

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0196-26_

SPONSOR: Eugenia Charles-Newton

TITLE: An Action Relating to an Emergency for the Navajo Nation Council; Declining to Appoint and Approve the President's Recommendation of Joann Jayne as the Navajo Nation Deputy Attorney General; Declining to Recognize Joann Jayne as Deputy General or acting Deputy Attorney General in Any Capacity; Removal of Joann Jayne from the Office of the Deputy Attorney General

Date posted: August 24, 2026 at 3:39PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0196-26

DATE: July 15, 2026

TITLE OF RESOLUTION: AN ACTION RELATING TO AN EMERGENCY FOR THE NAVAJO NATION COUNCIL; DECLINING TO APPOINT AND APPROVE THE PRESIDENT'S RECCOMENDATION OF JOANN JAYNE AS THE NAVAJO NATION DEPUTY ATTORNEY GENERAL; DECLINING TO RECOGNIZE JOANN JAYNE AS DEPUTY ATTORNEY GENERAL OR ACTING DEPUTY ATTORNEY GENERAL IN ANY CAPACITY; REMOVAL OF JOANN JAYNE FROM THE OFFICE OF THE DEPUTY ATTORNEY GENERAL

PURPOSE: This legislation, if approved, neither appoints nor approves President Nygren's recommendation of JoAnn Jayne as Deputy Attorney General and directs the immediate removal of JoAnn Jayne from the office of the Deputy Attorney General.

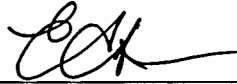
FINAL AUTHORITY: Navajo Nation Council

VOTE REQUIRED: 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.

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
25th NAVAJO NATION COUNCIL—Fourth Year, 2026

Introduced By:



Primary Sponsor

Tracking No. 0196-26

AN ACTION

**RELATING TO AN EMERGENCY FOR THE NAVAJO NATION
COUNCIL; DECLINING TO APPOINT AND APPROVE THE
PRESIDENT'S RECOMENDATION OF JOANN JAYNE AS THE
NAVAJO NATION DEPUTY ATTORNEY GENERAL; DECLINING TO
RECOGNIZE JOANN JAYNE AS DEPUTY ATTORNEY GENERAL OR
ACTING DEPUTY ATTORNEY GENERAL IN ANY CAPACITY;
REMOVAL OF JOANN JAYNE FROM THE OFFICE OF THE DEPUTY
ATTORNEY GENERAL**

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Navajo Nation Council is the governing body of the Navajo Nation and may consider legislation regarding an emergency matter. 2 N.N.C. §§ 102(A) and 164(A)(16).
- B. “[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 requires as an entitlement under Navajo Nation or Federal law, or which directly threaten the sovereignty of the Navajo Nation. Such an emergency

1 matter must arise due to the pressing public need for such resolution(s) and must be a
2 matter requiring final action by the Council. 2 N.N.C. § (164)(A)(16).

3 C. The Office of the Attorney General is a division of the Executive Branch, and the
4 lawful occupancy of the offices of the Attorney General and Deputy Attorney General
5 directly affects the delivery of legal services essential to the operation of Navajo
6 Nation government and the defense of the Nation's sovereign interests. The
7 uncertainty surrounding the lawful authority of an individual purporting to hold or
8 exercise the powers of these offices constitutes a matter that directly threatens the
9 sovereignty of the Navajo Nation.

10 D. An individual exercising the powers of the Attorney General or Deputy Attorney
11 General without lawful appointment and approval by the Council places at risk every
12 legal action, opinion, representation, and determination taken in the name of the
13 Navajo Nation, thereby creating a pressing public need.

14 E. The Navajo Nation therefore finds that this Action is an emergency matter affecting
15 critical government services for the Navajo People and the sovereignty of the Navajo
16 Nation, and this Action must be approved without delay to meet an urgent and
17 pressing public need.

