

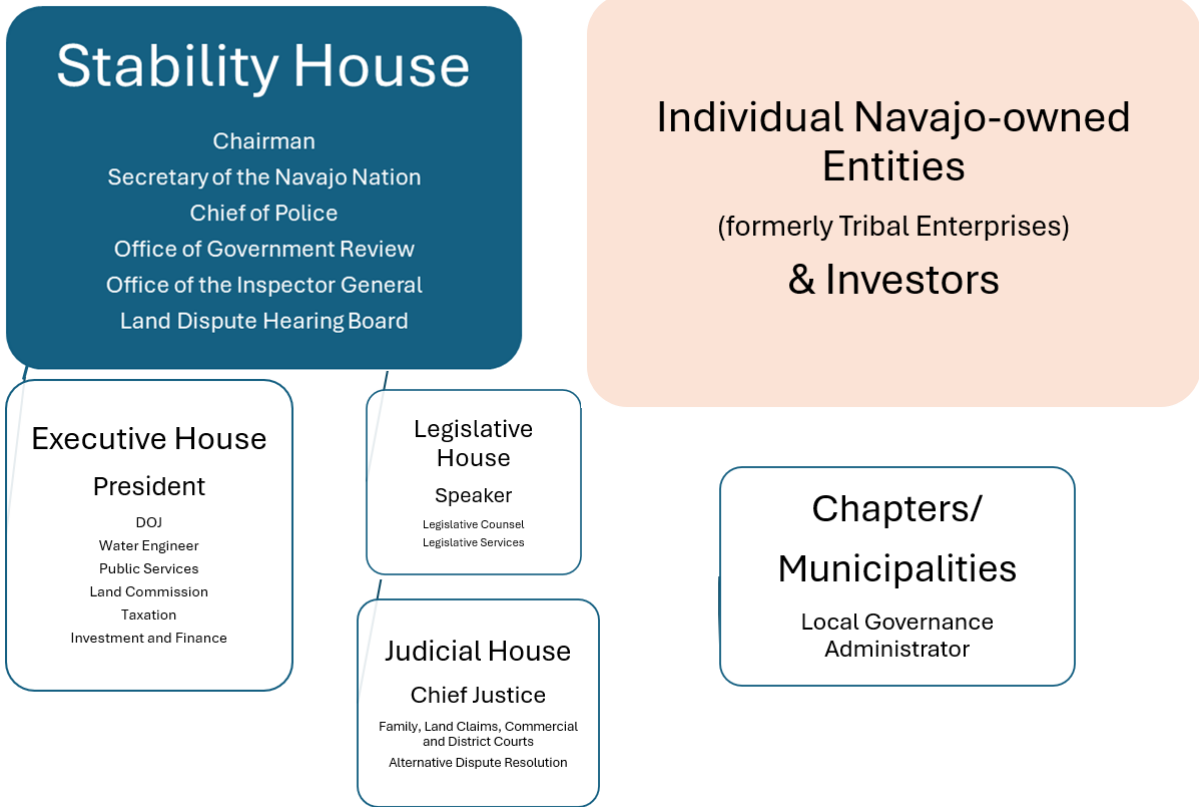


TROUBLING ASPECTS IN THE ONGD PROPOSED DOCUMENT

113 pages	So complicated that it is wall of text
Summary	<p>ONGD has provided no written summary. This is our assessment:</p> <p style="background-color: yellow;">This complicated document is a model of corporate governance with emphasis on business and investors. It uses sacred terms yet eliminates any traditional values in the basis of our own government. The intent seems to be that this document is viewed as established by the People and will be the foundation of all governance.</p>
<p>Document title: ONGD calls this document “Diyin Nohookáá Diné’é Bi Beehaz’áanii Bitsé Siléí, Sa’ah Naghái Bik’eh Hózhóón – Collective Will”</p> <p>Established by Collective Will. The <i>Preamble</i> provides: “Nihí Diyin Nohookáá Diné’é nigliíinii, Sa’ah Naghái Bik’eh Hózhóón binahgii, <u>by our collective will</u>, affirm our individual autonomy, our individual rights, our duties to community and to serve the needs of the Diyin Nohookáá Diné’é for unified democratic action, establish justice, provide for a common defense, and to promote our general welfare, enlightenment, posterity and prosperity, agree upon and <u>establish this Diyin Nohookáá’ Diné’é Bi Beehaz’áanii Bitsé Siléí for the Navajo Nation.</u> Díí binah’jj’ hózhó dóó Sihasin holóodo, dóó bee náás yiikahdoo.”</p> <p>Acknowledgement of Holy Ones. Art II §201 states: “Diyin Nohookáá Diné’é, the people of the Great Covenant, exist with the blessings of our Diyin Diné’é (Holy Deities) and are connected to all that exists. The name “Diyin Nohookáá Diné’é is interchanged with Diné, Navajo people, enrolled members of the Navajo Nation and the Navajo tribe of Indians throughout this document.”</p> <p style="background-color: yellow;">This document and the Navajo Treaty shall be the SUPREME LAW. Art III §304 states: “<u>This Diyin Nohookáá Diné’é Bi Beehaz’áanii Bitsé Siléí (herein after “Diné Bi Beehaz’áanii”); and the Treaty of 1868 between the Navajo people and United States Government and all treaties made, or which shall be made, under the authority of the Dine’ Bi Beehaz’áanii, shall be the Supreme Law of the Navajo Nation.</u>”</p> <p>All other laws MUST be consistent with THIS Diné bi beehaz’áanii. Art III §305 states: “The laws of the Navajo Nation authorized and enacted under authority of this Dine’ Bi Beehaz’áanii shall be subordinate to and consistent with this Dine’ Bi Beehaz’áanii.” This is the most confusing to ordinary people, who may think a referendum would honor fundamental law. Instead, this document says that IT is Diné bi beehaz’áanii.</p>	
