

**IN THE DISTRICT COURT OF THE NAVAJO NATION
JUDICIAL DISTRICT OF WINDOW ROCK, ARIZONA**

Honorable Speaker Crystalyne Curley,
Petitioner.

v.

President Buu Van Nygren, Office of
Management and Budget, and Office of the
Controller.

Respondents.

Docket No. WR-CV-112-25
Justware Case ID No. 25-15680

**ORDER GRANTING DECLARATORY
RELIEF (COUNT ONE) AND DENYING
INJUNCTIVE RELIEF (COUNT TWO)**

INTRODUCTION

This matter is before the court for declaratory and injunctive relief concerning line-item vetoes of the 2026 comprehensive budget. The parties involve Navajo Nation Government entities. The matter is being adjudicated under Navajo Nation laws and civil procedures. Personal and subject matter jurisdiction is proper with this court. The issues are whether declaratory relief will be granted on the Navajo Nation President's line-item veto exceeding his authority (Count One of the Petition) and whether injunctive relief will be granted prohibiting the OMB/OOC from acting on the line-item vetoes (Count Two of the Petition). The court grants declaratory relief, authorizing limited court intervention, and denies injunctive relief.

FINDINGS OF FACTS

The Navajo Nation Budget and Finance Committee of the Navajo Nation Council held hearings on the 2026 comprehensive budget throughout 2025. Typically, the three branch chiefs of all three branches of the Navajo Nation Government would meet and provide the base planning allocations for its respective branches. The base planning allocations are provided to the Navajo Nation Budget and Finance Committee, which then approves the figures by resolution. *Navajo Nation President Nygren's Exhibit 16*, at 12, § 6(a) (July 8, 2026). This requirement is part of the Budget Instructions Manual, which is adopted by the Budget and Finance Committee's resolutions.

The Budget and Finance Committee eliminated the three-branch chief's requirement and provided the base planning amount for all three branches on its own utilizing the Navajo Nation Controller's method called a "data driven formula" that appears to utilize the budget allocation of all three branches in the last three years. *Plaintiff's Exhibit A*, at 12, § 6(a) (November 13, 2025); *Defendant President Van Nygren Exhibit #22* (July 9, 2026); *Testimonies of Plaintiff, Honorable*

Delegate Brenda Jesus, and Navajo Nation Controller Sean McCabe. The average spending of all three branches is what was allocated to the branches by the Budget and Finance Committee for fiscal year 2026. The results were five courts of the Navajo Nation Judicial Branch, had its operational funding eliminated and the Navajo Nation Office of the President/Vice-President received far less funding for its operations.

In contrast, the Navajo Nation Council fully funded itself and on September 5, 2025, the defendant Navajo Nation President Van Nygren began eliminating most of the Navajo Nation Council's operational budget with his line-item veto authority. The five courts did eventually receive its operational funding and this suit soon followed concerning the Navajo Nation Council's operational funding being eliminated. Count One of this lawsuit seeks declaratory relief to determine the extent of the line-item veto authority. *Verified Petition for Permanent Injunction*, at 22-23 (October 10, 2025). Count Two is injunctive relief prohibiting the OMB/OOC from taking any actions on the line-item vetoes. *Id.* at 23-24. The legislative branch, being subjected to the executive branch's line-item vetoes, lasted until May 2026 before the parties finally settled out of court.

LEGAL CONCLUSIONS OF LAW

At the preliminary injunction hearing, petitioner must show 1) that he has a protectable right or interest and has a high likelihood of success on the merits; 2) that irreparable injury, loss or damage to that right is likely to occur unless preliminary injunction is issued; 3) that the threatened injury, loss, or damage is substantial in nature or character; and 4) that the moving party does not have an adequate remedy at law. *Navajo Nation v. RJN Construction Mgt., Inc.*, 9 Nav. R. 556, 560 (Nav. Sup. Ct 2013); *Boyd & McWilliams Energy Group, Inc. v. Tso, Johnson, Mark, John Does 1 through 100*, 7 Nav. R. 458, 461-462 (Ship. Dist. Ct. 1994); Nav. R. Civ. P. 65(c). A Temporary Restraining Order may be issued to maintain the status quo until a hearing can be had upon the motion for Preliminary Injunction. Nav. R. Civ. P. 65.1(a).

The President of the Navajo Nation will be authorized to exercise line-item veto authority over budget items contained in the annual Navajo Nation Comprehensive Budget or supplemental appropriations approved by the Navajo Nation Council. Budget line items vetoed by the President of the Navajo Nation will not be subject to Navajo Nation Council override. [T]his initiative may be repealed or amended by the initiative process only. 2009 *"Initiative to Authorize the President of the Navajo Nation to Exercise Line-Item Veto Authority"* (December

15, 2009). Legislation adopted by a referendum/initiative election shall be amended or repealed only by the outcome of a vote on a subsequent referendum or initiative election concerning the same subject matter as that of the referendum/initiative which originally adopted the legislation; or for a Navajo Nation-wide referendum or initiative election, by three-fourths (3/4) vote of the full membership of the Navajo Nation Council at a regular session of the Navajo Nation Council. 11 N.N.C. § 409(C).

The separation of powers doctrine requires that each branch of government be permitted to exercise its duties without interference from the other two branches of government. Each branch has *naat'áanii's* of equal stature, from the Navajo People's point of view. *Shirley v. Morgan*, 9 Nav. R. 325, 335 (Nav. Sup. Ct. 2010). The government branches are expected to work cooperatively and cohesively together. One branch is not supreme over the other. *naat'áanii's* are to give something useful and valuable to the Navajo People in equal parts, it is the interests of the People that is the thought behind the separation of powers, as opposed to one branch assuming a superior position. *Id.* at 336-337.