18 19 **SECTION TWO. FINDINGS**

20 A. The Attorney General and Deputy Attorney General shall be appointed by the Navajo
21 Nation Council, upon the recommendation of the President. The appointment of the
22 Attorney General and Deputy Attorney General shall be effective upon the approval
23 of the Navajo Nation Council. The Attorney General and Deputy Attorney General
24 serve at the pleasure of the Navajo Nation Council. 2 N.N.C. § 1962(B).

25 B. A President's recommendation for a Deputy Attorney General ("DAG") is not
26 effective nor confers lawful authority to hold the office of the DAG unless and until
27 the Navajo Nation Council ("Council") approves the appointment. The President's
28 recommendation, standing alone, does not vest the appointee with the office of DAG.
29 Both the authority to appoint and approve a DAG belongs to the Council; the
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1 President's authority is to recommend, and these authorities are distinct in both law
2 and effect.

3 C. The distinction between the authorities to appoint and approve, as to the authority to
4 recommend is foundational to the separation of powers within the Navajo Nation
5 government, and these authorities carry different meanings. Under 2 N.N.C. §
6 1962(B), the President of the Navajo Nation recommends a candidate to serve as
7 DAG, with the Council appointing and approving a DAG. The President's
8 recommendation for the DAG is only a nomination, not an appointment nor approval
9 to be the DAG. The appointing and approving authorities of the DAG belong to the
10 Council alone.

11 D. Because the appointing and approving authorities belong to the Council, the Council
12 is not bound to appoint nor approve any candidate recommended by the President.
13 The Council retains the full and independent discretion to approve or not approve a
14 recommended candidate, and the exercise of that discretion is a proper and lawful
15 function of the Legislative Branch.

16 E. On December 9, 2025, President Buu Nygren in *RE: Appointment as Navajo Nation*
17 *Deputy Attorney General* recommended JoAnn Jayne to serve as the Deputy Attorney
18 General, attached as **Exhibit A**. The letter constituted a recommendation under 2
19 N.N.C. § 1962(B). The letter did not constitute an appointment of Ms. Jayne to hold
20 the office of DAG since both the appointment and approval of Ms. Jayne as the DAG
21 are the legal actions of the Council. In the letter President Nygren addresses Ms.
22 Jayne as Acting Deputy Attorney General Jayne.

23 F. To date, in regard to President Buu Nygren's recommendation of Ms. JoAnn Jayne,
24 for DAG, the Navajo President has not sought confirmation sponsorship from the
25 Navajo Nation Council, nor has any member of the Navajo Nation Council on their
26 own accord introduced legislation for Ms. Jayne's confirmation as DAG.

27 G. The Navajo Nation Code does not establish or recognize the position of either acting
28 Attorney General or acting Deputy Attorney General. The Council has not legislated
29 for an acting or interim DAG. An individual whom the Council has declined to
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1 appoint and approve cannot lawfully serve in the office of DAG in any capacity,
2 whether acting or interim.

3 H. When "acting" is referenced in a governmental context, it is understood as a
4 temporary administrative designation and cannot be used to avoid or indefinitely
5 postpone confirmation required by Navajo law.

6 I. The successor provision at 2 N.N.C. § 1962(C), under which the DAG serves until a
7 new Attorney General is approved by the Navajo Nation Council, operates only for a
8 DAG who has been lawfully appointed and approved by Council. Since the Council
9 declines to appoint and approve Ms. JoAnn Jayne, she does not hold the office of
10 DAG and cannot serve as a successor to or in the place of the Attorney General in any
11 capacity.

12 J. The Navajo Nation Council finds that Ms. JoAnn Jayne has not been lawfully
13 appointed nor approved to hold, occupy, or exercise the powers of the Offices of the
14 Deputy Attorney General or the Attorney General.

