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BEFORE THE ARIZONA INDEPENDENT REDISTRICTING  
COMMISSION  
FOR THE STATE OF ARIZONA

PUBLIC HEARING  
June 25, 2001  
6:15 p.m.  
Navajo Nation Museum  
Window Rock, Arizona

ARIZONA INDEPENDENT REDISTRICTING COMMISSION:

MR. STEVEN W. LYNN, Commission Chairman  
MR. JOSHUA M. HALL, Commissioner

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Job No. : 5696-17 (CC)

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(Public Hearing commences.)  
COMMISSIONER HALL: Ladies and gentlemen,

3 we'd like to welcome you to a public hearing for the  
4 Independent Redistricting Commission. And I'd like  
5 to go ahead and call this meeting to order. If we  
6 could go ahead, Enrique, and close that door, that  
7 would probably be appropriate. Welcome. We  
8 apologize for the delay in starting. We were  
9 originally in the room across the way and  
10 immediately realized we would not have enough space.  
11 So the late shift has caused a slight delay, and we  
12 appreciate your patience in that respect.

13 It would be impossible for me to recognize  
14 all of the dignitaries that are here today, both  
15 representatives from the Navajo Nation and from  
16 Apache County. But please note that your presence  
17 is noted, and I'm sure we'll hear from many of you  
18 later on in this evening.

19 Let me just kind of give you an overview  
20 of how we would proceed -- how we would propose that  
21 this meeting proceed and see if there are any  
22 questions with respect to that and move as rapidly  
23 as possible.

24 We will make a brief presentation. Some  
25 of you have had an opportunity to see this

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1 presentation. Therefore, we appreciate your  
2 indulgence. Subsequent to the presentation, then we  
3 will allow for public comment. For those of you, as  
4 staff has indicated, who have not had an opportunity  
5 to fill out a yellow speaker's slip, I would ask you  
6 to provide that to a member of staff or to myself,  
7 as I'll be conducting this meeting, so we can then

8 allow you an opportunity to speak.

9 Myra Parker is one of the members of our  
10 staff, and if you'll catch her attention if you  
11 haven't had that opportunity, then we would invite  
12 you to do so.

13 Subsequent to the public comment, then, we  
14 will have a brief question and answer period for any  
15 questions directly related to the content of the  
16 meeting. And then we will conclude. Any questions  
17 at all with respect to the format we intend to  
18 proceed with?

19 Therefore, then, if that is all right, at  
20 this time, I'd like to introduce Commissioner Steve  
21 Lynn, who is the Chairman of our Commission and  
22 resides in Tucson and is the Independent member,  
23 registered Independent member of our Commission.  
24 And this evening, he will, following a few orders of  
25 business, be making our presentation to us.

4

1 Is the gentleman who's doing translation  
2 for us here?

3 CHAIRMAN LYNN: More than one.

4 COMMISSIONER HALL: I just wanted to say  
5 that we have several translators here, and I think  
6 that we need to ask them in Navajo, for those who  
7 would like to have Navajo in translation, if you  
8 could come forward and ask them that. One of you.  
9 Is there anybody else -- can we ask if there's  
10 anybody else that needs translation in Navajo,  
11 please?

12 THE INTERPRETER: (Navajo language  
13 spoken.)

14 COMMISSIONER HALL: Is another member of  
15 our translating team here, available? I wonder if  
16 it would be appropriate -- would you like to sit by  
17 this gentleman right here who could provide  
18 translation for you? Are you okay, or would you  
19 like -- he can sit by you, if you'd like, or --  
20 okay. You'll be fine? And can this young lady  
21 here? Over here? Perfect. Thank you. We  
22 appreciate that.

23 I need to state for the record, pursuant  
24 to our legal counsel who's here with us, that there  
25 are three members in the audience who have requested

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1 translation and they have members sitting by them  
2 who are offering that service.

3 Again, ladies and gentlemen, welcome. And  
4 with no further adieu, I'll turn the time over to  
5 Commissioner Lynn.

6 CHAIRMAN LYNN: Thank you, Commissioner  
7 Hall, very much. Good evening and thank you very  
8 much for hosting us in the Navajo Nation. We are  
9 very pleased to be here with you this evening. We  
10 are going to do a brief presentation. And as  
11 Commissioner Hall said, some of you have seen this  
12 presentation before. We will do it as rapidly as we  
13 can but as clearly as we can, so that everyone who  
14 is participating in the process will get the same  
15 information.

16 Next slide. The subject tonight of our

17 presentation is redistricting, which is the drawing  
18 of new district lines for both the legislative and  
19 the congressional districts in Arizona. But it's  
20 the first time that that has been done under  
21 Proposition 106.

22 Proposition 106 has a different system of  
23 drawing lines than in the past. In the past, the  
24 legislature has been responsible for creating the  
25 new political districts. But Proposition 106 puts

6

1 that charge in the hands of five citizens. And I'll  
2 introduce you to those citizens a little later.  
3 These public hearings that you're participating in  
4 tonight, which have been held all over the state,  
5 are designed for us to provide you with information  
6 about this system. But more importantly, they're  
7 designed for you to provide us information in this  
8 process. We'll be using these hearings to bring  
9 this process to people throughout the state.

10 At the conclusion of this week, we will  
11 have had these meetings in 23 locations around the  
12 state. And we are going to conclude with a  
13 teleconference this coming Saturday for smaller  
14 communities who are not able to host a full-blown  
15 hearing. We need to share with you our plans, but  
16 more importantly we need to hear from you. We're  
17 determined to make this as fair a process as  
18 possible to achieve districts that honestly  
19 represent the needs of all of the people in the  
20 State of Arizona.

21 Now, often in the past, this process has  
22 been full of divisive processes raising charges of  
23 dirty politics, partisan power plays, incumbent  
24 protection and racial discrimination. The name for  
25 all of these things is gerrymandering, or

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1 gerrymandering. In the 1800's, the Governor of  
2 Massachusetts, Eldridge Gerry, was accused of  
3 drawing, very deliberately, odd-looking districts to  
4 protect some of his friends. And the Boston Globe  
5 cartoonist depicted his districts in the form of a  
6 salamander; therefore, gerry-salamander or  
7 gerrymander. And today, we use that term to  
8 describe any political redistricting that has a  
9 purpose other than equal representation.

10 Here are some ways that gerrymandering can  
11 work. If you have a minority party concentration of  
12 voters, whichever party that may be, Republican or  
13 Democrat, and you draw lines that bisect or trisect  
14 that group, dividing them into very small pockets,  
15 you dilute their political power. Conversely, if  
16 you take the group of minority voters and pack them  
17 into one single district, where the other three  
18 districts do not contain any minority voters, you  
19 give them one district that they can have influence  
20 in, but there are three, then, that they are  
21 districted out of in terms of packing them in one  
22 district.

23 This same thing can occur with racial  
24 gerrymandering in order to achieve a political  
25 result. In the example on the left, the district is

1 being created that is an ethnic district in the  
2 middle of two groups of Republican voters who  
3 generally do not get the votes of that particular  
4 ethnic minority. In the example on the right, in an  
5 attempt to preserve a white Democratic incumbent,  
6 that Hispanic community is divided in such a way as  
7 the Republicans are shut out of the process. So in  
8 either case, it's unfair to one of the groups.

9           We are following the voters of Arizona in  
10 cleaning up that process. That is no longer going  
11 to be acceptable in the State of Arizona.

12           When Arizona voted for Proposition 106  
13 they created the Independent Commission. And this  
14 Commission is charged with a new kind of  
15 redistricting. Let me introduce you briefly to the  
16 Commission and tell you where they're from.  
17 Starting with the first person selected, Jim  
18 Huntwork is an attorney from Phoenix. He's a  
19 Republican, and he was the selection of Jim Weiers,  
20 the Speaker of the House of Representatives, who is  
21 a Republican.

22           The second person chosen is our  
23 Vice-Chairman, Andrea Minkoff. Andrea, who goes by  
24 "Andi" -- so there's one woman and four men on the  
25 commission -- Andrea is also from Phoenix. She is a

1 Democrat. She used to own a small business but now  
2 is not employed. Her husband is a retired

3 physician, and she was the choice of Ken Cheauvront,  
4 the minority leader in the House.

5           The third person selected is Daniel Elder.  
6 Mr. Elder is a landscape architect and consultant  
7 from Tucson, Arizona. He was the choice of the  
8 Senate President, Randall Gnant. Senator Gnant is a  
9 Republican. Dan Elder is a Republican.

10           The fourth choice is Joshua Hall.  
11 Mr. Hall introduced me this evening. Mr. Hall was  
12 the selection of Senator Jack Brown, who is the  
13 democratic leader in the Senate. Mr. Brown is from  
14 Apache County. Mr. Hall is from Apache County and  
15 is a Democrat.

16           So the first four selections to the  
17 commission, two Republicans and two Democrats, two  
18 from Maricopa County, one from Pima County, one from  
19 Apache County.

20           The four commissioners were then sworn in,  
21 and their job was to interview and select one of the  
22 five Independent candidates to be the chair of the  
23 Commission. They did so in a public session, and  
24 after some deliberation, voted unanimously to select  
25 me as the Chairman.

10

1           I'm from Tucson. I work for Tucson  
2 Electric Power Company. I am a resident of Arizona  
3 for 35 years and have been a Republican, have been a  
4 Democrat, but have been an Independent for the last  
5 ten years, and now, with open primaries, I don't  
6 expect to switch again. I'm very happy where I am.

7           So that is your Commission.

8                   Now Proposition 106 states that the  
9 Commission needs to begin this process with the  
10 creation of an equal population grid across the  
11 state. Let's take a look at some definitions.  
12 Proposition 106 has a number of goals that we need  
13 to follow. And these goals are set forth in the  
14 legislation, and they are in the order that they  
15 are -- that they are contained and in the order in  
16 which we have chosen to display them

17                   First and foremost, we have to comply with  
18 the Constitution. The U. S. Constitution says, One  
19 person, One vote, which means that we need to have,  
20 as nearly capable as we can, equal population in  
21 each of the districts.

22                   We will try to comply with that down to  
23 the last person in the congressional districts  
24 because the -- the population of the state is  
25 divisible by eight, and so we can have exactly equal

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1 districts.

2                   With respect to the legislative districts,  
3 we have a little more time and a little more room to  
4 do some moving around, but we still have to be  
5 almost as equal as we can be. Also, you can see the  
6 other things that we need to do. As much as  
7 practicable, we have to have geographic exactness.  
8 We have to have contiguousness. We have to have  
9 boundaries that respect communities of interest.  
10 And that's one of the reasons we're here tonight is  
11 to learn from you how you view your community of

12 interest.

13 Sandra Day O' Connor, Justice of the  
14 U. S. Supreme Court, used that terminology in a law  
15 case, but she did not define it. So we are Here  
16 tonight to ask you to help us define "communities of  
17 interest." We are going to try to respect  
18 geographic features, city, town and county  
19 boundaries and undivided census tracts as we put our  
20 maps together.

21 We're also, to the extent practicable,  
22 going to create competitive districts so that the  
23 contest for public office will be vigorously engaged  
24 in and hopefully entered into by more and more  
25 people. That, we think, is a good thing for the

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1 state.

2 Here are some things that are unique to  
3 Proposition 106. There are at least 11 states that  
4 have gone from legislative redistricting to the use  
5 of commissions. But in Arizona, we do some things  
6 differently. We're very different in a lot of ways  
7 in Arizona. This is one of those ways.

8 Party registration and voting data history  
9 cannot be used in the initial phase of our work.  
10 They were not taken into account, for example, when  
11 we produced the original grid. They will be used  
12 later, however, to test for compliance with the  
13 goals that we just went over. But note that last  
14 sentence: "The places of residence of incumbents or  
15 candidates shall not be identified or considered."

16 And what that means is that when we are

17 finished drawing 30 legislative districts and eight  
18 Congressional districts, it is absolutely the case  
19 that at least one set of incumbents who used to be  
20 in two different districts will find themselves in  
21 the same district. It will not be by our choice,  
22 and it will not be by our intent, but it will simply  
23 happen because we cannot know where they live and  
24 cannot take that into account.

