

LEGISLATIVE SUMMARY SHEET

Tracking No. 0108-22

DATE: June 29, 2022

TITLE OF RESOLUTION: AN ACT RELATING TO THE HEALTH, EDUCATION AND HUMAN SERVICES, LAW AND ORDER, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; REPEALING 9 N.N.C. § 2(C) OF THE DINÉ MARRIAGE ACT OF 2005, TO UNIFORMLY RECOGNIZE ALL MARRIAGES WITHIN THE NAVAJO NATION; AND AMENDING OTHER PROVISIONS IN TITLE 9 RELATED TO MARRIAGE WITHIN THE NAVAJO NATION

PURPOSE: This resolution, if approved, will repeal 9 N.N.C. § 2(C) of the Diné Marriage Act of 2005, Resolution No. CJN-34-05. This legislation also amends other necessary provisions within the Navajo Nation Code to conform with this repeal. Necessary provisions include the following: 9 N.N.C. § 4(E)—Common Law Marriage, 9 N.N.C. § 7—Marriage License, and 9 N.N.C. § 201 *et. seq.* This repeal will uniformly recognize all marriages within the Navajo Nation.

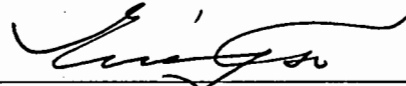
This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each committee member to review the proposed resolution in detail.

5-DAY BILL HOLD PERIOD: Johnson
Website Posting Time/Date: 8:42pm; 06-29-22
Posting End Date: 07-04-22
Eligible for Action: 07-05-22

Health Education & Human Services Committee
Thence
Law & Order Committee
Thence
Budget & Finance Committee
Thence
Naabik'iyáti' Committee
Thence
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
24th NAVAJO NATION COUNCIL – Fourth Year, 2022

INTRODUCED BY


(Prime Sponsor)

TRACKING NO. 0108-22

AN ACT

RELATING TO THE HEALTH, EDUCATION AND HUMAN SERVICES, LAW AND
ORDER, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES AND
THE NAVAJO NATION COUNCIL; REPEALING 9 N.N.C. § 2(C) OF THE DINÉ
MARRIAGE ACT OF 2005, TO UNIFORMLY RECOGNIZE ALL MARRIAGES
WITHIN THE NAVAJO NATION; AND AMENDING OTHER PROVISIONS IN
TITLE 9 RELATED TO MARRIAGE WITHIN THE NAVAJO NATION

BE IT ENACTED:

SECTION ONE. AUTHORITIES

- A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102(A).
- B. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council empowered to review proposed legislation which requires final action by the Navajo Nation Council. 2 N.N.C. §§ 700(A), 164(A)(9).
- C. The Health, Education and Human Services Committee is a standing committee of the Navajo Nation Council empowered [t]o establish Navajo Nation policy, promulgate rules and regulations governing health, social services, education, human services and general government services of the Navajo Nation and its tribal organizations, entities, and enterprises. 2 N.N.C. §§ 400(A), 401(B)(1).

- 1 D. The Law and Order Committee is a standing committee of the Navajo Nation Council
2 empowered [t]o review and make recommendations to the Navajo Nation Council on
3 proposed amendments to and enactments in the Navajo Nation Code. 2 N.N.C. §§
4 600(A), 601(B)(14).
- 5 E. The Budget and Finance Committee is a standing committee of the Navajo Nation
6 Council empowered to [t]o promulgate policies and regulations concerning wages,
7 expenditure reimbursement, and fringe benefits for Navajo Nation officials and
8 employees. 2 N.N.C. §§ 300(A), 301(B)(8).
- 9

10 **SECTION TWO. FINDINGS**

- 11 A. The Navajo Nation Council enacted numerous requirements, regulations, and
12 amendments relating to Domestic Relations, Title 9 of the Navajo Nation Code, since
13 1940. The following resolutions are related to domestic relations and were enacted by the
14 Navajo Nation Council without referendum and by power delegated to them through 2
15 N.N.C. § 102 and 2 N.N.C. § 164(A): CJ-2-40, CJL-3-44, CF-2-54, CJ-42-56, CO-54-
16 56, CAP-3-93, and CAP-29-05 which was vetoed by the President and overridden by
17 CJN-34-05. In 2005, through Resolution No. CJN-34-05, 9 N.N.C. § 2(C) was
18 established and provided that, “[m]arriage between persons of the same sex is void and
19 prohibited” and the Navajo Nation Council now attempts to repeal this section.
- 20 B. The purpose of this legislation is to repeal 9 N.N.C. § 2(C) of the Diné Marriage Act of
21 2005, Resolution No. CJN-34-05. This legislation also amends other necessary
22 provisions within the Navajo Nation Code to conform with this repeal. Necessary
23 provisions include the following: 9 N.N.C. § 4(E)—Common Law Marriage, 9 N.N.C. §
24 7—Marriage License, and 9 N.N.C. § 201 et. seq. This repeal will uniformly recognize
25 all marriages within the Navajo Nation.
- 26 C. Thus, the Navajo Nation hereby exercises its inherent sovereign power in regulating
27 domestic relations by repealing 9 N.N.C. § 2(C) which provides, “[m]arriage between
28 persons of the same sex is void and prohibited.” The Diné Marriage Act of 2005 explicitly
29 excluded and prohibited members of the same-sex from marrying. This legislation also
30

1 amends other necessary provisions within the Navajo Nation Code to conform with this
2 repeal.

