

RESOLUTION OF THE
NAVAJO TRIBAL COUNCIL

Amending the Civil Jurisdiction of
the Courts of the Navajo Nation

WHEREAS:

1. The Navajo Nation is a sovereign Indian Nation with all powers to self government; and
2. In 1958 by Navajo Tribal Council Resolution CO-69-58, as amended by Navajo Tribal Council Resolution CJA-5-59, the Navajo Tribal Council established the courts of the Navajo Nation and granted to them jurisdiction over certain criminal, civil, domestic and probate matters; and
3. At that time, it was not considered appropriate to assert civil jurisdiction over all persons within the Navajo Indian Country; and
4. From time to time, the Navajo Tribal Council has asserted the civil jurisdiction of the Courts of the Navajo Nation; and
5. Nonetheless, the Navajo Tribal Council has never given the courts of the Navajo Nation general civil jurisdiction over all persons within Navajo Indian Country; and
6. While the decision of the United States Supreme Court in the Oliphant case precludes the Navajo Tribal Courts from exercising criminal jurisdiction over all non-Indians at this time, there is no such limitation on the exercise of civil jurisdiction over non-Indians; and
7. Many non-Indians reside or do business or conduct other activities within the Navajo Nation (Navajo Indian Country) and it is appropriate that these persons be called upon to account for their activities and the effect thereof in the Courts of the Navajo Nation; and
8. The Police Committee, the Judiciary Committee and the Codification of Laws Committee of the Navajo Tribal Council have considered this matter extensively and have recommended the assertion of Civil Jurisdiction of the Tribal Courts of the Navajo Nation over non-Indians.

NOW THEREFORE BE IT RESOLVED THAT:

1. The civil jurisdiction of the Courts of the Navajo Nation is hereby amended to include civil actions in which the defendant is a resident of Navajo Indian country, or has caused an action to occur in Navajo Indian country.

2. Actions brought to enforce the criminal, labor, tax, or environmental laws of the Navajo Nation, may only be brought by the government of the Navajo Nation or any Agency thereof.

3. The jurisdiction of the Courts of the Navajo Nation shall not extend to any action against the Navajo Nation without its expressed consent.

4. No court of the Navajo Nation shall enter an order for temporary or preliminary injunctive relief in any proceeding in which there is no appearance by the defendant, unless:

- a. The district judge certifies in writing as to the specific irreparable harm which will occur were the temporary relief not to be ordered; and
- b. The attorney or counselor for the plaintiff certifies by affidavit as to the efforts which have been made to locate the defendant or the defendant's attorney to notify him or her of the hearing on preliminary or temporary injunctive relief.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Tribal Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 64 in favor and 0 opposed this 13th day of February, 1980.



Vice Chairman
Navajo Tribal Council