



Navajo Nation Constitutional Attempt 1953

RESOLUTION OF THE
NAVAJO TRIBAL COUNCIL

BE IT RESOLVED:

1. That the draft of the proposed tribal Constitution as read at the Council meeting convening on October 5, 1953, as amended, be and it hereby, is approved as a draft of the Navajo Constitution for the purpose of referral to the Commissioner of Indian Affairs and the Secretary of the Interior for their consideration.
2. That the Tribal Council at its meeting in January, 1954, consider, adopt or reject any changes in the proposed draft which may be suggested by the Commissioner of Indian Affairs, and to cause said Constitution as so modified or amended, to be printed for distribution.
3. That the tribal officers be and they hereby are instructed to arrange in cooperation with the Area Director, for the widest possible distribution, among the Navajo people, accompanied by informative discussion in Chapter and community meetings in the various districts, to the end that the Navajo people may understand its provisions.
4. That at any Council meeting not less than Four months after submission of the Constitution to the people, the said Constitution shall be considered and amendments proposed in the various districts shall be adopted or rejected and a final draft of the Constitution shall be approved for submission to a vote of the people in accordance with the procedure set forth in Section 6 of Public Law 474.
5. That after such action of the Council, the officers of the Tribe be and they hereby are authorized to arrange, through the Area Director, for the calling of a general referendum for voting by the people on the adoption of the Constitution.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Tribal Council at a duly called meeting at Window Rock, Arizona, at which a quorum was present, and that same was approved by a vote of 67 in favor, and 1 opposed, this 8th day of October, 1953.

/s/ Sam Ahkeah
Sam Ahkeah, Chairman
Navajo Tribal Council

ROUGH DRAFT OF A PROPOSED
CONSTITUTION OF THE NAVAJO TRIBE

PREAMBLE

We, the Navajo Indians, in order to exercise more fully our privilege and duties as American citizens and promote the general welfare of our people, to cooperate more fully with the government of the United States in developing the resources of the Navajo Reservation for our benefit, and to establish a self-supporting economy offering education and opportunity for all, do hereby adopt this constitution.

ARTICLE I - BILL OF RIGHTS

Section 1. The Navajo Tribal Council shall make no law abridging freedom of religion, of speech, the press, or the right of the people peaceably to assemble and to petition for redress of grievances.

Section 2. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, except upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Section 3. Any member of the Navajo Tribe accused of any offense shall have the right to a bond, open and public hearing with due notice of the offense charged, have compulsory processes for summoning witnesses in his defense, the right to assistance in the preparation and defense of his case. No person shall be compelled in any criminal case to be a witness against himself nor be deprived of life, liberty or property without the due process of law. Private property shall not be taken for public use without just compensation; nor shall any person be twice put in jeopardy for the same offense. Trial by jury may be demanded by any prisoner accused of any offense punishable by more than thirty days' imprisonment. Excessive bail shall not be required and cruel and unusual punishment shall not be imposed.

Section 4. All members of the Navajo Tribe shall be eligible to vote in Tribal elections if they have reached the age of 21 years prior to registration for voting purposes.

ARTICLE II - JURISDICTION

The jurisdiction of the Navajo Tribe and of the Navajo Tribal Council shall extend to (a) the entire area of the Navajo Reservation, (b) all trust allotments outside the boundaries of the

reservation or land outside the reservation acquired by the Tribe through purchase, donation, or otherwise, insofar as consistent with law, and (c) to the areas occupied by the Ramah, Puertocito, and Canoncito bands of Navajos in the State of New Mexico.

ARTICLE III - MEMBERSHIP IN NAVAJO TRIBE

Section 1. The membership of the Navajo Tribe shall consist of the following persons:

(a) All persons of Navajo blood whose names appear on the official roll of the Navajo Tribe maintained by the Bureau of Indian Affairs, as of the date of adoption of this constitution, provided, however, that corrections may be made in said roll for a period of ten years thereafter.

(b) Any person who is at least one-fourth (1/4) degree Navajo blood, but who has not previously been enrolled as a member of the Tribe, is eligible for tribal membership and enrollment.

(c) Children born to any enrolled member of the Navajo Tribe subsequent to the adoption of this constitution shall automatically become members of the Navajo Tribe, provided they are at least of one-fourth (1/4) degree Navajo blood.

