

Navajo Nation Constitutional Attempt 1989

File 11-151110
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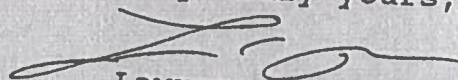
Mr. Daniel Peaches
Deputy Director
Office of Legislative Affairs
The Navajo Nation
P.O. Box 1400
Window Rock, Navajo Nation (AZ) 86515

Proposed Navajo Constitution

Dear Mr. Peaches:

1. I enclose for your review and comment and that of the Task Force a rough draft of a Navajo Constitution.
2. You will note that the approach of this draft is that governmental service ought not be a lifetime career, and the governmental officials and employees ought to have the benefit of private sector experience. (The opposite is also true, that Navajo citizens ought to have the opportunity for public service.)
3. The draft also seeks to spell out the rights of Navajos and others in some detail, as well as the rights of Navajo Chapters.
4. I will welcome your comments.

Very truly yours,


Lawrence A. Ruzow

cc: other interested persons

Draft Constitution for the Navajo Nation

I. PURPOSE

- A. The purpose of this Constitution is to protect, preserve, enhance and secure for the Navajo People and, to the extent provided herein, other residents of the Navajo Nation, the culture and tradition of the Navajo people and the freedoms, liberties, rights, duties and responsibilities set forth in this Constitution.
- B. To that end this Constitution is to be interpreted so as to fulfill its purpose, and matters which are unclear are to be interpreted in a manner which will enhance the rights of the Navajo people.

II. DEFINITIONS

Unless from the context the term clearly requires a different interpretation, the following terms used in this Constitution and the laws of the Navajo Nation have the following meaning:

- A. "Navajo": an enrolled member of the Navajo Nation or a child of a Navajo who is eligible for enrollment and is under the age of one year.
- B. "Navajo Nation": either the lands over which the government of the Navajo Nation exercises governmental authority or that government itself; or, collectively, the Navajo people.
- C. "Navajo Official": the Navajo Governmental Officials and the Navajo Chapter Officials.
- D. "Navajo Governmental Officials": the members of the Council of the Navajos; the Chairman of the Navajo Nation; the Chief Justice of the Navajo Nation and the Justices and Judges of the Navajo Nation.
- E. "Navajo Chapter Officials": The Chapter President, Vice-President; Secretary and Treasurer.
- F. "Navajo People": The enrolled members of the Navajo Nation and a child of a Navajo who is eligible for enrollment and is under the age of one year.
- G. "Judicial Conference": The Chief Justice of the Navajo Nation and all the Justices and Judges of the Navajo Nation in conference assembled.

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III. RIGHTS OF THE NAVAJO PEOPLE; RIGHTS OF OTHERS

A. No action of the government of the Navajo Nation, or any branch, department or agency thereof shall impair the rights of the Navajo people. These rights are declared to include, but not be limited to:

1. Freedom of religion, which right shall not extend to the practice of satanism or witchcraft.
2. Freedom of the press; of speech; to peaceably assemble in public places and to petition for redress of grievances, which right shall not include the right to defame persons or groups of persons.
3. To be secure in their homes, persons, vehicles and effects against unreasonable searches and seizures.
4. To have warrants and subpoenas issued only by Judges of the Navajo Nation upon probable cause supported by oath and particularly describing the place to be searched and person or thing to be seized.
5. The right not to be tried twice for the same offense or exposed to civil or criminal liability for an act which was not subject to such liability at the time it was committed.
6. The right of any party not to testify against him/herself.
7. The right of a defendant in a criminal proceeding not to be called as a witness.
8. The right of persons having lawful interests in real or personal property not to have such property taken, except for public purpose and upon payment of just compensation and a fair and just procedure to make such determinations, provided, however, that the duty to compensate shall not extend to uses not explicitly authorized by the Navajo Nation or the United States
9. The right of the defendant in a criminal proceeding to have a speedy and public trial; to be informed of the nature and cause of the accusations against him/her; to have free and

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compulsory process for obtaining witnesses and other evidence in his/her favor.

