

# Navajo Nation Law CLE

## Section 2

Justin Jones

How the Courts Use  
Fundamental Law



# DINÉ BIBEEHAZ'ÁANII

## How the Courts Use Fundamental Law

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### I. PURPOSE OF FUNDAMENTAL LAW

#### A. TO PROTECT, PRESERVE, NURTURE: CREATION

1. Light, Water, Air, Earth, Sky, Nanise', Animals, all Nature
2. Humanity: Anooséél dóó Oochiil
3. Enable our Diné to survive, to live harmony, to keep our existence pure and clean, joy and happiness

### II. HOW?

#### A. THROUGH THE EXERCISE OF SOVEREIGNTY

1. How Sovereignty is implemented:
  - a. Joodlá To Believe, Have Faith in it
  - b. Jidísin To Have Respect
  - c. Bik'eh Nijighá To Abide by
  - d. T'áá hó ájít'éego You
  - e. Halee Bee Comprehensively
2. What is our Sovereignty?
  - a. Sodizin
  - b. Nihiyiin
  - c. Nihi nahat'a'
  - d. Nihi Na'nitin
  - e. Oochiil dóó Anooséél
  - f. Dah néitíh / Hááhinibaaqas, Nahidizííd,
  - g. Daan, Shí, Aak'eed, Hai Náhoodleel

### III. WHY FUNDAMENTAL DINÉ LAW?

- A. It is a Law that is specific to us Nihookáá' Diné
- B. It is a Law that knows and understands us Nihookáá' Diné
- C. It is a Medicine, Azee' to treat our sicknesses and solve our conflicts in accordance with our Diné process of solving issues.
- D. We are created with it Bee hadíníit'é dóó Bee hinii'ná

#### IV. WESTERN LAW

- A. Imposed upon us
  - 1. Laws
  - 2. Judicial System / Structure
  - 3. Purpose is different: conflict v. healing
  - 4. Harmful in many ways

## V. DIYIN DINE'É BIBEEHAZ'ÁANII

- A. Not Man Made Laws
- B. Cannot be Scrutinized which can be done to man made laws.

## VI. HOW AND WHERE FUNDAMENTAL LAW WAS CREATED

- A. Alílee / Diyin K'ehgo niil yahígíí
- B. Hashk é Naat'ááh / Hozhóójí Male / Female
- C. Origin
- á. Black, Blue, Yellow, White, Hajínéi é WORLDS

## VII. NATURAL LAW

- |    |                       |                |
|----|-----------------------|----------------|
| A. | Adínidíín             | Light          |
| B. | Níłch'i               | Air            |
| C. | Tó                    | Water          |
| D. | Tádídíín / Nihosdzáán | Pollen / Earth |
| E. | Yádithit              | Sky            |
- 
- |    |                       |
|----|-----------------------|
| 1. | Galaxy / Cosmic Order |
|----|-----------------------|

## VIII. TRADITIONAL LAW

- A. Diyin Dine'é Bibeehaz'áanii
- B. To Live in harmony with the Natural law
- C. Boundary Between Mortality and the Holy People
- D. Governance of these laws – Bik'ehgo hoogáál

**IX. VIOLATION OF THESE LAWS BY HOLY PEOPLE**

- A. Naayée' dahazlǫ́'

**X. BIRTH OF WHITE SHELL WOMEN AND THE TWIN WARRIORS**

- A. Destruction of Evil and Naayée'

**XI. RECLEANSING, RECALIBRATION, REAFFIRMATION**

- A. Spiritual / Holistic Law: Diyin K'ehgo
- B. Social Law: Everyday living
- C. Common: Individual law, t'ááhó bik'ehgo jiiná
- D. Physical law: ats'íís bee baa' áháyá

**XII. OTHER EVILS PLEADED AND WERE SPARED**

- A. Poverty, Hunger, Confusion, Thirst
- B. But law established:
  - 1. We will be disciplined, to live righteous to avoid these evils.
    - a. Mentally, Emotionally, Psychologically, Spiritually