Section 2. Any enrolled member of the Navajo Tribe may renounce such membership by petitioning the President of the Navajo Tribe in writing that his name be stricken from the Tribal roll. Such person may be reinstated to membership in the Navajo Tribe only by the vote of a majority of the Navajo Tribal Council.

Section 3. No person, otherwise eligible for membership in the Navajo Tribe, may enroll as a member of said Tribe who, at the same time, is on the roll of any other tribe of Indians.

Section 4. The Navajo Tribal Council shall have the power to promulgate ordinances and procedures to govern determinations of eligibility for Tribal membership and the enrollment of new members.

ARTICLE IV - LEGISLATIVE BRANCH

Section 1 - The Navajo Tribal Council

A. The governing body of the Navajo Tribe shall be the Navajo Tribal Council, in which shall be vested all legislative powers of the Navajo Tribe.

B. The territory as defined in Article II shall be divided

into electoral districts, the boundary lines of which shall be determined by the Tribal Council. The Council may alter the boundaries of any district or create new districts at a general or special Council meeting, but any changes in district boundary lines shall take effect after the general election next succeeding the council meeting at which such changes are approved. In the event of the addition of any territory to the Navajo Reservation, such new territory shall be added to any existing district or organized into a new district as the Navajo Tribal Council shall determine at the meeting of the Council next succeeding the incorporation of new territory as a part of the reservation.

C. The Navajo Tribal Council shall consist of delegates elected every fourth year by a general election. Each electoral district as set up under authority of Section B of this article, shall be entitled to one delegate, and to such additional delegates as the Council may determine. Any changes in the number of delegates shall take effect after the next general election following the Council meeting at which such changes are approved.

D. The Council shall be the judge of the qualifications for Council membership with the following limitations:

(1) No person shall be eligible for election to the Council unless he or she shall be a member of the Navajo Tribe as defined in Article III, shall have attained the minimum age of ___ years at time of election, and shall have resided within the district from which he or she is a candidate for a period of at least one year next preceding the date of the election.

(2) No person shall serve as a delegate to the Council if he or she has ever been convicted of a felony; or if he or she is regularly employed by the Federal Government or the Navajo Tribe.

E. The Navajo Tribal Council shall establish rules and regulations governing its proceedings, including the expulsion of members for cause.

F. The Navajo Tribal Council shall record and maintain verbatim minutes of all Council meetings, and shall cause such minutes to be published following the adjournment of any regular or special Tribal Council session.

G. The Tribal Council shall establish rates of compensation to be paid to officers, delegates, tribal employees, and members of committees, and shall create and provide compensation for any other tribal office deemed necessary for the proper conduct of tribal business including a sergeant-at-arms. The Council may authorize employment of any agent, representative, business manager, advisor or other employee upon such terms as it deems ad-

visable in the best interest of the Navajo Tribe.

H. There shall be not less than two meetings of the Navajo Tribal Council annually, at dates determined as the Council shall direct, and such special meetings as may be called by majority vote of the Council at any regular meeting or by the President of the Navajo Tribe.

I. In addition to the general governing powers vested in the Navajo Tribal Council and without limiting such powers, it shall have the following powers, subject to any limitations embodied in the Law or the Constitution of the United States:

- (1) To authorize employment of attorneys in addition to the General Counsel and Assistant General Counsel, authorize the President to fix their compensation, and to authorize the filing and prosecution or defense of all cases in the name of the Tribe and to take such other legal action as is deemed to be in the best interests of the Tribe.
- (2) To negotiate and to execute contracts and agreements with the Federal, State, and local governments and persons.
- (3) To appropriate available Tribal funds for public, governmental, business, or other purposes serving the general welfare of the Navajo Tribe.
- (4) To borrow money and to pledge or assign future Tribal income as security for such loans.
- (5) To incorporate or authorize the organization of any corporation or association to subscribe to the purchase of stock and to participate in the ownership or management of any corporation or association.
- (6) To regulate marriage, divorce, adoption, custody of children, the appointment of guardians for minors and mental incompetents, and the inheritance of real and personal property other than allotted lands.
- (7) To levy and collect dues, fees, and taxes upon members and non-members of the Navajo Tribe within the area under the jurisdiction of the Navajo Tribe.
- (8) To sell and convey, lease, and grant interests in tribal lands and property, including oil, gas and minerals; subject to laws and regulations of the United States Government, or any departments or branches thereof.
- (9) To acquire for public purposes of the Navajo Tribe, either by direct purchase or by condemnation under judicial

process in the tribal courts, any property or interests therein by any member or non-member of the Navajo Tribe within the area of the Navajo reservation; and to acquire by purchase or donation any such property outside of the reservation.