10. The right of all parties in all proceedings to have the assistance of competent counsel.
11. On and after a date five years after approval of this Constitution, the right of indigent parties to have competent counsel paid for by the Navajo Nation to assist in the presentation of their case.
12. The right of a criminal defendant to be summonsed and not arrested and, if arrested, to be released on his/her own recognizance unless there is a clear and convincing reason, in the opinion of a Judge of the Navajo Nation to proceed by arrest warrant and not criminal summons and/or to require posting of bail or to decline to release a criminal defendant awaiting trial.
13. The right of a criminal defendant not to be sentenced for any one offense or series of connected offenses to more than one year in jail and/or a fine of \$5,000.
14. The right of any party in any proceeding to a jury trial.
15. The right of parties to valid contracts to have such contracts respected and not impaired by the Navajo Nation.
16. The right of any party to bring an action against the Navajo Nation or any Navajo Official or employee in the same manner as actions by and between private parties may be brought, provided, however, that the Navajo Nation, may by statute limit the amount to be recovered in any action and the property or funds out of which such judgment may be satisfied.
17. The right to be governed by competent, qualified fair and honest Navajo Officials.
18. The right to due process in all proceedings and the right of judicial review of all governmental actions.

July 6, 1989: LAR Draft

Draft Constitution for the Navajo Nation

19. The right to equal protection of the laws and non-discrimination based upon age, sex, clan, or chapter membership.
20. The right to preference in employment by and within the Navajo Nation and in all leases, permits and contracts entered into by the Navajo Nation.
21. The right to join and withdraw from unions, provided, however, that such right shall not include the right to strike against the Navajo Nation if a procedure for arbitration of disputes has been adopted by the Navajo Nation.
22. The right to be taught in the Navajo language and conduct business in and with the Navajo Nation in the Navajo language.
23. The right to a free and meaningful public education through high school.
24. The right to participate in free, open and honest elections.
25. The right to attend all meetings of public bodies and Courts within the Navajo Nation subject to the right of public bodies and Courts, for good cause and in accordance with adopted procedures and rules to close parts of such meetings or Court proceedings where required to protect the interests of the Navajo Nation and its children.
26. The right to obtain upon payment of costs no greater than those reasonably attributable to photocopying, copies of all documents of the Navajo Nation upon request, excepting only those whose dissemination may be limited where required to protect the interests of the Navajo Nation and its children.
27. The right to propose legislation through the initiative process.
28. The right to review legislation through the referendum process.
29. The right to recall all Navajo officials, whether serving by election or appointment.

July 6, 1989: LAR Draft

Draft Constitution for the Navajo Nation

- B. Non-Navajos lawfully present within the Navajo Nation shall have the rights set forth in Article III. A., 1., 2., 3., 4., 5., 6., 7., 8., 9., 10., 12., 13., 14., 15., 16., 18., 21., and, in addition, shall not be denied or granted rights, duties or privileges as compared with other Non-Navajos based upon sex, age, religion, Tribal membership or national origin.

IV. MEMBERSHIP IN THE NAVAJO NATION

- A. The following persons are eligible for membership in the Navajo Nation:

1. Persons who were members of the Navajo Tribe when this Constitution was adopted.
2. The natural children of members of the Navajo Nation who are, by blood, at least one-fourth Navajo.
3. The adopted children of members of the Navajo Nation who are, by blood, at least one-fourth Navajo.
4. Other persons who are, by blood, at least one-fourth Navajo.

- B. The above notwithstanding, no person is eligible to be a member of the Navajo Nation or continue to be a member of the Navajo Nation who:

1. Is a member of another Indian Tribe.
2. Has sought or accepted rights and privileges from another Indian Tribe which are only available to its members.
3. Has resigned from the Navajo Nation and not been reinstated by the Council of the Navajos.

- C. The Navajo Nation shall, by statute, establish a procedure for the enrollment and disenrollment of members of the Navajo Nation.

V. NAVAJO OFFICIALS; NAVAJO NATION OFFICIALS; NAVAJO CHAPTER OFFICIALS; EMPLOYEES OF THE NAVAJO NATION

- A. All Navajo Officials must be enrolled members of the Navajo Nation and at least 28 years of age at the

July 6, 1989: LAR Draft

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time of their election and have resided within the Navajo Nation for at least five years preceding their election or selection.

