



NAVAJO NATION DEPARTMENT OF JUSTICE

OFFICE OF THE ATTORNEY GENERAL

HEATHER L. CLAH
Acting Attorney General

Fiscal Year 2025, Third Quarter

Report of the Attorney General

The Office of the Attorney General (OAG) is led by Heather L. Clah, the Acting Attorney General (Acting AG). OAG oversees and works in collaboration with the Office of the Prosecutor (OTP) and the 7 Units of the Department of Justice (DOJ). Pursuant to 2 N.N.C. §§ 1961-1965, the Navajo Nation Department of Justice provides legal services to the three governmental branches of the Navajo Nation Government, including its chapters and entities, in matters in which the Navajo Nation government has an interest. The Attorney General also initiates and defends all litigation against the Navajo Nation and supervises all outside attorney contractors who assist the Nation with various cases. The Third Quarter of FY2025 was very productive for OAG, OTP, and the Units within DOJ. DOJ's key accomplishments included the following:

Office of the Prosecutor

1. Protecting Sovereignty: Stopping the Unauthorized Federal Removal of a Navajo Inmate

The Office of the Prosecutor (OTP) successfully stopped a federal attempt to remove Navajo inmate Benjamin Johnson from tribal custody using a Writ of Habeas Corpus ad Prosequendum that failed to meet the requirements under Navajo law. No federal detainer had been filed, making the writ procedurally invalid under 17 N.N.C. § 1962–1966. OTP acted immediately—engaging the U.S. Attorney's Office, reviewing the writ's legality, and filing formal objections. Within days, the U.S. Attorney agreed with OTP's position and quashed the writ.

This was a decisive defense of Navajo legal jurisdiction. Had OTP not intervened, a dangerous precedent would have been set where external governments could bypass Navajo legal protections and remove individuals from tribal custody without proper process. This victory safeguarded the Nation's sovereignty and reaffirmed that any external prosecution must respect Navajo law. It also showed OTP's deep readiness to act swiftly and effectively to protect the integrity of our justice system.

2. Extraditing Jerick Monroe: Strengthening Public Safety and Intergovernmental Justice

OTP secured and executed a Presidential Extradition Warrant for Jerick Monroe, an individual charged with multiple counts of Aggravated DUI by the Graham County Attorney's Office. Monroe's blood alcohol level was an alarming 0.318%, nearly four times Arizona's legal limit. He was behind the wheel with a suspended license and openly drinking—posing a clear threat to any community he entered. His case involved both aggravated DUI and aggravated extreme DUI—offenses that have taken too many lives across Arizona and the Navajo Nation.

By authorizing his extradition, OTP made clear that individuals wanted for serious offenses will not be allowed to take refuge within the Navajo Nation. This extradition was not just a legal maneuver—it was a commitment to public safety. DUI already poses a grave danger to Navajo communities, and the idea of Monroe continuing to circulate freely on our lands represented an unacceptable risk. Removing him through a lawful, well-documented extradition process underscored our enforcement of justice and made our communities safer in a meaningful, measurable way.

3. Advancing Criminal Code Reform: Strategic Progress Toward Council Presentation

OTP made major progress this quarter on the long-awaited amendments to Titles 17 and 14 of the Navajo Nation Code. These reforms introduce new criminal offenses, expand statutes of limitations for serious crimes such as homicide and sexual abuse, and modernize outdated language. Importantly, OTP worked closely with key stakeholders to refine language and structure, demonstrating strong inter-branch coordination.

Following input from the President’s Office and adjustments to ensure legal and stylistic consistency, the legislative package is now scheduled for presentation during the Navajo Nation Council’s Summer Session or a Special Session. Moving the amendments to this stage is a substantial achievement. It reflects months of legal drafting, inter-agency alignment, and technical vetting. Once enacted, these reforms will modernize the legal code and improve justice outcomes for the Nation.

4. Launching the “Three Pillars Group” to Fight Financial Crimes Across the Navajo Nation

This quarter, OTP spearheaded the launch of the Three Pillars Group, a powerful interagency collaboration with the Ethics and Rules Office and the Office of the Auditor General. This alliance was formed to aggressively target white-collar crimes, including the misuse of tribal funds, embezzlement, and ethical violations by public officials. The group has already begun case intelligence sharing, drafting a Memorandum of Understanding, and designing a coordinated workflow for case referrals and joint investigations.

