

**LEGISLATIVE SUMMARY SHEET**

Tracking No. 0173-16

**DATE:** May 24, 2016

**TITLE OF RESOLUTION:** AN ACT RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES AND NAABIK'ÍYÁTI' COMMITTEES REQUESTING THE UNITED STATES CONGRESS TO APPROPRIATE FUNDS TO CONSTRUCT A NAVAJO CODE TALKERS NATIONAL MONUMENT IN THE NATIONS CAPITOL (WASHINGTON, D.C.)

**PURPOSE:** This resolution if approved will request that the United States Congress appropriate funding so that a national monument recognizing and honoring the Navajo Code Talkers for the significant role they played during World War II.

**This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each committee member to review the proposed legislation in detail.**

5-DAY BILL HOLD PERIOD: Satanin Bmbol  
Website Posting Time/Date: 1:18pm 5/26/14  
Posting End Date: 5/31/14  
Eligible for Action: 6/1/14

PROPOSED STANDING COMMITTEE RESOLUTION  
23<sup>RD</sup> NAVAJO NATION COUNCIL—SECOND YEAR, 2016

INTRODUCED BY



Primary Sponsor

TRACKING NO. 0173-16

AN ACT

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES AND  
NAABIK'ÍYÁTI' COMMITTEES REQUESTING THE UNITED STATES  
CONGRESS TO APPROPRIATE FUNDS TO CONSTRUCT A NAVAJO CODE  
TALKERS NATIONAL MONUMENT IN THE NATIONS CAPITOL  
(WASHINGTON, D.C.)

WHEREAS:

- A. The Navajo Nation established the Health, Education and Human Services Committee (HEHSC) as a Navajo Nation Council standing committee and as such empowered HEHSC to review and recommend resolutions regarding veterans. *See* 2 N.N.C. §§ 164 (A)(9), 400 (A), 401 (B)(6)(a) (2015); *See also* CO-45-12.
- B. The Navajo Nation established the Naabik'iyáti' Committee as a Navajo Nation Council standing committee and as such empowered Naabik'iyáti' Committee to coordinate with all committees, Chapters, branches and entities concerned with all Navajo appearances and testimony before Congressional committees, and departments of the United States government. *See* 2 N.N.C. §§ 164 (A)(9), 700 (A), 701 (A)(8) (2015); *See also* CO-45-12.
- C. The Navajo Nation has a government-to-government relationship with the United States of America, Treaty of 1868, Aug. 12, 1868, 15 Stat. 667.
- D. Historically, Native Americans served in the military at a higher rate than any other ethnic group. *See* U.S. GOV'T ACCOUNTABILITY OFFICE, HEALTH CARE ACCESS:

1 IMPROVED OVERSIGHT, ACCOUNTABILITY, AND PRIORITIZATION CAN IMPROVE  
2 ACCESS FOR NATIVE AMERICAN VETERANS 1 (2014).

- 3 E. During World War I, the United States raised the level of cryptography to a new level  
4 by using hundreds of Native American languages so intricate and difficult to learn  
5 only a few could speak fluently. *See* SALLY MCCLAIN, NAVAJO WEAPON THE  
6 NAVAJO CODE TALKERS 21 (1994).
- 7 F. From 1919 into 1940, the United States military began testing the idea of transmitting  
8 combat information in Native American languages. The tests proved to be inadequate  
9 with the previous languages, because of the lack of military terms in Native American  
10 languages, leading to the conclusion of the Army Signal Corps to label the idea of  
11 using Native American languages as untenable. *Id.* at 21-23.
- 12 G. “On December 7, 1941, the Japanese Empire attacked Pearl Harbor and war was  
13 declared by the United States Congress the following day.” *See* Sen. Jeff Bingaman’s  
14 Statements on Introduced Bills and Joint Resolutions, Congressional Record April 12,  
15 2000, Senate Bill S. 2408, Honoring the Navajo Code Talkers Act.
- 16 H. First Sergeant Frank Shinn arrived in Fort Defiance, Arizona in the month of April  
17 1942 to recruit thirty (30) Navajos requested by the Marine Corps Headquarters,  
18 resulting in the enlistment of twenty-nine (29) Navajo men, between the ages of  
19 seventeen and thirty-two and in good health, to serve as Marine Corps Radio  
20 Operators; the number of enlistees later increased to over 350.” *Id.*; *See also* McClain  
21 at 37-38.
- 22 I. The first twenty-nine (29) were as follows:
- 23 1. Charlie Begay
  - 24 2. Roy Begay
  - 25 3. Samuel Begay
  - 26 4. John Benally
  - 27 5. Wilsie Bitsie
  - 28 6. Cosey Brown
  - 29 7. John Brown
  - 30

