



Joint Statement

Navajo Nation Office
of the President and the Vice President
and Navajo Nation Office of the Speaker



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JOINT STATEMENT REGARDING SUPREME COURT RULING

The Navajo Nation Council and the President filed legal pleadings challenging the Navajo Nation Supreme Court's March 20, 2015 Order requiring the presidential election to be held by April 21, 2015. The Supreme Court has ordered that the Navajo Election Administration to use its available funds for the election and that the Acting Controller transfer \$317,000 to the Navajo Election Administration for the election.

On March 24, the Navajo Nation Council filed a Motion to Reconsider, as it was not afforded the opportunity voice its concerns. The Navajo Nation President filed a Motion to Intervene to ensure that the Executive Branch does not violate the law by doing an illegal transfer.

The order issued by the Supreme Court is yet another example of the Supreme Court overstepping its authority and clearly displays a lack of respect for the authorities of our Nation's three-branch government.

The Court ordered its decision without the benefit of considering input from the Navajo Nation Council and the Navajo Nation President. In fact, the Supreme Court went another step further by deeming the Navajo Nation Council to be a "non-party" in its ruling.

The court order does not express the full account of the situation nor is the order clear. Since the ruling, the Navajo Department of Justice submitted a request for clarification as to how the Acting Controller should fund the election as ordered by the Supreme Court. It is clearly written within the Appropriations Act and within the Budget Instruction Manual (BIM) that the full Council and/or one of its standing committees must approve the appropriation of funds.

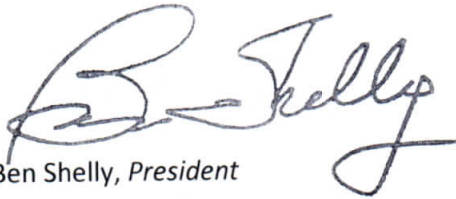
It is not within the authority of the Supreme Court to direct the Acting Controller to unilaterally transfer funds and to bypass the Appropriations Act or the BIM. In all reality, the Supreme Court is ordering the Acting Controller, the chief financial officer of the Executive Branch, to violate Navajo financial laws. Therefore, the Executive Branch is faced with the dilemma of obeying financial laws or the Supreme Court's order.

It is the position of the Council and the President that Council Resolution CMA-06-15 remains Navajo law to this day. The action by the Navajo Nation Council to address the election matter and executed by the President is not recognized by the Court. Furthermore, the order provides no analysis or reasoning as to why the Resolution is not good law.

In addition, speculations by the Court for retaliation against the Director of the Navajo Election Administration and the Acting Controller are without merit. This type of assumption and speculation go well beyond the Court's authority to order an unnecessary shield of protection.

It is in the best interest of everyone involved in this case that the Supreme Court interprets the law impartially. All laws are processed through a system of checks and balance system in which both the legislative and executive branches have given close examination, which we implore the Judicial Branch to do as well. We, the Navajo Nation President and Speaker of the Navajo Nation Council, will continue to uphold the organic laws of the Navajo Nation.

The general election for the Navajo President will take place after the Navajo People have an opportunity to vote on the question of fluency in a referendum. As mentioned numerous times by the President and the Council, there is no easy fix to the on-going election issue other than a referendum to the Navajo People. This issue is far too important and decisive to exclude the participation of the true authority, which lies with the Navajo People.



Ben Shelly, *President*
The Navajo Nation



LoRenzo Bates, *Speaker*
23rd Navajo Nation Council