3 D. Although this legislation repeals the prohibition against same-sex marriage at 9 N.N.C.
4 § 2(C), the method for a traditional Navajo wedding ceremony outlined at 9 N.N.C §
5 4(D) involving a man and a woman shall remain unchanged. Traditional Navajo society
6 places a great importance upon the institution of marriage and believes that the elaborate
7 ritual of marrying using the traditional method is believed to be blessed by the “Holy
8 People.” This blessing ensures that the marriage will be stable, in harmony, and
9 perpetual. *Navajo Nation v. Murphy*, 6 Nav. R. 10, 13 (1988); *See also Begay v. Chief*,
10 No. SC-CV-08-3, 8 Nav. R. 654 (2005) which provides that common law-marriage under
11 Navajo Nation Code is different than one arising out of traditional wedding ceremony.
12 Keeping the traditional Navajo wedding the same will not prohibit nor deny same-sex
13 marriage because there are other methods available for marrying under 9 N.N.C § 4.

14 E. The Navajo Nation also recognizes that in *Obergefell v. Hodges*, the Supreme Court of
15 the United States ruled that “[t]he right to marry is a fundamental right inherent in the
16 liberty of the person, and under the Due Process and Equal Protection Clauses of the
17 Fourteenth Amendment, couples of the same sex may not be deprived of that right and
18 that liberty.” *Obergefell v. Hodges*, 135 S.Ct. 2584, 2591 (2015). The Navajo Nation
19 understands that it has inherent powers to govern domestic relations and is not bound by
20 the decision in *Obergefell v. Hodges*. *See also Talton v. Mayes*, 163 U.S. 376 (1896).
21 However, the Navajo Nation, through this legislation, is uniformly recognizing all
22 marriages for any tribal member to marry any person of their choice within the Navajo
23 Nation.

24 F. The Navajo Nation further recognizes that Navajo society accepted multi-gendered
25 individuals prior to European arrival. European religious influence viewed
26 homosexuality as an intolerable sin. As a result, acceptance of the lesbian, gay, bisexual,
27 transgender, questioning/queer, two-spirit (LGBTQ+) declined within tribal nations.
28 Today, many tribal nations have repealed same-sex prohibition laws.

29 G. The Navajo Nation passed Resolution No. NABIS-50-19 supporting the U.S. Congress
30 to enact Senate Bill 788, “Equality Act.” The Equality Act will amend the Civil Rights

1 Act of 1964, to expand and clarify the protections and remedies against discrimination
2 on the basis of sexual orientation, gender identity, and sex in the areas of employment,
3 housing, public, accommodations, public education, federal funding, credit, and the jury
4 system.

5 H. The Navajo Nation has also passed Resolution No. CJY-63-20 which established Diné
6 Pride Week to be held every third week in June as a recurring event. Through CJY-63-
7 20, the Navajo Nation proclaimed that the “Nation will continue to protect its citizens
8 from discrimination based on age, race, disability, ethnicity, family or marital status,
9 gender identity or expression, languages, national origin, physical and mental ability,
10 religion, sexual orientation, veteran status and other characteristics that make our citizens
11 unique under the law.”

12 I. Data has also shown that LGBTQ+ members experience higher rates of workplace
13 discrimination and non-acceptance from family members which leads to increased
14 substance abuse and suicide attempts as well as other mental health effects. Further data
15 shows, providing support for LGBTQ+ decreases the negative effect and promotes self-
16 identity. NCAI Policy Research Center, A Spotlight on Two Spirit (Native LGBT)
17 Communities, Accessed on March 18, 2022. Weblink available at:
18 [https://www.ncai.org/policy-research-center/research-data/prc-](https://www.ncai.org/policy-research-center/research-data/prc-publications/A_Spotlight_on_Native_LGBT.pdf)
19 [publications/A_Spotlight_on_Native_LGBT.pdf](https://www.ncai.org/policy-research-center/research-data/prc-publications/A_Spotlight_on_Native_LGBT.pdf)

20 J. Navajo culture from time of immemorial express oral stories about multiple gendered
21 people. Multiple gendered people have always been acknowledged and have also played
22 important roles in our history.

23 K. In 2005, the sponsor of the Diné Marriage Act of 2005 expressed that its purpose was to
24 “promote strong families and strong family values, not discriminate This repeal will also
25 ensure same-sex couples are included and recognized in promoting strong families
26 through adoption if the same-sex couple decide to adopt. Additionally, the Naabik’íyáti’
27 Committee of the Navajo Nation Council passed Resolution No. NABIMY-14-22 to bring
28 awareness of Navajo foster children being placed in foster care across tribal communities and the
29 United States. Resolution No. NABIMY-14-22 also brought awareness that there is a need for
30 more Navajo foster parents.

L. The Navajo Nation finds it to be in the best interest of the Navajo Nation and the Navajo People to repeal 9 N.N.C. § 2(C) so that all persons can enjoy the full benefits of legal recognition of their marriages within the Navajo Nation, whether our relatives are heterosexual, homosexual, bisexual, transgender, non-gender specific, two-spirit, nadleeh.

SECTION THREE. REPEALING 9 N.N.C. § 2(C) OF THE DINÉ MARRIAGE ACT OF 2005

The Navajo Nation hereby amends 9 N.N.C. § 2(C) as set forth below.

Title 9. Domestic Relations Chapter 1. Marriage

§ 2. Plural marriages void

A. All plural marriages contracted, whether or not in accordance with Navajo custom, shall be void and prohibited.

B. Marriage between parents and children, including grandparents and grandchildren of every degree, between brothers and sisters of one-half degree, as well as whole blood, and between uncles and nieces, aunts and nephews and between first cousins, is prohibited and void.

~~C. Marriage between persons of the same sex is void and prohibited.~~

SECTION FOUR. AMENDING, 9 N.N.C. § 4(E), COMMON-LAW MARRIAGE CRITERIA

The Navajo Nation hereby amends 9 N.N.C. §4(E) as follows:

1 Title 9. Domestic Relations

2 Chapter 1. Marriage

3 ****

4 § 4. Methods of contracting marriage

5 A marriage may be contracted within the Navajo nation by any of the following procedures:

6 ****

7 E. The contracting parties establish a common-law marriage having the following features:

- 8 1. Present intention of the parties to become spouses ~~husband and wife~~;
- 9 2. Present consent between ~~the~~ both parties to become spouses ~~husband and wife~~;
- 10 3. Actual cohabitation;
- 11 4. Actual holding out of the parties within their community to be married.