**XIII. BACK TO THE SUN**

- A. 2<sup>nd</sup> trip:
  - 1. Took the two arrows back
  - 2. In return, received 4 arrows with Governance
    - a. 4 branches
- B. 3<sup>rd</sup> Trip: NAHAT'Á
  - 1. Hashké Naat'ááh, Warrior ways, Prayer feathers
- C. 4<sup>th</sup> Trip: SHIELD, LANCE
  - 1. Naachid Hatáál: GOVERNMENTAL SYSTEM
    - a. Checks and Balances
    - b. Philosophy, soul, spirit of governance

2. K'et'áán yálti'

#### **XIV. WHITESHELL WOMEN, THE MOTHER WENT TO THE WEST AT THE INVITATION OF THE SUN**

- A. Home prepared for her
- B. Twins and spirit people missed their mother and went to visit her

#### **XV. RECREATION OF THE é CLANS: CUSTOMARY LAW**

- A. Kinyaa'áanii, Tó Dích'íi'nii, Tó Áhaní, Hashtł'ishnii
- C. CUSTOMARY LAW
  1. To live by: K'é
  2. Birth, old age
  3. Prayers, song, belief system
  4. Thinking, planning

#### **XVI. COMMON LAW**

- A. In the form of sacred talking prayer feathers: K'et'áán yálti'
  1. 4: yoolgai, nahat'a, etc---male / female
- B. Hozhóqjí K'ehgo, nahat'á, bee hooldíldoo
  1. Bik'eh go oochííł, old age
  2. Prayer / sound
  3. Learning
- C. The ones that Nayée' Neizghání had on the second visit: Nayée' K'ehgo
- D. INBEDDED IN;
  1. 4 CLANS
  2. Language
  3. Prayer, song
  4. Name 2
  5. Shadow
  6. Footprint
  7. Sacred cane
  8. Horse
  9. Daadinilei, protector
  10. Philosophy, government, education

11. Water: K'os
  12. Food
- E. This the main force, the cornerstone of your existence and endeavors: PRAYER / SONG
1. That turned into GOVERNANCE [Nahat'áÓ / Iná [LifeÓ
- F. Everyday law:
1. Individual – Birth, Growth, development, Sá
  2. Family: bloodline, K'é, clan
  3. Community:
  4. Nation

## **XVII. STAGES**

- A. INDIVIDUAL: Birth-----Puberty-----
1. MENTAL, EMOTIONAL, PHYSICAL, SPIRITUALITY
- B. FAMILY-----Marriage
- C. COMMUNITY
1. SOCIAL, INTERACTION, NEIGHBORS, EXTENDED RELATIVES
  2. Land, Livestock
- D. NATION
1. GOVERNANCE, SURVIVAL,
  2. TO PRESERVE TO PROTECT
    - a. EARTH, SKY, ENVIRONMENT
    - b. NAVAJO bloodline: Keep it pure and clean
  3. HÓZHÓQJÍ / NAYÉE'EE NAHAT'Á Principles:
    - a. Twelve rules / commandment / principles:
    - b. don't criticize, go against your prayer / song, lies, cheat

## **XVIII. FUNDAMENTAL LAW**

- A. NATURAL LAW: Earth, Sky, Water, Air, Earth, Light

B. TRADITIONAL / CEREMONIAL LAW:

1. Diyin Dine'é bibee haz'áanii
2. To live in harmony and balance with the Natural law
3. Boundary between Mortality and Holy Spirit
4. Governance
  - a. Structure, System, Procedures

C. CUSTOMARY LAW

1. Birth / Growth: Oochííł dóó Anoosééł
2. Birth, Puberty, Marriage, Old Age

a. COMMON LAW

á. INDIVIDUAL

- a. MENTAL, EMOTIONAL, PHYSICAL, SPIRITUAL
- b. Male / Female
- c. Day in and Day out

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