

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0077-23_

SPONSOR: Amber Kanazbah Crotty

TITLE: An Action Relating to an Emergency and the Navajo Nation Council; Opposing the Confirmation of Secretary-Designee, James R. Mountain to the New Mexico Indian Affairs Department

Date posted: April 17, 2023 at 10:50AM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0077-23

DATE: April 14, 2023

TITLE OF RESOLUTION: AN ACTION RELATING TO AN EMERGENCY AND THE NAVAJO NATION COUNCIL; OPPOSING THE CONFIRMATION OF SECRETARY-DESIGNEE JAMES R. MOUNTAIN TO THE NEW MEXICO INDIAN AFFAIRS DEPARTMENT

PURPOSE: This resolution, if approved, will oppose the confirmation of Secretary-Designee James R. Mountain to the New Mexico Indian Affairs Department.

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.

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

25th NAVAJO NATION COUNCIL – First Year, 2023

INTRODUCED BY

[Handwritten Signature]
(Sponsor)

TRACKING NO. 0077-23

AN ACTION

RELATING TO AN EMERGENCY AND THE NAVAJO NATION COUNCIL;
OPPOSING THE CONFIRMATION OF SECRETARY-DESIGNEE JAMES R.
MOUNTAIN TO THE NEW MEXICO INDIAN AFFAIRS DEPARTMENT

WHEREAS:

- A. The Navajo Nation Council is the governing of body of the Navajo Nation. 2 N.N.C. §102(A).
- B. Pursuant to 2 N.N.C. §164 (A)(16) “[m]atters constituting an emergency shall be limited to the cessation of law enforcement services, and disaster relief services, fire protection services or other direct services required as an entitlement under Navajo Nation or Federal law, or which directly threaten the sovereignty of the Navajo Nation. Such an emergency matter must arise due to the pressing public need for such resolution(s) and must be a matter requiring final action by the Council.
- C. The confirmation of James R. Mountain as Secretary to the New Mexico Indian Affairs Department would negatively impact the critical work of New Mexico’s Missing and Murdered Indigenous Woman and Relatives (“MMIWR”) Task Force and its collaboration with the Navajo Nation. Mr. Mountain’s confirmation and appointment to the MMIWR Task Force would undermine the work of both governments in their cooperative advocacy for victims and families of missing and murdered Diné relatives, and would contradict the Navajo principles of Hozho’ and

1 Ke'. Therefore, opposing the imminent confirmation of Mr. Mountain is an urgent
2 and pressing matter that constitutes an emergency for the Navajo Nation.

3 D. This matter meets the 2 N.N.C. 164 (A)(16) criteria for Emergency Legislation as one
4 responsibility of a sovereign government is to protect its people. The failure of the
5 Nation to oppose the confirmation of a person with a past such as Mr. Mountain would be
6 a lapse of its responsibilities and a threat to the exercise of its sovereignty.

7 E. New Mexico has the most missing and murdered Indigenous women and girls in the
8 United States, according to a task force report from December 2020. *See*
9 [NM MMIWR Report FINAL WEB v120920.pdf \(state.nm.us\)](#).

10 F. Albuquerque ranked second for such cases out of seventy-one (71) cities the Urban
11 Indian Health Institute surveyed in 2017. Gallup ranked sixth. *See* [Missing and](#)
12 [Murdered Indigenous Women & Girls – Urban Indian Health Institute \(uihi.org\)](#).

13 G. The New Mexico Indian Affairs Department's ("Department") vision is that tribal
14 nations, tribal communities and Indigenous people are happy, healthy and prosperous
15 and that traditional ways of life are honored, valued and respected. *See* [NM Indian](#)
16 [Affairs Department | \(state.nm.us\)](#).