25 We use official census information to do

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1 our job. That is also by law. And in April, we  
2 received that information. And there are several  
3 communities that are challenging the census figures  
4 for their communities. However, until the Census  
5 Bureau corrects or changes those figures, we are  
6 bound to use the information they give us.

7 Here are some examples of how we have  
8 grown as a state. In 1990, there were approximately  
9 3.6 million Arizonans, and by the year 2000, we had  
10 grown to 5.13 million. Now, I'd like you to take  
11 note of that 3.6 million figure for a moment as we  
12 move to the fastest-growing counties in the state.

13 You will notice that the Maricopa County  
14 figure, which grew in the last ten years at 44.8  
15 percent, almost 5 percent more than the entire state  
16 grew, is almost the same population as the whole  
17 state was in 1990.

18 So Maricopa County is still the center of  
19 population in the state, comprising about 63 percent  
20 of the state's population. But all of these

21 counties out grew the state in terms of their peace.

22 Navajo, Yavapai, Pinal, Yuma, Maricopa and  
23 La Paz Counties all exceeded the state average.

24 Well, our first requirement is to develop  
25 a grid-like pattern, and we've done that. Let's

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1 take a look at the definition of a "grid." A "grid"  
2 is generally a set of straight lines, right angles,  
3 defined shapes, that cover a plane. You might say  
4 that these walls, because they are brick and of  
5 regular size and shape, would constitute a grid.  
6 That kind of an approach is what we needed to do to  
7 create the initial grid.

8 And we did that by choosing some random  
9 points on the map to start the process. Please  
10 understand that the grid that we show tonight that  
11 is available for you to look at is random in its  
12 construction. We started at the place where all  
13 townships in the State of Arizona start, and then we  
14 decided by a luck of the draw to move in one of the  
15 four quadrants first. The northwest quadrant was  
16 drawn from the hat, and we started accumulating  
17 population in that quadrant until we had sufficient  
18 population to make either a legislative district or  
19 a congressional district, and then we moved to the  
20 next set of population figures by township and  
21 accumulated them.

22 We then flipped a coin to see whether or  
23 not we should go clockwise or counterclockwise in  
24 the state. Counterclockwise won, so we started in  
25 the northwest, went to the southwest, southeast and

1 finally the northwest.

2           And it was a random starting point to  
3 produce the grid as our initial point of departure  
4 in this discussion.

5           Most of Arizona is already divided by  
6 these townships. They are six-mile squares. And so  
7 let me show you a little bit about how these work.  
8 In an urban area like Phoenix, you can get an awful  
9 lot of population in one six-mile square. As you  
10 move out into the rural areas, you need to  
11 accumulate townships in larger and larger fashion.

12           Next slide please. So we have groups of  
13 townships in the rural areas needed to accumulate,  
14 again, in a very regular shaped pattern in order to  
15 get the kind of population that we needed.

16           And once all of those were accumulated,  
17 then we used the census information to check  
18 populations to make sure that we had the right  
19 numbers.

20           Now, the second thing we have to do is  
21 hold public hearings. This is one of those public  
22 hearings. And, as I said, there have been 23 of  
23 them over the course of the last two-and-a-half  
24 weeks. These public hearings have a singular  
25 purpose. Because we have not drawn any maps yet,

1 we've only drawn a grid, and that was random, these  
2 hearings are designed to ask people to supply us

3 with their ideas of communities of interest.

4           After the public hearings, we will produce  
5 plans. And once these plans are drawn,  
6 congressional and legislative maps, they will be  
7 available for public review for at least 30 days.  
8 During that same 30-day period, the legislature may  
9 comment to us through either a memorial or by  
10 minority report on their recommendations for  
11 redistricting. But their recommendations hold no  
12 more weight than yours in that process. Theirs are  
13 official from the legislature, but yours are  
14 official by virtue of appearing before the  
15 Commission in a meeting like this.

16           We will do a second round of hearings,  
17 where we will have maps for you to review, and your  
18 comments on those maps will be most appreciated when  
19 the time comes.

20           Once we have established the final maps,  
21 we will then have a brief public comment period at  
22 the end to make sure everyone has a chance to see  
23 them before we submit them to the Department of  
24 Justice in the hopes of achieving preclearance.  
25 Because Arizona is a state that is required to

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1 achieve preclearance from the Department of Justice,  
2 we will be doing that and hoping that that  
3 preclearance will occur before the end of 2002.

4           Should we get the preclearance, we  
5 immediately send the maps to the Secretary of State,  
6 who certifies them, and those will be the districts  
7 for the next ten years.

8                   Tonight we are asking you to provide input  
9 using a citizen's input form that is available  
10 outside, and hopefully, you picked one up on the way  
11 in. This citizen's input form asks a series of  
12 questions.

13                   First, we'd like to know who you are,  
14 because we would like to stay in touch with you, and  
15 also if there are any questions about your comments,  
16 we'd like to get back to you and clarify those.

17                   Next, we'd like you to state in your own  
18 words what you think is the most important aspect of  
19 this process. There are several communities, for  
20 example, which have been divided by legislative  
21 districts in the past, just to name a few, Casa  
22 Grande, Apache Junction, Nogales; all have either  
23 two or three legislative districts within their  
24 little community. And some of the things that  
25 people have told us are that they would prefer to

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1 have a single representative group, one senator and  
2 two representatives, rather than being divided up  
3 among several legislative districts. So that's the  
4 kind of thing we're asking for.

5                   Third, What boundary lines would you like  
6 to see us use? If there are boundary lines in your  
7 area that you are most familiar with, school  
8 districts or others that should be kept intact, then  
9 that is very important for you to tell us.

10                   Fourth, What areas, groups or  
11 neighborhoods do you absolutely think should not be

12 divided by the new boundary lines? We need to know  
13 what needs to be kept intact so that communities of  
14 interest can stay together and have influence on  
15 this process.

16 And then finally, we have a number of  
17 questions on the input form, and we're asking you to  
18 rank these in order of importance to you; things  
19 like, keeping the community intact or bringing a  
20 particular group together, such as neighborhoods or  
21 communities, minority groups or concentrations. Is  
22 that more or less important than using man-made or  
23 natural boundaries? More or less important than  
24 drawing these districts with whole cities included?  
25 More or less important than using local government

19

1 boundaries? More or less important than keeping  
2 census tracts from being split? Those are the kinds  
3 of things that are on the sheet.

4 And there are more. Using freeways or  
5 major transportation routes. And finally drawing  
6 compact and complete contiguous shapes for  
7 districts.

8 There are several ways to get this form to  
9 us. The easiest is to fill it out tonight and leave  
10 it with us. We'll take it and use it. The next  
11 important way to get it to us is you can mail it to  
12 us. You can also access it from computer and using  
13 [www.ezredistricting.org](http://www.ezredistricting.org), or you can download that  
14 form, fill it out online and submit it that way.

15 If you wish to actually draw some lines on  
16 a map as an individual, you may request a citizen's

17 kit. We have some available this evening, I  
18 believe, or you can call the commission or e-mail  
19 the commission and we'll get them to you.

20 If you find that two days from now or  
21 three days from now, you didn't think you wanted a  
22 kit, but you really do want one, then please, call  
23 or e-mail us, and we'll get a kit to you. If you  
24 would like one tonight, make sure you get one before  
25 you leave.

20

1 Here are the mandates. Equal population  
2 under the Constitution; the Voting Rights Act; and  
3 the Department of Justice preclearance; and the  
4 Proposition 106 requirements.

5 And they are layered. We have public  
6 hearings. We will develop plans. We will have more  
7 public hearings. Final plans will be developed, and  
8 we will submit them to the Department of Justice.

9 Let me tell you a little bit about the  
10 time frame. We expect to have final plans available  
11 to send to the Department of Justice early in  
12 September. And that means that our time between now  
13 and then is most limited.

14 So we appreciate your being here tonight.  
15 We appreciate the Navajo Nation inviting us to come  
16 and to host us. And we are delighted to hear what  
17 you have to say about this process.

18 Now, let me turn this back over to  
19 Commissioner Hall who will be in charge of the rest  
20 of the evening in terms of public comment and our

21 question- and- answer.

22 COMMISSIONER HALL: Thank you, Chairman  
23 Lynn. Can we do a little housekeeping here real  
24 quick? Can we pull this screen up, whoever could  
25 help us do that? And turn that off? Is that button

21

1 over here? Perfect. Thank you. Thank you.

2 Just as a reminder, as we do some  
3 transition here, we'll do a little bit of  
4 rearranging. For those of you who did not get an  
5 opportunity to fill out these yellow slips for  
6 public comment, we would welcome you to do so,  
7 again, at this time. Enrique, we better set this  
8 up. I'll leave this microphone here. This one is  
9 for amplification, and this one is for recording  
10 purposes. So if possible, without getting a neck  
11 out of joint, can you talk into both, for those of  
12 you that would do that?

13 Can we also get the lights, please? Can  
14 we get a light right here? Thank you. Appreciate  
15 that. While we're doing that, let's proceed.

16 First speaker that we have is the  
17 Vice-President of the Navajo Nation, Dr. Taylor  
18 McKenzie, please. Dr. McKenzie.

19 DR. MCKENZIE: Good evening. Good evening  
20 to --

21 COMMISSIONER HALL: Again, Dr. McKenzie,  
22 do you mind picking up that microphone right there?  
23 Is it on?

24 DR. MCKENZIE: Testing.

25 CHAIRMAN LYNN: Perfect.

1 DR. McKENZIE: Thank you. Thank you very  
2 much for coming to visit with us and to present to  
3 us the proposal to do some redistricting in the  
4 State of Arizona. I am Taylor McKenzie,  
5 Vice-President of the Navajo Nation.

6 (Dr. McKenzie speaks in Navajo.)

7 DR. McKENZIE: I want to welcome everybody  
8 that's present here for attending this important  
9 public hearing and for participation. We certainly  
10 hope that your participation is energetic and  
11 active.

12 In the matter of redistricting, the  
13 redrawing of congressional and legislative districts  
14 in this state is very important to all of us as  
15 citizens of Arizona. It impacts all of us.

16 It is also very important that the voice  
17 of the Navajo people be heard in this democratic  
18 process. That is why I am glad to see that the  
19 Commission has taken the time to meet with the  
20 people of the Navajo Nation and reservation. I  
21 would like to formally thank the Arizona Independent  
22 Redistricting Commission, which is composed of five  
23 members and is chaired by Mr. Steve Lynn.

24 Finally, I would like to thank the Navajo  
25 people who have come out to this hearing.

1 Specifically, thank you. Please express your  
2 concerns and opinions, because this is the most

3 opportune time that we can take advantage of.

4           As you all know, the Navajo Nation has  
5 approximately 250,000 members, probably more. It is  
6 the largest federally recognized Indian tribe in the  
7 United States. The Navajo Nation conducted its own  
8 census count in one of the most successful and, we  
9 believe, accurate counts ever conducted on the  
10 Navajo reservation.

11           According to this recent 2000 census, an  
12 estimated 180,000 Navajos reside in the nation. Our  
13 own data-gathering capabilities indicated that our  
14 count is 181,000. So we are pretty sure that  
15 180,000 is accurate.

16           The Navajo population is increasing at a  
17 rapid rate, of course, and the Navajo Nation is a  
18 young nation, as the median age is 18 to 24 years.  
19 The land is located on approximately 25,000 square  
20 miles or 16.2 million acres. It is approximately  
21 the size of the State of West Virginia, as we  
22 usually liken it to.

23           Navajoland is located within the  
24 boundaries of the State of Arizona, New Mexico and  
25 Utah. Our lands have significant renewable and

24

1 nonrenewable natural resources, including surface  
2 and groundwater, range lands and forests, irrigated  
3 farmlands, lakes, fish and wildlife, as well as  
4 substantial reserves of coal, oil and natural gas.

5           The Navajo Nation's central government is  
6 composed of three branches. An elected president  
7 and vice-president head the executive branch, which

8 is comprised of 12 executive departments, which are  
9 identified as divisions. And we look at them as  
10 cabinet-level positions.

