



## THE NAVAJO NATION

OFFICE OF THE PRESIDENT & VICE PRESIDENT

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CONTACT: GEORGE HARDEEN  
COMMUNICATIONS DIRECTOR  
OFFICE – 928-871-7917  
CELL – 928-309-8532  
pressoffice@opvp.org

# Navajo President Joe Shirley, Jr., vetoes two bills that would empower a committee, cut government reform commission

**WINDOW ROCK, Ariz.** – Navajo Nation President Joe Shirley, Jr., on Monday vetoed two pieces of legislation, one that would have given a Navajo Nation Council committee authority to make law and another that would have abolished the Commission on Government Development and place its office under the council speaker.

In his Oct. 29 message to Navajo Nation Council Speaker Lawrence T. Morgan, President Shirley wrote that Resolution No. CO-38-07 would empower the council's Economic Development Committee to take legislative action to implement the Navajo Nation Business Site Leasing Regulations of 2005 and give it authority to review tribal enterprises, including casinos.

Doing so, he said, “diminishes the power of the Council to enact legislation, usurps the power of the President to sign or veto legislation, and violates the principles of separation of powers and checks and balances.”

“In 1989, the Navajo Nation Council recognized the immediate need to reorganize the Navajo Nation government by defining the powers of the legislative and executive branches,” President Shirley wrote. “At that time, the Council also recognized that in the best interests of the Navajo Nation the government must be reorganized to provide for separation of functions and checks and balances among the three branches.”

President Shirley said a second concern is that the bill gives authority to the committee to review the operations of Navajo Nation enterprises, which include tribal gaming enterprises.

“The phrase, *all tribal gaming enterprises*, is problematic because it infers that the Nation can have more than one gaming enterprise,” he said.

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– Navajo Nation President Joe Shirley, Jr.

He noted that the Navajo Nation Department of Justice and the Office of Legislative Counsel have issued an opinion that says establishing multiple gaming enterprises violates the Arizona and New Mexico state compacts as well as federal law. The President recommended that the legislation be redrafted to delete the phrase.

Another problem with the legislation, he said, is that it would empower the committee to receive reports and review the operations of the Navajo Nation enterprises, including all tribal gaming enterprises.

“This oversight function, as it relates to the Navajo Nation Gaming Enterprise, is inconsistent with the enterprise's plan of operation,” he said. “The plan of operation states that the enterprise shall operate under the legislative oversight of the Navajo Nation Council and does not include standing committee oversight.”

He said that provision was intentionally drafted “to avoid undue interference into the business operations of the enterprise by a standing committee or committees,” and that oversight rightfully belongs to the full council.

In his veto of Resolution No. CO-37-07, the President said that eliminating the Commission on Navajo Government Development would undermine the intent of developing reforms that are supported by, and reflect the will of, the Navajo people.

He recommended that the council maintain the commission, confirm the necessary members to serve, and direct them to obtain public input through a series of government reform conferences and focus groups within a specified timeframe.

“I also encourage the council to enact enabling legislation to authorize that all reform measures developed through this process be referred to the people for consideration through ballot measures,” he said.

The Commission on Navajo Government Development was created by the Navajo Nation Council with quasi-independent authority to accomplish the council’s project of instituting reforms to ensure an accountable and responsible government.

It is composed of representatives from each of the five Navajo agencies, the three branches of government, and specialty areas like the Medicine Men’s Association, the Women’s Commission, a graduate student representative, as well as a student representative from Diné College.

When the Navajo Nation Council established the commission, President Shirley said, it understood the need to diversify its representation.

“The experience, knowledge, and expertise that each commission member brings to table is representative of Navajo society at large,” he said. “The time, effort, and process that goes into a successful reform effort, which is based upon recommendations from the people, requires a commitment of funding, individuals with experience in policy development and legislative drafting and the ability to organize grass-roots support. Abolishing the commission and transferring the Office of Navajo Government Development under the oversight of the Speaker of the Council will not achieve real results.”

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