In parallel, OTP has identified a highly qualified Navajo attorney—both legally skilled and culturally fluent—to serve as the Nation’s Senior White-Collar Crime Prosecutor. Her onboarding is expected to finalize in August. This initiative represents more than new staff—it is a structural advancement in how the Navajo Nation responds to financial misconduct. By formally dedicating prosecutorial leadership, strategy, and inter-agency cooperation to financial crime, OTP is helping to restore public trust and protect the Nation’s resources.

5. Strengthening Tribal Investigation Capacity: FLETC Graduation Scheduled for August 13, 2025

Senior Investigator Delvert Largo is currently enrolled in the elite 14-week Criminal Investigator Training Program at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia. This program is considered the gold standard for criminal investigations in

Indian Country. Delvert is expected to graduate on August 13, 2025, marking a major professional milestone for both him and the Navajo Nation.

Delvert's participation is a strategic accomplishment for OTP. It builds long-term investigative capacity and enhances our ability to handle major crimes such as homicide, sexual assault, and child abuse with greater technical precision. As a Navajo citizen, Delvert brings cultural insight and community trust to his work—qualities that will be amplified by the advanced training he's receiving. His successful graduation will significantly strengthen OTP's ability to lead thorough, trauma-informed, and culturally competent investigations at the highest level.

6. Advancing Federal Cross-Jurisdictional Capacity: Special Assistant U.S. Attorney Designation

OTP is working closely with the U.S. Attorney's Office for the District of New Mexico to secure Special Assistant U.S. Attorney (SAUSA) status for select Navajo Nation prosecutors. This would authorize them to directly prosecute federal charges in U.S. District Court while continuing to serve tribal communities. This designation is particularly vital for major crimes—cases that often overlap federal and tribal jurisdictions and include violent crimes, sexual assault, and child abuse.

Two OTP prosecutors are preparing for State bar licensure, which is required for SAUSA eligibility. This quarter, OTP and federal officials began drafting a Memorandum of Understanding to formalize the arrangement. When implemented, this cross-designation will allow Navajo prosecutors to pursue justice from start to finish without delay or jurisdictional disruption. It will also strengthen tribal-federal coordination and keep culturally informed attorneys in the lead on cases that directly impact Navajo communities. This initiative is a major step toward leveling the prosecutorial playing field and reinforcing the sovereignty of Navajo legal voices in federal spaces.

Natural Resources Unit

The Natural Resources Unit (NRU) handles in general all legal matters pertaining to the development and use of the Nation's land and natural resources and protection of the environment. NRU provides legal assistance to Division of Natural Resources, the Navajo Nation Environment Protection Agency and the Navajo Division of Transportation. This quarter work featured a significant amount of HighQ document reviews (rights-of-way, leases, contracts, memorandum of agreements, intergovernmental agreements, grant applications and agreements with various federal agencies), meetings, legal research, and addressing procurement issues.

Highlights for the quarter include issuing a joint memo with the Office of Legislative Counsel to the Resources and Development Committee regarding the status of the Forestry Moratorium under RCJY-142-92, coordinating with outside counsel Jill Grant on getting the Attorney General's signature on jurisdictional statement for the Treatment as State Application for the NN Minor Source Program (Air Quality Program), which was submitted to USEPA for approval and Jesse Mallinger passing the New Mexico State Bar.

NRU continues to monitor the issue surrounding the approval of the Homesite Lease Regulation Amendments. The NLD-Homesite Section worked on amendments for Section 9, Existing Homes Prior to October 4, 2016, which The amendments were approved by RDC; however, the BIA Regional Director Shirley took the position that the amendments must be approved by BIA. The Nation filed an Appeal on August 29, 2024, before the Interior Board of Indian Appeals, arguing that the decision is in direct conflict with the Nation's clear authority, and adversely affects the Nation's self-determination, self-sufficiency, and inherent sovereign authority over its own citizens on its own land. A Motion for Stay on the Briefing Schedule was filed and the BIA has agreed to have settlement discussions. NRU is coordinating with the Litigation Unit to schedule an initial settlement discussion with BIA regarding the Homesite Lease litigation in a few weeks.

In response to the Homesite Lease Moratorium in Navajo Commercial Forests (RDJY-142-92) issue that came up last quarter, NRU issue a joint memorandum with OLC regarding the moratorium. to RDC clarifying the moratorium expired on its own terms when the Forestry Management Plan (FMP) was approved. The FMP established a framework for forest management direction and did not explicitly address the moratorium on development within Navajo Nation forestlands. Despite this, the Navajo Forestry Department ("Forestry") continued to enforce the moratorium as though it remained in effect. Other departments within the Navajo Nation Division of Natural Resources also upheld the moratorium as evidenced by the denial of homesite leases within the forest.