- 1           8. John Chee
- 2           9. Benjamin Cleveland
- 3           10. Eugene Crawford
- 4           11. David Curley
- 5           12. Lowell Damon
- 6           13. George Dennison
- 7           14. James Dixon
- 8           15. Carl Gorman
- 9           16. Oscar Ilthma
- 10          17. Dale June
- 11          18. Alfred Leonard
- 12          19. Johnny Manuelito
- 13          20. William McCabe
- 14          21. Chester Nez
- 15          22. Jack Nez
- 16          23. Lloyd Oliver
- 17          24. Frank Pete
- 18          25. Balmer Slowtalker
- 19          26. Nelson Thompson
- 20          27. Harry Tsosie
- 21          28. John Willie
- 22          29. William Yazzie

23        J. Native Americans in the United States were given a “blanket” citizenship in 1924, but  
24        this right did not include the right to vote or the ability to control their own lives; at  
25        this time, the Navajos were considered second-class citizens, and they were a people  
26        who were discouraged from using their own language. *See* Sen. Jeff Bingaman’s  
27        Statements on Introduced Bills and Joint Resolutions, Congressional Record April 12,  
28        2000, Senate Bill S. 2408, Honoring the Navajo Code Talkers Act.; *See also*  
29        McCLAIN at 31.

30

- 1 K. The first twenty-nine (29) graduated from boot camp on June 27, 1942 receiving high  
2 remarks from Colonel James L. Underhill stating, “[t]he rest of us in the Marine  
3 Corps are American, but our Americanism goes back at most no more than 300 years.  
4 Your ancestors appeared on this continent thousands of years ago – so long ago that  
5 there is no written record of them. Through your ancestors, you were Americans long  
6 before your fellow Marines were Americans.” *See* MCCLAIN at 45.
- 7 L. “The Navajo Marine Corps Radio Operators, who later became known as the Navajo  
8 Code Talkers, were used to develop a code using their language to communicate  
9 military messages in the Pacific.” *See* Sen. Jeff Bingaman’s Statements on Introduced  
10 Bills and Joint Resolutions, Congressional Record April 12, 2000, Senate Bill S.  
11 2408, Honoring the Navajo Code Talkers Act.
- 12 M. There were approximately 263 terms in the code vocabulary, becoming a code within  
13 a code that only the Navajo Code Talkers understood. *See* MCCLAIN at 58.
- 14 N. The Navajo Code Talkers read the message in English, sent it in Navajo, and then  
15 wrote it down in English, word for word. *See* MCCLAIN at 59.
- 16 O. “The Navajo language, discouraged in the past, was instrumental in developing the  
17 most significant and successful military code of the time. At Iwo Jima alone, they  
18 passed over 800 error-free messages in a 48-hour period.” *See* Sen. Jeff Bingaman’s  
19 Statements on Introduced Bills and Joint Resolutions, Congressional Record April 12,  
20 2000, Senate Bill S. 2408, Honoring the Navajo Code Talkers Act.
- 21 P. “So successful, that military commanders credited the Code in saving the lives of  
22 countless American soldiers and the successful engagements of the U.S. in the battles  
23 of Guadalcanal, Tarawa, Saipan, Iwo Jima, and Okinawa.” *Id.*
- 24 Q. “So successful, that some Code Talkers were guarded by fellow marines whose role  
25 was to kill them in case of imminent capture by the enemy.” *Id.*
- 26 R. “So successful, that the code was kept secret for 23 years after the end of World War  
27 II.” *Id.*
- 28 S. “Following the conclusion of World War II, the U.S. Department of Defense  
29 maintained the secrecy of the Navajo code until it was declassified in 1968; only then  
30

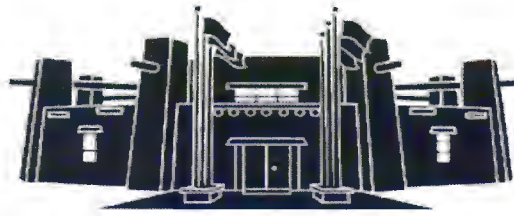
1 did a realization of the sacrifice and valor of these brave Native Americans emerge  
2 from history.” *Id.*

3 T. The Navajo Code Talkers provided an invaluable service to the United States of  
4 America and should be honored and recognized in a significant manner in  
5 constructing a national monument.

