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**SUPREME COURT DEMANDS IMMEDIATE RE-ESTABLISHMENT OF
COMMISSION ON NAVAJO GOVERNMENT DEVELOPMENT**

WINDOW ROCK – The Navajo Nation Supreme Court issued a clarifying order Friday in which it addressed a recent memorandum issued by Speaker Lawrence T. Morgan forbidding the Commission on Navajo Nation Government Development from convening and preventing budget transfers to the Commission.

The Supreme Court stated that the Speaker's memorandum was in direct defiance of its ruling in its Second Opinion in Shirley v. Morgan that ordered the reinstatement of the Navajo Nation Commission on Navajo Government Development according to its original terms in the Title II Amendments of 1989. The Second Opinion was issued July 16 by the Supreme Court and reinstated the Commission, which had been illegally abolished in 2007 by the Navajo Nation Council.

The Speaker had issued his memorandum upon receiving an Aug. 4, 2010 legal memorandum from Frank Seanez, Chief Legislative Counsel, in which Mr. Seanez advised the Speaker that the Court did not have authority to order reinstatement of the Commission.

The Supreme Court noted in its Friday order that the Speaker, who is a co-Respondent-Appellant in this case, had not sought to challenge the Court's ruling through the filing of a motion to reconsider within 20 days after notice of the Court's decision. The deadline to challenge the July 16 opinion was Aug. 5.

Defying a Supreme Court decision by governmental entities is prohibited in the Navajo Nation Code in Title 7, section 206, where it states, "No employee or official of the Navajo Nation, federal or state government shall obstruct, interfere with or control the functions of any Court of the Navajo Nation."

In the clarification, the Court stated that Commission members who are willing to serve and constitute a quorum may convene and that the work of the Commission is a financial obligation of the Navajo Nation government. If financial support is not immediately available, the Commission may still meet and be reimbursed for those expenses, the Court stated. "Any obstruction to the efforts of the Commission shall be considered defiance of this Court's order," the order stated.

"Provided there is a quorum, the last appointed Commission members may continue their term of service at a time frame of their choosing, immediately if they so choose, pursuant to the authority

previously granted to the Commission members by the Council. When the incoming Council is seated, the existing Commission may be re-confirmed and new members may also then be confirmed," the Court stated. The period when the Commission was abolished is deemed tolled and does not count toward the expiration of terms of its members.

The Court also clarified that legal memoranda issued by the Legislative Counsel must give way to Court decisions.

The Court refrained from issuing an enforcement order, recommending instead that the leaders of the legislative and executive branches resolve the issue in the traditional way of talking things out in a venue where the public may participate and discuss how the Court order will be complied with. This is done out of respect for the people and the political leaders to have them find a way to avoid enforcement orders and the resultant confrontation between branches.

The Court issued this order in response to two separate requests to provide clarification on the opinion. The requests were submitted by the group Hada'a Sidi on Aug. 23, 2010 and by two members of the Commission on Navajo Government Development on Sept. 3, 2010.

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