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16 **SECTION THREE. DECLINING THE RECOMMENDATION OF JOANN**
17 **JAYNE AS DEPUTY ATTORNEY GENERAL, NON-RECOGNITION OF**
18 **JOANN JAYNE AS ACTING DEPUTY ATTORNEY GENERAL, AND**
19 **DIRECTION FOR THE REMOVAL OF JOANN JAYNE FROM THE OFFICE**
20 **OF THE DEPUTY ATTORNEY GENERAL**

21 A. The Navajo Nation Council has reviewed the recommendation letter of JoAnn Jayne
22 for Navajo Nation Deputy Attorney General, attached as **Exhibit A**. Having
23 considered the recommendation, the Navajo Nation Council declines to appoint and
24 approve JoAnn Jayne to serve as the Navajo Nation Deputy Attorney General.

25 B. Because the appointing authority for the office of Deputy Attorney General belongs
26 to the Navajo Nation Council, and because the Council declines to appoint JoAnn
27 Jayne, JoAnn Jayne shall not be appointed to and shall not assume the Office of
28 Navajo Nation Deputy Attorney General, and shall not serve in that Office in any
29 capacity, acting or interim.

- 1 C. JoAnn Jayne shall not serve as a successor to or in the place of the Navajo Nation
2 Attorney General under 2 N.N.C. § 1962(C), as that provision operates only for a
3 lawfully appointed and approved Deputy Attorney General.
- 4 D. The office of Navajo Nation Deputy Attorney General shall remain vacant until such
5 time as the Navajo Nation Council appoints and approves an individual recommended
6 for that office in accordance with 2 N.N.C. § 1962(B).
- 7 E. Nothing herein prevents the President from recommending another qualified
8 candidate for the office of Attorney General.
- 9 F. The Navajo Nation Council directs the Office of the Speaker to transmit a certified
10 copy of this resolution to the President of the Navajo Nation, to JoAnn Jayne, and to
11 the Navajo Nation Department of Justice, and requests that the President recommend
12 a qualified candidate for the office of the Deputy Attorney General consistent with 2
13 N.N.C. § 1962(B).
- 14 G. Should JoAnn Jayne refuse to vacate the office of the Deputy Attorney General after
15 being directed to do so, her continued entry upon and presence on the premises of the
16 Office of the Attorney General and the Department of Justice shall be deemed to be
17 without the consent or permission of the Navajo Nation, the person in lawful
18 possession thereof, and she shall be subject to charge for Criminal Trespass under 17
19 N.N.C. § 350(A), and any other applicable provisions of Navajo Nation law.
- 20 H. Nothing in this resolution shall be construed to ratify, approve, or validate any action
21 taken by JoAnn Jayne purporting to exercise the authority of the Deputy Attorney
22 General with her recommendation being declined by the Navajo Nation Council.
- 23 I. Nothing in this resolution shall automatically invalidate prior actions taken by the
24 Office of the Attorney General. Any legal challenge to a specific action shall be
25 determined under applicable Navajo law.
- 26 J. All Navajo Nation Government Departments, Divisions, and Programs shall not
27 adhere to, accept, nor consider any counsel or actions from Ms. Jayne in regard to
28 their governmental authorities, obligations, and responsibilities concerning any of
29 their legal issues when Ms. Beecher purports and holds herself as the Navajo Nation
30 Deputy Attorney General.

1 **SECTION FOUR. DIRECTIVES**

2 A. The President shall recommend a Deputy Attorney General no later than 30 days after
3 this legislation becomes effective. If the President does not recommend a Deputy
4 Attorney General nominee within 30 days of the effective date of this legislation, then
5 the Office of Deputy Attorney General will remain vacant for the remainder of
6 President Buu Nygren's term as President.

7 B. The Navajo Nation Department of Justice shall provide the Navajo Nation Council
8 with an inventory of pending litigation, active contracts, settlement authority and
9 federal grant certifications within 30 days of the effective date of this legislation.

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11 **SECTION FIVE. EFFECTIVE DATE**

12 This Action shall become effective in accordance with 2 N.N.C. § 221(A) and (C).
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