17 H. Housed within the Department is the Missing Murdered Indigenous Woman and
18 Relatives (MMIWR) Task Force, which was created to partner with Tribal
19 Governments, Tribal law enforcement, and the United States Department of Justice to
20 address the epidemic issues effecting tribal communities suffering from the high rates
21 of violence towards Native American woman. *See* [Missing & Murdered Indigenous](#)
22 [Women & Relatives | NM Indian Affairs Department \(state.nm.us\)](#).

23 I. The MMIWR Task Force committed to creating a safe space for sexual assault
24 survivors and to build trust with families of missing and murdered Indigenous people.

25 J. The Secretary of the New Mexico Indian Affairs Department is appointed by the
26 governor with the consent of the Senate.

27 K. On February 3, 2023, when the State of New Mexico celebrated American Indian
28 Day, Governor Michelle Lujan Grisham announced the appointment of James R.
29 Mountain, former governor of the Pueblo de San Ildefonso, as Secretary of the New
30 Mexico Indian Affairs Department. James R. Mountain has not been confirmed, but it

1 has been stated that confirmation was going to be pursued by the Governor after the
2 60-day legislative session ends March 28, 2023. *See*
3 [https://www.abqjournal.com/2577883/confirmation-hearing-for-embattled-indian-](https://www.abqjournal.com/2577883/confirmation-hearing-for-embattled-indian-affairs-secretary-designate-unlikely-to-happen-during-60-day-session.html)
4 [affairs-secretary-designate-unlikely-to-happen-during-60-day-session.html](https://www.abqjournal.com/2577883/confirmation-hearing-for-embattled-indian-affairs-secretary-designate-unlikely-to-happen-during-60-day-session.html).

5 L. According to the Albuquerque Journal, in 2008, James R. Mountain was charged with
6 “criminal sexual penetration, kidnapping and aggravated battery against a household
7 member, after accusations of rape in 2007.” The charges were dismissed in 2010,
8 after the prosecution said it had insufficient evidence to proceed to trial. *See*
9 [Advocates protest governor's Indian Affairs appointee - Albuquerque Journal](#)
10 [\(abqjournal.com\)](#).

11 M. Despite the dismissal of the charges against Mr. Mountain, the appointment and
12 confirmation of James R. Mountain as Secretary of the New Mexico Indian Affairs
13 Department is counter to the mission of the MMIWR Task Force. The Task Force
14 desires to create a safe space where representatives from Tribal Nations, legislators,
15 community partners, sexual assault survivors, and affected families can come together
16 to address the crisis of violence towards Tribal people. This mission cannot be
17 accomplished, and the Task Force cannot build trust with families of missing and
18 murdered Indigenous people, if Mr. Mountain is confirmed in the Secretary position.

19 N. The Eastern Navajo Agency Council calls upon the 25th Navajo Nation Council and
20 the Office of the President and Vice-President to support its resolution, ENAC-03-
21 2023-104, attached as **Exhibit A**, opposing the nomination of Secretary-Designate
22 James R. Mountain for the Department.

23 O. For the reason stated above, it is in the best interest of the Navajo Nation that the
24 Navajo Nation Council oppose the appointment of Secretary-Designate James R.
25 Mountain.

26
27 **THEREFORE, BE IT RESOLVED:**

28 A. The Navajo Nation Council strongly opposes the appointment of James R. Mountain
29 as the New Mexico Secretary of Indian Affairs and respectfully requests Governor
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1 Michelle Lujan-Grisham to withdraw the nomination and nominate another person, in
2 consultation with the Navajo Nation.

3 B. The Navajo Nation Council strongly requests the New Mexico Senate Rules
4 Committee and the Senate to vote down the appointment of James R. Mountain as the
5 New Mexico Secretary of Indian Affairs.

6 C. The Navajo Nation Council authorizes the Navajo Nation President and Navajo
7 Nation Speaker to affirm the Navajo Nation's position of coordinating a dynamic
8 holistic approach to help combat the missing murdered Diné relatives crisis on and
9 off the Navajo Nation.

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