11 The divisions provide a broad range of  
12 governmental services to the Navajo Nation members  
13 and other residents of the Navajo Nation.

14 Eighty-eight elected members compose the Navajo  
15 Nation Council of the legislative branch.

16 The legislative branch also contains or  
17 consists of various offices and boards, which are  
18 administered by the Speaker of the Navajo Nation  
19 Council. The judicial branch consists of a system  
20 of seven district courts, seven family courts and a  
21 Supreme Court. This is headed by the Chief Justice.

22 One-hundred ten local government  
23 subdivisions identified as chapters exist throughout  
24 Navajoland. The Navajo Nation's inherent right to  
25 self-govern is sacred and is demonstrated through

25

1 daily governmental actions. All branches of the  
2 Navajo Nation government exercise their delegated  
3 powers and governmental authority in accordance with  
4 Navajo statutory, regulatory and common law.

5 I wish at this time to thank the  
6 Commission for coming and for allowing us to be  
7 here. And Mr. Speaker of the Council, Mr. Edward T.  
8 Begay, members of the Navajo Nation Council,  
9 delegates who are present, thank you very much for  
10 allowing me to speak.

11 CHAIRMAN LYNN: Thank you Dr. McKenzie.

12 COMMISSIONER HALL: Thank you  
13 Dr. McKenzie, appreciate that. I know that you can  
14 see us. But we cannot see you. And I did bring my  
15 suntan lotion. So we're going to be fine, though.

16 Next speaker will be speaker Edward T.  
17 Begay, Speaker of the Navajo Nation Council.  
18 Speaker Begay.

19 MR. BEGAY: Thank you, Commission Chair,  
20 and also Commissioner Hall and your staff, and all  
21 the people that are here this evening for -- to be  
22 part of the proceedings under the State of Arizona,  
23 the redistricting information and also the proposal  
24 that will be taking place.

25 By way of background, I represent two

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1 communities, Church Rock and Bread Springs in  
2 New Mexico. Currently, I'm serving as the Speaker  
3 of the Council, and also I have by virtue of that,  
4 I'm the Chairman of the Intergovernmental Relations  
5 Committee of the Council.

6 I'd like to welcome, again, the  
7 Commission, while holding a public hearing in the  
8 State of Arizona. And indeed that's a privilege for  
9 us as a government, the Navajo Nation.

10 The Navajo Nation Council is the governing  
11 body of the Navajo Nation with its membership of 88  
12 members, elected by chapters, 110 precincts. Under  
13 that Council, we have 12 standing committees, which  
14 are as an oversight to which the Vice-President  
15 described as a cabinet division of the executive  
16 branch.

17                   The Intergovernmental Relations Committee  
18 of the Council, who's membership is made out of  
19 chairpersons of 11 standing committees. This  
20 committee insures the voice of the Navajo Nation to  
21 the state government, county government, United  
22 States federal government as well as other Indian  
23 nation governments.

24                   The Intergovernmental Relations Committee  
25 established a subcommittee on the congressional and

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1 state redistricting proposal. They adopted a  
2 resolution, IGRJA-1-01, which will be in your  
3 packet, which would be the plan that we'll be  
4 presenting to the Commission in the public hearing.

5                   I'd like to introduce at this time our  
6 subcommittee on congressional and state  
7 redistricting subcommittee. We have here with us is  
8 Mr. Ervin Keeswood, Sr. He's the vice-chair.

9                   MR. KEESWOOD: Good evening.

10                   COMMISSIONER HALL: Good evening.

11                   MR. BEGAY: And member Tom LaPahe. Also a  
12 member is Kenneth L. Begay. The subcommittee  
13 commissioners are authorized by the parent committee  
14 to meet with the Arizona Independent Redistricting  
15 Commission, not only by the resolution, but after  
16 meeting with the Intergovernmental Relations  
17 Committee, with the technical assistance from  
18 Mr. Ron Faich, Ph.D., our statistician, and the  
19 subcommittee reviewed the legislative proposal for  
20 the Northern Arizona Congressional District.

21                   On June 22nd, 2001, the subcommittee  
22 approved the Navajo Nation's proposed legislative  
23 and congressional districts. Those are -- will be  
24 presented to you in a packet at this time. After  
25 the plan was adopted by the subcommittee, the

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1 Intergovernmental Relations Committee, the Navajo  
2 Nation considers the legislative congressional  
3 redistricting a very serious matter. In that way,  
4 we have a subcommittee, and the staff, we met with  
5 leaders in the State of Arizona. Last Friday, we  
6 met with the Hualapai Apache president and the  
7 council members in Cottonwood, Arizona. In doing  
8 so, we were joined by Tom LaPahe, tribe chairperson,  
9 Ms. Benson, and also we were in contact by telephone  
10 conference with the White Mountain Apache.

11                   And yesterday, the staff and the  
12 Commission subcommittee met with the San Carlos  
13 Apache Tribe. So we are very pleased and happy to  
14 report to the Commission this evening information  
15 that these tribes that we made contact with are very  
16 supportive, and they are evidenced by a memorandum  
17 of support they sent, and they will follow it by  
18 their council resolution on the Northern  
19 Congressional District, because we feel that it has  
20 the most community of interest is what we're  
21 pursuing, and we're making contacts with all the  
22 entities that are being affected.

23                   In light -- also in line with doing our  
24 work, Ron Faich has worked with the Navajo Nation on  
25 council redistricting and the state and

1 congressional redistricting prior. So Mr. Faich  
2 will present information specifically on the  
3 legislative and congressional district maps as  
4 approved by the subcommittee.

5           Followed with that will be Mr. Frank  
6 Seanez, our legislative attorney, to go over the  
7 narrative support for the legislative and  
8 congressional district. I understand that -- we  
9 could draw the maps, but we have to do it in  
10 narrative and in English language so that it will  
11 all coincide. So we will do it in that way.

12           Commissioners, we are -- again, I would  
13 like to say that we would like to thank the Hualapai  
14 Tribe and the Yavapai Apache Nation and the White  
15 Mountain Apache Nation and San Carlos Apache for  
16 their support, and we provided that -- and we have  
17 all intention to deal with the county supervisors,  
18 city council, mayors and other entities that runs  
19 the election process in various counties.

20           So we will be busy making contacts to --  
21 in the State of Arizona to get the full support on  
22 the Northern Congressional District. So again, I'd  
23 like to thank you, and welcome you to the Navajo  
24 Nation capital, and I would like to request that if  
25 you see fit, please schedule us in the second round

1 of public hearings here on Navajo. You'll be more  
2 than welcome in Chinle, Kayenta, again, Window Rock

3 and Tuba City. So we'll give you a variety of  
4 places.

5 With that, we're going to -- Mr. Ron Faich  
6 and then Frank Seanez. Thank you very much for  
7 letting me have the floor to address the Commission.

8 CHAIRMAN LYNN: Thank you, Speaker Begay.

9 COMMISSIONER HALL: Thank you, Speaker  
10 Begay. Mr. Faich, please. Will you spell your last  
11 name for the court reporter?

12 MR. FAICH: Certainly. My name is Ron  
13 Faich, F-A-I-C-H. Members of the Commission,  
14 Commission staff, Navajo tribal officials, guests,  
15 Navajo people. Yah'a'te. In the last several  
16 weeks, we've been working rather intentionally on  
17 the proposals that we are presenting to you today,  
18 this evening. I've been asked -- should I run  
19 through these tabs here? The folders that you were  
20 just recently given here a few minutes ago contain a  
21 welcome letter from both the President as well as  
22 the Speaker.

23 The second section is a resolution of the  
24 redistricting subcommittee of the Intergovernmental  
25 Relations Committee of the Navajo Nation Council,

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1 giving some background to the work here as well as  
2 officially recommending these proposals that we  
3 have.

4 The following pages, Exhibit A and  
5 Exhibit B, are rather rough copies of the proposals.  
6 I didn't have a good GIS base map at the time that  
7 they were originally drawn, and I'll make some

8 further comments about the maps themselves in just a  
9 moment. But certainly, they're close enough in  
10 their concept. And they're conceptual. We're not  
11 suggesting here that the Navajo Nation would be  
12 greatly offended if there was a little fine-tuning.  
13 As a matter of fact, there probably has to be some  
14 fine tuning, but the concept is clear in both  
15 instances of what the Navajo Nation is recommending  
16 to the Commission.

17 In the fourth or -- third tab, I guess, is  
18 a narrative explanation of the recommended  
19 proposals, the congressional and legislative  
20 proposals. There is an overview, a background  
21 section, the requirements, our view of the  
22 requirements of Proposition 106, the proposed  
23 congressional district, a description of it, a map  
24 of it; similarly for the legislative proposal, and  
25 showing in each instance how they meet the various

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1 requirements, that redistricting plans have equal  
2 population, compactness, contiguity, etc. That's  
3 the longest section.

4 And you'll find -- at the end of that  
5 narrative, you'll find additional copies of the  
6 maps, but they're drawn on a better GIS Base,  
7 Arizona County Census Division Base Map. And that  
8 will give you a better idea of exactly where our  
9 proposed districts are.

10 And then there are color-coded maps of  
11 both the congressional as well as the legislative

12 recommendations, followed in the last section by the  
13 letters from the various tribes that are in support,  
14 as of this date, of these proposals.

15 I'd like to just discuss briefly the  
16 proposals that are being made. I'll start out with  
17 the congressional district. We have a large map  
18 here. I don't know if everyone can see it. Oddly  
19 enough, because of the stairway, the Commissioner  
20 can't see any of it.

21 COMMISSIONER HALL: We've got ours here.

22 MR. FAICH: Okay, you've got copies so you  
23 can more or less follow it. As I'm sure you are  
24 well aware, the ideal population for eight  
25 congressional districts in the State of Arizona, the

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1 2000 census would have a -- each district must have  
2 a population of approximately 641,329. And the  
3 federal courts mandate that that ideal figure be  
4 very closely adhered to.

5 We are aware and have been aware for many,  
6 many years of the sentiment of large numbers of  
7 people in Northern Arizona that not all districts  
8 should pie out of either Phoenix or Tucson. So my  
9 conscious effort in drawing this, in attempting to  
10 draw it in recommending it to the IGR, was to see if  
11 I could get a district in the northern part of the  
12 state that didn't reach down into either Maricopa or  
13 Pima Counties, to see if we could come close to this  
14 ideal population, include most of the Indian nations  
15 in Arizona as well as the Northern Arizona  
16 communities, Flagstaff, Holbrook, Winslow, Payson,

17 Prescott, so on and so forth.

18           And lo and behold, you have it there in  
19 front of you. If you take the counties of Mojave,  
20 Yavapai, Coconino, Navajo and Apache, and then  
21 portions of Gila, a small piece of Pinal and a small  
22 portion of Graham Counties, you come up with a 2000  
23 census figure of 641,045 persons. That's 4/100 of  
24 1 percent below the ideal for the eight  
25 congressional districts in the State of Arizona.

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1           COMMISSIONER HALL: Can I just ask you one  
2 question?

3           MR. FAICH: Certainly.

4           COMMISSIONER HALL: I'm assuming that the  
5 jog there on Pinal and Greenlee are just to insure  
6 the inclusion of the complete San Carlos Apache  
7 Reservation? Is that the --

8           MR. FAICH: That is correct, Commissioner.  
9 That is absolutely correct. This might be a good  
10 point at which I want to make a footnote-type  
11 remark. Apache and Navajo Counties did not  
12 cooperate with the Census Bureau in about 1997 or  
13 1998, in what is called the Block Boundary  
14 Suggestion Program, the BBSP. These counties did  
15 cooperate with the Census Bureau in 1987 or 1988, in  
16 preparation for the 1990 census.

17           And what happens when a county  
18 government -- and the entire country does this -- is  
19 that when the new census data come out, when the  
20 2000 census data are released, one of the ways in

21 which it's aggregated, one of the ways in which it  
22 is released is by precinct.

23 Now, I can tell you with certainty that  
24 Coconino and Mojave Counties participated, and we  
25 have precinct data available off of the Census

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1 Bureau's web site for those counties, and I'm sure  
2 other counties in the state cooperated.