K’E IS NOW A LIST OF CIVIC OBLIGATIONS	
<p>Under Art V §§501-511 K’é is now a list of civic duties and responsibilities that emphasize self-help and respect for business. They include the duty to abide by rule of law, to obtain an education, to maintain property, <u>to be fair in business transactions and honor contractual obligations</u>, to defend the Navajo Nation, to disclose crimes, and <u>to be accountable including for intoxication.</u></p> <p>No corresponding Government Obligation to the People.</p> <ul style="list-style-type: none"> • Air, water, food, shelter. Every person has the right to independently procure clean air, safe drinking water, nourishment and a safe and sanitary shelter. (No requirement put on gov’t to provide support for persons to exercise that right. You are on your own) <i>Art VII §702</i> • Resources are heavily weighted toward government authority and management. No gov’t obligation to preserve resources for community or ceremonial use. 	

PROPOSED HIERARCHY – ONE MORE BRANCH + PRIVATIZED ENTERPRISES & CHAPTERS		
	Beehaz'áanii Baa Áhoyáńíjí Báhooghan	Stability "house"
NN Council	Beehaz'áanii Hadilnehíjí Báhooghan	Legislative "house"
Executive Branch	Beehaz'áanii bee Oonishíjí Báhooghan	Executive "house"
Judicial Branch	Beehaz'áanii bee Na'whiit'ah Báhooghan	Judicial "house"
Tribal Enterprises	Privatized	
Chapters	Municipalities and "Local Governance Administrator"	

No flow chart, but possibly looks like this:



30-Day Legislative Enactment Session only once a year in January. (Plus special sessions 4x/year for 2 days) – very problematic, as severely limits legislative ability to work §1502

Are Chapters Gone? The proposal says nothing about whether Chapters have been replaced by “Local Government Entities” (LGEs) or if there is a period of transition to LGEs.

No Realistic Funding for Local Governance. Proposal permits communities to incorporate a municipality to provide for their health, safety, and welfare but does not describe a means for funding these services. §§1801, 1806, 1807

STABILITY HOUSE IS REALLY POWERFUL

- **Power to veto legislation.** Unelected representatives in this House may veto legislation passed by the directly elected members of the Legislative House §§1406(F), 1403, 1406

