

**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.

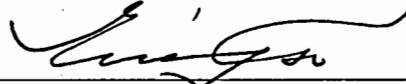
**This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each committee member to review the proposed resolution in detail.**

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  
24<sup>th</sup> 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.

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

6  
7 **SECTION THREE. REPEALING 9 N.N.C. § 2(C) OF THE DINÉ MARRIAGE ACT**  
8 **OF 2005**

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

10 \_\_\_\_\_  
11  
12 **Title 9. Domestic Relations**

13 **Chapter 1. Marriage**

14 \*\*\*\*

15 **§ 2. Plural marriages void**

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

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

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

23 \*\*\*\*

24 \_\_\_\_\_  
25  
26 **SECTION FOUR. AMENDING, 9 N.N.C. § 4(E), COMMON-LAW MARRIAGE**  
27 **CRITERIA**

28 The Navajo Nation hereby amends 9 N.N.C. §4(E) as follows:  
29 \_\_\_\_\_  
30

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).

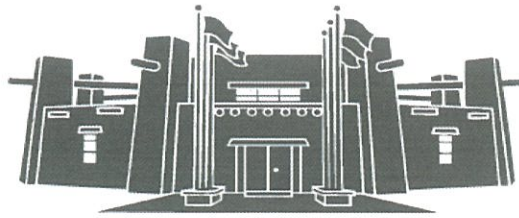
20  
21 **SECTION NINE. CODIFICATION**

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  
24<sup>th</sup> 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](mailto: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:**

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

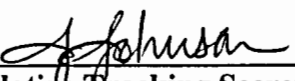
**TITLE:** An Act Relating to the Health, Education and Human Services, Law and Order, Budget and Finance, and Naabik'iyáti' Committees and the Navajo Nation Council; Repealing 9 N.N.C. § 2(C) of the Diné Marriage Act of 2005, to Equally Recognize all Marriages within the Navajo Nation; and Amending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

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

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



**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:**

<b>Comments Supporting</b>	1) Tatyana L. Billy 2) Ashley Lee 3) Josie Raphaelito 4) Harold L. Mason 5) Krystle Tree
<b>Comments Opposing</b>	<i>None</i>
<b>Comments/Recommendations</b>	<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](mailto:tatyanabilly40@gmail.com)

Phone #: (505)

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

# #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

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



# Equal mariage

Harold Mason <hrlldmsn78@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.  
WARNING: External email. Please verify sender before opening attachments or clicking on links.

# 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

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

HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE  
24<sup>TH</sup> NAVAJO NATION COUNCIL

FOURTH YEAR 2022

COMMITTEE REPORT

Mr. Speaker,

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

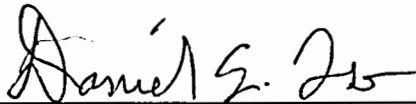
**Legislation No. 0108-22:** An Act Relating to the Health, Education and Human Services, Law and Order, Budget and Finance, and Naabik'iyáti' Committees and the Navajo Nation Council; Repealing 9 N.N.C. § 2(C) of the Diné Marriage Act of 2005, to Equally Recognize all Marriages within the Navajo Nation; 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  
24<sup>th</sup> Navajo Nation Council

Date: July 13, 2022

Main Motion:

Motion: Honorable Pernell Halona

Second: Honorable Charlaïne 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

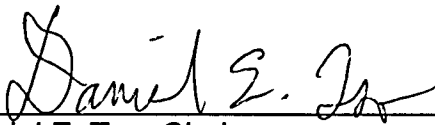
Nay: Paul Begay, Jr.; Edison J. Wauneka

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  
24<sup>th</sup> Navajo Nation Council



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