- B. All Navajo Officials must read and write the English language and speak and understand Navajo. On and after a date five years after approval of this Constitution, all Navajo officials must be high school graduates.
- C. No person is eligible to be a Navajo Official if that person has been convicted of an offense involving dishonesty or violent acts directed against another person or has been removed for cause from his or her employment or office on the grounds of dishonest conduct or a breach of trust.
- D. The tenure of Navajo Nation Officials is limited as follows:
 - 1. The Chairman of the Navajos may serve only one six year term.
 - a. A person who serves three or more years as Chairman of the Navajos may not be elected or selected for another term.
 - 2. The members of the Council of the Navajos may serve only two consecutive four year terms, after which time they must leave public office for at least four years.
 - 3. The Chief Justice, Justices and Judges of the Navajo Nation shall serve a ten (10) year term, after which they must leave public office for at least four years.
- E. The qualifications of Navajo Nation Officials is as follows:
 - 1. The Chairman of the Navajos must be:
 - a. a graduate of an accredited college
 - b. a former Navajo Chapter Official; member of the Council of the Navajos or Justice or Judge of the Navajo Nation.
 - 2. A member of the Council of the Navajos must be:
 - a. A resident of the area from which elected

July 6, 1989: LAR Draft

Draft Constitution for the Navajo Nation

and a member of a Chapter in said area.

3. The Chief Justice of the Navajo Nation; Justices and Judges must be:

- a. a member in good standing of the Navajo Nation Bar Association for at least five years who has appeared in the Courts of the Navajo Nation in at least 25 cases during said period.
 - b. On and after a date five years after approval of this Constitution, a graduate of a law school accredited by the American Bar Association.
 - c. On and after a date ten years after approval of this Constitution, admitted to practice in at least one District Court of the United States.
- ## 4. The qualifications set forth herein shall not apply to any person now serving as a Navajo Official with respect to the office that said person now holds.

F. All Navajo Nation Officials shall receive the same salary and shall pay fair market value for any housing, vehicles or other benefits (other than health and life insurance) provided to them because of their office.

1. In order to assist Navajo Nation officials in their re-adjustment to the private sector, Navajo Nation officials shall be paid a re-adjustment allowance equal to 25% of their salary as a public official for each year of service, but not to exceed two years salary. Said sum shall be paid upon their return to the private sector.

G. No employee of the Navajo Nation shall continue in public employment for more than ten consecutive years.

1. Every employee of the Navajo Nation shall leave public office after ten years of service and shall not be eligible for re-employment until said employee has worked in the private sector for four years.

July 6, 1989: LAR Draft

Draft Constitution for the Navajo Nation

G. Navajo Chapter Officials shall receive as salary and payment of expenses only such sums as their Chapter may appropriate from Chapter funds.

H. Navajo Chapter Officials may serve no more than two consecutive four year terms.

VI. ELECTION AND SELECTION AND REMOVAL OF NAVAJO OFFICIALS

A. The Chairman of the Navajo Nation and the Members of the Council of the Navajos and the Navajo Chapter Officials shall be elected by the Navajo People at a General Election held for such purpose.

1. All Navajos 18 years of age and older are eligible to vote in such elections.
2. Elections shall be held on the second Sunday of September in each even-numbered year.
3. The Navajo Nation shall by statute provide for the registration of voters and the conduct of elections.

B. The Council of the Navajos shall consist of fifty Members elected in two groups of twenty-five members each.

1. Members shall be elected from Districts which are substantially equal in population.

C. The Chief Justice of the Navajo Nation shall be selected by the Chairman of the Navajos from among the sitting Justices and Judges of the Navajo Nation and confirmed by vote of the Council of the Navajos.

1. Alternatively, the Chief Justice of the Navajo Nation shall be selected by the Council of the Navajos from among the sitting Justices and Judges of the Navajo Nation and confirmed by a two-thirds vote of the Council of the Navajos.

D. The Justices and Judges of the Navajo Nation shall be selected by the Chairman of the Navajos and confirmed by vote of the Council of the Navajos.

1. Alternatively, the Justices and Judges of the Navajo Nation shall be selected by the Chief Justice of the Navajo Nation and confirmed by a two-thirds vote of the Council of the Navajos.