(10) To regulate business, scientific and missionary activities, hunting and fishing, and the granting of licenses and permits thereof.

(11) To make loans to members of the Navajo Tribe for any lawful purpose deemed beneficial to the Navajo people.

(12) To bar any person not employed by the Federal Government and not a member of the Navajo Tribe from entering the reservation, and to exclude and remove any such person from the reservation.

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

Section 2 - The Executive Committee

A. An Executive Committee shall be elected by the Council consisting of nine regular and nine alternate members to be chosen pursuant to the by-laws of the Tribal Council from within the Council membership to assist in carrying out the resolutions of the Navajo Tribal Council and in the absence of the Council to act for and on behalf of the Council subject to limitations imposed by resolutions of the Council. The Executive Committee shall be elected during the course of the first Tribal Council meeting following the Council's election.

B. The Executive Committee shall meet regularly once each month on the dates fixed by the Council, and at special meetings on the call of the President.

ARTICLE V - THE EXECUTIVE BRANCH: OFFICERS

Section 1. The executive power of the Navajo Tribe shall reside in a President, Vice-President, Secretary and Treasurer of the Navajo Tribe subject to the paramount authority of the Tribal Council. One person may fill the office of Secretary and Treasurer. The President and the Vice-President shall be elected every fourth year by popular vote as hereinafter provided. The Secretary and Treasurer shall be appointed by the President with the advice and consent of the Council. The Treasurer shall serve

through successive administrations and may be removed by a President only for cause by and with the consent of the Council. The President shall be chief executive officer with authority and control over all tribal employees in the discharge of their duties.

Section 2. No person shall be eligible for the office of President or Vice-President of the Navajo Tribe unless he or she is a member of the Navajo Tribe, has attained the age of _____ years or over, and has resided within the area under jurisdiction of the Navajo Tribe for a period of not less than _____ years next preceding the election.

Section 3. The President of the Navajo Tribe, and in his absence the Vice-President or a Chairman Pro-tempore appointed by the President, shall preside as Chairman of all Tribal Council and Executive Committee meetings.

Section 4. The President of the Navajo Tribe shall report to the Tribal Council at each regular session thereof regarding the status of Tribal affairs, and make such recommendations to the Council as he may deem advisable in the best interests of the Tribe.

Section 5. The President of the Navajo Tribe, and in his absence the Vice-President or a Chairman Pro-tempore, shall be entitled to vote on any resolution or motion before the Tribal Council or Executive Committee in the event of a tie.

Section 6. The President of the Navajo Tribe shall act to carry out, or cause to be carried out, the provisions of any resolution which has been duly adopted by a majority vote of the Navajo Tribal Council or Executive Committee, and he shall act in an executive capacity on behalf of the Tribe in connection with all other Tribal affairs subject to any limitations provided in resolutions of the Council or Executive Committee.

Section 7. The signature of the President or other authorized Tribal Officer, acting as Chairman of the Tribal Council or Executive Committee, shall be required on all resolutions adopted for purposes of certification.

Section 8. When so authorized under the terms of this constitution or by resolution of the Navajo Tribal Council or Executive Committee, the President of the Navajo Tribe shall sign any and all documents, agreements, contracts and commitments for and in behalf of the Navajo Tribe. The President may delegate the authority to sign such documents to any one of the following: Vice-President, Secretary, Treasurer.

Section 9. In the absence of the President, the Vice-President shall perform such functions as the President shall direct. In the absence of both the President and the Vice-President,

such functions shall be exercised by any other Tribal officer or member of the Executive Committee as the President shall direct.

Section 10. The President shall direct the preparation of the annual Tribal budget and present said budget for the approval of the Tribal Council at the regular Council meeting next preceding the close of any fiscal year.

Section 11. Both the President and the Vice-President of the Navajo Tribe shall reside and maintain offices at the headquarters of the Tribe, and the Vice-President shall assist the President in the discharge of Tribal duties and business as the President may direct.