While the moratorium was effectively sustained through departmental practices, the moratorium officially ended upon approval of the FMP. This appears to be an intricate issue that concerns the future of Navajo Nation forestlands and the balance between conservation and development. The moratorium's expiration on its own terms opens up a significant opportunity for the Navajo Forestry Department and RDC to revisit regulations and policies to ensure they align with the current priorities of the Navajo Nation. The Nation's participation in California's Cap-and-Trade Program adds another layer of complexity necessitating the need for more guidance on the appropriate use of the Navajo Nation forestland and whether re-establishing the moratorium would be in the best interest of the Navajo Nation.

Critical issues for NRU include: 1) assisting with further amendments to the burial regulations. NRU attended a RDC Work Session on April 1, 2025 where NLD discussed the need for additional amendments to the burial regulations. NRU in coordination with the Chapter Unit have reviewed proposed amendments to address some of the concerns raised during the Work Session. We are currently working on setting up a meeting with NLD to discuss the amendments. 2) Assisting in implementing and monitoring the agreement with Energy Fuels Resources to govern the transportation of uranium ore across the Navajo Nation. In addition, assisting in the development of final regulations under the RMTA to regulate uranium ore shipments through the Navajo Nation. 3) Continuing to assist the Bears Ears Commission to protect as much of Bears Ears Monument and implementing the Bears Ears Management Plan that was adopted during the Biden Administration.

Litigation Unit

The Litigation Unit has welcomed two new team members this quarter, Paul Littlebear and Julianne Begay. We have one open senior legal secretary position and one open senior attorney position. LU continues to see a high volume of employment-related Request for

Services (RFS), cases, and hearings. We had successful settlement discussions on two cases pending in federal court and are nearing settlement – Chaco and Twin Arrows litigation. We have settlement discussions upcoming in the Homesite Lease litigation, and BIA has indicated they are ready to get this matter resolved.

We presented a final draft of the NNPPM to HEHSC and are hoping to get the amendments passed by the fall. Chair Vince James indicated he was interested in sponsoring the legislation and stated his intention to pass the legislation by the fall. The amendments to the PPM are aimed at protecting the Nation, reducing liability, and streamlining employment matters. Finally, we work to respond to clients in a timely manner to a high volume of employment-related Requests for Service.

1. SUMMARY OF ACCOMPLISHMENTS

- Successful collaboration with DPM and HEHSC on PPM Amendments
- Two new staff at LU
- Case dismissed in Window Rock District Court
- Successful settlement discussions in D.C. for Chaco litigation
- Successful mediation with Hopi in Twin Arrows litigation

Economic Community Development Unit

ECDU focused a lot of time this quarter drafting agreements and updating policies. ECDU drafted new template grant agreements for DCD to use for the 521 monies. It also drafted an updated version of the Professional Service Contract (PSC) and created a checklist for DOJ to use in reviewing PSCs. This will ensure consistency across DOJ in reviewing these types of contracts. ECDU also spent a considerable amount of time working to amend DED's business site leasing policies. These updated policies will allow for a more streamlined lined business site leasing process. ECDU continually worked to advise its programs on ARPA expenditures and assisting as needed to help the programs expend the money. ECDU also continued in policing and enforcing the Nation's trademark. It successfully worked with TEMU to remove trademark infringing items. ECDU also spent a considerable amount of time this quarter, in coordination with Navajo-Hopi Land Commission Office and the Washington Office, advising the Navajo-Hopi Land Commission.

Human Services Government Unit

To assist with the safety and public welfare of our Navajo People, HSGU continues to provide assistance to the Navajo Police Department with the negotiation and review of various law enforcement agreements with surrounding state, county, and tribal agencies. Through HSGU and NPD monthly meetings, HSGU has been able to move agreements forward with direction and communication from NPD. To support the Navajo Nation's self-determination, HSGU has continued to assist the Office of Management and Budget regarding administration of the Navajo Nation's P.L. 93-638 contracts and also assisted with a formal written response to the Bureau of

Indian Affairs Navajo Regional Office regarding 2023 audit findings related to P.L. 93-638 funds. HSGU also advised the Division of Family and Children Services on the legislative authorization required for the new P.L. 102-477 contract which will be implemented in the next quarter.