3 But importantly for us here, obviously,  
4 neither Apache or Navajo Counties cooperated. So I  
5 was really at a disadvantage, I guess you could say.

6 In the 25-or-so years that I've done  
7 redistricting work, the building blocks that, you  
8 know, you always use, are the precincts. Well, I  
9 didn't have precinct data. I didn't have the time  
10 or the technology, frankly, to develop them. I've  
11 done that sort of thing before, but it's a very  
12 tedious, time-consuming process.

13 So I did the next best thing. And you  
14 won't see it so much in the congressional proposal  
15 here. You'll see it more in the legislative  
16 proposal that I'll discuss in a minute or so. I  
17 used a subcounty level of aggregation called the CCD  
18 or the County Census Division in drawing those lines  
19 here in Gila and Graham Counties.

20 If you'll look down at the bottom  
21 eight-and-a-half-by-eleven map, it tells you that in  
22 this instance, in the congressional district, we're  
23 including all of Apache, Coconino, Mojave, Navajo  
24 and Yavapai Counties. In addition, we're including  
25 here the Payson, the Reservation and the Tonto CCD's

1 of Gila County and the San Carlos CCD of Graham  
2 County.

3 Now, there's that little piece in Pinal  
4 County. What I can say to you is that's not a CCD.  
5 That's the exterior southwest boundary of the San  
6 Carlos Indian reservation. So all of those will be  
7 readily known and accessible to your demographers.

8 But at the same time, I know at some point  
9 the Commission has to start putting plans in terms  
10 of precincts. And these may not exactly correspond  
11 to precincts. So we recognize there's some  
12 fine-tuning here. But what the Navajo Nation would  
13 like to see is these whole counties, plus these  
14 CCD's and the San Carlos Indian reservation, as well  
15 as the White Mountain Apache Indian reservation and  
16 the other tribes whose reservations -- whose  
17 homelands are included in these counties. That's  
18 the concept. If you add up the numbers by counting  
19 CCD's, you come up with that number. That's 4/100  
20 of 1 percent below the ideal.

21 And this is now an official recommendation  
22 of the Navajo Nation to the Arizona Independent  
23 Redistricting Commission. Commissioner Hall?

24 COMMISSIONER HALL: So if we have some  
25 questions, for example, with respect to some of the

1 statistical analysis of the population you've  
2 represented in your proposed map, would you be the

3 person we need to ask, or do you want us to ask your

4 Mr. Seanez? What's your preference?

5 MR. FAICH: Whatever.

6 COMMISSIONER HALL: For example, have you  
7 analyzed the number of Native American population in  
8 this district?

9 MR. FAICH: Yes, I have.

10 COMMISSIONER HALL: And.

11 MR. FAICH: Twenty-three-and-a-half  
12 percent.

13 COMMISSIONER HALL: Okay.

14 MR. FAICH: Probably an optimal degree of  
15 citizen influence.

16 COMMISSIONER HALL: How about Hispanic?

17 MR. FAICH: I did not go to other ethnic  
18 or racial groups. But given the fact that we're  
19 dealing with whole counties here, that's readily  
20 calculable. But as far as your question about  
21 Mr. Seanez, I imagine if you want to call within  
22 state, call Mr. Seanez. I'm sure if he can't answer  
23 the question, he'll say, Call Albuquerque, and  
24 you're certainly welcome to call me.

25 COMMISSIONER HALL: Certainly we have the

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1 resources. I was just curious as to --

2 MR. FAICH: We're about to change our area  
3 code, but I'm sure you can figure it out.

4 COMMISSIONER HALL: Me, too.

5 MR. FAICH: Somebody mentioned in the  
6 paper the other day that the new area code for  
7 New Mexico should be "911." So -- but I'm sure one

8 or the other of us can answer any questions.

9 COMMISSIONER HALL: That's the only  
10 question I had at this point. I just thank you.

11 MR. FAICH: All right. If I could turn  
12 then to the legislative proposal, which might be a  
13 little bit more visible to you from your vantage  
14 point there. As you well know, I'm sure, the ideal  
15 population for each of the 30 districts, legislative  
16 districts for the Arizona legislature as a result of  
17 the 2000 census is 171,021 persons. What we were  
18 looking to do primarily is to, as much as we  
19 possibly could, retain the boundaries of the current  
20 Legislative District 3.

21 Well, as usual, when you start down the  
22 road, you realize you've got some pros and some cons  
23 and some reasons to do this and some reasons to do  
24 that. One of the disadvantages, we felt, to the  
25 current legislative district is the fact that it

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1 extends all over there to Mojave County, north of  
2 Kingman and Bowhead City. And that didn't seem  
3 entirely desirable in terms of the representation  
4 and the distances involved and all of that, not to  
5 mention the growth of those communities in the past  
6 decade. So --

7 COMMISSIONER HALL: Can I ask you another  
8 question on this?

9 MR. FAICH: Certainly.

10 COMMISSIONER HALL: Where the line comes  
11 above the Fort Apache reservation? Is Show Low on

12 that line?

13 MR. FAICH: No. South of Show Low, Pine  
14 Top and Lakeside. What it is, Commissioner, it's  
15 the Apache --

16 COMMISSIONER HALL: Reservation lands?

17 CHAIRMAN LYNN: CCD.

18 MR. FAICH: Let me tell you how I got it.  
19 Fortunately, it's coincidental with the reservation  
20 line. That area in southern Navajo County that's  
21 included in this proposed district is the Apache CCD  
22 of Navajo County. And all the maps I've looked at  
23 show me that that coincides -- it doesn't include  
24 Show Low, Lakeside or Pine Top, any of those  
25 off-reservation communities down there; okay?

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1 And then -- and of course, the White  
2 Mountain Apache Reservation extends down into Gila  
3 County. I believe it's the Salt River Canyon that  
4 divides the White Mountain Apache from the San  
5 Carlos Apache. So as you go down further south in  
6 Gila County, and again that little knob. And that  
7 little knob in Pinal County has no population. It's  
8 due east and a little bit north of Winkelman, and  
9 it's rather rugged country. I don't have an  
10 official 2000 census figure for it, but I can tell  
11 you with certainty that the 1990 census found zero  
12 people in that little piece of the San Carlos Res  
13 that is in Pinal County. But then it extends, of  
14 course -- the line then extends over into Graham  
15 County and then goes up and ends with the Apache  
16 County southern boundary.

17                   That, again, is intended to be the  
18 exterior boundary of the San Carlos Apache  
19 Reservation.

20                   So what you have here in this proposal --  
21 and by the way, the population added up, using CCD's  
22 now, is 172,852, which is within 1.1 percent of the  
23 ideal for your legislative districts. And what you  
24 have, essentially, is in these -- in this district,  
25 the Apache, the Navajo, the Havasupai, a small part

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1 of the Hualapai, a small part of the Kaibab, the  
2 White Mountain Apache, the San Carlos Apache and the  
3 Community of Holbrook.

4                   COMMISSIONER HALL: And the Native  
5 American population in that district?

6                   MR. FAICH: Is approximately 76 percent,  
7 77 percent, somewhere in there, about three out of  
8 four.

9                   COMMISSIONER HALL: And what's that number  
10 about? Do you know the actual numbers?

11                   MR. FAICH: Commissioner, I have it.  
12 Let's see if I can get it.

13                   COMMISSIONER HALL: Can you? That's okay.  
14 You can get it to us later. That's fine.

15                   MR. FAICH: Okay. But it's about  
16 three-fourths of that 172,000 number there, 173,000,  
17 give or take. So by virtue of population numbers as  
18 defined by the CCD's, by virtue of the other  
19 criteria that are mandated in the Voting Rights Act  
20 for contiguity, exactness, to the degree possible in

21 rural Arizona and the like, we believe that these  
22 proposals would pass muster, certainly pass  
23 Section 5 reviews based on past experience that I've  
24 had.

25 Okay. The population -- thank you -- the

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1 population that I had worked out here of Native  
2 Americans in the legislative district turned out to  
3 be exactly 135,000; 1, 3, 5, zero, zero, zero.  
4 78.1 percent: That more or less covers my part of  
5 the pie here. If there is any questions, I'll be  
6 happy to answer.

7 COMMISSIONER HALL: Thank you. I  
8 appreciate it.

9 MR. FAICH: And if there should ever be  
10 questions, staff, technical people, don't hesitate  
11 to call.

12 COMMISSIONER HALL: Thank you, Mr. Faich.  
13 Appreciate it.

14 Next speaker will be Frank Seanez, who is  
15 the Office of Legislative Counsel for the Navajo  
16 Nation. His last name is S-E-A-N-E-Z; is that  
17 correct, Mr. Seanez.

18 MR. SEANEZ: That's correct, Commissioner  
19 Hall.

20 COMMISSIONER HALL: Thank you.

21 MR. SEANEZ: Thank you, Chairman Lynn,  
22 Commissioner Hall, members of the staff of the  
23 Arizona Independent Redistricting Commission. My  
24 name is Frank Seanez. I'm with the Office of Navajo  
25 Legislative Counsel, and I'm going to be providing

1 additional information relative to the Navajo Nation  
2 narrative document which accompanies the Navajo  
3 Nation proposal.

4           That document, for your reference, is  
5 located under tab 2. I know how difficult it is to  
6 listen to attorneys drone on, even in the middle of  
7 the day or the beginning of the day, so I'll try not  
8 to belabor you too much. What I would like to do is  
9 to point out some highlights relative to the Navajo  
10 Nation's proposal and as more fully set forth in the  
11 narrative document.

12           What we tried to do is to go ahead and  
13 address all of the criteria, which are noted in  
14 Proposition 106. We did that in order to try to --  
15 to try to bring forth a successful advocacy of the  
16 Navajo Nation's proposal, and, quite frankly also,  
17 to make this Commission's job just a little bit  
18 easier.

19           What I'd like to do now is to go through  
20 those criteria. The Criterion No. 1, Compliance  
21 with the United States Constitution and Voting  
22 Rights Act, we see as having significant overlap  
23 with the other five criteria. It will address, of  
24 course, the equal population, as required under  
25 U. S. Constitution, Article One, Section Two, and as

1 well the provisions of the Fourteenth and Fifteenth  
2 Amendments dealing with voting and the other

3 criteria noted under the Voting Rights Act and the  
4 case law which has followed the Voting Rights Act.

5           In the Voting Rights Act area, we're  
6 specifically concerned with two areas: The  
7 Section 2, Causes of action, and Section 5,  
8 Preclearance. I'd like to make the statement that  
9 the Navajo Nation recommends to the Commission two  
10 proposals, the congressional and the legislative  
11 district, including the Navajo Nation.

12           The Navajo Nation's proposals comply with  
13 the criteria set forth in Proposition 106 as gleaned  
14 from the U. S. Constitution, the Voting Rights Act  
15 and the cases. The Navajo Nation maintains that the  
16 proposals will withstand both Section 5 preclearance  
17 review and scrutiny under Section 2 of the Voting  
18 Rights Act.

19           Relative to the Navajo Nation  
20 Congressional -- Congressional District, the Navajo  
21 Nation recommends to the Commission the discussion  
22 of the equal population factors set forth at Page 5  
23 of the Navajo Nation proposal document, the Equal  
24 Protection Clause discussion on Pages 7 and 8, and  
25 the requirements of the Voting Rights Act, Section 5

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1 on Pages 8 and 9 of the Navajo Nation proposal  
2 document.

3           Relative to the Navajo Nation proposed  
4 legislative district, the Navajo Nation recommends  
5 the Commission to the discussion of equal population  
6 set forth at Page 11 of the proposal document, the  
7 Equal Protection Clause discussion on Page 14 of the

8 proposal document and the requirements of the Voting  
9 Rights Act, Section 5 on Pages 14 and 15 of the  
10 proposal document.

11           The Navajo Nation recommends that the  
12 Commission include the Navajo Nation's congressional  
13 and legislative district proposals in its initial  
14 map, which is expected to be issued the first week  
15 of July 2001, we understand. The reason that we'd  
16 like -- that we felt that it was important, as the  
17 Navajo Nation, to provide this submission in the  
18 detail that the Navajo Nation has at this point is  
19 because we believe that the most effective time  
20 to -- to have a positive impact on the process in  
21 conjunction with the Commission is prior to the  
22 issuance of the first -- the first districting map  
23 which is laid out. And that is our hope.