July 6, 1989: LAR Draft

Draft Constitution for the Navajo Nation

E. Any Navajo Official may be removed either for cause following a hearing, or without cause on petition of the voters.

1. "Cause" means malfeasance or misfeasance in office or conviction of an offense which, had the conviction occurred prior to the Official assuming office, would have barred the Official from assuming his/her office. "Cause" also means a physical or mental inability to perform the duties of his/her office medically determined and extending for more than thirty days.
2. All hearings shall be conducted by the Council of the Navajos meeting in special session and presided over by the Chief Justice of the Navajo Nation.
 - a. In the event that the removal of the Chief Justice of the Navajo Nation is being considered, the hearing shall be presided over by the most senior Justice of the Navajo Supreme Court (other than the Chief Justice.)
 - b. The Council of the Navajos shall adopt appropriate rules for the conduct of such hearings, which rules shall be subject to the approval of the Justice and Judges of the Navajo Nation meeting in Judicial Conference.
 - c. An Official will be removed if two-thirds of the membership of the Council of the Navajos vote for removal.
3. The Chairman of the Navajo Nation; the Chief Justice or any Justice or Judge will forfeit his/her office if a majority of the voters of the Navajo Nation sign a Petition calling for said Official's removal.
 - a. The Navajo Nation shall provide by statute for the details of the petition procedure, provided, however, that in order for a petition to be valid, the time from when a petition is taken out to when it is returned for verification may not exceed four months.

July 6, 1989: LAR Draft

Draft Constitution for the Navajo Nation

4. Any Member of the Council of the Navajos or any Navajo Chapter Official will forfeit his/her office if a majority of the voters of the District or Chapter from which he/she was

elected sign a Petition calling for said Official's removal.

- a. The Navajo Nation shall provide by statute for the details of the petition procedure, provided, however, that in order for a petition to be valid, the time from when a petition is taken out to when it is returned for verification may not exceed four months.

- F. Any Navajo Official who is accused of conduct which, if such conduct had, in fact, occurred would be grounds for said Official's removal from office may be placed on administrative leave with pay by majority vote of the Council of the Navajos, provided that:

1. the accusation is made under oath and subject to the penalties of perjury; and
2. the Council of the Navajos provides the Official an opportunity to respond to the allegations prior to taking action; and
3. the Administrative Leave cannot be for a longer period than 90 days and may not be extended unless at the conclusion of said period removal proceedings against said Official are then pending.

- G. Vacancies arising in any office for any reason shall be filled as follows:

1. If a vacancy in the Office of Chairman of the Navajo Nation occurs at a time when there are three years or more remaining in the Chairman of the Navajo Nation's term of office, a special election shall be called pursuant to statute to be adopted by the Navajo Nation.

- a. The Council of the Navajos shall appoint an Interim Chairman of the Navajos to serve until the Special Election is held and results determined.

July 6, 1989: LAR Draft

Draft Constitution for the Navajo Nation

- (i) Any person otherwise eligible to serve as Chairman of the Navajo Nation may be appointed as Interim Chairman.
2. If a vacancy occurs at a time when less than three years remain in the term of office of the Chairman of the Navajo Nation, a new Chairman of the Navajo Nation shall be selected by the Council of the Navajos by a two-thirds vote.
 - a. Any person eligible to serve as Chairman of the Navajo Nation may be appointed as Chairman.
3. If a vacancy in the Office of Member of the Council of the Navajos occurs at a time when there are two years or more remaining in the Member's term of office, a special election shall be called pursuant to statute to be adopted by the Navajo Nation.
4. If a vacancy occurs at a time when less than two years remain in the term of office of the Member of the Council of the Navajos, a new Member shall be selected by the Council of the Navajos by a two-thirds vote.
 - a. Any person eligible to serve as Member from the District in which the vacancy occurs may be appointed as Member.
5. A vacancy in the office of Chief Justice of the Navajo Nation, Justice or Judge shall be filled in the same manner as original appointments are made.
 - a. Unless a person appointed to fill such a vacancy is already serving as a Judge, in which case he/she shall serve the balance of his/her ten year term of office, a person appointed to fill a judicial vacancy shall serve for a full term of ten years.
6. A vacancy in the office of Chapter President shall be filled by the Chapter Vice-President.
7. A vacancy in any other Chapter Official position shall be filled by Special Election conducted pursuant to statute to be adopted by the Navajo

July 6, 1989: LAR Draft

Draft Constitution for the Navajo Nation

Nation.

