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Former Members of the Navajo Board of Election Supervisors Submitted a Notice of Intent to Sue the Navajo Nation Seeking Relief from a Contempt Finding During the Course of the Recent Presidential Election

Window Rock, Arizona -- On August 6, 2015, the former members of the Navajo Nation Board of Election Supervisors ("NBOES") -- Norman Begay, Harry Brown, Sr. Wallace Charley, Michael Coan, LeNora Fulton, Fran George, Jonathan Tso, Ruth Watson, and Tom White, Jr. -- submitted a Notice of Intent to Sue the Navajo Nation. The Notice is a precursor to bringing claims against the Navajo Nation and its officials. The former NBOES members intend to bring claims against the Navajo Nation for violations of their civil rights, when they were stripped of their positions NBOES members, held in contempt, and precluded from holding elected office in the Navajo Nation just days before the disputed November 4, 2014 election that they were elected to oversee. The motion seeking a contempt finding was filed by the same two individuals -- Dale Tsosie and Hank Whitethorne -- who successfully brought suit to prevent Chris Deschene from running for President of the Navajo Nation in November 2014 due to his lack of fluency in the Navajo language.

Without taking any evidence or testimony, the Navajo Supreme Court found all the former board members in contempt for failing to timely comply with its order to postpone the election and remove Chris Deschene from the ballot. However, in recognition that there was neither the legal authority nor the funds to postpone the election, it went forward as scheduled but the contempt finding was not withdrawn.

On January 20, 2015, the Navajo Nation Tribal Council and former President Ben Shelly adopted legislation acknowledging that the former Board members due process rights had been trampled, pardoning the Board members, and restoring them to their elected positions. Whitethorne and Tsosie challenged the legislation directly to the Navajo Supreme Court, which accepted the case and struck down the pardon. Shortly after a resolution seeking to remove Chief Justice Herb Yazzie from the Court issued from a committee of the Navajo Nation Tribal Council, Chief Justice Yazzie resigned.

The former Board members seek reinstatement to their elected positions and of their right to run elected office, formal apology from the Navajo Nation recognizing that the former Board members acted in good faith during the 2014 election, and that the contempt order be rescinded. If this relief is not provided and the former Board members are required to file suit, they will seek monetary damages for the harm to their reputations and the humiliation caused by the contempt order.

For additional about this matter, please contact:

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