

THE NAVAJO NATION
LEGISLATIVE BRANCH
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LEGISLATION NO: 0039-25

SPONSOR: Crystalyn Curley

TITLE: An Action Relating to Naabik'iyáti' Committee; Reaffirming the Navajo Nation Relations to the United States, and to Call on the United States to Maintain its Government-to-Government Relations with the Navajo Nation

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Office of Legislative Services
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LEGISLATIVE SUMMARY SHEET

Tracking No. 0039-25

DATE: March 31, 2025

TITLE OF RESOLUTION: AN ACTION RELATING TO NAABIK'ÍYÁTI' COMMITTEE; REAFFIRMING THE NAVAJO NATION RELATIONS TO THE UNITED STATES, AND TO CALL ON THE UNITED STATES TO MAINTAIN ITS GOVERNMENT-TO-GOVERNMENT RELATIONS WITH THE NAVAJO NATION

PURPOSE: This proposed resolution reaffirms to the United States Government and the Trump Administration, the government-to-government relationship between the Navajo Nation and the United States based on the Treaty of 1868 and other laws and actions.

FINAL AUTHORITY: Naabik'íyáti' Committee

VOTING REQUIREMENT: Simple majority

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

5-DAY BILL HOLD PERIOD:
Website Posting Time/Date:
Posting End Date: 04-05-25
Eligible for Action: 04-06-25

PROPOSED STANDING COMMITTEE RESOLUTION
25th NAVAJO NATION COUNCIL – THIRD YEAR, 2025

INTRODUCED BY

A. H. S. W.

(Prime Sponsor)

TRACKING NO. 0039-25

AN ACTION
RELATING TO NAABIK'ÍYÁTI' COMMITTEE; REAFFIRMING THE NAVAJO
NATION RELATIONS TO THE UNITED STATES, AND TO CALL ON THE
UNITED STATES TO MAINTAIN ITS GOVERNMENT-TO-GOVERNMENT
RELATIONS WITH THE NAVAJO NATION

WHEREAS:

- A. The Navajo Nation established the Naabik'iyáti' Committee as Navajo Nation Council standing committee and as such empowered the Naabik'iyáti' Committee to coordinate all requests for information, appearances and testimony relating to proposed county, state and federal legislation impacting the Navajo Nation. 2 N.N.C. §§ 700(A) and 701(A)(6).
- B. The Navajo Nation has existed and occupied its territorial areas within the Southwest portion of the United States for centuries, prior to the discovery of America.
- C. The United States Supreme Court has stated “*The Navajo Government has been called ‘probably the most elaborate’ among tribes. H.R. Rep. No. 78, 91st Cong., 1st Sess., 8 (1969). The legitimacy of the Navajo Tribal Council, the freely elected governing body of the Navajos, is beyond question.*” 471 U.S. 195, 201 (1985).
- D. The United States government has a federal trust responsibility to the Navajo Nation and other Indian Nations as memorized in treaties between the United States and Indian Nation, numerous Acts of Congress, United States Supreme Court opinions, federal regulations, executive orders, and government-to-government consultations procedures.

- 1 E. The Navajo Nation comprises over 27,000 square miles, occupying the States of Arizona,
2 New Mexico and Utah. The Navajo Nation is larger than 10 States of the Union. The
3 Navajo Indian Reservation is the largest reservation in the country. Residents of the
4 Navajo Nation comprise Navajo citizens, other Indian citizens, and non-Indians.
- 5 F. The United States Supreme Court in *Morton v. Mancari*, 417 U.S. 535 (1974), held that
6 the federal classification of Indians is not based on a racial classification but a political
7 classification. Indian people are citizens of their Indian Tribal/Nation governments, who
8 have occupied their territorial areas prior to the discovery of America. Presently, there
9 are 574 federally-recognized American Indian Tribes and Alaska Native entities, who
10 have different membership/citizenship requirements.
- 11 G. The Navajo Nation government has a central three-branch government (Legislative,
12 Executive and Judicial) that generates governmental revenues through Navajo taxes,
13 leases, fees, royalties, etc. The Navajo Nation government also comprises 110 local
14 chapter governments and a township to address the local needs. The Navajo Nation
15 government receives federal and state grant or contract funds to manage government
16 functions within its territorial jurisdiction. The Navajo Nation governments uses its
17 revenues and funds to provide essential government functions to its citizens, and to
18 residents and tourists within the Navajo Nation.
- 19 H. The Navajo Nation is comprising around 400,000 Navajo members/citizens, who elect
20 around 744 elected-Navajo government officials (President; Vice-President; legislative
21 Delegates; community Chapter presidents, vice-presidents, commissioners, council
22 members, secretary/treasurers; Township commissioners; school boards; Board of
23 Education; Board of Election Supervisors; and land/grazing/farm officials).
- 24 I. Navajo citizens participate in Federal elections. Navajo citizens also participate in and
25 are elected into surrounding State, county and city elected positions. Navajo citizens
26 have been elected as State senators, State representatives, State corporate commissioner,
27 county supervisors, city councils, sheriffs, and other city and county positions. Navajo
28 citizens have been appointed into State cabinet and other state department positions, and
29 into federal government positions.
- 30

1 J. The Navajo Nation has historically maintained a government-to-government relations
2 with the United States, as evident by the *Treaty of 1868* between the United States of
3 America and the Navajo Tribe of Indians; Concluded June 1, 1868; Ratified by the U.S.
4 Senate on July 25, 1868; Signed by U.S. President Andrew Johnson on August 12, 1868;
5 15 Stat. 667.