VII. POWERS, DUTIES AND RESPONSIBILITIES OF THE BRANCHES OF THE NAVAJO NATION

A. The Judicial Branch

1. The Judicial Power of the Navajo Nation is vested in its Judicial Branch.
2. There shall be a Supreme Court consisting of not less than three nor more than seven members.
 - a. The number of members may only be changed by statute approved in two consecutive sessions of the Council of the Navajos with an intervening election.
3. The chief judicial official of the Navajo Nation shall be the Chief Justice of the Navajo Nation whose powers and duties include:
 - a. being the chief administrative official of the Judicial Branch and supervising the work of all Judicial Branch employees.
 - b. presiding over the Supreme Court of the Navajo Nation and the Judicial Conference of the Navajo Nation
 - c. under the alternate judicial appointment procedure, recommending to the Council of the Navajos candidates for the positions of Justice and Judge.
 - d. presiding over removal proceedings conducted by the Council of the Navajos.
 - e. assigning and re-assigning the Justices and Judges of the Navajo Nation and allocating work among said persons.
 - f. administering the oath of office to Justices, Judges, the Chairman of the Navajo Nation and Members of the Council of the Navajos.
 - g. addressing the Council of the Navajos at least once each year on the State of the

July 6, 1989: LAR Draft

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Navajo Nation Judiciary

- h. to exercise such other authority as is delegated to the Chief Justice of the Navajo Nation elsewhere in this Constitution
 - i. during times when the Chief Justice will be absent from the Navajo Nation or is unable to perform his/her duties for a time period not to exceed 30 days, to appoint an Acting Chief Justice from among the Justices of the Supreme Court and to delegate to said Justice such duties and powers as he/she deems appropriate
 - j. to provide for the hiring, training and termination of persons for positions within the Judicial Branch Budget (except Justices and Judges whose appointment and removal is otherwise provided for)
4. The Judicial Conference has the authority to:
- a. adopt, withdraw, revise and amend rules applicable in the Courts of the Navajo Nation
 - b. approve local rules for use by particular Courts of the Navajo Nation
 - (1) no such rule shall have any force and effect until approved by the Judicial Conference
 - c. approve the appointment of temporary judges appointed to relieve congestion in the courts or to hear particular case, which judges may, but need not be members of the Navajo Nation
 - d. establish, withdraw, amend and revise rules governing the practice of law within the Navajo Nation and the admission, discipline and disbarment of persons to and from practicing law in the Courts of the Navajo Nation and before the branches and agencies of the Navajo Nation.

July 6, 1989: LAR Draft

Draft Constitution for the Navajo Nation

- e. review and approve or disapprove rules governing quasi-judicial hearings held by any branch or agency of the Navajo Nation.
 - f. establish fees for services provided by the Courts of the Navajo Nation and procedures for collection of such fees and to provide for the expenditure of such sums; provided, however that all sums collected as fines and penalties shall be deposited to the general funds of the Navajo Nation subject to the general appropriation process
 - g. approving the annual Judicial Branch budget for submission to the Council of the Navajos
 - i. in the event the Chief Justice of the Navajo Nation is physically or mentally unable to carry out the duties of his/her office and such disability has been medically determined and the Chief Justice has not named an interim Chief Justice, the Judicial Conference shall name an interim Chief Justice from among the sitting Justices pending action on the disability by the Council of the Navajos
5. The Jurisdiction of the Courts of the Navajo Nation includes:
- a. all civil matters which arise within the Navajo Nation (including those arising outside the Navajo Nation which have an effect or consequence within the Navajo Nation) or to which a resident of the Navajo Nation is a party.
 - b. all matters in which jurisdiction is authorized or delegated by any other sovereign and such jurisdiction is accepted by the Judicial Conference
 - c. all criminal matters in which the acts complained of (or one or more such acts) took place or had an effect within the Navajo Nation.
 - d. the review of all actions of other branches of the Navajo Nation or agencies of the

July 6, 1989: LAR Draft

Draft Constitution for the Navajo Nation

Navajo Nation including the Chapters of the Navajo Nation

6. The jurisdiction of the Navajo Supreme Court includes:

- a. to review by appeal any final decision of any Navajo Nation Court other than the Supreme Court
- b. the right, but not the duty, to review any other order or decision of any Navajo Nation Court other than the Supreme Court
- c. in its discretion the right to answer questions certified from courts of other jurisdictions

7. The Courts of the Navajo Nation shall have full authority to issue such writs and orders as will make their jurisdiction effective.

B. The Council of the Navajos

1. The legislative power of the Navajo Nation is vested in the Council of the Navajos.
2. All actions of the Council of the Navajos shall require the affirmative vote of 26 Members, except actions requiring a two-thirds vote which shall require the affirmative vote of 34 Members.
3. The Council of the Navajos has the following powers and duties:
 - a. to establish the offices of the Council; the duties and responsibilities of each office, and to elect and remove Members to and from such offices
 - b. to establish the committees of the Council; the duties, responsibilities and delegated authority of each committee and to elect and remove Members to and from such committees
 - c. to establish, revise and amend rules governing procedures to be followed by the

July 6, 1989: LAR Draft

Draft Constitution for the Navajo Nation

Council, its officers and committees, providing, however, that such rules shall provide for a public recorded vote showing how each Member voted except for matters approved by unanimous consent and shall also provide for a transcription of all proceedings of the Council.