6  
7 NOW THEREFORE, BE IT RESOLVED:

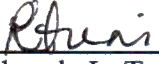
8 A. The Navajo Nation requests the United States Congress to appropriate funding to  
9 build a Navajo Code Talkers National Monument in Washington, D.C. for the  
10 purpose of paying tribute to the Navajo Code Talkers significant role in World War  
11 II.


12 B. The Navajo Nation hereby authorizes the Navajo Nation President, the Navajo Nation  
13 Speaker, the Navajo Nation Chief Justice and their designees, to advocate for the  
14 United States Congress appropriate funding to build a Navajo Code Talkers National  
15 Monument in Washington, D.C. in order to pay tribute to the Navajo Code Talkers  
16 and their role in World War II.



**MEMORANDUM**

**TO:** Honorable Edmund Yazzie  
Navajo Nation Council

**FROM:**   
Rhonda L. Tuni  
Office of Legislative Counsel

**THRU:**   
Levon Henry, Attorney  
Office of Legislative Counsel

**DATE:** May 24, 2016

**SUBJECT:** AN ACT RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES AND NAABIK'ÍYÁTI' COMMITTEES REQUESTING THE UNITED STATES CONGRESS TO APPROPRIATE FUNDS TO CONSTRUCT A NAVAJO CODE TALKERS NATIONAL MONUMENT IN THE NATIONS CAPITOL (WASHINGTON, D.C.)

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge. Please ensure that his particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees powers outlined in 2 N.N.C. §§301, 401, 501, 601 and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. §164(A)(5).

If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution.

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0173-16\_\_\_\_\_ SPONSOR: Edmund Yazzie

**TITLE: An Action Relating To Health, Education And Human Services and Naa'bik'iyati' Committees; Requesting the United States Congress Appropriate Funds To Construct a Navajo Code Talkers National Monument in the Nation's Capitol (Washington, D.C.)**

**Date posted: May 26, 2016 at 1:18pm**

**Digital comments may be e-mailed to comments@navajo-nsn.gov**

**Written comments may be mailed to:**

**Executive Director  
Office of Legislative Services  
P.O. Box 3390  
Window Rock, AZ 86515  
(928) 871-7590**

**Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.**

**Please note:** This digital copy is being provided for the benefit of the Nav, ajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*



**THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW SUMMARY**

**LEGISLATION NO.:** 0173-16

**SPONSOR:** Honorable Edmund Yazzie

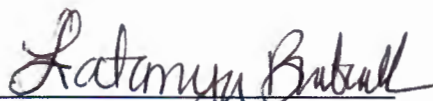
**TITLE:** An Action Relating To Health, Education And Human Services and Naa'bik'iyati' Committees; Requesting the United States Congress Appropriate Funds To Construct a Navajo Code Talkers National Monument in the Nation's Capitol (Washington, D.C.)

**Posted:** May 26, 2016 at 1:18pm

**5 DAY Comment Period Ended:** May 31, 2016

**Digital Comments received:**

<b>Comments Supporting</b>	<i>None</i>
<b>Comments Opposing</b>	<i>None</i>
<b>Inclusive Comments</b>	<i>None</i>



**Policy Analyst  
Office of Legislative Services**

6/2/16 8:28am

**Date/Time**

Committee Report

THE HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE OF THE NAVAJO NATION COUNCIL to who has been assigned;

LEGISLATION NO. 0173-16

AN ACT RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES AND NAABIK'IYATI'COMMITTEES; REQUESTING THE UNITED STATES CONGRESS TO APPROPRIATE FUNDS TO CONSTRUCT A NAVAJO CODE TALKERS NATIONAL MONUMENT IN THE NATIONAL CAPITAL (WASHINGTON, D.C.) Sponsor: *Honorable Edmund Yazzie*

Has had under consideration and report the same with the recommendation that Legislation 0173-16 PASS with no amendment and no directive;

And therefore referred the same to the NAABIK'IYATI' COMMITTEE OF THE NAVAJO NATION COUNCIL

Respectfully Submitted,



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Nathaniel Brown, Pro Tem Chairperson  
Health, Education and Human Services Committee

Dated: June 13, 2016

**Main Motion**

Motion by: Honorable Herman Daniels, Jr.

Seconded by: Honorable Nelson BeGaye

Vote: 3 in favor; 0 Opposed and 1 Abstain

Pro Tem Chairperson Not Voting