To provide for the best interest of our Navajo children and families, HSGU continues to assist Department of Child Support Services to increase its ability to collect child support by creating and advancing several other policies/remedies to encourage non-compliant non-custodial parents to meet their child support obligation, including meeting with state of Arizona representatives and presenting to the Health Education and Human Services Committee. In this quarter, HSGU prosecuted 162 child support cases that provide child support payments to custodial parents. HSGU has also assisted the ICWA Program (ICWAP) and Office of the Speaker with drafting talking points for the passage of the Colorado ICWA bill, which was passed by the Colorado General Assembly and signed by Governor Polis. HSGU also continues to assist the ICWAP with case staffing and providing guidance on ICWA matters.

In assisting with the overall best interests and protection of the Navajo Nation, HSGU continues to work, not only with the Navajo Nation Insurance Commission on financial and programmatic matters, but also with the Risk Management Program and other Navajo Nation departments on the defense of Federal Tort Claims Act claims in federal and tribal court, as well as ensuring workers compensation claims are reviewed consistently with Navajo Nation law and policies.

Within this quarter, HSGU assisted with the review and finalization of the FY 2026 insurance premium rates for the Risk Management self-funded programs and the Workers Compensation, both of which were approved by the Navajo Nation Insurance Commission. HSGU also continues to provide amendments, guidance, and reviews of various policies, rules, and regulations for Navajo Nation divisions and departments. HSGU continues to provide amendments, guidance, and reviews of various policies, rules, and regulations for Navajo Nation divisions and departments.

Chapter Unit

A significant amount of work is generated from Chapter Officials, Chapter Staff, and the Administrative Service Centers (Division of Community Development). However, CU also provides legal guidance to other Navajo Nation Government Officials and Staff on subject matters related to Chapter governments. In total, the CU successfully completed sixty-seven (67) requests for legal services (“RFS”) this quarter. However, CU currently has ninety-four pending RFS which are assigned between the four (4) CU attorney staff. CU pleads with Navajo Leadership to consider additional staff for CU. Especially since our work includes all or most of the Agency Council Meetings and traveling to various venues to provide PowerPoint presentations to Chapter Officials and Staff.

1. Shonto Hotel

CU spent a considerable amount of time this quarter providing technical assistance to the Shonto Community Governance (Chapter). CU attended all meetings related to the revocation hearing wherein the Resources and Development Committee decided not to revoke the Chapter’s business site leasing authority. Next, CU assisted the Chapter with a

proposed Management Agreement which, unfortunately, was not successful. Therefore, the parties decided to resume the business site leasing process and CU is helping the Chapter through that process. More details can be provided in a confidential setting

2. Chapter Meeting Rules of Order Template

Under section 1003(C) of the Local Governance Act (“LGA”), Chapters are able to adopt standard rules for conducting Chapter meetings. However, most Chapters do not have such rules which hinders CU’s ability to provide legal guidance when Chapters don’t have a rule of order to rely on. Additionally, the Robert’s Rules of Order does not provide adequate guidance for the uniqueness of Chapter meetings. Accordingly, one of the CU’s projects is to create a template rules of order tailored for Chapter meetings. CU anticipates to issue the final draft to all 110 Chapters at the beginning of the fourth quarter.

3. Amendments to the Local Governance Act (“LGA”)

As previously reported, CU initially drafted four (4) different models of amendments to the LGA. After receiving commentary, CU combined the models into two different models (“Model A” and “Model B”). CU hopes to meet with Navajo Leadership in the next quarter to discuss next steps.

4. Amendments to the Five Management System (“FMS”)

As previously reported, the last time the FMS was updated was fifteen (15) years ago. In the third quarter, CU continued efforts to amend the personnel policies and the records management policies.

5. Chapter Turmoil

CU continues to assist in addressing the internal and external conflicts occurring at the local level by providing guidance based on laws, regulations, and applicable policies.

Tax and Finance Unit

The following are TFU’s notable projects for the third quarter of FY2025.

TFU responded to approximately 20 legal requests that were not submitted as formal Requests for Services (RFS), and completed fourteen RFSS, 11 Executive Official Reviews (EOR), and five 164 reviews. TFU advised the Fiscal Recovery Fund Office (FRFO), the Office of the Controller (OOC), the Office of Management and Budget (OMB), the Office of the Navajo Tax Commission (ONTC), the Office of the President and Vice President (OPVP), the Investment Committee (IC), the Budget and Finance Committee (BFC), and the Navajo Nation Council. TFU advised the BFC, OMB, and OOC on budget related matters involving the comprehensive budget process.

