



25TH NAVAJO NATION COUNCIL

25TH NAVAJO NATION COUNCIL OFFICE OF THE SPEAKER

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FOR IMMEDIATE RELEASE

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District Court rules in favor of Speaker Curley and the Navajo Nation Council on line-item veto and Controller authority



File Photo: On October 10, 2025, 25th Navajo Nation Council filed a petition with the Window Rock District Court regarding the line-item veto and Controller authority.

WINDOW ROCK, Ariz. – The Window Rock District Court issued several orders on August 5, 2026, addressing issues in *Curley v. Nygren*, including rulings affirming the authority of the Navajo Nation Council and Speaker Crystalayne Curley concerning the Legislative Branch budget and the Office of the Controller.

Speaker Curley, on behalf of the 25th Navajo Nation Council, brought the case after President Buu Nygren sought to unlawfully remove Controller Sean McCabe, and line-item vetoed operational funding for the Legislative Branch and other essential government functions.

Represented by Chief Legal Counsel Michelle Espino, the Council challenged the President's actions by filing a petition with the Court on Oct. 10, 2025, arguing that the President abused his authority under Navajo Nation law and that the actions threatened the stability of the Nation's financial administration and the ability of government to carry out its responsibilities to the Navajo people.

The court orders, issued by Judge Malcolm Begay, were received by the Office of the Speaker on Tuesday, Aug. 11.

Concerning the line-item veto, the court granted declaratory relief in favor of Speaker Curley and the Legislative Branch, finding that the line-item veto authority cannot be used to violate the Navajo

people's right to vote, assume a superior role over another branch of government, or "shut down the Navajo Nation Government."

The court determined that the remaining request for injunctive relief was moot following the Navajo Nation Council's adoption of Resolution No. CAP-23-26, which addressed the disputed line-item vetoes.

In a separate order concerning the Office of the Controller, the court granted the Speaker's request for a permanent injunction and affirmed Sean McCabe as the Controller. The court also enjoined the Office of Management and Budget and Office of the Controller from taking actions through Interim Controller Alva Tom, citing the Controller's responsibility to the Council and Budget and Finance Committee concerning financial transactions and compliance with Council and committee directives.

The court further determined that the Navajo Nation President does not have authority to accept the resignation of a Council-confirmed Controller under 12 N.N.C. § 202(B). Based on the evidence presented, the court found that circumstances surrounding McCabe's resignation could constitute a "constructive discharge," or forced termination.

The court emphasized the importance of maintaining stability and accountability in the Navajo Nation's financial administration, noting that allowing a single government official to create turnover in the Controller position could affect the Nation's treasury, financial policies, creditors, bankers and auditors.

"These rulings affirm the role of the Navajo Nation Council and the importance of maintaining the separation of powers established under Navajo Nation law," said Speaker Crystalyne Curley. "The Legislative Branch has a responsibility to protect the authority granted to it by the Navajo people and to ensure that our government operates with accountability, stability and respect for the law."

The court also issued a separate ruling concerning legislation seeking the removal of President Buu Nygren and Vice President Richelle Montoya, granting the President's request for declaratory and injunctive relief. The court determined that the removal legislation was based on an invalid statute and raised due process and separation of powers concerns.

The Office of the Speaker and the Office of Legislative Counsel anticipate additional orders addressing other issues in the case and will continue to review the court's orders and their implications for the Navajo Nation Council and Legislative Branch.

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