12 ****

13 _____

14

15 SECTION FIVE. AMENDING MARRIAGE LICENSE FORM TO BE GENDER

16 NEUTRAL AT 9 N.N.C. § 7

17 The Navajo Nation hereby amends 9 N.N.C. §7 as follows:

18 _____

19

20 Title 9. Domestic Relations

21 Chapter 1. Marriage

22 ****

23 § 7. Form

24 The form of Navajo Nation marriage licenses shall be substantially as follows:

25 NAVAJO NATION

26 MARRIAGE LICENSE

27 Authority is hereby given for the marriage of the following named persons:

28 Man

Woman

29 _____ Name _____

30 _____ Census Number _____

MARRIAGE CERTIFICATE

~~I, the man named above, hereby take the woman named above for my lawful wife; and I, the woman named above, hereby take the man named above for my lawful husband.~~

I hereby certify that the ~~man and woman~~ spouses named above were married this day in a ceremony at which I officiated. (This *Paragraph may be crossed out if the parties are not married before a clergyman, medicineman, or traditionalist.*)

IN WITNESS WHEREOF, we have hereunto set our hands this ____ day of _____ in the presence of the witnesses whose names appear below.

Clergyman/Medicineman
Traditionalist

Address of Clergyman person
Medicineman /Traditionalist

1
2 RETURNED AND FILED FOR RECORD this ____ day of _____, and recorded in
3 Book _____ of Marriage Licenses and Certificates on page ____, Number ____.

4
5 _____
6 Navajo Agency Census Clerk

7 *****
8 _____

9 **SECTION SIX. AMENDING HUSBAND AND WIFE SECTION AT 9 N.N.C. § 201 *ET.***
10 ***SEQ.***

11 The Navajo Nation hereby amends 9 N.N.C. § 201 *et. seq.* as follows:
12 _____

13 **Title 9. Domestic Relations**

14 **Chapter 3. ~~Husband and Wife~~ Property Rights and Liability**

15 *****

16 **§ 202. Separate property—Definitions**

- 17 A. All property, real and personal, of both spouses ~~the husband~~, owned or claimed by him or
18 her before marriage, and that acquired afterward by gift, devise or descent, and also the
19 increase, rents, issues and profits thereof, is his or her separate property.
- 20 ~~B. All property, both real and personal, of the wife, owned or claimed by her before~~
21 ~~marriage, and that acquired afterward by gift, devise or descent, and also the increase,~~
22 ~~rents, issues and profits thereof, is her separate property.~~
- 23 ~~CB.~~ The earnings and accumulations of the wife spouse and the minor children in his or her
24 custody while he or she lives separate and apart from his or her spouse husband are the
25 separate property ~~of the wife~~.

26
27 **§ 203. Liability for debts**

28 The separate property of ~~the husband or wife~~ either spouse is not liable for the debts of the
29 other contracted before marriage or contracted after separation.
30

1 **§ 204. Married ~~women~~ couple**

2 Married ~~women~~ couples have the sole and exclusive control of their separate property. The
3 separate property of a married ~~woman~~ spouse is not liable for the debts or obligations of the
4 other spouse husband, and it may be sold, mortgaged, conveyed or bequeathed by ~~the woman~~
5 either spouse who owns it as if he/she were not married

6 **§ 205. Community property—Definition**

7 A. All property acquired by either ~~husband or wife~~ spouse during the marriage, except that
8 which is acquired by gift, devise or descent, or earned by ~~the wife~~ either spouse and her
9 ~~minor children~~ while he or she lives separate and apart from his or her husband spouse, is
10 the community property of ~~the husband and wife~~.

11 B. Separate property comingled with community property is still separate if it can be clearly
12 traced and identified.

13 *****

14 **§ 207. Personal property; disposition**

15
16 During ~~coverture~~ marriage, community personal property may be disposed of by both parties
17 consenting the husband only.

18
19 **§ 208. Liability for community debts**

20 The community property of ~~the husband and wife~~ either spouse is liable for the community
21 debts contracted by his or her spouse ~~the husband~~ during marriage unless specially excepted
22 by law.

23
24 **§ 209. Legal capacity ~~of married women~~—Generally**

25 Married women of the age of ~~21~~ 18 years and upwards have the same legal rights and are
26 subject to the same legal liabilities as men of the age of ~~21~~ 18 years and upwards ~~except the~~
27 ~~right to make contracts binding the common property of the husband and wife.~~

28
29 **§ 210. ~~Necessaries~~—~~Power of wife to contract debts~~**

1 The wife may contract debts for necessities for herself and her children upon the credit of her
2 husband.

3
4 **§ ~~2101~~. Action to collect debt; order of execution**

5 In an action to collect a debt for necessities for the wife and her children, the both spouses
6 ~~wife and her husband~~ shall be sued jointly and severally and the court shall decree that
7 execution be levied first upon the community property, secondly upon the separate property
8 of each spouse, ~~the husband and third upon the separate property of the wife.~~

9
10 *****
11

12 **SECTION SEVEN. DIRECTIVES**

13 All divisions, departments, programs, and offices of the Navajo Nation government shall
14 amend their policies, including but not limited to employee benefits, to reflect and include
15 changes set forth in this legislation within thirty (30) days after enactment of this legislation.

16
17 **SECTION EIGHT. EFFECTIVE DATE**

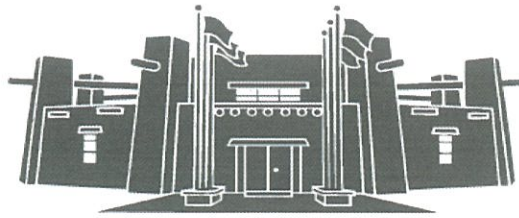
18 This legislation and the Navajo Nation Code amendments enacted herein shall become
19 effective pursuant to 2 N.N.C. § 221(B).

