



NAVAJO NATION DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

ETHEL B. BRANCH
ATTORNEY GENERAL

CHERIE ESPINOSA
ACTING DEPUTY ATTORNEY GENERAL

Delivered by email

January 9, 2018

Chairman Rob Bishop and Members
House Committee on Natural Resources
104 Hart Building
Washington, DC 20510

Re: The Official Navajo Nation Position

Dear Honorable Chairman and Members:

In the course of the debate regarding the Bears Ears National Monument, including now H.R. 4532, unauthorized parties have purported to represent the voice and views of the Navajo Nation. As federal trustees to Indian tribes, I trust you are aware of the unique legal and political relationship between Indian nations and the federal government that pre-dates the Constitution, is recognized therein, and is shaped by an extensive body of federal common law, federal statutes, and treaties with our nations. Pursuant to these laws, Indian nations make up one of the three sovereigns of the United States, standing alongside the federal government and state governments. However, our relationship is directly with the federal government, and so we engage with you on a direct, sovereign-to-sovereign basis.

Given the unique nature of our legal and political relationship, we ask that you respect the laws of the Navajo Nation that govern who appropriately speaks on behalf of the Nation. That is, our elected and appointed national leaders. Recently, local government officials of the Nation and of San Juan County have suggested that they speak on behalf of the Nation, and they have spoken in opposition to the Bears Ears National Monument as established in Presidential Proclamation No. 9558, and in support of H.R. 4532. These local government officials lack the authority to speak on behalf of the Nation.

The Navajo Nation has maintained a consistent and official position in support of the Bears Ears National Monument as established in Presidential Proclamation No. 9558, and we are now engaged in litigation challenging subsequent unlawful actions to revoke that designation. The Navajo Nation also shares a unified position in opposition to H.R. 4532, which was drafted without any consultation with the Nation. We ask that you respect the official voice of the Nation on these matters. This honors our tribal sovereignty and the many laws and policies that define our unique government-to-government relationship.

Respectfully,

A handwritten signature in blue ink, appearing to read "Ethel B. Branch", with a long horizontal flourish extending to the right.

Ethel B. Branch, Attorney General
The Navajo Nation

Cc: Chairman and Members of the Senate Committee on Indian Affairs