24           The Navajo Nation has received letters of  
25 support from other Indian tribes within the proposed

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1 congressional and legislative district proposal  
2 areas, as well the Navajo Nation will be working  
3 with other Indian tribes, counties, municipalities,  
4 chambers of commerce and the public in order to gain  
5 further support and to demonstrate to the Commission  
6 the communities of interest which are included  
7 within the proposed congressional and legislative  
8 districts.

9           Relative to Criterion No. 2, relative to  
10 equal population, this is addressed through U. S.  
11 Constitution, Article One, Section Two. I'd like to

12 address first the congressional district proposal  
13 with the Navajo Nation's proposal being one of the  
14 of the eight congressional districts. That's  
15 addressed on Page 5 of the Navajo Nation proposal  
16 document.

17 As noted by Dr. Faich, the ideal number is  
18 641,329 persons. Compare that to the Navajo  
19 Nation's proposal, which contains 641,045 persons,  
20 for a deviation of only .04 percent, well within the  
21 deviation accepted by the United States Supreme  
22 Court and the federal district courts.

23 As well, in the legislative district  
24 proposal, this proposed district to be one of  
25 thirty, it's addressed on Page 11 of the Navajo

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1 Nation proposal document. The ideal number is  
2 171,021 persons.

3 The Navajo Nation proposal is 172,852  
4 persons, a deviation of 1.1 percent. Now, here  
5 we're dealing with a legislative district,  
6 districting in which the United States Supreme Court  
7 and the federal district courts have allowed an  
8 additional amount of leeway, as addressed more fully  
9 within the proposal document. And this deviation of  
10 1.1 percent is, again, well within the deviation  
11 accepted by the United States Supreme Court and the  
12 U. S. District Courts.

13 COMMISSIONER HALL: Go ahead. I'm sorry.

14 MR. SEANEZ: Mr. Hall.

15 COMMISSIONER HALL: Well, as noted in your  
16 document here, you've been to several of our

17 meetings, and as I recall, you were at Flagstaff.  
18 At that meeting, I understand you heard the wishes  
19 with respect to both of your proposed districts of  
20 the Hopi Tribe. I was wondering if you wouldn't  
21 mind, for our benefit, to comment, from a legal  
22 standpoint, given your knowledge -- which I assume  
23 is relatively extensive -- of the 1990 process with  
24 respect to that particular issue and give us your  
25 comments on that matter, please.

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1 MR. SEANEZ: Yes; thank you.  
2 Commissioner Hall, members of the Commission, the  
3 Navajo Nation was not at -- was not able to  
4 successfully intervene in the -- in the  
5 redistricting litigation which led to the  
6 districting plan in the 1990's. The -- the Hopi  
7 Tribe, it's my understanding, was a -- was a  
8 plaintiff within that action, and the Court, absent  
9 objection by the other plaintiffs, did adopt a  
10 districting plan which separated out the Hopi Tribe  
11 and a portion of the Navajo Nation as a Hopi  
12 corridor to an alternate district, other than the  
13 one which contained the Navajo Nation.

14 As Commissioner Hall correctly noted,  
15 in -- at the July 19th public hearing of the  
16 Commission in Flagstaff at the Northern Arizona  
17 University, Chairman Wayne Taylor, Jr. of the Hopi  
18 Tribe did provide input to the Commission that the  
19 Hopi Tribe, or at least he, as a representative and  
20 individual member of the Hopi Tribe, requested that

21 the Commission place the Hopi Tribe outside of the  
22 congressional and legislative districts, including  
23 the Navajo Nation.

24 We don't believe that that is -- that that  
25 would be an appropriate action by the Commission for

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1 a number of reasons. First of all, the inclusion of  
2 the Hopi Tribe within -- within a single legislative  
3 district, a single congressional district, will  
4 insure that there is no retrogression as far as the  
5 inclusion -- as far as the Native American voting  
6 strength goes, and, as well, the voting strength of  
7 the Hopi Tribe.

8 In fact, we believe that their voting  
9 strength will be maintained and even strengthened  
10 by -- by being contained both in the proposed  
11 Northern Arizona Congressional District as well as  
12 the Navajo Nation proposed legislative district,  
13 which would, as well, include members of other  
14 tribes.

15 We understand that the -- that the recent  
16 legal history between the Navajo Nation and the Hopi  
17 Tribe has been -- has been fraught with difficulty.  
18 However, we believe that there are communities of  
19 interest which go far beyond the current legal  
20 problems and past recent problems between the Hopi  
21 Tribe and the Navajo Nation, that there are far  
22 greater commonalities between the needs, the desires  
23 of -- of both the Navajo and Hopi as well as the  
24 other tribes, which -- which speak against a  
25 segregation of Hopi in a separate legislative

1 district or congressional district.

2           As well, there is an additional problem  
3 which remained unaddressed in the 19 -- the 1990's  
4 litigation, and that is the splitting of the Navajo  
5 vote.

6           In order to allow a Hopi to be connected  
7 with an alternative district, there had to be a  
8 corridor cut out of Navajo land which is inhabited.  
9 And it involves the splitting of Navajo votes.

10           And the Navajo Nation is very much  
11 concerned about the -- about the maintenance of such  
12 a situation. The Navajo Nation has been -- has been  
13 active in trying to contact the Hopi Tribe through  
14 correspondence and from Navajo Nation Council  
15 Speaker Edward T. Begay, to Hopi Tribal Chairman,  
16 Wayne Taylor, requesting that a meeting be set up,  
17 or the first in a series of meetings between the  
18 Navajo Nation and the Hopi Tribe, to attempt to --  
19 to get Chairman Taylor and the other members who  
20 provided input as well as the Hopi Tribal Council,  
21 to consider favorably the placement of Navajo Nation  
22 and Hopi Tribe in a congressional district and  
23 legislative district. Commissioner Hall, have I  
24 addressed your question?

25           COMMISSIONER HALL: Yes, sir. Thank you.

1 I just wanted to make sure that we had your  
2 perspective relative to, as you know, this complex

3 issue of record. So thank you very much.

4 MR. SEANEZ: Thank you, Commissioner Hall.  
5 Members of the Commission, the Navajo Nation will  
6 be -- will be staying engaged with both the  
7 Commission as well as -- as other -- as other Indian  
8 tribes, as mentioned, representatives of other  
9 sovereigns in order to try to bring, as much as  
10 possible, recommendations of consensus and not  
11 division before the Commission.

12 CHAIRMAN LYNN: Mr. Seanez, one other  
13 question. In looking at the proposed legislative  
14 district in particular, Dr. Faich mentioned that the  
15 Native American population within that district is  
16 78-plus percent. Would you offer an opinion  
17 relative to -- and again, using the examples that  
18 were in the presentation this evening and the  
19 concept of packing versus dilution, would you at  
20 least address that with respect to the relative  
21 value of having that percentage of Native American  
22 population in a single district as opposed to having  
23 representative numbers of Native American population  
24 in more than one district in Northeastern Arizona,  
25 which might afford you even more representation in

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1 the State legislature?

2 MR. SEANEZ: Thank you, Chairman Lynn. We  
3 have considered that matter, and we very firmly  
4 believe that the Navajo Nation's legislative  
5 district proposal is not indicative of packing,  
6 first of all. I want to get that out on the table.  
7 And as well, we think that it should be noted, as

8 you're aware, that -- that mere population numbers  
9 are not the bottom line.

10           What we're also looking at is voting  
11 strength. And the Navajo Nation population is very  
12 young, and probably in excess of 50 percent of the  
13 Navajo population is under voting age. So we're --  
14 there probably needs to be additional statistical  
15 information provided to the Commission. And the  
16 Navajo Nation will be providing supplemental  
17 information to the Commission as well relative --  
18 relative to the matter of -- of voting age  
19 representation within the proposed district.

20           CHAIRMAN LYNN: Thank you, Mr. Seanez.

21           MR. SEANEZ: I'd like to continue on with  
22 Criterion No. 3, unless there's another question.

23           COMMISSIONER HALL: Let's stay with the  
24 same question. Do you have any idea what percentage  
25 of Native Americans consisted in Legislative

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1 District Three in 1990?

2           MR. SEANEZ: I don't know offhand,  
3 Commissioner Hall. But we will provide that  
4 information in our follow-up communication with the  
5 Commission.

6           COMMISSIONER HALL: Please.

7           MR. SEANEZ: Thank you. Addressing  
8 Criterion No. 3, that districts be geographically  
9 exact and contiguous as practicable. Addressing the  
10 Navajo Nation congressional district proposal, it's  
11 addressed on Page 6 of the proposal document. And

12 contiguity, as we understand it, and as it has been  
13 discussed in recent federal case law, admittedly,  
14 within the Tenth Circuit, not the Ninth Circuit,  
15 although we do think it's convincing, "contiguity"  
16 means no part of one district may be completely  
17 separated from any other part.

18           And just a glance at the Navajo Nation  
19 Congressional District proposal shows that it meets  
20 the contiguity criterion.

21           Exactness is always a difficult problem  
22 when you're dealing with large areas of land, with  
23 sparse population, especially when that is combined  
24 with a -- with an area of the -- to be redistricted  
25 which has a very high population. The effect that

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1 that has had is in pulling down the line for the  
2 Northern Arizona district pretty far down through  
3 state.

4           However, we believe that any lack of  
5 exactness can be -- can be easily addressed because  
6 of the -- because of the conditions we have in land  
7 area and population. And as well, that they're very  
8 much balanced out by the community of interest  
9 factor as well.

10           The -- I'd just like to note that the --  
11 that exactness and contiguity is addressed at  
12 Page 11 of the Navajo Nation proposal document as  
13 well.

14           One of the main strengths of the Navajo  
15 Nation proposal is with regards to Criterion No. 4.

16           COMMISSIONER HALL: Before we move on,

17 Mr. Seanez, can you then, with respect to  
18 legislative district, maybe elaborate on the issue  
19 of exactness with respect to your proposal?

20 MR. SEANEZ: Yes. Commissioner Hall, if  
21 you will refer to the -- refer to the map of the  
22 proposed legislative district, you'll note that it  
23 covers portions of Graham, Pinal and Gila County in  
24 areas where there is very sparse population and  
25 where we're talking about the land base of an Indian

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1 tribe, the relatively sparse population, large area.  
2 Apache County, as well.

3 What the Nation tried to do as much as  
4 possible was to include entire counties as opposed  
5 to the congressional -- the congressional district  
6 proposal, the only one that we could work out with  
7 them was Apache County. As well, both Apache and  
8 Navajo Counties, as with pretty much the remainder  
9 of the northern half of the State of Arizona, has  
10 sparse population.

11 So what -- what we tried to do in the  
12 legislative proposal is to make it as exact a -- as  
13 exact an area as possible while maintaining what we  
14 consider to be extremely important communities of  
15 interest. If there is more information that the  
16 Commissioners would like relative to that, again,  
17 we -- it's the intent of the Navajo Nation to remain  
18 very much engaged with the Commission, and we'd be  
19 happy to provide, in writing, any further  
20 information which the Commission may require or deem

21 desirable in their deliberations.

22 COMMISSIONER HALL: Thank you.

23 MR. SEANEZ: Thank you. Moving to

24 Criterion No. 4, communities of interest relative to

25 congressional district proposal. The Navajo Nation

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1 community of interest is highlighted on Page 2 and 3  
2 of the Navajo Nation support document, where there  
3 is a brief and nonexclusive description of the  
4 conditions affecting the Navajo Nation as well as  
5 Pages 6 and 7 of the Navajo Nation proposal  
6 document.

7 There are some things that we'd like to  
8 stress about the communities of interest affected by  
9 the proposed Northern Arizona Congressional  
10 District.

11 The conditions which affect the Navajo  
12 Nation in Apache, Navajo and Coconino Counties also  
13 affect the remainder of those counties as well as  
14 Mojave and Yavapai Counties. The Navajo Nation  
15 congressional district proposal speaks to the needs  
16 for a northern congressional district to serve the  
17 interests of these largely rural communities.