20
21 **SECTION NINE. CODIFICATION**

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

25
26 **SECTION TEN. SAVINGS CLAUSE**


27 Should any provisions of this legislation be determined invalid by the Navajo Nation Supreme
28 Court, or the District Courts of the Navajo Nation, without appeal to the Navajo Nation
29 Supreme Court, those portions of this legislation which are not determined invalid shall remain
30 the law of the Navajo Nation.



MEMORANDUM

TO: Delegate Eugene Tso, Sponsor
Law and Order Committee
24th Navajo Nation Council

FROM:


Chad Abeyta, Attorney
Office of Legislative Counsel

DATE: June 29, 2022

SUBJECT: **AN ACT RELATING TO THE HEALTH, EDUCATION AND HUMAN SERVICES, LAW AND ORDER, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; REPEALING 9 N.N.C. § 2(C) OF THE DINÉ MARRIAGE ACT OF 2005, TO UNIFORMLY RECOGNIZE ALL MARRIAGES WITHIN THE NAVAJO NATION; AND AMENDING OTHER PROVISIONS IN TITLE 9 RELATED TO MARRIAGE WITHIN THE NAVAJO NATION**

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. As with any action of government however, it can be subject to review by the courts in the event of proper challenge.

The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees powers outlined in 2 N.N.C. §§300, 400, 500, 600 and 700. Nevertheless, “the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration.” 2 N.N.C. §164(A)(5).

Please ensure that this resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction. Ahehee!

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0108-22_

SPONSOR: Eugene Tso

TITLE: An Act Relating to the Health, Education and Human Services, Law and Order, Budget and Finance, and Naabik'iyáti' Committees and the Navajo Nation Council; Repealing 9 N.N.C. § 2(C) of the Diné Marriage Act of 2005, to Equally Recognize all Marriages within the Navajo Nation; and Amending Other Provisions in Title 9 Related to Marriage within the Navajo Nation

Date posted: June 29, 2022 at 8:42PM

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0108-22

SPONSOR: Honorable Eugene Tso

TITLE: An Act Relating to the Health, Education and Human Services, Law and Order, Budget and Finance, and Naabik'iyáti' Committees and the Navajo Nation Council; Repealing 9 N.N.C. § 2(C) of the Diné Marriage Act of 2005, to Equally Recognize all Marriages within the Navajo Nation; and Amending Other Provisions in Title 9 Related to Marriage within the Navajo Nation

Posted: June 29, 2022 at 8:42 PM

5 DAY Comment Period Ended: July 04, 2022

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Comments/Recommendations	<i>None</i>


**Legislative Tracking Secretary
Office of Legislative Services**

July 05, 2022; 8:30 AM
Date/Time

**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0108-22

SPONSOR: Honorable Eugene Tso

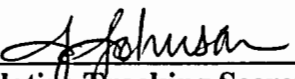
TITLE: An Act Relating to the Health, Education and Human Services, Law and Order, Budget and Finance, and Naabik'iyáti' Committees and the Navajo Nation Council; Repealing 9 N.N.C. § 2(C) of the Diné Marriage Act of 2005, to Equally Recognize all Marriages within the Navajo Nation; and Amending Other Provisions in Title 9 Related to Marriage within the Navajo Nation

Posted: June 29, 2022 at 8:42 PM

5 DAY Comment Period Ended: July 04, 2022

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	1) Fannie Lookingglass
Comments/Recommendations	<i>None</i>



**Legislative Tracking Secretary
Office of Legislative Services**

July 06, 2022; 8:40 AM
Date/Time

Comment on 0108-22

Fannie <flookingglass@yahoo.com>

Wed 7/6/2022 8:24 AM

To:comments <comments@navajo-nsn.gov>;

I oppose this legislation because it is culturally unheard of in my upbringing by my parents both non-English speakers brought up with strict Navajo traditional teachings. My parents told me about Ałnahjí'adeezna in historical times when males and females separated. To make a long story short, Yé'íitsoh and other beings resulted from the separation because it was not natural. If this legislation passes, will that be the beginning of our own demise as a unique Navajo people. I believe we need to let this legislation rest. Maybe in another time when our Tribe no longer identifies themselves as Navajo and respect for culture becomes a thing of the past, maybe then it can be legislated.

Fannie Lookingglass

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**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0108-22

SPONSOR: Honorable Eugene Tso

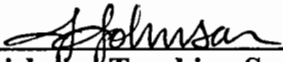
TITLE: An Act Relating to the Health, Education and Human Services, Law and Order, Budget and Finance, and Naabik'íyáti' Committees and the Navajo Nation Council; Repealing 9 N.N.C. § 2(C) of the Diné Marriage Act of 2005, to Equally Recognize all Marriages within the Navajo Nation; and Amending Other Provisions in Title 9 Related to Marriage within the Navajo Nation

Posted: June 29, 2022 at 8:42 PM

5 DAY Comment Period Ended: July 04, 2022

Digital Comments received:

Comments Supporting	1) Tatyana L. Billy 2) Ashley Lee 3) Josie Raphaelito 4) Harold L. Mason 5) Krystle Tree
Comments Opposing	<i>None</i>
Comments/Recommendations	<i>None</i>



**Legislative Tracking Secretary
Office of Legislative Services**

July 11, 2022; 11:30 AM
Date/Time

Tatyana Billy's comments about Same-Sex Marriage

Fri 7/8/2022 9:13 AM

To: comments <comments@navajo-nsn.gov>;

Good Morning,

My name is Tatyana Billy, I am a Diné woman, I was raised to follow tradition as well but as I continue my education, I am learning that white supremacist ideologies have infiltrated Navajo tradition. I do not believe our ancestors would approve of today's political climate towards same-sex marriage and many other issues that plague this country. Although, as a sovereign nation, we need to prove that we can make our own laws without the tyranny of the United States interfering with our Diné society. I demand that we continue to protect our LGBTQ2S community and pass a law that will protect our sacred and also allow same-sex couples to perform traditional marriage practices, if not, then we are no better than the country that continues to end our society.

