

STATEMENT OF THE CHIEF JUSTICE UPON HIS RETIREMENT

After forty years working in the legal profession for the Diné and with thirty years working in Navajo Nation government, with a stint as Attorney General and more recently as Chief Justice, I will be retiring. My retirement decision has long been urged by my family, relatives and community out of concern for my well-being. For the past ten years, I have been part of a Court that has had to make hard decisions often involving ruptures in relationships that, according to our deeply held principles of *k'é*, should properly be the responsibility of a better and more traditional system to patiently restore. I have decided now, with full consultation with my elders, to heed their advice.

Our society is a precious one, but one in which isolation and lack of self-esteem can harm our young ones their whole lives. I was such a young one, refusing to see value in myself, yet I survived though many of my generation did not make it and could not provide for the families they left behind. Somehow, I gained experience and knowledge, and was able to reconnect with my loved ones. It is much harder for a young person to reconnect after isolating himself or herself than to understand the value of relationships, *k'é*, from the beginning and be helped forward. Sometimes to learn this value, there must be a disciplinarian. I have tried to emphasize this value in my participation on the Supreme Court, Hashkééjí Nahat'á, and by example.

We start with incomplete knowledge in a difficult environment. The difficulties in making ends meet is often unbearable enough and becoming separate from our value system, embodied by our language, can seem insignificant. We can become indoctrinated into believing such identity to be unimportant. Parents may even believe that they are protecting their child by affirming the unimportance of traditional knowledge that the parents, themselves, have not conveyed. To these parents, I would tell a story, that of a young Navajo serviceman troubled at putting on an army dress uniform with insignia of cavalry sabers, feeling a general sense of betraying himself, and unable to put into thought or words how to own his own future.

My folks always said – your experience, your knowledge, we appreciate you putting it to good use on behalf of the people. You now have attained these high leadership positions. But be aware that there will always be people who will insist on behaving as if the function of government is to destroy itself. In your position, don't ever get down to their level, because you have to protect the concept of *natanii*. You have to maintain integrity for the people, and you should not by your words cause people to lose faith in our value system or respect for the value system. That's not what a leader does. However, there have been a few times that, as part of the Supreme Court, I have had to call the government structure into question in order that the people have knowledge of your government, be engaged in the actions of government, and design and choose your future system of government that affirms who you are rather than merely imitate surrounding states.

The other day, someone told me that he understands and supports the Supreme Court. He remembered that when the Council declared that Fundamental Law and tradition is only what the

Council decreed Fundamental Law to be, it was the Supreme Court that struck down that effort. It was through use of Fundamental Law that the courts were able to rein in corruption in past Councils and strike down enactments that provided cover for embezzlement of the discretionary fund. Concern for the traditional law of the people and the value system of the people have been the duty of the court system since the Navajo Nation began performing decision-making functions free of the burden of elections. It is my steadfast hope that the Judicial Branch may continue to be the disciplinarian and gatekeeper without interference.

The Court takes a comprehensive look at the laws and hears the explanation from those who wish to state their position. The Court cannot ignore other laws, and it cannot pick and choose which law applies when there is a set of laws that all bear on one subject. In the recent election cases, our courts affirmed the rights of the people to choose their leaders. Yet at the same time, it was our elders, our former leaders, who made it very specific, very strong, that you must be fluent in order to be President and Vice President. Our government specifically added the fluency qualification in 1999. We affirmed the validity of the language requirement in our president election laws. We have noted that the President is nihi nanit'a'i elected by all the Navajo People while all other offices are elected by communities in smaller areas. The President has the stature of representing the whole Navajo Nation to other sovereigns and the one who is the embodiment of the Nation. The law requires this embodiment to be bilingual. Don't expect to be President without acquiring the qualification.

In closing, I would say that the recent proposed measure to remove me all concern decisions by the Supreme Court, not actions of an individual. The decisions were based on a thorough analysis of the law and declaration of how the law should be applied. Issuing court decisions that are thoroughly explained are manifestly judicial acts, that is what courts do. Our past governmental leaders have always said that when the Supreme Court makes a decision, that is the final decision. That law must be complied with no matter how some may view me as an individual. Seeking to use personal attack does not nullify the Court's decision. I urge the Diné to learn from the actions and words of those who attack our way of life. Learn and protect our heritage. Turn the negative into positive.

I am truly grateful for being able to have worked with all of you. I have become acquainted with many of you personally and know that I have family all over our land. In my retirement, I am sure we will meet and enjoy the beauty of our life and the gifts that have been bestowed on us.

Coming from being a judge, my dream is that when we meet those who find themselves facing harshness of life, that we will help them, especially affirm to the Diné that because we are Diné, we can restore ourselves to the Beauty Way, and thereby also affirm all humanity who are universally linked, as neighbors, as surrogate family, and as partners in a mutual journey.

I'm sure we'll see each other soon.

Diné binant'a'í jílǫigo hanaanish éí t'áá bééhóziní, diné be'iina' bits'íís yá'át'ééhdoó, bits'íís dóó bintsáhákees k'ézdongo yá'át'éeh dooleeł dóó yá'át'éehgo hináa dooleeł jinízin dóó honahat'a'go éí bee bá jizǫi dooleeł....

Saad báadahadzidii, saad doo aaníinii, saad bee ahididláash doo bee yájíłti'da, dóó doo baa yáti'da. Yíiyá bááhádzid! Háálá diné baahasti', diné baa hajoobá'í, ında diné éí díłzin dóó baa hááh hwiindzin. Saad kódaat'ei éí doo bee yájíłti'da háálá hazéé' hodiyyin dóó naat'aanii jílǫigo éí doo kót'éigo hazaada.

T'ááhó hazaadígíí éí baajisti', baa jé'jólná dóó hona'nitin át'é áádóó hodine'é dóó ha'álchíní éí baahasti' áádóó t'ááhódó' haahasti'....

Áko, Diné binant'a'í jílǫigo, hodine'é kót'éigo saad doo aaníinii yee yádaałti'go éí saad yá'adaat'éehii, Sa'ah Naaghéí Saad, Bik'ehózhóón Saad, Tsodizin Saad, ında Yoołgaii Saad, Dootł'izhii Saad, Diichiłí Saad dóó Bááshzhiniin Saad ádaat'ei bee bich'ǫ' yájíłti'go bee bíni' bá ninájiishqoh dóó bee bá nazh nit'áa dooleeł."

Díí kót'éigo na'nitinígíí bik'izh diitǫihgo dóó binahji' éí bee naho'ji'áago áko saad doo adaaníinii éí t'áá ałtsq Tádídíín Saad dóó Tó Ałtah Naashchíín bidahtoo' nídadoodleeł.

CHIEF JUSTICE HERB YAZZIE

NAVAJO NATION JUDICIAL BRANCH