



Fair and rodeo cancellation legislation advanced with RDC approval

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WINDOW ROCK, Ariz. — The Resources and Development Committee (RDC) of the 24th Navajo Nation Council voted in favor of Legislation No. 0119-20 on Wednesday that will proactively cancel the Navajo Nation Fair, Fourth of July Celebration, Northern Navajo Nation Fair and all other fairs, rodeos and roping events held on the Navajo Nation during 2020.

The current coronavirus (COVID-19) public health emergency has raised concerns that the Navajo Nation will see a second or third wave of new cases if the fair and rodeo events are not addressed. The legislation will be considered next by the Health, Education, and Human Services Committee, the Naabik'iyáti' Committee and the Navajo Nation Council.

“As much as people want things to go back to normal, it’s not the time to be taking those kinds of chances,” said Council Delegate Charles-Newton (Shiprock), who is the prime sponsor of the legislation. Council Delegates Daniel Tso (Littlewater, Pueblo Pintado, Torreon, Whitehorse Lake, Baca/Brewitt, Casamero Lake, Ojo Encino, Counselor), Edison Wauneka (Oaksprings, St. Michaels), Jamie Henio (Alamo, Ramah, Tohajilee), Jimmy Yellowhair (Hard Rock, Forest Lake, Pinon, Black Mesa, Whippoorwill), Otto Tso (Tó Nanees Dizi) and Pernell Halona (Coyote Canyon, Mexican Springs, Naschitti, Tohatchi, Bahastl’áá) are also cosponsors of the bill.

The fair and rodeo cancellation measure garnered broad public support through the comments collected during the 5-day public comment hold.

Some fair boards have already considered canceling this year’s events, including the Eastern Navajo Fair Board. They voted to cancel the fair amid similar concerns that the mass gatherings that take place during the fair would create unsafe environments for members of the public.

Delegate Charles-Newton said that, until a vaccine is available for COVID-19, safe, large-scale public gatherings are not possible. She also said social distancing and frequent sanitary handwashing would also be virtually impossible at public fair and rodeo grounds.

Council Delegate Wilson Stewart, Jr. (Crystal, Fort Defiance, Red Lake, Sawmill) pointed out that several rodeo associations have pointed specifically to the absence of legislation when it comes to the blow-back from restarting events. He said that, at a recent PRCA rodeo, close contact behind arena chutes was common and no one was seen to be wearing protective face coverings. “A lot of our people went down there,” said Delegate Stewart.

The committee acknowledged that the existing public health orders may not be sufficient for rodeo organizers, specifically, to feel the need to cancel this year’s events.

Expressing his support of the legislation, Council Delegate Kee Allen Begay, Jr. (Tachee/Blue Gap, Many Farms, Nazlini, Tselani/Cottonwood, Low Mountain) also sought the input of the Commission on Emergency Management, which may have some authorities pertaining to the public health emergency.

Council Delegate Mark Freeland (Becenti, Lake Valley, Nahodishgish, Standing Rock, Whiterock, Huerfano, Nageezi, Crownpoint) added consideration of the Northern Navajo Nation Fair’s distinct role

in signaling the start of the traditional wintertime ceremony season. Particularly, he wondered how the cancellation of the fair would affect the ceremony.

Delegate Charles-Newton said the Diné Hatááí Association or the Navajo Medicine Man Association can be invited to provide input on the ceremony when the legislation reaches the Naabik'iyáti' Committee. Ceremonies are protected in certain ways that other religious gatherings are not, she reported, and added that the Navajo Nation Department of Justice may provide more clarity regarding both the legality and enforceability of events outside of the annual rodeos and fairs.

In following up, Delegate Stewart asked who would be in charge of enforcing the cancellation of events and what the consequences would be. The committee's legal advisor said she would consult the Navajo Nation Office of the Prosecutor to research possible criminal code amendments. She also said the Division of Public Safety would be responsible for enforcing the cancellations.

Delegate Otto Tso said that, since canceling the fairs and rodeos is within the Navajo Nation's authority, the legislation will help with mitigating the spread of COVID-19. He pointed out that Title 14 and 17 of the Navajo Nation Code is vague on enforcement provisions. Separate legislation is currently under development that will address general fines and citations that will help enforce provisions in public health orders. That legislation will be sponsored by Council Delegate Eugene Tso (Chinle).

"That will take care of the enforcement issue," said Delegate Otto Tso. The Council could ensure additional allocations are made to address law enforcement capacity through the general COVID-19 response appropriations.

Acting Chief Prosecutor Jennifer Henry added that, during Monday's Law and Order Committee meeting, she was asked to draft those title amendments. Currently, the cancellations would be enforced by the Navajo Police Department under the same criminal nuisance provisions in Title 17 as the curfew violations. Rodeo and fair organizers would be held responsible for creating or maintaining dangerous situations for others and could face up to 30 days in jail and/or face a \$1000 fine.

Delegate Charles-Newton emphasized the intent of the legislation is to send a clear message to all people, on and off the Navajo Nation, that this year's fair and rodeo events are canceled. While these events may fall under the existing orders, explained Delegate Charles-Newton, the legislation makes it clear for the Navajo Nation's immediate public health safety needs.

Members of the Resources and Development Committee, which is the legislative oversight of the Navajo Nation Department of Agriculture that hosts the Navajo Nation Fair, expressed their overall support of the legislation and noted that the committee has been discussing the fair cancellation. The two major concerns continue to be enforcement and penalties, and the likelihood that the legislation will be vetoed by President Jonathan Nez. Delegates noted he has recently blocked safety measures approved by the Council with the reasoning that executive orders and internal arrangements cover the intent of vetoed legislative action.

The Resources and Development voted to approve the legislation, which will advance to the Health, Education, and Human Services Committee, the Naabik'iyáti' Committee and the Navajo Nation Council for consideration.

More information: www.navajonationcouncil.org.

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