Tatyana Billy

Tatyana L. Billy

Email: tatyanabilly40@gmail.com

Phone #: (505)

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#MarriageNow

Ashley Lee <ashleytaralee@gmail.com>

Fri 7/8/2022 4:25 PM

To: comments <comments@navajo-nsn.gov>;

I, Ashley Lee, from Aneth, UT, Northern Agency in support of Council Delegate Eugene Tso's Legislation No. 0108-22. It is not talked about enough the harmful impacts the discriminatory bill against our Diné Adults and Diné Youth on our land! I understand the actions of why the bill was created in the first place. However, the side that will be impacted the most of the Two-Spirits. We could prevent suicidal ideation, harmful actions against themselves or others, save lives! The Navajo People have fought hard to have sovereign right from the government, and we got it! But taking rights from the same Navajo people in our own government is sad! It's a big slap to the face of people of all orientations that we have to fight at home for our rights. Protect our LGBTQ+ Children, Protect our LGBTQ+ People! Regardless of their sexual orientation, we shouldn't have our rights as being two-spirited taken away by the same people that should be protecting us! We are human too. We want to be seen too as humans. We are not the old world idealization. Just because we're more sacred, doesn't mean we should be lesser than those in support of that discriminatory bill. What the Navajo nation old government doesn't realize is that more and more of our Youth are coming out. I have nephews/nieces that are two-spirited, they're ages ranging from 12-15 years that come to me about this bill. And they're scared! They're afraid that the monster created out there has finally made its way to home, Diné lands. It makes me scared for them more than myself, I'm going to say it now; the people who created that bill aren't humans. They're the very monsters we have to keep under control. They don't have a heart to see others different from them as humans. It breaks my heart thinking of the many youth and adults that will probably think about taking their lives because they're LGBTQ+ here on Navajo land. Because their own government is against them too. Because Adults that have hid away because of disrespectful behavior to them or worst are coming out too. And that's because people are open and welcoming about it. That's the way it should always be, make our people feel at home. Feel safe. This is where we all came from and taking the reason why we're here to make this home away isn't it. This is the new world, you can't get rid of us. We're not hiding. We're here to fight! Change is coming! It may not be the Navajo People, but Two-Spirits that pave the way to start other much needed political conversations.

Thank you.

WARNING: External email. Please verify sender before opening attachments or clicking on links.

We Support Marriage Equality

Josie Raphaelito <jraphaelito@gmail.com>

Sat 7/9/2022 11:34 AM

To:comments <comments@navajo-nsn.gov>;

Yá'át'ééh,

I'm reaching out as a proud Diné woman who identifies with the LGBTQ+ and Two-Spirit community. As a public health professional, advocate for Two-Spirit and Native LGBTQ+ relatives, and a daughter, sister, wife, and auntie, I strongly support new legislation to finally establish marriage equality for the Navajo Nation. It's time to decolonize our way of thinking and treat each of our relatives as the beautiful and sacred human beings the Holy People created us as. It's time to be inclusive. It's time to be kind to one another. It's time to treat everyone with the respect and dignity we all deserve as five fingered beings. Let's do this together!

A'he'hee,

Josie Raphaelito

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Equal marriage

Harold Mason <hrlmsn78@gmail.com>

Mon 7/11/2022 9:36 AM

To: comments <comments@navajo-nsn.gov>;

I support all types of marriage no matter the sex. I think anyone should be able to get married regardless of their gender.
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Legislation 0108-22

Krystle Tree <krystletree@gmail.com>

Mon 7/11/2022 9:36 AM

To: comments <comments@navajo-nsn.gov>;

Hello,
I am writing in support to equally recognize ALL marriages on our great Navajo Nation. It is about time we move to a more progressive stance and show all our people that we respect and welcome them. Love between adults should not be dictated by white, christian-based norms. ALL our Diné people have the right to choose who they marry and I believe our government should not be the barrier when it comes to same-sex marriages. Please vote to approve legislation 0107-22 sponsored by Eugene Tso.

Thank you,
Krystle Tree
Kayenta Chapter

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HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE
24TH NAVAJO NATION COUNCIL

FOURTH YEAR 2022

COMMITTEE REPORT

Mr. Speaker,

The **HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE** to whom has been assigned:

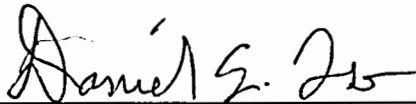
Legislation No. 0108-22: An Act Relating to the Health, Education and Human Services, Law and Order, Budget and Finance, and Naabik'iyáti' Committees and the Navajo Nation Council; Repealing 9 N.N.C. § 2(C) of the Diné Marriage Act of 2005, to Equally Recognize all Marriages within the Navajo Nation; and Amending Other Provisions in Title 9 Related to Marriage within the Navajo Nation

Sponsor: *Council Delegate Eugene Tso*

Has had it under consideration and reports the same with the recommendation that it **FAILS with no amendment**

And thence is referred to the Law and Order Committee.