18 The Navajo Nation has been present at the  
19 Commission's public hearings on the Fort Apache  
20 Indian Reservation on June 18th, 2001, and in  
21 Flagstaff on June 19th, 2001, and heard repeated  
22 calls for a northern congressional district.

23 The Navajo Nation's proposed congressional  
24 district addresses the concerns put forth at these  
25 Commission public hearings, including the inclusion

1 of portions of Gila and Graham Counties, where that  
2 has been necessary to include other Indian nations  
3 along with the Navajo Nation in such a congressional  
4 district.

5           As well, as has been noted previously for  
6 the Commission, the Navajo Nation has received  
7 letters of support from Yavapai, Prescott, Apache  
8 Tribe, San Carlos Apache, Hualapai and the  
9 Commission, at the June 18th, 2001 hearing, received  
10 a written statement as well as a council resolution  
11 from the White Mountain Apache Tribe relative to the  
12 matter.

13           Moving to the legislative district  
14 proposal, the Navajo Nation community of interest is  
15 highlighted again on Pages 2 and 3 and on Pages 12  
16 to 14 of the Navajo Nation proposal document. The  
17 conditions which affect Navajo Nation and, Apache  
18 Navajo and Coconino Counties also affect the  
19 remainders of Apache and -- and Navajo County in  
20 those areas included, as well as Coconino, Gila,  
21 Graham and Pinal Counties, those portions contained  
22 within the proposed legislative district. As well,  
23 the Navajo Nation legislative district proposal  
24 speaks to the need for a northern and eastern  
25 legislative district to serve the interest of these

1 largely rural communities.

2           The Navajo Nation was present at the

3 public hearings at Fort Apache Indian Reservation  
4 and in Flagstaff, and heard calls for representation  
5 of eastern counties within the legislative district  
6 and, as well, in the north, specifically calls were  
7 made to rural representation. And we believe that  
8 the Navajo Nation proposal very much addresses those  
9 concerns. Again, the Navajo Nation points to the  
10 support which it has received thus far within days  
11 of the adoption of its proposal.

12 We believe that the community of interest  
13 criterion weighs very heavily in favor of both the  
14 Navajo Nation congressional and legislative  
15 districts.

16 Moving to Criterion No. 5, that the  
17 districting be based on visible geographic features,  
18 political boundaries and undivided census tracts as  
19 much as is practicable. The Navajo Nation  
20 congressional district proposal is -- it addresses  
21 this on Page 3 of the proposal document, the  
22 description of proposed congressional district,  
23 Pages 5 and 6 as well.

24 The Navajo Nation congressional district  
25 proposal contains the entirety of Mojave, Yavapai

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1 Coconino, Navajo and Apache Counties, as well as  
2 observes those political boundaries on a county  
3 basis. As well, it would include the Payson, the  
4 Reservation and Tonto County Census Divisions,  
5 CCD's, of Gila County and San Carlos CCD of Graham  
6 County. This addresses the criterion relative to  
7 undivided census tracts.

8                   As well, it includes the Navajo Nation,  
9 Fort Apache Indian Reservation, the White Mountain  
10 Apache, San Carlos Apache Reservation, Hopi  
11 Reservation, including Moenkopi and all the Hopi  
12 partition lands, land basis of Havasupai, portions  
13 of Hualapai, portions of Kaibab Paiute, Camp Verde,  
14 Fort Mojave, Tonto, Yavapai, Prescott and Zuni  
15 Pueblo. So as well, it respects the political  
16 boundaries not only of cities and counties and towns  
17 but also of the Indian nations, which we believe is  
18 extremely important.

19                   Moving to the legislative district  
20 proposal, it's addressed both on Page 3 of the  
21 Navajo Nation proposal document and the description  
22 of proposed legislative district, Pages 9 through  
23 11. The legislative district contains all of Apache  
24 County, portions of Graham and Gila Counties within  
25 the San Carlos Reservation, a portion of Navajo

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1 County within the Navajo Nation Reservation, the  
2 Hopi Reservation and Fort Apache Indian Reservation,  
3 portions of Coconino County, which include portions  
4 of the Navajo Nation and the Navajo Yavapai  
5 Reservation, the Kaibab and Hualapai County Census  
6 Divisions, the CCD's of Coconino County and the  
7 Payson Reservation, Tonto CCD's and San Carlos CCD  
8 of Graham County. Undivided census tracts are  
9 included as well.

10                   As noted previously, some of the glitches  
11 in the current districting plan is the division of

12 certain municipalities. Another one that was noted  
13 within the -- at the Flagstaff public hearing was  
14 Sedona. The Navajo Nation legislative district  
15 proposal divides no municipalities. It includes the  
16 Navajo Nation, Fort Apache Indian Reservation, San  
17 Carlos Apache Reservation, Hopi, including Village  
18 of Moenkopi and OHPL and the Zuni Pueblo.

19 Addressing Criterion No. 6,  
20 competitiveness, that's kind of a tough one to get  
21 off the -- off the block on in such a short amount  
22 of time. However, the Navajo Nation maintains that  
23 its proposed congressional district and legislative  
24 district proposal will promote competitiveness.

25 The Navajo Nation will provide additional

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1 materials supporting the competitiveness of the  
2 Navajo Nation proposals as the process develops.

3 That's the -- you know, they say that  
4 attorneys can't be brief, and that's the briefest I  
5 possibly could be for a 14-page document,  
6 Commissioners, and I'll be happy to try to address  
7 any questions.

8 COMMISSIONER HALL: Mr. Seanez, we  
9 appreciate that. Do you have any questions?

10 CHAIRMAN LYNN: Thank you, Mr. Seanez,  
11 very much.

12 COMMISSIONER HALL: Thank you for your  
13 input. Speaker Begay, did you have any additional  
14 comments prior to moving on or --

15 MR. BEGAY: Mr. Chairman, Commission  
16 Chairman and Commissioner, I think we tried to be as

17 thorough as we can and make sure that what we're  
18 saying verbally is also written down so that it  
19 would be very easy for your -- your legal people and  
20 other Commissioners to follow.

21 So that's the reason why we chose to make  
22 the presentation in this way for the Navajo Nation,  
23 and we appreciate the time that you extended to us.  
24 And again, I'd just like to, before I turn the floor  
25 back to you, I'd like to give you something that

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1 you -- just to remind you that you visited the  
2 Navajo Nation here. Mr. Chairman, Commissioner.

3 CHAIRMAN LYNN: Thank you Mr. Begay.

4 COMMISSIONER HALL: Thank you, appreciate  
5 that. Thank you.

6 MR. BEGAY: This one is for staff  
7 attorney. So --

8 COMMISSIONER HALL: He needs the coffee,  
9 so --

10 MR. BEGAY: This is for the other lady.

11 COMMISSIONER HALL: For Myra. Thank you  
12 very much.

13 MR. BEGAY: Thank you, Commissioners.

14 COMMISSIONER HALL: Thank you, Speaker  
15 Begay. Please.

16 MR. FAICH: Commissioner Hall, in regards  
17 to a question you asked Mr. Seanez about the Hopi,  
18 you may not be aware of this, but in the mid '80's  
19 there was a big controversy over the districts for  
20 the supervisors in Navajo County; about 1985, I

21 believe it was. And during that period of time, we  
22 were able to get a resolution, a joint tribal  
23 resolution passed by the Navajo, the Hopi and the  
24 White Mountain Apache. And that went to the U. S.  
25 Department of Justice under a Section 5 preclearance

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1 review and was successful.

2           The request, the mutual request of the  
3 three tribes at that time was adhered to and agreed  
4 upon by the U. S. Department of Justice. I just  
5 bring that up because there are instances where, in  
6 intergovernmental matters, the Navajos and the Hopis  
7 have, in fact, cooperated. And when you think about  
8 what state government means for people up here, it's  
9 primarily schools and roads. And I think it's -- it  
10 just extends the difficulties that the Navajos and  
11 Hopis have had to say that they can't even agree on  
12 roads and schools.

13           And one other thing I want to make -- one  
14 other point I want to make, I started out talking  
15 about Apache and Navajo Counties not cooperating  
16 with the Census Bureau with regard to precinct  
17 boundaries. I brought this up before with the  
18 Commission when we were meeting at the Navajo Inn a  
19 couple of weeks ago.

20           I would very much like to see this  
21 Commission recommend to the legislature that it pass  
22 regulation to require all counties in Arizona to  
23 cooperate with the Census Bureau so that we all have  
24 precinct data right at the very beginning when this  
25 process begins in another ten years. Thank you.

1           COMMISSIONER HALL: Do you think you could  
2 get us a similar resolution dated today?

3           MR. FAICH: I'm willing to try.

4           COMMISSIONER HALL: Great; that would make  
5 our lives easier.

6           MR. FAICH: If the people for whom I work  
7 say, Go ahead and do it, I'll do it. I'll try. I  
8 drove from here to Kaikotsnapi (sic) to White River  
9 to get the signatures of the three chairmen at that  
10 time. And I know I have a copy of it, in my files  
11 at home.

12           COMMISSIONER HALL: Thank you for your  
13 input.

14           Next speaker is Senator Jack Jackson.

15           SENATOR JACKSON: Good evening, Chairman,  
16 and Mr. Hall, Commissioner. For the record, my name  
17 is Jack C. Jackson, presently a State Senator from  
18 legislative district No. 3. The redistricting have  
19 been the responsibility of the state -- state  
20 legislature for a number of years, and you-all know  
21 that. And usually, it was with the majority --  
22 majority caucus, the leadership, the majority  
23 caucus.

24           And they have been highly criticized last  
25 17 years that I have been there. They were accused

1 of being insensitive to the minority group in the  
2 State of Arizona. Also they were accused of being

3 partial and abuse of power and to make sure that  
4 their own people get back in the state government or  
5 the state legislature. This was the accusation that  
6 we heard all the time.

7 Of course, I'm not a member of the  
8 majority for a number of years. I am now. Now they  
9 gave it to a new commission who (inaudible) at all,  
10 because I voted for Proposition 106, thinking that  
11 what we have now, the way it is now, will be  
12 maintained.

13 But as I look at your proposal, I was  
14 disappointed, because what's happening here is  
15 you're being insensitive to the Navajo Nation also  
16 by dividing them up, both in congressional and in  
17 legislative districts: We have been fighting for to  
18 become self-sufficient in the Navajo Nation. And we  
19 have a long ways to go. The only way we can achieve  
20 it is to maintain our sovereignty.

21 By "sovereignty," I mean we intend to have  
22 the control of our Navajo Nation. And most of our  
23 constituency are from the Navajo Tribe, because if  
24 you divide the districts into two, you place very  
25 limited -- you place limitations on the sovereignty

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1 of the Navajo Nation. We lose our voting power. So  
2 that's why I'm opposed to your proposal.

3 I have introduced a bill this past year  
4 along with my friend, Senator Jack Brown, to form a  
5 study committee to study the relationship between  
6 the Navajo Nation and the State. And this bill  
7 passed. And we're getting ready to set to hear some

8 (inaudible.) What good does that do us if our  
9 legislative district and congressional district  
10 continue to be divided? It doesn't do us any good.

11 So I'm here -- this is the first time I  
12 saw the Navajo Nation proposal. I'm very much in  
13 favor of it, not because I want to continue to be a  
14 State Senator. I'm almost near the end of my term  
15 limit. So I'm looking forward to have some other  
16 people.

17 And I wish you would reconsider your  
18 proposal. And perhaps I think the Navajo Nation  
19 proposed a lot better than yours. And Senator Jack  
20 Brown came to me at the time when this Commission  
21 was being formed. And he said to me, "Mr. Jackson,  
22 I have a man up there in St. Johns who I think would  
23 do a good job for us up there in Northern Arizona."

24 I said, "What is his name?"

25 "Mr. Hall. His job, I think, it's going

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1 to be to keep the Navajo Nation intact. Is that  
2 what you want?"