ARTICLE VI - THE JUDICIARY

Section 1. The judicial power of the Navajo Tribe shall be vested in one appellate court and such lower Navajo Tribal Courts as the Tribal Council may establish; and such Courts shall have the power to adopt rules of procedure for the conduct of their business, including procedure governing appeals.

Section 2. The judicial power shall extend to all cases, in law and equity, arising under this Constitution and the laws of the Navajo Tribe.

Section 3. The judges of the Courts shall be appointed by the President of the Navajo Tribe, with the advice and consent of the Navajo Tribal Council, to hold their offices during good behavior. The judges shall receive such salary as the Council shall direct.

ARTICLE VII - TRIBAL ELECTIONS

Section 1. It shall be the duty of the Navajo Tribal Council to make all provisions necessary for the conduct of Tribal elections, including the determination of the time, place, and manner of holding nominating conventions and elections. The procedure as approved by the Council on September 15, 1950, shall remain in effect, except where in conflict with this Constitution in respect to the election of judges, and until modified by the Council.

Section 2. From the time of adoption of this Constitution until the election and qualification of successors at the next succeeding general election, all delegates and officers shall continue in office. The Advisory Committee as constituted at such time shall become the Executive Committee, and the Chairman and Vice-Chairman shall become the President and Vice-President.

ARTICLE VIII - VACANCIES AND REMOVAL FROM OFFICE

Section 1. If any delegate to the Navajo Tribal Council or tribal officer shall die, resign, be recalled or removed from office, permanently leave the reservation, or be convicted of a felony, the Tribal Council shall declare the position vacant and a successor shall be elected in a manner prescribed by the Council.

Section 2. Any delegate to the Navajo Tribal Council or Executive Committee members may be recalled by majority vote of the eligible electors residing within the District which he or she represents at an election called and conducted in accordance with pertinent provisions established in the bylaws of the Tribal Council.

ARTICLE IX - TRIBAL BUSINESS ORGANIZATION

Section 1. Following the adoption of this Constitution, the Navajo Tribal Council shall establish and maintain a Tribal business organization or organizations in such form as the Council deems appropriate to serve the best interests of the Navajos.

Section 2. No person who is a director, manager or employee of any such business organization of the Navajo Tribe shall be at the same time a Delegate to the Navajo Tribal Council or an elected officer of the Navajo Tribe. Officers and employees within such Tribal business organization may be selected as the Council may determine.

ARTICLE X - LOCAL CHAPTERS

Section 1. In order to encourage and facilitate the greatest possible participation in the affairs of the Tribe on the part of all Navajo communities under the jurisdiction of the Navajo Tribal Council, local Chapter organizations may be established and maintained within each Election District in accordance with regulations which the Council may adopt.

Section 2. A local Chapter may propose legislation, request Council action through its Chairman, and exercise any function delegated to it by the Tribal Council.

ARTICLE XI - OATH OF OFFICE

Section 1. Each person elected to Tribal office shall take the following oath of office prior to assuming the duties thereof:

"I, _____, do solemnly swear that I will

support and defend the Constitution and laws of the United States, that I will support and carry out, in so far as is within my power, the Constitution of the Navajo Tribe and the By-laws and ordinances adopted pursuant thereto and the treaties of 1850 and 1868; and that I will faithfully and impartially discharge the duties of my office to the best interest of the Navajo Tribe."

ARTICLE XII - AMENDMENTS

Section 1. The Constitution of the Navajo Tribe may be amended by majority vote of the qualified electors of the Tribe. Proposed amendments to the Navajo Tribal Constitution shall be printed, distributed and explained to the Navajo electorate and adopted or rejected thereby at an election called for that purpose.

Section 2. Action toward amendment of this Constitution may be initiated by (1) resolution of the Navajo Tribal Council or (2) by petition signed by not less than 1,000 qualified electors of the Navajo Tribe addressed to the Navajo Tribal Council.

Section 3. Upon a petition by at least one-third of the eligible voters, or upon a petition of a majority of the members of the Tribal Council, any enacted or proposed ordinance or resolution of the Council shall be submitted (by the Council) to popular referendum and the vote of a majority of the voters voting in such a referendum shall be conclusive and binding on the Council.

ARTICLE XIII - SAVING CLAUSE

All resolutions heretofore adopted by the Tribal Council and Advisory Committee not inconsistent with this Constitution are continued in full force and effect.