Respectfully submitted,



Daniel E. Tso, Chairman
Health, Education and Human Services Committee
24th Navajo Nation Council

Date: July 13, 2022

Main Motion:

Motion: Honorable Pernell Halona

Second: Honorable Charlaime Tso

Vote: 1-2-0

HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE

Regular Meeting
July 13, 2022

Legislation No. 0108-22: An Act Relating to the Health, Education and Human Services, Law and Order, Budget and Finance, and Naabik'iyáti' Committees and the Navajo Nation Council; Repealing 9 N.N.C. § 2(C) of the Diné Marriage Act of 2005, to Equally Recognize all Marriages within the Navajo Nation; and Amending Other Provisions in Title 9 Related to Marriage within the Navajo Nation

Sponsor: *Council Delegate Eugene Tso*

VOTE TALLY SHEET:

Main Motion:

Motion: Honorable Pernell Halona

Second: Honorable Charlaine Tso

Yea: Charlaine Tso

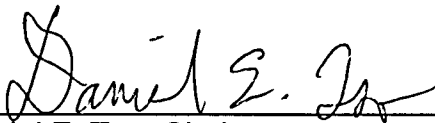
Nay: Paul Begay, Jr.; Edison J. Wauneka

Not Voting: Daniel E. Tso (Presiding Chairman); Pernell Halona; Carl R. Slater


Excused:

Absent:

Vote: 1-2-0



Daniel E. Tso, Chairman
Health, Education and Human Services Committee
24th Navajo Nation Council



Angelita Benally, Legislative Advisor
Health, Education and Human Services Committee
Office of Legislative Services

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0108-22

SPONSOR: Honorable Eugene Tso

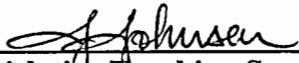
TITLE: An Act Relating to the Health, Education and Human Services, Law and Order, Budget and Finance, and Naabik'iyáti' Committees and the Navajo Nation Council; Repealing 9 N.N.C. § 2(C) of the Diné Marriage Act of 2005, to Equally Recognize all Marriages within the Navajo Nation; and Amending Other Provisions in Title 9 Related to Marriage within the Navajo Nation

Posted: June 29, 2022 at 8:42 PM

5 DAY Comment Period Ended: July 04, 2022

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	1) Juliana Teller 2) Leonard Livingston
Comments/Recommendations	<i>None</i>


Legislative Tracking Secretary
Office of Legislative Services

July 15, 2022; 3:13 PM
Date/Time

Legislation 0108-22 Same Sex Marriage Sponsor- Council Delegate Eugene Tso

Tue 7/12/2022 2:02 PM

To: comments <comments@navajo-nsn.gov>;

I would like to voice my concern in opposition of same-sex marriage on the Navajo Nation. My name is Juliana Teller, an enrolled Tribal member and I am a registered voter on the Navajo Nation in the community of Many Farms, Arizona.

As a young girl, I grew up around my Paternal Grandmother, Nali Lady (name omitted), who valued and believed in traditional cultural beliefs, Hataali, clanship and ké. I would spend my summer vacation on the homestead doing everyday ranching with my Nali lady. She taught me how to butcher, how to herd/raise livestock cattle & sheep, how to plant crops and nurture the fields, how to cook, how to clean and other things a woman should know about being a "HOMEMAKER" and raising a family. She taught the importance of carrying on her legacy and to bring home good, STRONG & WORTHY "DÍNE" MEN and the same for MEN to find a WIFE that is worthy to bear CHILDREN and be a homemaker. She always said it's important to know who you ARE, know YOUR CLANS, KNOW YOUR SPOUSE. NEVER MARRY YOUR OWN CLAN! Make sure your offspring know who they are, so they do not get entangled with the "wrong kind." Which I understood as a BiG No-No (Dóóda) How do they identify their Clans when it comes to the children? She also stressed the importance of Marriage and having MANY CHILDREN as she had raised Eight children, six boys and two girls after her husband perished in an accidental death. Although she has passed on since June 2021, I've remembered and held these true and Wonderful teachings close to my heart.

I'm certain if she was STILL ALIVE SHE WOULD OPPOSE SAME SEX MARRIAGE because she ALWAYS ASKED who had any New Babies. She would become overjoyed, excited and happy to have a new addition to her Family tree, how I miss her dearly and wish we could tell her she recently had a newborn Great grandson and that she would be proud to shower little baby with lots of tender, love, and care. She would always tend to her livestock the same way. We need to get this female a calf, or this one had another calf.

She absolutely adored, loved & valued Life as a "MOTHER, Paternal GRANDMOTHER, GREAT GRANDMOTHER & GREAT GREAT GRANDMOTHER (through her Nali's) a RANCHER, & HOMEMAKER." She had always hoped that she would be a Masani or Great Masani through her daughter or granddaughters but NEVER HAPPENED FOR HER, due to same-sex Marriage. I wonder these days WHO WILL TAKE ON WHAT SHE HELD On to FOR DECADES, as there is no Maternal Offspring. How sad to pass away without ever becoming a Maternal Grandmother, as that is the End of her First Clan and those that carry her on would be the second clan (ME). I somehow believe in my heart that she was saddened and in disbelief that she would NEVER have the opportunity to see a Maternal Grandchild before she unexpectedly left this World.

And on my Maternal side, they highly and strongly uphold and believe in Christian faith, that a marriage should be among Heterosexual (Man and a Woman as well.) A baby, can not be conceived among same sex relations, but only among heterosexual. An unborn fetus does not know life yet, but is considered to be ALIVE because it growing in the womb. That unborn fetus will come to life when DUE and has a lawful right to know HIS/HER PARENTS.

I, carry MY FATHER'S LAST NAME, as most of Us do, which is passed along to Us either through MARRIAGE or Acknowledgement. I love my last name so MUCH Because it Identifies who I AM! MY PARENTS ARE ALSO MARRIED FOR OVER 43 YEARS and speak their Parents teachings and wisdom and pass them along to their children, "Know who you Are!"

How do you NAME this UNBORN CHILD?! DOES IT take the name of the Wife or the Other Wife? The Husband or the other Husband?

However, I don't understand how same-sex marriages can pass that on to offspring THEY DID NOT CREATE!!