3 I said, "Yes, that's what I want."

4 So I gave my blessing to his proposal.

5 I want to thank you for coming up here,  
6 get you out of that hot weather over there, bring  
7 you some fresh air, nice, clean air, which you don't  
8 have in southern Arizona. Thank you.

9 COMMISSIONER HALL: Thank you, Senator  
10 Jackson. We appreciate your comments. Appreciate  
11 you being here. Let me just say with respect to one

12 comment, this Commission has yet to make a proposal.  
13 The initial grid was merely a product of computer  
14 mathematical aggregation, as we were required to do  
15 as stated in the presentation, pursuant to  
16 Proposition 106.

17 Based on your input and input we're  
18 receiving across the state, within a month, we will,  
19 hopefully, have a proposal. And then you can come  
20 back with your guns loaded and --

21 SENATOR JACKSON: Arrows.

22 COMMISSIONER HALL: Well, sorry; right.  
23 I'm the cowboy. I apologize.

24 CHAIRMAN LYNN: Weapon of choice.

25 COMMISSIONER HALL: Whatever your weapon

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1 of choice is. Bring your quiver full, if you will,  
2 and then we will be more than happy. But realize  
3 that the initial -- we have problems with the  
4 initial grid also, and thus, we're here to receive  
5 input in an effort to more appropriately draw up  
6 those lines.

7 So I want to just make that clarification.  
8 We appreciate your input.

9 SENATOR JACKSON: All right. Thank you.

10 CHAIRMAN LYNN: Thank you.

11 COMMISSIONER HALL: Next presenter is  
12 James Henderson, Jr.

13 MR. HENDERSON: Good evening, Chairman.

14 CHAIRMAN LYNN: Mr. Henderson, if you'd  
15 pick up the other one.

16 MR. HENDERSON: Good evening, Chairman

17 Hall and Commissioners and ladies and gentlemen. I  
18 want to share a few thoughts with you this evening.  
19 I'd like to question the Commission, the  
20 Commissioners. You were selected by the Arizona  
21 state legislature by the leadership. I wonder how  
22 much influence you got from those people if you draw  
23 both legislative -- to draw legislative and  
24 congressional districts. Those are pretty powerful  
25 people that selected you. And I hope -- and I hope

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1 both congressional and the legislature don't  
2 influence you in any way.

3           And our leaders has spoken here this  
4 evening, what they want. However, one thing that  
5 our leaders should never hold public hearing across  
6 the Navajo Nation for have our input to get their  
7 position known here this evening. And I would  
8 advise them to do that before they come before you  
9 here.

10           But I do concur what they said. I think  
11 the Navajo Nation should have their own  
12 congressional district. I said that when I was an  
13 Arizona State Senator. I don't know for how many  
14 years, we should have -- I think it's justified. If  
15 it's not justified in numbers, I think to include  
16 other Indian tribes.

17           I know the congressional people have a big  
18 say, but we want representation, because of our  
19 culture and then our needs. We have a great need.  
20 We want 100 percent or 200-plus representation from

21 the Indian tribes.

22 I know we do deserve this, for a long  
23 time. For a long time, there was no representation  
24 in the Arizona State Senate, until when we start  
25 speaking out. I'm pretty sure you heard my name so

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1 many times, I made so many floor speeches on this.

2 So I hope you listen to our people here  
3 tonight and our leadership. And also my brother,  
4 Jack Jackson. I'm pretty sure he wants to be  
5 elected ten more times until he's 99 years old.  
6 Thank you, Commissioners.

7 CHAIRMAN LYNN: Mr. Henderson. Thank you  
8 very much. I want to make just a brief comment.  
9 Your concern about the Commissioners acting  
10 independently, as you know, four of the  
11 Commissioners were selected by legislative  
12 leadership. I was chosen by our five Commissioners.  
13 I want to speak on their behalf and tell you that  
14 from the beginning of our deliberations, I have not  
15 seen anything but independent action on the part of  
16 all four of them.

17 And I trust that will continue. We all  
18 believe we are working for all of the people in the  
19 State of Arizona, not for a few, not for a select  
20 group, not for any leadership, but for all of the  
21 people. And we will continue to do that. And we  
22 appreciate your concern about that.

23 COMMISSIONER HALL: Thank you, Chairman  
24 Lynn. Thank you, Mr. Henderson.

25 Let me just say, and break the monotony

1 for a second. This that I'm wearing has to be a  
2 product of my ancestors. And certainly, this is a  
3 product of much smarter ancestors, because this is a  
4 lot more comfortable. So is it okay if I wear this  
5 the next time I come? I appreciate that.

6 CHAIRMAN LYNN: I will, too. Thank you  
7 very much.

8 COMMISSIONER HALL: Very nice, very  
9 generous, very gracious.

10 Our next speaker is Percy Deal.

11 MR. DEAL: I keep saying that I will be a  
12 millionaire for every piece of paper that I was  
13 given, also attached to it was a dollar bill.

14 Commissioner, I really do appreciate you  
15 being here. I join the Speaker and the President's  
16 office in welcoming you to the Navajo Nation. I'd  
17 like to introduce myself, Percy Deal. I'm a  
18 resident of the Big Mountain on the Navajo  
19 Reservation. I also serve as a member of the Navajo  
20 County Board of Supervisor, serving and representing  
21 not only the Navajos but the Hopis, the White  
22 Mountain Apaches, the Anglos, the Hispanic, the  
23 Black, and the Asian Americans. So we're no  
24 strangers in representing other races. Most of the  
25 agenda on the board are taken up by Native --

1 non-Native American issues. I've been sitting on  
2 that board since 1982.

3           It's every other meeting -- we normally  
4 meet the first three Mondays of each month. And  
5 it's every other meeting that we would be given a  
6 proposal from either the Navajos or the Hopi or the  
7 White Mountain Apaches for consideration.

8           There are five districts, five  
9 supervisorial districts in Navajo County, and each  
10 electing their own board member. There are two  
11 Native American out of five that sits on that board.

12           I'd like to express my support, my very  
13 strong support for the proposal that's been  
14 submitted by the Speaker and the President and the  
15 Navajo legislator, Dr. Ron Faich. I think he did a  
16 very good, outstanding job in putting those numbers  
17 and statistics together, and also by their legal  
18 counsel in justifying all those points that are  
19 absolutely necessary; for example, the -- the  
20 Proposition 106 requirement and also the Section 5  
21 Voters Right Act.

22           I urge you to also support these two  
23 plans. I ask you to seriously examine the plan and  
24 the data and all of the data associated with it.  
25 I'm asking to you take out your microscope and

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1 closely examine. It appears to be a very  
2 tight-fitting proposal. And I'm happy with that,  
3 though before this evening, I have not seen it. But  
4 just by looking at the maps and looking at -- or  
5 rather hearing and listening to their arguments, it  
6 appears to meet all the requirements.

7           I say that because Dr. Ron Faich, as part

8 of his presentation, mentioned that in the early  
9 1980's, the Navajo County, while doing the Board of  
10 Supervisor District, gone through a similar  
11 exercise, and we went clear up to the Department of  
12 Justice. In recalling that experience that I  
13 personally went through, I believe the Navajo  
14 proposal is just and fair, and I ask you to  
15 seriously consider it.

16 I also want to assure these non --  
17 non-Navajo who have perhaps already taken a position  
18 to not be part of any Navajo plan, I want to assure  
19 you tonight that you will be represented should a  
20 Navajo be elected, either for the purposes of  
21 Congress or the State legislature. I'm saying this  
22 because I'm giving you this assurance because I have  
23 already, over the 18 years, given a fair  
24 representation to both the non-Native American and  
25 also the Hopi Tribe. So please don't be fearful of

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1 a Navajo representative, if these proposals are  
2 adopted. You can be assured a fair representation.

3 Yes, there has been disagreement and  
4 argument among the Navajos and non-Navajos from the  
5 southern Apache and Navajo Counties over  
6 representation, taxation and how funds should or  
7 should not be spent on the Navajo Reservation.  
8 These issues and debates, for the most part, are not  
9 over and been resolved.

10 It's now time to move on at an even higher  
11 level. I believe we can all live in harmony. After

12 all, we're not going anywhere, and you certainly are  
13 not going anywhere.

14 I also want to assure the Hopi Tribe. As  
15 I mentioned, a good majority of them are in the  
16 Navajo County. They have received a fair  
17 representation from my colleague, Jesse Thompson,  
18 who's also a Navajo living on the Navajo  
19 Reservation. He works hand in hand with them. Just  
20 the last two meetings ago, we have received a  
21 proposal from those different Hopi villages asking  
22 for various funding for various projects. We did  
23 grant them. We listened to them. We believe that  
24 their proposals are fair, and it meets all of the  
25 requirements for funding purposes. So there's no

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1 need to mistreat anybody.

2 And I also like to say that, you know, in  
3 sitting as a member of the Board of Supervisors, I  
4 mentioned that most of our agenda are dominated by  
5 non-Native American issues, like planning and  
6 zoning, health issues, jail issues, and so forth.  
7 There are times when I have -- well, actually, many  
8 times, that I have received letters, phone calls and  
9 visits from the -- from these non-Native Americans  
10 within the county, stating to me that they have  
11 been -- they have experience with their own  
12 representative that they are not listening to them,  
13 so they resort to myself or to Jesse Thompson asking  
14 us to listen to them, listen to their argument,  
15 listen to their issue.

16 And I have -- and I believe these last --

17 for the past 18 years that I've been on the board, I  
18 have yet to receive a single letter of complaint  
19 complaining that I am not representing them,  
20 complaining that I am mispending their money.

21 So I can assure you, the Commissioners, by  
22 adopting the proposal submitted to you, there will  
23 be a fair representation. And I want to direct the  
24 same assurance to the non-Native Americans in the  
25 southern part of the counties and to the Hopi Tribe.

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1 (Navajo spoken.) Thank you.

2 COMMISSIONER HALL: Thank you, Mr. Deal.  
3 Can I just ask you one question?

4 MR. DEAL: Yes.

5 COMMISSIONER HALL: I was just curious.  
6 Since you are a Supervisor in Navajo County, I  
7 wonder if you would just comment with respect to the  
8 fact that Navajo County, by reason of this  
9 proposition, would be dissected and divided and  
10 placed that county into two separate legislative  
11 districts. Do you have a comment relative to that?

12 MR. DEAL: Yes; yes, I do. And I -- as I  
13 mentioned, over the past 18 years, I have come to  
14 learn about the southern part of the counties, both  
15 in Apache and Navajo. And my only proposal to the  
16 Navajo legislators is that -- and certainly to  
17 Dr. Faich -- is that I'd like to see them switch the  
18 western half of the Gila County with that part of  
19 the Navajo County that would go into other district.

20 I don't know how the statistic would fall

21 out. But I really believe those two parts of the  
22 county, the two southern parts of the county, both  
23 Navajo and Apache, should be together in the same  
24 district, simply because they are very closely knit  
25 communities. Thank you.

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1 CHAIRMAN LYNN: Thank you, Mr. Deal.

2 COMMISSIONER HALL: Thank you. Mr. Larry  
3 M Foster.

4 MR. FOSTER: Yah' a' te. Good evening.  
5 First of all, I just want to say that I'm not  
6 standing up here as a politician. I'm a private  
7 citizen. And I hope that my words will not be held  
8 in vain, that you will take our words very seriously  
9 as a tax-paying person, who is very active in tribal  
10 government, county government and state government.

11 First of all, I want to introduce myself.  
12 My name is Larry Foster. I am a Todachini. I am  
13 born from Wanalani (sic), and my grandfather is  
14 Irish. So if you're Irish up here, you're related  
15 to me. That means you've got to go with what we  
16 say. I always say that my grandfathers don't let me  
17 down.

18 My paternal grandfather is a Red House and  
19 a Todachini. And my boss is the Todachini's Bitter  
20 Water Clan. They're my children.

21 I just want to express my appreciation to  
22 the Redistricting Commission for coming up here and  
23 for conducting hearings on Indian lands.