- d. to appropriate monies of the Navajo Nation or within the control of the Navajo Nation for any lawful purpose
- e. to exercise such authority as may be granted to the governing body of an Indian Nation by the United States or any department of agency thereof or any regional body or state
- f. to authorize the use of lands under control of the Navajo Nation for any lawful purpose and rescind such authorization
- g. to make, amend, repeal and revise such laws as the Council deems in the best interests of the Navajo Nation
- h. to create entities of all types and descriptions and to delegate to such entities such lawful authority as the Council deems appropriate
- i. to establish boards, enterprises, commissions and agencies either entirely or partially owned and controlled by the Navajo Nation and to delegate to such bodies such property and authority as the Council deems appropriate.
- j. to exercise such authority as is elsewhere delegated to the Council in this Constitution
- k. to authorize legal actions (including administrative proceedings) to be brought in the name of the Navajo Nation
- l. to provide for the hiring, training and termination of persons for positions within the Legislative Branch Budget (except Members whose election and removal is otherwise provided for in this Constitution)

July 6, 1989: LAR Draft

Draft Constitution for the Navajo Nation

- m. to establish, dis-establish divide and consolidate the Chapters of the Navajo Nation
 - n. to disapprove Chapter ordinances
 - o. to provide for Navajo Nation elections, provided, however, that in all elections no person shall be declared elected unless he/she receives a majority of the votes cast for said office and no matter voted on by the people shall be deemed approved unless it receives a majority of the votes cast
4. All laws approved by the Council, except those set forth in subsections 3. a., b, and c. shall be submitted to the Chairman of the Navajo Nation for his/her review and shall not take effect until:
- a. he/she approves said laws; or
 - b. he/she has had thirty (30) days within which to approve said laws and has failed to approve said laws or return said laws to the Council with his disapproval indicated on said laws, whichever event first occurs.
5. In the event the Chairman of the Navajo Nation disapproves any law proposed by the Council, the Council may enact said law without the Chairman's approval by re-approving said law by a two-thirds vote.
6. No law proposed and approved through the initiative process may be amended or revoked except by a two-thirds vote.
7. No law disapproved by the referendum process may be re-approved except by a two-thirds vote.
- C. Chairman of the Navajo Nation
- 1. The executive power of the Navajo Nation is vested in the Chairman of the Navajo Nation.
 - 2. The powers and duties of the Chairman of the Navajo Nation include:

July 6, 1989: LAR Draft

Draft Constitution for the Navajo Nation

- a. to faithfully execute and implement the laws of the Navajo Nation
- b. to address the Council of the Navajos not less frequently than annually on the state of the Navajo Nation.
- c. to exercise the power of appointment where provided in this Constitution and the laws of the Navajo Nation
- d. to bring legal actions in the name of the Chairman of the Navajo Nation and the Navajo Nation when authorized by the Council of the Navajos
 - (i) the Chairman of the Navajo Nation may take such action to defend actions brought against the Navajo Nation as he/she deems appropriate pending receipt of instructions concerning such actions from the Council of the Navajos
- e. to provide for the hiring, training and termination of persons for positions within the Executive Branch Budget
- f. to approve or disapprove all or part of any law approved by the Council of the Navajos which, pursuant to this Constitution, must be submitted to the Chairman of the Navajo Nation for his/her approval.
- g. to propose legislation to the Council of the Navajos
- h. to serve as Chief Executive Officer of the Navajo Nation with full authority over the Executive Branch, subject to the limitations imposed by this Constitution and the laws of the Navajo Nation
- i. to serve as spokesperson for the Navajo Nation and to conduct negotiations with other sovereigns and their representatives, subject to such instructions and limitations as may be given or imposed by the Council of the Navajos.
- j. to exercise such authority as may arise