As I look back at both sides and both religions, I understand and realize that a marriage should be upon a man and a woman and should NEVER be recognized in a same-sex marriage.

I witness, My Great Grandmother, whom is 98 years old once scolded her Great, Great, Granddaughter one day when she picked up a Toy Gun and playfully pointed it at her Great Grandmother, when Great Masani took the Gun away and said to her in Navajo "Why are you holding that Gun?! That is a Boy's Toy, you put it down and told her to hold a baby, giving her a baby Doll to play with and nurture like a Good MOTHER. It was then I realized that my GREAT GRANDMOTHER wanted more Grandchildren to carry on her legacy as well. A MAN

should carry on HIS FATHER'S LAST NAME for a LIFETIME and a WIFE SHALL carry her husband's last name as well for HERSELF AND HER CHILDREN. But how do WE IDENTIFY AS A PEOPLE WHO HAVE ADOPTED CHILDREN through SAME-SEX MARRIAGES!! How do you tell THOSE children, fetus or UNBORN CHILD who they are. They do not come from MaN and MaN, nor Woman and WOMAN but rather from the intimacy of a MAN & WOMAN.

I, once had a Grandmother (name omitted) whom I thought was my Grandmother ALL my Life, only to find out she was the Aunt, my Mother called "MoM." She was a wonderful, amazing Pastor, Wife and HOMEMAKER as well who had 22 children of her own, 17 of whom are STILL living today. I truly believe in my heart, SHE IS THE REASON MY "OWN MOTHER" had Several Children of her Own. She always spoke the Future is uncertain, a lot has changed and she does not know what lies ahead. I'm assuming to Believe THIS (SAME-SEX MARRIAGE) is what she was referring to. We are going in the wrong direction is what she spoke before she left this world in September 2005. HERE we are almost 20 years later in Chaos because of LGBTQ rights. She accepted ALL walks of Life but I NEVER ONCE HEARD HER SPEAK IN SUPPORT OF SAME-SEX MARRIAGE, although "IT" one day became part of her family as WELL, still unmarried but rather living together. I believe she NEVER accepted but rather tolerated because she did not push her children away. No matter how hard her same-sex children tried to bear CHILDREN, she knew in her heart it would never come true. She believed in Reproduction, to Procreate for the FUTURE. She ALSO valued and treasured the Beautiful Gift of Life (iiná) as she had her own little Tribe of 22.

My FAMILY, Maternal and Paternal, came from a time period where it was NATURAL TO HAVE MANY CHILDREN and MARRY, weather TRADITIONAL, in a Church or even in front of a Judge. As of current times, things have since rapidly changed. Men appear and behave like Women? Women, appear and behave like Men? Men referring to THEMSELVES AS GAY TOP OR GAY BOTTOM?? WOMEN IDENTIFYING AS LESBIANS WITH CHILDREN?? Therefore resulting in same sex attraction and relations? Or is it just to find out, kill time, let me try THIS?! Curiosity! I can almost guarantee that nothing in this world can refrain a man and a woman from conception except contraception.

Furthermore, I also believe that SAME-SEX MARRIAGE will ultimately RISE IN Sexually transmitted disease and infection, an increased in H.I.V and A.I.D.S INFECTION (which is STILL A HIGHLY CONTAGIOUS AND UNCURABLE DISEASE) as well other communicable diseases which could possibly mutate if we are not cautious of Our Future. We are ALREADY FACED WITH an unimaginable count of COVID-19 CASES and still an uncertain future as well.

In addition to same-sex Marriage, THERE WILL also be a DECLINE IN LIVE BIRTHS decreasing Our Chances of Survival to the LARGEST INDIAN TRIBE IN UNITED STATES OF AMERICA.

If Council, should SUPPORT THIS LEGISLATION, then YOU SHOULD ALSO SUPPORT ABORTION, SUPPORT SALES OF ALCOHOL, BAR/LIQUOR Establishments on the Reservation and DO EVERYTHING LIKE AMERICA (BILIGANNI iiná) is where we are headed. My Great Grandfather would say We Are not Biliganna and we do not do things like Biliganna. They will Mislead You. I can hear those words echo today.

I don't have anything against the LGBTQ community, they can have a relationship just not RECOGNIZED MARRIAGE ON Dinétah. WE, As a SOVEREIGN NATION and Diné People, should Honor, Respect and Protect OUR FUTURE, OUR TRADITIONAL BELIEFS, CHRISTIAN FAITH AND OTHER RELIGIONS, Our CHILDREN, OUR GREAT GRANDCHILDREN and FUTURE Generations to come that we as Diné people SAVED HETEROSEXUAL MARRIAGE AND OPPOSE SAME-SEX (GAY) MARRIAGE.

I'm so grateful to have received this knowledge and wisdom from my WISE OLD FOLKS, GREAT GRANDMOTHER, Paternal Grandmother (Nali), Grandmother, Father & Mother, that I know exactly who I am and where I come from and that I DO NOT SUPPORT SAME-SEX MARRIAGE as the Voice of Myself and My Elders that have left their word with Me.

Ahéhee' for Your time, considerations, and please SAY NO TO SAME-SEX MARRIAGE.
WARNING: External email. Please verify sender before opening attachments or clicking on links.

Date: July 1, 2022

To: Executive Director Office of Legislative Services P.O. Box 3390 Window Rock, AZ 86515 (928) 871-758, comments

From: Mr. Leonard Livingston, USAF Ret. 

Subject: Legislation No: 0108-22. Opposition to An Act Relating to Health, Education and Human Services, Budget and Finance, Law and Order, and *Naabik'iyáti'* Committees and the Navajo Nation Council; Repealing 9 N.N.C. § 2(C) of the *Diné* Marriage Act of 2005 to Equally Recognize all Marriages within the Navajo Nation and Amending Other Provisions in Title 9 Related to Marriage within the Navajo Nation.

