



Navajo Nation Constitutional Attempt 1937

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Proposed Constitution of the Navajo Tribe
E. October 25, 1937

In order to establish a tribal government and to promote the spiritual, social, and economic welfare of the Navajo people, this Navajo Constitution is proclaimed for the Navajo people.

Article I

SECTION 1. The Constitution of the United States of America with amendments thereto, and all Acts of Congress applicable to the Navajo affairs, including the Treaty of 1868 between the Government and the Navajos shall be the laws of the Navajo Tribe.

Article II

SECTION 1. Every Navajo who resides on the Navajo Reservation or individual trust allotment, and is enrolled on the tribal census, and every individual who is at least one-quarter (1/4) degree of Navajo blood and enrolled on the tribal census, shall be considered a member of the Navajo tribe.

SECTION 2. No person shall be eligible for adoption into the Navajo Tribe unless he or she meets any of the qualifications provided for in the preceding section.

Article III

SECTION 1. Not inconsistent with any authority of the Federal Government or with any state laws, the jurisdiction of the Navajo Tribe and of the Navajo Council shall extend to the entire area within the outside boundaries of the existing reservation and to all trust allotments without such boundaries and to any area that may be added to the reservation pursuant to or by any Act of Congress.

Article IV

SECTION 1. The governing body of the Navajo Tribe shall be the Navajo Council.

SECTION 2. The Navajo Council shall consist of twenty delegates at large and fifty-four delegates, apportioned among the several land management districts as follows:

District No. 1, one delegate at large and two delegates;
District No. 2, one delegate at large and two delegates;
District No. 3, one delegate at large and three delegates;
District No. 4, one delegate at large and four delegates;
District No. 5, one delegate at large and two delegates;
District No. 7, one delegate at large and three delegates;
District No. 8, one delegate at large and three delegates;
District No. 9, one delegate at large and three delegates;
Delegate No. 10, one delegate at large and three delegates;
District No. 11, one delegate at large and two delegates;
District No. 12, one delegate at large and four delegates;
District No. 13, one delegate at large and two delegates;
District No. 14, one delegate at large and three delegates;
District No. 15, one delegate at large and three delegates;
District No. 16, one delegate at large and two delegates;
District No. 17, one delegate at large and five delegates;
District No. 18, one delegate at large and five delegates;
District No. 19, one delegate at large and three delegates;
Canoncito, one delegate at large; and
Puertocito, one delegate at large.

PROVIDED that the Navajo Council may change its membership to correspond with any increase that may occur in the population of any districts not exceeding one delegate for every six hundred Navajos.

SECTION 3. A delegate shall hold office for a term of six years which shall begin at noon on the first day of August of the year of his election, provided that the terms of office of the first members of the Navajo Council shall be determined by the Constitutional Assembly.

SECTION 4. No person shall be eligible for the office of a delegate unless he is a member of the Navajo Tribe, has attained the age of thirty (30) years or over, not exceeding seventy (70) years, has resided upon the reservation or upon restricted allotment for a period of five years and in the election precinct for a period of one year next preceding the election.

SECTION 5. No member of the Navajo Tribe holding any permanent position or employment under the authority of the United States or any State shall be a member of the Navajo Council.

SECTION 6. Any member of the Navajo Council who acquires membership in any organization or who acquires any position or employment for the purpose of influencing the Navajo Council may be removed from the Navajo Council, upon proof thereof, by two-thirds (2/3) affirmative vote of the members of the Navajo Council.

SECTION 7. If from any cause a vacancy should occur in the office of any delegate, the Navajo Council, or its authorized agency shall order an election of a successor for the unexpired term of office.

Article V

SECTION 1. The Executive Committee of the Navajo Council shall consist of the President of the Navajo Tribe and the delegates at large as apportioned among the several land management districts including the Canoncito and Puertocito areas.

SECTION 2. The President of the Navajo Tribe shall be Chairman of the Executive Committee.

SECTION 3. No measure shall be considered by the Navajo Council unless it was first passed upon by the Executive Committee.

Article VI

SECTION 1. There shall be one president of the Navajo Tribe and he shall hold office for a term of six years, provided that no person shall serve as president for more than two terms.

SECTION 2. It shall be the duty of the president to take part in the sessions of the Navajo Council, to make recommendations to the Navajo Council, to advise and assist the government on any action or policy adopted by the Navajo Council, and to exercise any authority that may be vested in him by the Navajo Council.

SECTION 3. There shall be one vice-president of the Navajo Tribe, and he shall hold office for a term of six years, provided that no person shall serve as vice-president for more than two terms.

SECTION 4. It shall be the duty of the vice-president to preside over the sessions of the Navajo Council, and to exercise any authority that may be vested in him by the Navajo Council.

SECTION 5. No person shall be eligible for president or vice-president of the Navajo Tribe unless he is a member of the tribe, has attained the age of thirty-five years or over, not exceeding sixty-five years, and has resided upon the Navajo Reservation for a period of five years next preceding the election.

SECTION 6. No person holding any position or employment under the authority of the United States, or of any State, shall be president, or vice-president, of the Navajo Tribe.