TFU drafted and issued a joint memo with OOC, FRFO, and the Division of Community Development (DCD) to Navajo leadership and Chapters regarding FRF Delegate Region Projects and Revenue Replacement Reserve (RRR) Delegate Region Projects funded with funds from the

UUFB. TFU advised clients on FRF-related matters, such as interpretation of Treasury guidance, Council resolutions CMY-28-24 and CD-54-24, and modifications to legislatively approved expenditure plans. TFU worked on development of the FY2026 Budget Instructions Manual (BIM) and advised OMB and OPVP on the BIM.

TFU drafted legislation to establish the Capital Development Financing Fund (a.k.a. “521 Fund”) in collaboration with the Office of Legislative Counsel (OLC), and participated in BFC leadership meetings to review the proposed legislation. TFU drafted edits to the Master Investment Policy, including but not limited to policies for investment of Chapter funds and policies for vetting proposed direct investments. TFU assisted the Office of the Attorney General with preparation of the Attorney Audit Response Letter for OOC and KPMG as part of the FY24 audit process. TFU defended the ONTC in a motion to dismiss a taxpayer appeal before the Office of Hearings and Appeals.

Water Rights Unit

The Water Rights Unit (WRU) handles in general all legal matters pertaining to the Nation’s water rights, primarily pursuing the Nation’s water rights claims through settlement and enforcing the Nation’s water rights in tribal, state, and federal tribunals. WRU has both legal and technical experts under contract to assist with litigation and non-litigation matters and the multi-jurisdictional nature of water rights. WRU also works closely with the Natural Resources Unit on energy matters.

This quarter featured a continuance of efforts directed toward water rights settlements pending in the 119th Congress: the Northeastern Arizona Indian Water Rights Settlement Act (S.953 & H.R.2025); the Navajo Gallup Water Supply Project Amendments Act (S.637); the Navajo Nation Rio San José Water Rights Settlement Act (S.565 & H.R.1324); and the Technical Corrections to the Northwestern New Mexico Rural Water Projects Act (S.637 & H.R.1482).

Accomplishments for the quarter include attending the 2025 Conference on the Colorado River, participating in the Legislative Legal Update, preparing the FY26 Water Rights Claims Fund budget, and the Navajo Nation Council passing the Expenditure Plan for the Navajo Nation Water Resources Development Trust Fund (now pending Secretarial approval). The WRU also had an article on the Northeastern Arizona Indian Water Rights Settlement published in The Water Report, a monthly publication on water rights, water quality, and water solutions in the West.

I. TWO ISSUES OR CHALLENGES AND PROVIDE PROPOSED SOLUTIONS AND TIMEFRAMES.

1. An outstanding issue is resolving the transfer of funds from the Nation to NTUA pursuant to Resolution Nos. CO-62-17 (Establishing the Emergency and Replacement Reserve Funds) and BFD-51-18 (Fund Management Plan). Pursuant to the Fund Management Plan, no funds shall be expended until the combined Funds (accounts) reach \$10 million or December 27, 2028, whichever comes first. With all the new investments in water and wastewater infrastructure, it is in both the best interest of the Nation and NTUA, as the sole owner and operator of water and wastewater infrastructure, to have the funds regularly

disbursed to NTUA. The challenge has been the implementation of the processes as described in the Resolutions as they are not necessarily complementary to the Nation's existing tax revenue accounting procedures and prior disbursements to NTUA were seemingly spontaneous. The Navajo Tax Commission, Office of the Controller, and the Tax and Finance Unit are aware of the matter, though a timeframe for resolution is likely affected by the FY26 Comprehensive Budget process.

2. WRU has a vacant attorney position. The Department of Personnel Management reported it received no applications in response to the posted position and a request to continue the advertisement for an additional period was made. WRU will increase its recruiting efforts to encourage applicants across its network with the goal of conducting interviews next quarter.

III. ACCOMPLISHMENTS

1. During the Spring Session, the Navajo Nation Council unanimously passed the Expenditure Plan for the Navajo Nation Water Resources Development Trust Fund, and the President signed Resolution No. CAP-16-25 into law. The Expenditure Plan is pending secretarial approval.
2. Legislative Legal Update held on June 13.
3. Prepared the FY26 Water Rights Claims Fund Budget in coordination with NNWRC and DWR.
4. Attended the Conference on the Colorado River, hosted by the Getches-Wilkinson Center for Natural Resources, Energy, and the Environment at the University of Colorado Law School.