Upon hearing of the proposed Navajo Nation Council legislation No. 0108-22 I strongly opposed to the Navajo Nation bill. This particularly bill is a watered-down version of Legislation No. 00-54-22 who was withdrawn by the sponsor. I am registered voter with Church Rock Chapter, Church Rock, NM 87311, member of the community and veteran of the U.S. Armed Forces. I oppose for the following reasons as noted in my commentary.

I do not oppose Section One, Authorities in which the Navajo Nation Council is an elected body of the Navajo People is acting in the best interests, Navajo Council members act as stewardship, leaders of the Navajo People who possessed the necessary skills, leadership, wisdom and vision for the people. Navajo Nation Council members should be wise, honest, express candor to its communities they served.

As to Section Two. Findings. A. I believe the Navajo Nation government is valid, legitimate and represents the voice of the Navajo people (Dine). However, I vigorously oppose to repeal the Dine Marriage Act of 2005. The Dine Marriage Act of 2005 is the voice of the Dine.

As to Section Two. Findings. B. I vigorously oppose to repeal the Dine Marriage Act of 2005.

As to Section Two. Findings. C. I agree in part that the Navajo Nation fully recognizes that the tribe has retained from time immemorial the exclusive inherent sovereign powers to govern itself. I also agree that the Indian tribes retain their inherent power to determine tribal membership, to regulate domestic relations among members, and to prescribe rules of inheritance for members); *Ford Motor Co., v. Kayenta Dist. Ct.* No. SC-CV-33-07, 9 Nav. R. 225, 226 (2008) The Navajo Nation retains civil jurisdiction over claims arising within the Nation by inherent sovereignty under Article II of the Treaty. To the Navajo, the Treaty is organic law [The Navajo Treaty of 1868, Aug. 12, 1868, 15 Stat. 667]. Furthermore the Navajo Nation has the inherent sovereign power to retain the Dine Marriage of 2005.

As to Section Two. Findings. D. I agree with the Dine Marriage Act of 2005 but oppose to the repeal of the law. I also believe the common-law provisions in 9 N.N.C. §2(C) should

remain unchanged, similarly I disagree with the suggestion of same-sex marriage should be recognized. I believe the Navajo People and its laws is governed by Dine Fundamental Laws, specifically traditional Navajo society places a great importance upon the institution of marriage and believes that the elaborate ritual of marrying using the traditional method is believed to be blessed by the "Holy People." This blessing ensures that the marriage will be stable, in harmony, and perpetual. Navajo Nation v. Murphy, 6 Nav. R. 10, 13 (1988); See also Begay v. Chief, No. SC-CV-08-3, 8 Nav. R. 654 (2005) which provides that common law-marriage under Navajo Nation Code is different than one arising out of traditional wedding ceremony. Here we (Dine) need more information, need more data, need input from the traditional medicine practitioners who are wise, honest and neutral. I like advice from the traditional medicine practitioners in this same subject not from Navajo Council Delegate Eugene Tso, Chinle. I particularly want some clarification and specific points to the suggestion "Keeping the traditional Navajo wedding the same will not prohibit nor deny same-sex marriage because there are other methods for marrying under 9 N.N.C § 4." I need some data or evidence concerning this statement and noted as findings in the Navajo Nation Council Resolution. I further find the findings to be vague, non-specific and non-conclusive while lacking the proper authority.

As to Section Two. Findings. E. I oppose it's entirely to Section E because the Navajo Nation does not recognize *Obergefell v. Hodges*, 135 S. Ct. 2584, 2591 (2015). There is no Navajo Supreme Court case law that points to this issue nor any Navajo law that recognizes Obergefell. To my understanding the Navajos are governed by the Navajo Nation Bill of Laws, Dine Fundamental Laws, statutes, opinions. The Navajos are self-governed, self-sufficient, independent from the federal (United States of America), states, counties and locals laws. We make our own laws, we are govern by our own leaders as found in the Navajo Nation Statutes (Annotated 2005). Similarly, the Dine people governs the leaders, interprets and applies the laws in our families, communities and governments (chapters, tribal council, branch chiefs).

As to the remaining Sections Findings F, G, H, I, and J. I oppose in its entirety because the specific findings are flawed, faulty and the data presented by NCAI Policy Research Center, *A Spotlight on Two Spirit (Native LGBT) Communities*, accessed on March 18, 2022 does not apply to the Navajo Nation, its people or demographics. This is red herring approach reasoning whereas, there is no specific findings presented that relates to the Navajo people, communities, families and individuals. The findings does not address people of Christianity faith, churches, faith leaders, NAC membership, leadership any and/or all members of the Navajo Nation include non-natives. Because the law will affect them.

Lastly, Legislation No. 00108-22 should be opposed and denied by the Navajo People. I conclude by saying, under the Dine Marriage Act of 2005, the Navajo Nation does not recognize same-sex marriages: "Marriage between persons of the same sex is void and prohibited." See 9 N. N. C. §2(C). Again, the findings does not further address people of Christianity faith, any faith (include Muslims), churches, different denominations, faith leaders, NAC (native American Church) membership, leadership any and/or all members of

the Navajo Nation to include non-natives. I find there are no specific findings, data, comments, chapter resolutions, no comments by the Navajo People and there is simply no specific findings in repealing the law other than this is political exploit at the expense of the Navajo Nation tribal resources, values, teachings and people. In addition, the proposed law will affect us however I am amendable to voter proposition ballot in the next upcoming Navajo Nation free election. Let the Dine people decide not Council Delegate Eugene Tso and co-sponsors. Delegate Eugene Tso does not speak for me. Thanks SDG

Respectfully submitted this date July 1, 2022.

//Electronically signed //

Mr. Leonard Livingston

Gallup. NM 87301

Mobile:

Hastiin7@yahoo.com