The government of the Navajo Nation belongs to the Navajo people. A government cannot operate effectively unless the citizenry has confidence in its government. Public confidence comes when citizens believe that their government can protect them from violations of their rights. *Tuba City Judicial Dist. v. Sloan*, 8 Nav. R. 159, 167 (Nav. Sup. Ct. 2001). Checks and balances are equally important in the operations of government. Checks of balances promote accountability within each branch by preventing abuses of discretion and power. *Id.* at 169.

Analysis

Declaratory relief is granted for the plaintiff when the line-item veto is utilized to violate the Navajo People's right to vote or assume a superior role over another branch. Judicial intervention is proper in rare exceptions of this nature because the Navajo People must have their voting rights protected by its government, and one branch cannot assert superiority over the other branch. *Shirley v. Morgan*, 9 Nav. R. at 335-337; *Tuba City Judicial Dist. v. Sloan*, 8 Nav. R. at 167. Furthermore, the Navajo People did not authorize the Navajo Nation Executive Branch to shut its government down when the 2009 initiative was passed, and the line-item veto should not be utilized to do so. 2009 "Initiative to Authorize the President of the Navajo Nation to Exercise Line-Item Veto Authority" (December 15, 2009).

However, in this case the evidence shows the Executive Branch exercised its line-item veto to put the legislative branch in check by properly funding operations for all three branches. This occurred after the legislative branch's comprehensive budget failed to provide funding for five courts but fully funded itself utilizing a non-transparent data driven formula that has not been disclosed to the public. *Direct-Examination of the Honorable Speaker of the Navajo Nation Council Crystalayne Curley* (October 23, 2025); *Cross-Examination of Honorable Delegate Brenda Jesus* (November 13, 2025); *Cross-Examination of Sean McCabe* (December 8, 2025); *Direct-Examination of Duane Beyale* (July 8, 2026). The Navajo Nation Controller's data driven formula was quickly remedied with proper funding for all court operations after the Council's operational funding was subject to Navajo Nation President Van Nygren's line-item vetoes. *Application for Temporary Restraining Order and Preliminary Injunction*, Attachment A – OMB's September 16, 2025 Report to the Budget and Finance Committee on the Line-Item Vetoes to CS-44-25 (October 10, 2025).

The practice of the Council fully funding itself, while defunding other branch's operations, is why the Navajo People voted for the 2009 initiative – to control excessive spending by the Navajo Nation Council in authorizing the Navajo Nation President line-item veto authority over some of the Navajo Nation Council's annual comprehensive budgets. *Application for Temporary Restraining Order and Preliminary Injunction*, Attachment D – Summary Information (October 10, 2025). The line-item veto served its purpose without the need for court intervention as this was a political question best left for politicians to address.

Unfortunately, this political dispute disallowed direct services to the Navajo People and defunded the Navajo Board of Election Supervisors impacting the 2026 elections. At this point, the court was moving forward with injunctive relief when the parties began negotiating a supplemental budget. The result was Legislation No. CAP-23-26 became law authorizing full funding for the legislative branch, as well as some operational funding for the Office of the President/Vice-President. *Navajo Nation President Van Nygren's Exhibit 25* (July 9, 2026).

It is for these reasons that the court grants declaratory relief to the plaintiff for injunctive relief to be granted when line-item vetoes are utilized to violate the Navajo People's right to vote or assume a superior role over another branch because the 2009 Initiative did not authorize the misuse of line-item vetoes for these purposes. *Application for Temporary Restraining Order and Preliminary Injunction*, Attachment D – Summary Information (October 10, 2025). Furthermore,

court intervention is only utilized to ensure each political branch shares an equilibrium of power because each branch has *naat'áanii's* of equal stature, from the Navajo People's point of view. *Shirley v. Morgan*, 9 Nav. R. 325, 335 (Nav. Sup. Ct. 2010). The government branches are not supreme over the other, *naat'áanii's* are to give something useful and valuable to the Navajo People in equal parts. It is the interests of the People that is the thought behind the separation of powers, as opposed to one branch assuming a superior position over the other. *Id.* at 336-337. Public confidence and trust also ensure that *naat'áanii's* do not violate the right to any political elections. *Tuba City Judicial Dist. v. Sloan*, 8 Nav. R. at 167.

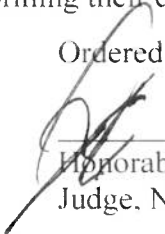
Injunctive relief became moot because the parties settled outside of court and it is less than likely the plaintiff will succeed on the merits. *Navajo Nation v. RJN Construction Mgt., Inc.*, 9 Nav. R. at 560; *Boyd & McWilliams Energy Group, Inc. v. Tso, Johnson, Mark, John Does 1 through 100*, 7 Nav. R. at 461-462; Nav. R. Civ. P. 65(c).

IT IS THEREFORE ORDERED:

Declaratory Judgment (Count One) is granted for injunctive relief to be granted when line-item vetoes are utilized to violate the Navajo People's right to vote or assume a superior role over another branch. Furthermore, the line-item veto authority cannot be used to shut down the Navajo Nation Government, which will warrant court intervention through injunctive relief. Injunctive relief is limited to establishing an equilibrium of power between the branches.

The temporary and permanent restraining order (Count Two) enjoining the line-item vetoes from eliminating the operating budget of the legislative branch services, enjoining OMB/OOC from taking actions relying on the line-item vetoes and compelling these same offices from performing their duties based on the line-item vetoes are denied.

Ordered this 5th day of August 2026



Honorable Malcolm Begay
Judge, Navajo Nation District Court

I hereby certify that this
is a true and correct copy
of the original record in
the court of the Navajo Nation



Court Clerk

Window Rock Judicial District