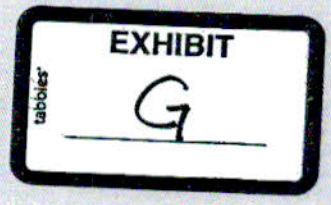
The reason I relinquished from the Navajo Tribe was because the decrease in my Navajo Nation Scholarship in 2003. I was working toward an education in becoming a teacher. White Mountain Apache Tribe paid a large amount to my education Now that I am a teacher serving in the [redacted] Navajo Nation community. I would like to remain here and continue to teach Navajo students.

Therefore, my reenrollment to the Navajo Tribe would be beneficial to me, as well as our future students.

Thank You, Sincerly,

DENISE JOHNSON

9.23.18



HELLO MRS. JOHN,

I AM WRITING THIS LETTER IN REFERENCE TO RETRIEVE A LETTER FROM OUR CHAPTER REGARDING MY REINSTATEMENT TO THE NAVAJO NATION TRIBE. MY REPRESENTATIVE/LAWYER ASKED IF I COULD GET A LETTER FOR SUPPORT FROM MY CHAPTER.

MY NAME IS DENISE JOHNSON, MY GRANDMOTHER IS SUSIE FRANCISCO. I AM A TEACHER FOR GALLUP MCKINLEY COUNTY SCHOOLS FOR 7 YRS NOW.
IF YOU CAN HELP ME IN ANY WAY IT WOULD BE GREATLY APPRECIATED.

Thank You,

DENISE JOHNSON
SCS

tabx Redaction

EXHIBIT
tabbies
H

CHICHILTAH CHAPTER

EASTERN NAVAJO AGENCY
P.O. Box 1436
GALLUP, NM 87305
TEMP. TELEPHONE: (505)713-9994
Email: chichiltah@navajochapters.org

SETH DAMON
COUNCIL DELEGATE
TOMMY NELSON
CHAPTER PRESIDENT
JOE M. LEE
CHAPTER VICE-PRESIDENT
NORMA MUSKETT
SECRETARY/TREASURER
PAUL HOUSTON
GRAZING OFFICIAL
ROSELYN JOHN
CHAPTER SERVICES COORDINATOR
MELITA G. MARTINEZ
ACCOUNTS MAINTENANCE SPECIALIST

October 20, 2018

Honorable Council Delegate Damon
Window Rock, Arizona 86515

Dear Mr. Damon,

Attach is a letter from Denise Johnson requesting to be reinstated into the Navajo Nation census enrollment.

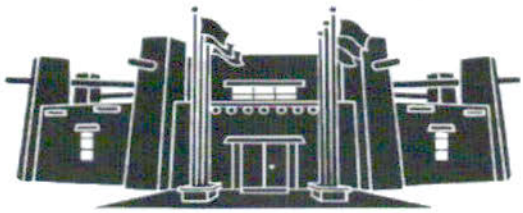
Her grandmother, Susie Francisco, resides in the Chichiltah Chapter community delivered the letter to our office October 5, 2018.

I contacted the Navajo Nation Census Office who advised we forward the request to your office. If you have any question or concern, please contact our office at 505-713-9994 or chichltah@navajochapters.org
Thank you!

Roselyn John, CSC

C: Chichiltah Chapter File

Office of Legislative Counsel
Telephone: (928) 871-7166
Fax # (928) 871-7576



Honorable Seth Damon
Speaker
24th Navajo Nation Council

MEMORANDUM

To : Hon. Seth Damon, Speaker
Navajo Nation Council

From : _____
Ron Haven, Attorney
Office of Legislative Counsel

Date : July 31, 2019

Re : AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, NAABIK'ÍYÁTI' AND NAVAJO NATION COUNCIL; APPROVING THE REINSTATEMENT OF MS. DENISE DELILAH JOHNSON AS A MEMBER OF THE NAVAJO NATION

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient (at least to format).[1] As with any legislation, it can be subject to review by the courts in the event of proper challenge. Also, the Speaker (or designee) may decide to assign the proposed resolution for other committees than those referenced in the title of the resolution. Please ensure that this particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

If you are satisfied with the proposed resolution, please sign it as "sponsor" and submit it to the Office of Legislative Services where it will be given a tracking number and sent to the Office of the Speaker for assignment.

If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution. Ahéhee'.

OLC # 19-417-1

[1] Personal information (such as personal telephone numbers) redacted on exhibits pursuant to confidential information provisions of the *Navajo Nation Privacy Act*. 2 N.N.C. §81 *et seq.*