

Navajo lawmakers OK override of presidential veto

By Felicia Fonseca

Flagstaff, Arizona (AP) March 2010

Navajo lawmakers voted during late February to override the veto of a bill that prohibits tribal judges from using a set of laws based on centuries-old traditional values and customs in court cases.

The Tribal Council voted 69-11 in favor of the override during a special session in Window Rock.

Judges often have interwoven what's known as Dine Fundamental Law with other statutes that are not always consistent with Navajo cultures. Now, any dispute regarding the validity, application or interpretation of fundamental law will not be heard in Navajo courts but be resolved consensually through peacemaking.

"Judges and justices themselves do not know what fundamental law is all about," said Delegate Lorenzo Curley, an inactive member of the Navajo Bar Association. "In this vague system that we have, how can we expect justice or fair play? There's been no certainty at all."

The largely undefined laws have guided the upbringing of many Navajos and served as the basis of their way of life, which promotes balance and harmony. They were codified in 2002 over concerns that the knowledge of them are fading among the youth.

Navajo President Joe Shirley Jr. had vetoed the change to the laws that he said would reverse progress made in Navajo law and weaken the tribal government. He also contended the measure was politically motivated.

"By attempting to amend and, in essence, repeal its applicability, the council is undermining all we hold dear and that which identifies us specifically as Navajo, distinct from other tribes or other governmental entities," Shirley wrote in his veto.

Delegate Raymond Joe originally sponsored a bill to repeal the fundamental law from the tribal code, weeks after a tribal judge cited the law in allowing voters to decide whether to reduce the Tribal Council and give the president line-item veto authority. Shirley led the ballot initiatives that voters overwhelmingly favored in December.

Joe later introduced a measure to clarify how fundamental law should be used.

Henry Barber, a member of the Dine Medicine Man Association, said any change made to fundamental law should have been discussed with tribal elders, medicine men and the general public.

“To me, all of that is being avoided, that’s why we disagree,” said the 67-year-old from Sanostee, N.M.

The Tribal Council also voted to override Shirley’s veto of a measure that gives more power to the legislative counsel, the top lawyer for the tribe’s legislative branch.

The measure allows for the legislative counsel to issue legal opinions, contract with outside attorneys, hire special prosecutors and enforce election codes – powers that historically have been reserved solely for the tribe’s attorney general.

Shirley had contended the measure also was politically motivated and would present a conflict of interest. Legislative Counsel Frank Seanez has said the measure will strengthen the Navajo Nation and its ability to address legal challenges.

{rawcontent 6}

{rawcontent 4}