SECTION 7. If from any cause a vacancy should occur in the office of the president, the vice-president shall become president of the Navajo Tribe for the unexpired portion of the term of office.

SECTION 8. If from any cause a vacancy should occur in the office of the vice-president, the Navajo Council shall appoint a successor for the unexpired portion of the term of office.

Article VII

SECTION 1. The election of president and vice-president of the Navajo Tribe, delegates of the Navajo Council, and any officer that may be elective, shall be governed by the By-Laws of the Navajo Council.

SECTION 2. Any member of the Navajo Tribe, who has attained the age of 21 years or over and has resided on the Navajo Reservation or on an individual trust allotment for at least one year next preceding the election shall have the right to vote in any election, except insane persons, idiots, persons under legal guardianship, and persons convicted of a felony and have not been restored to political rights.

Article VIII

SECTION 1. Any delegate, who is [§]accused of willfully misrepresenting or misinterpreting any measure or policy of the Navajo Council or accused of improper conduct or gross neglect of duty, shall be served with written charges against him at least thirty days before the date of the hearing set by the Navajo Council, and at the hearing, which shall be fair and complete, if the charges are proven, the accused may be expelled from the Council by the affirmative vote of two-thirds (2/3) of the members of the Navajo Council.

Article IX

SECTION 2. It shall be the permanent policy of the Navajo Council to preserve and promote the Navajo clan system of family and social organization; to protect and conserve tribal property, natural resources, and wildlife on the Navajo Reservation; to cultivate Indian arts, crafts and the best traditions and culture; to assist in administering charity; to protect and promote health, security, human and civil rights, and general welfare of the Navajo Tribe and members thereof.

Article X

SECTION 1. The Navajo Council shall have the following powers:

(a) To approve or veto any sale, disposition, lease, or encumbrance of tribal lands or tribal assets which may be authorized or executed by the Secretary of the Interior, the Commissioner of Indian Affairs, or any other agency of the Government provided that no tribal lands shall be leased or encumbered in any way for a period in excess of five years, except for rights of way for highways or roads, telephone, telegraph, power, and pipelines, and for governmental purposes, which may be granted for a longer period than five years.

(b) To approve or veto permits that may be granted for the establishment of religious missions on the Reservation.

SECTION 2. The Navajo Council, in cooperation with the Government and subject to the approval of the Secretary of the Interior, shall have the following powers:

(a) To regulate the uses and disposition of tribal property; to protect, conserve, and promote tribal lands, natural resources, and wildlife on the Navajo Reservation; to regulate and promote Indian arts, crafts, traditions, and culture; to assist in the administration of charity; to protect and promote health, security, human and civil rights, and the general welfare of the Navajo Tribe and members thereof.

(b) To cooperate with the Government in the enforcement of existing grazing regulations as promulgated by the Secretary of the Interior. If at any time the land management districts are found to be impractical and existing grazing regulations can be modified, the Navajo Council shall suggest such changes to the Secretary of the Interior.

(c) To cooperate with the Government in the enforcement of hunting, fishing, and wildlife regulations as promulgated by the Secretary of the Interior.

(d) To regulate and control trading posts and trading practices on the reservation; and to regulate, assess, and collect license fees for the privilege of trading and engaging in trading practices on the reservation.

(e) To employ legal counsel for the protection and advancement of the rights of the Navajo Tribe and members thereof.

(f) To levy dues, fees, and taxes on members of the Navajo Tribe and upon any property or property right of members of the tribe within the reservation and other areas under the jurisdiction of the Navajo Council.

(g) To adopt, promulgate, and enforce ordinances governing the conduct of members of the Navajo Tribe; and to provide for the maintenance of law and order and the administration of justice; and to establish Indian Courts and to define their powers and duties.

(h) To regulate the domestic relations of members of the Navajo Tribe not otherwise provided for under any law.

(i) To regulate the inheritance of real and personal property, other than allotted lands, within the reservation and other areas under the jurisdiction of the Navajo Council.

(j) To create offices, committees, commissions, boards, associations, and local district councils, and to define their powers and duties, and to make any provisions that may be deemed necessary in exercising this power.

(k) To provide for the compensation of the president, vice-president, delegates of the Navajo Council, and other officials of the Council or tribe for their services.

SECTION 3. In cooperation with the Government and subject to the approval of the Secretary of the Interior, the Navajo Council or the Executive Committee may exercise the following powers:

(a) To acquire by purchase or otherwise any property or property right of any member of the Navajo Tribe and others on or off the Navajo Reservation.

(b) To acquire by right of eminent domain any property or property right of any member of the Navajo Tribe and others within the Navajo Reservation.

(c) To provide and administer a revolving fund, from tribal funds and other sources, for the establishment of better housing facilities for the families of any members of the Navajo Tribe.

(d) To provide and maintain funds, from tribal and other funds or property, for the education and support of Navajo boys and girls in universities, colleges, and other education institutions.

(e) To establish and maintain tribal sawmills, flour mills, and other tribal business enterprises, and to provide the necessary funds for such purposes.