July 6, 1989: LAR Draft

Draft Constitution for the Navajo Nation

from the laws of the United States or the laws of the several states

VIII. CHAPTERS OF THE NAVAJO NATION

- A. The Chapters of the Navajo Nation are the basic unit of local Navajo government.
- B. Chapters are established, dis-established, consolidated and divided by the Council of the Navajos.
 - 1. No Chapter shall be established in which the population of the proposed Chapter is less than 1,000 Navajos.
 - 2. From and after a date five years after adoption of this Constitution, the Council of the Navajos may consolidate any Chapter whose population is less than 1,000 Navajos into one or more other Chapters so that the resulting consolidated Chapter has a population of at least 1,000.
 - 3. The division of the Navajo Nation into Chapters shall be accomplished in a manner such that each and every part of the Navajo Nation is in one and only one Chapter/
 - 4. The Council of the Navajos may establish Special Chapters for Navajo populations located outside the Navajo Nation including populations located in urban areas.
- C. Chapters other than Special Chapters are authorized to enact Chapter ordinances on the following subjects:
 - 1. recommendations and requests to the Council of the Navajos, the Chairman of the Navajo Nation, the Federal Government and state and local governments.
 - 2. expressions of the point of view of the Chapter on matters of Chapter concern.
 - 3. gross receipts taxes not to exceed 1.5% of the value of sales within the Chapter boundaries; provided, however, that all such taxes shall be collected by the Navajo Nation and remitted to

Draft Constitution for the Navajo Nation

the Chapter after collection

4. land use policy within the Chapter, provided however, that the Council of the Navajos, when the overriding interests of the Navajo Nation so requires, reserves the right to approve land uses in contravention of Chapter land use policy
 5. curfew for minors
 6. control of animals
 7. Chapter based economic development projects
 8. payment to Chapter officials and others employed by the Chapter whether as Chapter employees or under contract
 9. procedure for calling and conduct of Chapter meetings
 10. Chapter social events
 11. construction within the Chapter withdrawn area
- D. Special Chapters are authorized to enact Chapter Ordinances concerning the matters set forth in Subsection C.1., 2., 7., 8., 9., and 10.
- E. No Chapter Ordinance may be in violation of this Constitution or the laws of the Navajo Nation.
- F. Following approval by the Chapter (or Special Chapter), all Chapter Ordinances shall be transmitted to the Council of the Navajos. Unless disapproved within 90 days after receipt by the Council, said Chapter Ordinances shall go into effect at the end of said 90 day waiting period.

IX. INITIATIVE AND REFERENDUM

- A. The Navajo people, by initiative, may propose the enactment of any law which might otherwise be enacted by the Council of the Navajos
1. An initiative petition shall set forth the proposed law and be signed by at least 25% of the registered voters of the Navajo Nation within 4 months of date the petition is taken out.

Draft Constitution for the Navajo Nation

2. Once an initiative petition is verified, an election on the proposed initiative shall be held within 90 days
 3. The details of the initiative process shall be provided by statute
- B. The Navajo people, by referendum, may review any enactment of the Council of the Navajos which has been approved by the Chairman of the Navajo Nation or been enacted by the Council despite the objection of the Chairman.
1. An referendum petition shall set forth the proposed law and be signed by at least 25% of the registered voters of the Navajo Nation within 4 months of date the petition is taken out.
 2. Once a referendum petition is verified, an election on the proposed referendum shall be held within 90 days
 3. In addition, once a referendum petition is verified, the force and effect of the enactment subject to the referendum shall be suspended pending the referendum
 4. The details of the initiative process shall be provided by statute
 5. In the event the Navajo People in a referendum vote defeat an enactment of the Council of the Navajos, the Council of the Navajos shall take all possible action to restore conditions concerning the subject of the enactment to the status existing prior to approval of the enactment by the Council (and, where applicable,, the Chairman of the Navajo Nation)

X. APPROVAL; AMENDMENT

- A. This Constitution shall take effect when approved by a majority vote of the Navajo people.
- B. Amendments to this Constitution may be proposed by the Council of the Navajos or the Navajo People through the Initiative process.
 1. Amendments must be approved by the Navajo people prior to taking effect.

July 6, 1989: LAR Draft

Draft Constitution for the Navajo Nation

XI. STATUS OF EXISTING LAWS

- A. All existing Navajo Nation laws not in conflict with the provisions of this Constitution shall remain in full force and effect unless and until repealed or amended by the Council of the Navajos.
- B. No valid property right created under prior law shall be impaired by the approval of this Constitution.
- C. The Courts of the Navajo Nation are authorized to entertain declaratory judgment actions to determine the legal status of any enactment of the Navajo Tribal Council which took place prior to the approval of this Constitution.