- **Power to remove anyone for “corruption.”** The Government Anti-Corruption Board in this House writes the laws that say what corruption is, then can investigate and remove elected officials and government appointees throughout government. The threat of the exercise of this power could be enough to cause a government official to comply with the Stability House. An adverse action could be appealed to the Navajo Nation Supreme Court whose members could also be removed by the Stability House. §1405(D)
- **Power to change prior laws.** Office Government Review (OGR) would have the unilateral power to revise all laws it deems nonconforming to this document. (The ONGD will be renamed and take on the role of this OGR). §§ 1405 E, 1410
- **Power over infrastructure fees and expenses.** The Public Regulatory Commission in this House controls NN infrastructure, which controls fees and expenses relating to, for example, transportation, pipelines, utilities, waste management, internet, wireless telephone. §1411
- **Power to audit government and local entities.** The Office of the Inspector General in this House audits the four houses of government and Local Governance Entities for compliance with the law and present their findings to its internal Government Anti-corruption Hearing Board to determine individuals’ culpability (and ultimately whether the Stability House will remove the official). §1412
- **Power over NN Funds.** Stability House has the final review of the annual budget, can modify it, approve it, and veto it. §1018
- **Power over Elections.** The Secretary of NN manages all elections including certifying mental and physical fitness of candidates for office. The Secretary creates election regulations, enforces the election code, maintains election rolls, tribal membership information, and citizenship status, and develops and recommends to the Stability House all apportionment plans. §1408, Art XIX, §16
- **Secretary is Principal Advisor to the President.** The Secretary serves as President’s principal advisor on foreign, federal, and state policy and conducting negotiations with external governments. §1408, Art XIX §16
- **Secretary succeeds the President.** In the event the Navajo Nation President is unable to perform the duties and responsibilities as the President of the Navajo Nation, the Secretary shall succeed to perform the duties and responsibilities of the President of the NN.” § 1206 and Art XIX §16 D (but there is a conflicting provision
- **Chief of Police.** The Chief of Police will be in Stability House. Art XIX §20

INVESTOR BILL OF RIGHTS Art VII (Empowers business and limits govt and community review)

1. Limits government and community intervention in business dealings.
2. Fast-tracks access to utilities and infrastructure including power, roads, water, gas, telecommunication lines and other works *without undue delay*
3. Right to access to resources
4. Right to secure legal protections for outside capital
5. Right to remediation through NN courts without denial or undue delay
6. Allows commodification of anything that is considered legal commodities in 3 of the Four Corners states
7. Right to influence NN business-related policy and law

- 8. "No employee or official of the Navajo Nation... shall obstruct, interfere with or control the management or functions of an investor... or attempt to influence such functions in any manner except through law."

- 9. NN cannot pass laws that alter or disrupt an active corporate contract.

- 10. No legal mechanism for the people to disrupt or delay business activity. The new law expressly says even the right to life does not create a justification to oppose and prevent public or economic projects.

- 11. NN cannot "unduly burden" corporations with taxes. (Legislative House cannot impose a tax on a business entity that is higher than a tax imposed by a neighboring state, county, or municipality. §1510(A)(10))

LAND USE & OCCUPANCY

NN will pursue full title to trust land and allotments. Art IX §902 authorizes Tribe to lobby Congress to obtain full title to trust lands and restricted fee lands (allotments) while also remaining exempt from tax and from state law."

NN will sell land if it can. Art II §210 prohibits land sale of over 5,000 acres to non-Navajos except by ¾ vote of registered and voting Navajos. There seems no restraint to sell lands of any size to Navajos if NN is successful in its lobby of Congress to get full title.

"Use and Occupancy" subject to Forfeiture. In Art IX §914 all persons are subject to "total forfeiture of right to use and occupy land if used for "illegal and unlawful activity, creating a public nuisance, harboring wild animals or any unauthorized use."

Permits remain Required for everything. Art VI. The natural resources of the Navajo Nation trust lands in trust are vested in and belong to the Diné, however, no individual is entitled to utilize, develop, claim or sell more resources than necessary to maintain their personal household without a permit or authorization from the governmental entity responsible for managing that resource.

Land is monetized. Art IX §906 provides the Diné consent "to monetize the land for the benefit of the Diné" prioritized above agriculture & cultural uses.

Taxes can be levied on income tax and on buildings (1st residence excepted) §715.

SOME MORE TROUBLING SYSTEMIC ASPECTS

Elite Requirements for Elected Office. Medicine men, local leaders, and others who do not have a degree from a college/university are barred from elected office. §§1201, 1404

Overly Specific Educational Requirements. Many positions require overly specific educational and professional attainments with 8 year term limit. If instead requirements were more flexible under a merit-based system where they could be fired for cause, good professionals could rise to positions of more responsibility. §1202 and Art XIX

"Supreme Law" filled with gaps can only be revised by 66% initiative vote of all registered voters. This document is Supreme, and only after that all other laws to resolve disputes. § 1705 A. But Navajo voters are being asked to analyze and approve a document with multiple sections that are incomplete or "reserved". Upon enactment, requests to amend must be by initiative petition of 10% voting voters, and 66% of registered voters must vote to adopt the amendment. Art XX