(f) To negotiate with the Federal, State, and local government on behalf of the Navajo Tribe, and to advise and consult with the representatives of the Department of the Government of the United States on all matters affecting the affairs of the Navajo Tribe.

(g) To protect and control all prehistoric, archaeological, and other sites or scenic, or scientific interests on the Navajo Reservation not under the control of the National Park Service.

(h) To provide for the care and guardianship of orphans, incompetents, and minor members of the Navajo Tribe, and for this purpose to recommend the use and administration of tribal and other funds or property.

(i) To create tribal funds from any source not inconsistent with the laws of the United States or rules and regulations of any Department of the Federal Government and to provide for its maintenance and administration.

(j) To act upon all matters affecting the affairs of the Navajo Tribe and members thereof.

(k) To transact and manage all the business affairs of the Navajo Tribe.

(l) To adopt measures, resolutions, or ordinances in exercising any of the powers provided for in this Constitution.

SECTION 4. The Superintendent shall have the power to bar any persons who is not a member of the Navajo Tribe from entering the Reservation and to exclude and remove any such person from the Reservation whenever in his judgment the public interest or the welfare of any Navajo or Navajos or the Tribe justifies such action. However, the Navajo Council may by a majority vote over-rule such action of the Superintendent and thereby permit any such person to enter the reservation or remain therein.

SECTION 5. Any measure or resolution or ordinance adopted by the Navajo Council or the Executive Committee shall take effect as soon as approved by the Secretary of the Interior.

Article XI

SECTION 1. The Navajo Reservation with its surface and sub-surface natural resources shall remain tribal property.

SECTION 2. Hereafter no land of the Navajo reservation, created or set apart by treaty or agreement with the Navajo Tribe, Act of Congress, Executive Order, purchase, or otherwise, shall be allotted in severalty to any member of the tribe.

SECTION 3. Any tract of land, under any irrigation project developed with government or tribal funds, may be assigned by the Superintendent of the Navajo Service, with the approval of the Navajo Tribal Council, to any landless member of the

tribe, who does not own any range livestock, under such terms and conditions as may be required by the Navajo Council.

SECTION 4. Any tract of land, approved by the government to be suitable for dry farming, may be assigned by the Superintendent of the Navajo Service, with the approval of the Navajo Council, to any member of the tribe under such terms and conditions as may be required by the Navajo Council.

SECTION 5. Any assignment of land made under the preceding sections shall be cancelled by the Navajo Council, if it is shown by competent evidence in a public hearing before the Navajo Council, or its authorized agency, that the assignee had failed to cultivate and otherwise improve his assigned land for a period of two years.

SECTION 6. Upon the decease of the assignee, his heirs shall have the first preference for the reassignment of the land which was under his assignment at the time of his death.

SECTION 7. Various tracts of land cultivated and otherwise improved for agricultural purposes by individual members of the Navajo Tribe prior to the adoption of this constitution, shall not be affected by the provisions of the preceding sections unless sold or voluntarily surrendered to the tribe, or abandoned. Failure to cultivate or otherwise improve the land for a period of two years shall be considered an abandonment of the land.

SECTION 8. No grazing land shall be fenced for the exclusive use of any member of the tribe; and any grazing land now under fence for the exclusive use of any member of the tribe shall be subject to the right of eminent domain of the tribe.

SECTION 9. Any agricultural land held by an member of the tribe in excess of forty acres in area shall be subject to taxation by the Navajo Council, provided that the taxation shall not exceed one dollar (\$1.00) per acre for every acre held in excess of forty acres.

Article XII

SECTION 1. Any restricted allotment of land heretofore made to any member of the tribe on or off the Navajo Reservation shall remain in the individual ownership of the allottee unless sold or otherwise disposed of by the allottee to the tribe.

SECTION 2. The tribe shall have the first preference right, and any individual member of the tribe shall have the second preference right, to lease any restricted allotment of land for grazing or other purposes at a reasonable rate of annual compensation to the allottee.

SECTION 3. After the tribe and any member thereof have waived their preference rights, any restricted allotment of land may be leased by the allottee to anyone or any organization for any lawful purpose under the supervision of the Navajo Council.

Article XIII

SECTION 1. The right to prospect or explore for any deposits of silver, copper, gold, and other metalliferous minerals on any tribal land may be granted by the Navajo Council under such terms and restrictions as may be required by the Council not inconsistent with any mining laws of the Federal Government.

SECTION 2. The right to mine or otherwise take coal from any deposits of coal on any tribal land, classified by the government to be suitable for mining, may be granted by the Navajo Council to capable coal operators and miners under such terms and restrictions as may be required by the Council not inconsistent with any mining laws of the Federal Government.

Article XIV

SECTION 1. All water rights to any stream, natural spring, lake, reservoir, pond, water-hole, well, and all water supplies developed with government or tribal funds, upon the Navajo Reservation, shall remain tribal property.

Article XV

SECTION 1. The Navajo Council whenever it deems it necessary, shall propose amendments to this Constitution, which shall be valid as part of this Constitution, when ratified by the affirmative vote of a majority of the eligible voters of the Navajo Tribe and approved by the Secretary of Interior.