6 K. In the Treaty of 1868, the United States and the Navajo Indian Tribe (presently “Navajo
7 Nation”), via government-to-government relations, mutually agreed to peace between the
8 two nations, the establishment of boundaries and protections for the Navajo Indian
9 Reservation, the United States promise of education for Navajo children, etc.

10 L. From 1868 to present, the Navajo Nation has continued its government-to-government
11 relations with the United States, State of Arizona, State of New Mexico, State of Utah,
12 other Indian Nations, and other States. Congress has passed countless Acts of Congress
13 (Indian Self-Determination and Education Assistance Act, Tribally Controlled Schools
14 Act of 1988, Indian Tribal Government Tax Status Act, Navajo Nation Trust Land
15 Leasing Act of 2000, various federal Indian environmental primacy laws, etc.) that
16 recognize the unique governmental relations between the United States and the Navajo
17 Nation. Under these Acts of Congress, the Navajo Nation has received federal funds and
18 assumed federal responsibility for law enforcement, detention, judicial, education,
19 environmental protection, leasing authorities, housing, utilities, road transportation and
20 other federal authorities within the Navajo Nation. The Navajo Nation has created and
21 operates numerous departments and governmental entities to assume these federal
22 responsibilities.

23 M. Presently, the Navajo Nation and all Indian Nations maintain a government-to-
24 government relations with the United States, through various treaties, Acts of Congress,
25 United States Supreme Court opinions, executive orders, federal regulations, and
26 memoranda to agencies.

27 N. Starting with Executive Order 13985 of January 20, 2021 (Advancing Racial Equity and
28 Support for Underserved Communities Through the Federal Government), President
29 Biden issued various executive orders that advanced “diversity, equity, and inclusion”
30 (DEI) into aspects of the federal government. The policy was to “pursue a

1 comprehensive approach to advancing equity for all, including people of color and others
2 who have been historically underserved, marginalized, and adversely affected by
3 persistent poverty and inequality. Affirmatively advancing equity, civil rights, racial
4 justice, and equal opportunity is the responsibility of the whole of our Government.”

5 O. The Navajo Nation was not asked by the prior Administration to withdraw or diminish
6 its government-to-government relations with the United States nor the United States trust
7 responsibilities towards the Navajo Nation, and to be included in the DEI policy.

8 P. Presently, U.S. President Donald J. Trump issued a series of executive orders that
9 reversed or rescinded the prior Administration’s DEI executive orders and policies. The
10 Trump Administration executive orders have impacted the Navajo Nation and other
11 Indian Nations because there is an assumption that Navajo Nation and other Indian
12 Nation relations with the United States is based on DEI, as opposed to the historic
13 government-to-government relations and the United States trust responsibilities towards
14 the Navajo Nation and other Indian Nations.

15 Q. The Navajo Nation is eager to work with the Trump Administration and Congress on
16 multiple shared priorities. These include, among others, reducing unnecessary federal
17 regulations, streamlining federal funding mechanisms for critical Tribal priorities and
18 economic development, strengthening Indian self-determination, and addressing long-
19 standing tax issues that are historic impediments to Tribal economic growth.

20 R. The Navajo Nation looks forward to partnering with the Trump Administration. As that
21 process unfolds, we urge the President Trump and his advisors to take care to protect the
22 unique government-to-government relations and the trust relationship between the
23 Navajo Nation and the United States, which is based on the political and legal status of
24 all Indian Nations.

25 S. We call on the Trump Administration to ensure the United States’ delivery on its
26 government-to-government relations, trust relations, and treaty obligations does not
27 hinder progress in building a strong partnership with the Trump Administration.

28 T. We call on the Trump Administration to consult with Indian tribes before implementing
29 executive orders and policies that impact Indian tribes.

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1 U. Navajo Nation and Indian Nation federal programs are not racial or preference programs.
2 These federal funds and programs are legally mandated under government-to-
3 government relations, trust relations and treaty obligations owed to us.

4 **NOW, THEREFORE, BE IT RESOLVED:**

5 A. The Navajo Nation hereby reaffirms its government-to-government relations with the
6 United States, the United States' trust obligation to the Navajo Nation, and the Treaty of
7 1968 between the Navajo Nation and the United States.

8 B. The Navajo Nation hereby states that federal funding and other federal obligations to the
9 Navajo Nation is not based on DEI or race but is founded on a government-to-
10 government relations, trust obligations, and the Treaty of 1868. The Navajo Nation is
11 concerned about the recent Executive Orders that impose layoffs, office closures, and
12 funding evaluations.

13 C. The Navajo Nation is committed to assisting the Trump Administration in furthering our
14 government-to-government relationship, the United States trust responsibility and the
15 Treaty of 1868 obligations. The Navajo Nation will continue to strengthen and protect
16 our relationship with the United States. We look forward to partnering with the Trump
17 Administration and with Congress on mutual policy priorities of deregulation, economic
18 development, self-determination, and tax fairness, among others

19 D. The Navajo Nation hereby authorizes the Navajo Nation President, Navajo Nation Vice-
20 President and the Speaker of the Navajo Nation Council to take all steps necessary to
21 advocate for the Navajo Nation's position consistent with the above positions.
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