



23RD NAVAJO NATION COUNCIL OFFICE OF THE SPEAKER

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MEDIA CONTACTS

Jared Touchin (928) 221-9253
Jolene Holgate (928) 380-4174
nnlb.communications@gmail.com

Law and Order Committee recommends removal of Chief Justice Herb Yazzie

WINDOW ROCK – Members of the Law and Order Committee today approved Legislation No. 0103-15, a bill recommending the removal of Herb Yazzie as Chief Justice of Navajo Nation, based on six allegations of malfeasance, misfeasance, and serious neglect of duty.

Prior to the discussion, it was noted that the legislation received 392 supporting comments, 20 opposing comments, and 5 inconclusive comments which were attached to the bill.

Legislation sponsor Council Delegate Leonard Tsosie (Baca/Prewitt, Casamero Lake, Counselor, Littlewater, Ojo Encino, Pueblo Pintado, Torreon, Whitehorse Lake) presented the six allegations outlined in the legislation.

A summary of the six allegations include:

- Inaction to establish a Judicial Conduct Commission despite receiving \$100,000 in the current year's budget
- Violation of basic fundamental due process rights by finding a criminal offense against members of the Navajo Nation Board of Election Supervisors, without formal complaint and without a hearing
- Failure to designate a third justice on numerous occasions, as mandated by 7 N.N.C. §301 (A), which "prevents the Supreme Court from being supplied with additional legal analysis when addressing issues before the Court"
- Violation of Navajo Nation laws and separation of powers, asserting authority over the Office of Hearings and Appeals (an executive branch entity), by appointing a District Court Judge to preside over a hearing before the Office of Hearings and Appeals
- Failure to uphold Diné bi beenahaz'áanii, the laws of the Navajo Nation, by wrongfully interpreting the laws of the Nation causing unnecessary expenses, violation of people's rights, uncertainties, overreaching (separation of powers violation), and confusion on the Navajo Nation and in the legal communities
- Violation of separation of powers and due process of law by disbaring former Chief Legislative Counsel Frank Seanez, without referring the issue to the Navajo Nation Bar Association and denied a fair hearing. The allegation states that the Chief Justice was the accuser, the trier of fact, and the decision-maker in the case

LOC member Council Delegate Otto Tso (Tó Nanees Dizi) noted that the LOC has made several unsuccessful attempts to meet with Chief Justice Yazzie, and said the matter needs to move forward to the Council for consideration.

LOC members voted 2-0 in support of the bill. LOC members emphasize that Legislation No. 0103-15 is simply a recommendation to the Council and does not remove Herb Yazzie as the Chief Justice.

The bill calls for a special session of the Navajo Nation Council to consider the recommendation to remove Herb Yazzie as the Chief Justice, and also recommends that the Speaker of the Council provide notice to the Chief Justice regarding the allegations in support of his removal and the date and time of the special session at which the matter will be heard.

A separate legislation is required for Council's consideration for the removal of the Chief Justice.

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