



## NAVAJO NATION DEPARTMENT OF JUSTICE OFFICE OF THE ATTORNEY GENERAL

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Attorney General

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April 21, 2020

Good evening Ms. Branch,

I write in response to your letter to President Nez entitled "Please Uphold the Principles of *K'é*: Immediately Allow Dine Relief & Aid Efforts During COVID-19 Curfews" dated Saturday, April 18, 2020. To put your letter in context, you emailed President Nez on Friday with a "request that the volunteers of the Navajo & Hopi Families COVID-19 relief effort be granted Essential Employee status for purposes of the Navajo Nation's daily as well as weekend curfews." President Nez promptly and politely responded and let you know that there are not any waivers at this time. He shared that there was an uproar the prior weekend regarding a health command waiver. He also apologized for the inconvenience and explained that the Nation is trying to keep people home and limit contact with others this weekend. Finally, he thanked you for your work.

The following day, you sent the above-referenced letter urging President Nez to "immediately and unconditionally lift any and all restrictions" for your organization during curfew periods. Toward this end, you invoke "the guiding principle of *k'é* to ensure the wellbeing of our people during this time of crisis." As you know, *k'é* is about relations—relations among us, our relatives, our people, others, the earth and all of her creation, including *Dikos Ntsaaígíí-Náhást'éíts'áadah* (COVID-19). *K'é* is also about respecting things that present danger, like when you hear thunder or see a snake. You respect it. In that same way, with *k'é*, we all need to respect this virus as it presents an unprecedented danger, particularly here on the Nation where we have reached nearly 1200 positive cases and people are dying. When elders speak of *k'é*, they often do not say "*k'é*" by itself. "*K'é bee*" means "with *k'é*" and in the context of making decisions, such decisions are made carefully, and not "*na nile dii*". "*K'é bee éí Diné bina'nit'in at'é doo éí bee hozhó náhásdij naháhwiindzin*" is using our teachings in order to reach harmony. That is what President Nez wants for you, your volunteers, and the entire Navajo Nation. He supports the curfew and his response to you was made with *k'é*. To restore harmony, he is supporting all measures to limit the spread of the virus, including the weekend curfews. By submitting a second request and in the manner you have presented and publicized it, you yourself are not practicing *k'é*. You were already told no by a *naat'áanii*. And you were provided reasons. You were thanked for your efforts. Yet, you challenge and criticize President Nez for supporting the decisions of our public health experts regarding curfews. You are creating disharmony and violating the very principle you seek to invoke.

You also assert that President Nez “provided no reason other than that a previous waiver you issued for religious services received public backlash.” Here is President Nez’s verbatim response to you:

*Ethel,*

*We are not granting any waivers at this time. This denial goes for all non Navajo relief efforts.*

*Last week, there was a big uproar from the public regarding waivers issued by the NHCOC. Sorry for the inconvenience but we are trying to keep everyone home and limit contact with others this weekend. Thank you for work.*

*Jonathan*

President’s response says: “we are trying to keep everyone home and limit contact with others this weekend.” Mischaracterizing his express words only creates more disharmony.

You also characterize his response as “an unnecessary obstruction” that “sends the wrong message about how serious this crisis is.” President Nez is currently on self-quarantine as a precautionary measure after being in proximity to a first responder who tested positive for the virus. He knows how serious this crisis is. He has been publicly communicating to our people for weeks about how serious this virus is and pleading with our people to stay home, to follow the public health orders, and to listen to our leaders. That has been the message and we urge you to listen.

Several weeks ago, you were prepared to self-deploy to Chilchinbeto without any coordination with the Nation’s health command center, which had plans to immediately close that community to contain spread of COVID-19. You also took it upon yourself to obtain confidential high-risk resident information from a chapter official to make door to door deliveries in that community. Your own actions reflect a gross lack of understanding of how serious this virus is, and you fail to recognize the importance of coordination and compliance. Just as your organization “follows WHO and CDC guidelines” and “safety protocols,” as you indicate, your organization must also follow the Nation’s Public Health Emergency Orders, including the Navajo Nation-wide temporary weekend curfew.

You characterize the curfew requirement as an “unqualified prohibition” and a “barrier” on your relief efforts that “criminalizes essential relief work.” The weekend curfew order is a mandate of the Nation’s experienced public health experts. The curfew order is neither signed by President Nez, nor has he granted any prior waiver requests. You misunderstand that the orders and any accommodations are matters of public health, not politics.

Finally, you “call upon the Navajo Nation Tribal Council and Navajo Nation Human Rights Commission to support [y]our call . . .” You also created a social media campaign to get your way. No other relief organization is asking for special treatment, and giving one waiver opens

the door to more. While the work of your organization is important and appreciated, the weekend curfew is meant to limit the movement of people for 57 hours. Having volunteer groups traveling onto and around the Reservation is inconsistent with that purpose. The weekend curfew will happen again so we encourage you and other relief effort groups to plan ahead and coordinate for distribution during the week so that the community members you seek to assist have necessary supplies for the 57 hour curfew. Your relief work is not prohibited. It is welcomed and appreciated during the week, in coordination with the Nation's health command center.

We ask you to please work with the Nation through our health command center. We are in this together and look forward to working together to flatten the curve here on the Nation.

Ahéhee',



Doreen N. McPaul

cc: President Jonathan Nez  
David Nez, Incident Commander, Health Command Operations Center  
Dr. Jill Jim, Executive Director, Navajo Division of Health  
Herman Shorty, Program Supervisor III, Navajo Office of Environmental Health & Protection Program