



25TH NAVAJO NATION COUNCIL

25TH NAVAJO NATION COUNCIL OFFICE OF THE SPEAKER

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Naabik'íyáti' Committee passes legislation urging U.S. Government to uphold trust obligations in tribal education



Delegate Tolth said the legislation protects treaty rights and ensures that Navajo students are not left behind due to a misunderstanding of our political identity.

WINDOW ROCK, Ariz. –Today, the Naabik'íyáti' Committee of the 25th Navajo Nation Council passed Legislation No. 0028-25, urging the United States government to honor its trust and treaty obligations by consulting with the Navajo Nation before implementing policies or executive actions that affect tribal education.

This legislation directly responds to a February 14 memorandum issued by the U.S. Department of Education's (ED) Office for Civil Rights. The letter, signed by Acting Assistant Secretary for Civil Rights Craig Trainor, cautioned that federally funded educational institutions may risk losing federal funding if they engage in race-based practices, including affirmative action and Diversity, Equity, and Inclusion (DEI) initiatives.

"Acting Assistant Secretary Trainor's memo creates uncertainty for programs that are vital to our students," said Delegate Tolth. "This legislation is about protecting our treaty rights and ensuring that Navajo students are not left behind due to a misunderstanding of our political identity."

The Committee expressed concerns that the letter fails to recognize the political, rather than racial, status of federally recognized tribes.

The legislation reaffirms that educational programs serving Navajo and other American Indian and Alaska Native students do not fall under the racial classifications outlined in the Department's guidance. Categorizing them as such would undermine tribal sovereignty and disregard the unique legal relationship between tribal nations and the United States.

The Naabik'iyáti' Committee emphasized that Native American tribes are not simply ethnic or racial groups but political entities recognized through a government-to-government relationship with the federal government. The resolution cites foundational treaties between the U.S. and the Navajo Nation, specifically the Treaties of 1849 and 1868, as legal grounds for federal obligations to provide educational funding and services.

These obligations are further supported by Supreme Court precedent, including the 1974 *Morton v. Mancari* case, which ruled that preferences for tribal citizens in federal programs are based on political, not racial, classifications.

"The failure to include this distinction in the ED's guidance risks the misapplication of civil rights law to tribal programs and could jeopardize educational resources for our youth," Delegate Tolth added.

The legislation also addresses concerns over the potential impact on tribal scholarship programs, particularly those administered by the Office of Navajo Nation Scholarship and Financial Assistance. These programs provide essential financial support exclusively to enrolled members of the Navajo Nation.

The ED's accompanying FAQ notes that race-restricted scholarships may not be advertised or administered by educational institutions. This stipulation could interfere with the administration of tribal aid programs at colleges and universities.

In response, the Navajo Nation formally requests tribal consultation with the Department of Education to clarify the implications of its February 14 letter and ensure that future policies respect the sovereign status of Indian tribes. The Nation also urges the federal government and its agencies to reaffirm their commitment to honoring all treaty and trust responsibilities.

Delegate Dr. Andy Nez introduced a directive calling for a leadership meeting to address the Navajo Nation's response to President Trump's recent executive orders and memorandums.

The Committee unanimously passed the directive requesting the Office of the President and Vice President, the Office of the Speaker, and the Navajo Nation Washington Office to cooperatively schedule a meeting no later than April 10, 2025

The Naabik'iyáti' Committee passed Legislation No. 0028-25 unanimously with a vote of nine in favor and none opposed. Final authority for the legislation rests with the Naabik'iyáti' Committee.

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