24 When the Redistricting Committee or  
25 Commission legislation was going through the

1 referendum, I was very much supportive of that. You  
2 know, with Arizona being comprised of 20 percent  
3 Indian lands, I would just assume that there would  
4 be a Native American sitting on the Commission.  
5 However, that's not the case. Maybe in the next ten  
6 years, that will be forced into effect. But I do  
7 appreciate the process that you've put together in  
8 how this selection and composition of the Commission  
9 has come into being.

10 I also want to express my appreciation to  
11 our leaders who are here tonight speaking on our  
12 behalf. I'm glad that the Intergovernmental  
13 Relations Committee, the Attorney General and  
14 Legislative Counsel have taken the initiative to  
15 address the interests and welfare of us, as private  
16 citizens. And I think that they've done a good job.

17 I wholeheartedly support their  
18 recommendation, though I've seen it tonight, it was  
19 brought to my attention tonight, and I believe it's  
20 a very good plan.

21 I want to just kind of comment a little  
22 bit about the status of the nation here. And I  
23 don't think anybody really has brought that up. I  
24 am a strong proponent of the Treaty of 1868. We are  
25 a treaty tribe, probably the only treaty tribe in

1 the State of Arizona. We were a nation long before  
2 the State of Arizona even came into being. We are a

3 nation long before the United States even became a  
4 union. And I think that we should have some  
5 recognition of who we are as human beings here.

6 And I believe that, you know, if you look  
7 at who we are, we were here from time immemorial.  
8 It goes into traditions, our ways of life.

9 As I mentioned earlier, over 20 percent of  
10 Arizona is now considered -- is now considered  
11 Indian lands or federally recognized transcribes.  
12 But just think, prior to that, from time immemorial,  
13 all of this was Native American lands, indigenous  
14 people lands. And I think that in that sense, then,  
15 we, with what has been mentioned here, have the  
16 common interest. We have to have a common bond, and  
17 I see that as very important.

18 Solidarity is very essential to us as  
19 Native Americans, and for too long, our people have  
20 been separated and divided. And it's time for us, I  
21 think the Commission needs to take a good look at  
22 the solidarity of Native Americans. You know, our  
23 central survival is important in such cases like  
24 this. We need representation, as this people that  
25 have common interests.

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1 And I'm very glad that our  
2 Intergovernmental Relations Committee has taken the  
3 steps to go to other Indian tribes to gather  
4 support, to educate other Indian nations. And it's  
5 good to hear that there are seven to eight tribes  
6 that are very supportive of what is being  
7 recommended here as a people. And it's something I

8 can wholeheartedly support as a private citizen.

9           You know, communities of interest, it's  
10 really an interesting phrase that Justice Sandra Day  
11 O'Connor has often referred to. I believe that, you  
12 know, in our way, as Dine people, as the Navajo,  
13 it's very important to us, communities of interest,  
14 because we have our clan systems. That's who we are  
15 as a family.

16           Earlier Vice-President McKenzie was  
17 referring to so many thousand Navajos, at least  
18 250,000. I think the more accurate figures are  
19 maybe around 300,000, because there are a lot of  
20 Navajos not accounted for, off-reservation and on  
21 reservation. But we all hold ourselves in a common  
22 bond through our clan system also.

23           Those are important to us. Those are  
24 things that are important to us as things of  
25 communities of interest.

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1           We also have four sacred mountains at our  
2 boundaries. Our lands, at one point, extended into  
3 Colorado, to New Mexico, far into New Mexico, far  
4 past Boquillas (sic) Ranch. So you can see the  
5 magnitude of what was taken away from us.

6           And these things are very important to us.  
7 That's why I have to support the proposal that's  
8 being presented, because we have sacred places,  
9 holistic places, places where we practice our  
10 religions. And to me, you know, you can't separate,  
11 you know, religion from governance in a sense, not

12 for a traditional Navajo. All these things have a  
13 sacred place, whether it's governance, whether  
14 you're talking about redistricting here, it's part  
15 of governance. I think it sort of holds us together  
16 in solidarity.

17 We also have many Navajo people that are  
18 urban Indian in the urban areas, in the border  
19 towns. We -- as presented by Supervisor Deal, we do  
20 a lot of work together with -- you know, we partner  
21 a lot with the border towns. People are non-Navajos  
22 and non-Indians, in all segments of life, not just  
23 Navajos, to Apaches, to Hopis to Hualapais, we all  
24 have a common exchange with non-Native Americans.  
25 And I think that's where we have to be kept

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1 together. It's very important.

2 The economy is very crucial to us. The  
3 northern part of the state is probably the most  
4 underdeveloped properties in the whole State of  
5 Arizona. And the only way that -- that the economy  
6 can flourish and we can move towards self-sustaining  
7 self-sufficiency is to let us, to allow us to come  
8 together, to be solidified and to work together.  
9 That's the only way I can see that happening.

10 Earlier I talked about intellectual  
11 properties. Those need to remain intact. And we go  
12 down as far south as our brothers and sisters, the  
13 Apaches to the south. Those areas are very  
14 important to us, and I think the land mass itself,  
15 the land base itself, is very important that we  
16 remain together contiguously. And I would ask that

17 you help us in that area.

18           What has been proposed on your grid by the  
19 computer as mentioned in the criteria, each of those  
20 criterions will not be met by what has appeared --  
21 what appears on the gridlock. What's being proposed  
22 tonight by our leaders will meet each of those  
23 criterions, and you fully support that. And I  
24 believe that those can withhold and sustain any  
25 arguments to the contrary.

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1           I want to speak up to an issue which is  
2 the -- was brought up, the Navajo-Hopi issue. You  
3 know, we've been enlightened that in 1990, there was  
4 an exercise that took place, where three tribes were  
5 able to come together and work out differences in  
6 Navajo County. And I believe that the time is here  
7 now.

8           Now, whether there are differences between  
9 our tribe, as the Navajo Nation, or as the Hopi  
10 Nation, I believe there's just only a few people  
11 that are probably instigated this. Because I've  
12 made many friends out in Hopiland. We all basically  
13 work together. And I think it's time that we look  
14 at the communities of interest. They're no  
15 different than I am. I'm Navajo; they're Hopi. But  
16 we have a common -- we have a community of interest.  
17 We have something in common.

18           I believe that, you know, that's something  
19 that you're going to have to make a tough decision  
20 on. You know, the white man says, "Bite the

21 bullet." We say, "Bite the arrow." You know,  
22 making some tough decisions. I think the  
23 Independent Redistricting Commission has to rise to  
24 a higher level, rise to the occasion and say that  
25 enough is enough, you know. It's time to put the

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1 differences aside. It's time for Indian nations to  
2 start working together, coming together with a  
3 common cause.

4 And I think that's one of your jobs. It's  
5 a tough job. And I don't -- you know, I would hate  
6 to be up in your shoes. But I think that, you know,  
7 just do the best job you can.

8 So in closing, I just want to strongly  
9 support what our leaders have said here tonight. I  
10 believe they've done a good job and that the  
11 proposal that was submitted here meets all the  
12 criteria, and that I think that the Commission needs  
13 to take a good, good serious look at the  
14 recommendations that has been made here tonight.

15 As a private person, as a private citizen  
16 and my children go to Arizona State University,  
17 they've gone to public schools here on the  
18 reservation, we pay taxes, just like anybody else,  
19 property taxes, sales taxes, gas taxes. And all I  
20 ask is that, you know, you not deny me or my family,  
21 my children, that, you know, you allow us to keep  
22 together, keep all our common -- common interests,  
23 our communities' interests together so that we will  
24 have a voice at the state level so that we will have  
25 a voice in Congress. I thank you very much.

1 CHAIRMAN LYNN: Thank you, Mr. Foster.

2 COMMISSIONER HALL: Thank you very much.

3 Appreciate your comments. Next speaker is Aresta La  
4 Russo? How did I do? Terrible?

5 MS. LA RUSSO: Somewhat.

6 COMMISSIONER HALL: Would you mind  
7 spelling your name for us?

8 MS. LA RUSSO: Yes. My name Aresta La  
9 Russo. And you spell it A-R-E-S-T-A, L-A, capital  
10 R-U-S-S-O. I want to say thank you for the work  
11 you've been doing. I know you've put a lot of hard  
12 work into it, and it's a volunteer job and I think  
13 you're doing a great job so far.

14 And I am a member of the Navajo Nation.  
15 And I reside in -- I'm a businesswoman in Flagstaff,  
16 and I made the trip out here because I thought it  
17 was important to voice my opinion on this matter  
18 here because it's a defining moment for the Navajo  
19 Nation and other Indian nations that surrounds us.  
20 Excuse me for being nervous, but these boundaries  
21 will determine the political future for us today and  
22 for the future also.

23 And there's a few requests that I would  
24 like to make. One is to keep the Navajo Nation as  
25 one in the congressional and legislative district.

1 I think it's important for voting block and also  
2 representation. And also for the Hopis. I think --

3 I believe that we should be in the same district for  
4 legislative and congressional, because we have a lot  
5 of commonalities, such as land, due to the  
6 Accommodation Agreement, and we have other Navajos  
7 living on Hopi land and Hopis living on Navajo  
8 lands.

9           And also through intermarriages and also  
10 that being together, it will force us to work  
11 together, as opposed to -- it seems -- well, being  
12 in Flagstaff on the 19th, from what I heard, you  
13 know, there were some disagreements. But I would  
14 disagree with that, and that really, it's for the  
15 future generation of the Navajos and Hopis who will  
16 learn to work together.

17           Third is that try to keep all Indian  
18 nations together, you know, as one, for a stronger  
19 voice. And that also, as the Navajo Nation and  
20 other Indian nations as sovereign nations, because  
21 the sovereignty gives us the freedom to define our  
22 future and our language on a cultural and social  
23 atmosphere, education, economic conditions and other  
24 issues that pertain to us.

25           And also fifth, if possible, I would now

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1 like to see a Northern Arizona District not be  
2 included with any of the metropolitan areas, such as  
3 Phoenix and Tucson due to inconsistent issues. And  
4 a lot of times their voices overwhelm the rural  
5 districts.

6           And I would also like to support the  
7 Navajo Nation's resolution and their proposal for --

8 for the proposed congressional district and  
9 legislative district. And I think our leaders have  
10 done a great job and have done their homework in  
11 this, and so I strongly support that.

12 And in closing, that's all I want to say.  
13 Thank you.

14 CHAIRMAN LYNN: Thank you, Ms. La Russo.

15 COMMISSIONER HALL: Thank you very --  
16 thank you very much, Ms. La Russo. Appreciate your  
17 comments.

18 Next -- do you need a quick break? How  
19 about we take about a five-minute break for our  
20 court reporter's wrists to not be numb anymore.  
21 And, without too much ado, we're going to start  
22 promptly in five minutes, reconvene.

23 (Recess held.)

24 COMMISSIONER HALL: Ladies and gentlemen,  
25 with your permission and with the permission of our

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1 court reporter, we will call this meeting back to  
2 order. Our next speaker is Sylvia Laughter, State  
3 Representative.

4 REPRESENTATIVE LAUGHTER: Good evening,  
5 members of the Commission. We really appreciate you  
6 coming to the Navajo Nation, making your efforts to  
7 listen to our concerns. I know your job is very  
8 difficult.

9 According to Proposition 106, the  
10 Commission must base their decision on district  
11 boundaries with respect to communities of interest.

12 And we know the final decision must comply with the  
13 U. S. Constitution and the Voting Rights Act of  
14 1965.

15           According to the present proposal,  
16 approximately 23,000 members of the Navajo Nation  
17 are not included with the rest of the Navajo Nation  
18 boundaries. They are in Coconino County. Being in  
19 the minority as per population, these Navajos will  
20 not be heard. This proposal is into direct conflict  
21 with the U. S. Constitution and the Voting Rights  
22 Act.

23           The way the proposal -- proposed grid  
24 presently stands, Maricopa County would gain  
25 congressional seats. The Navajo Nation census

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1 office diligently worked to obtain accuracy in  
2 numbers for the sole purpose of electing our first  
3 congressional representative. We know the Navajo  
4 Nation numbers are not there. But it would be most  
5 beneficial if we keep all the Navajos, Native  
6 Americans, together, so as to accomplish a community  
7 of interests, as per Proposition 106.

8           Presently, the new congressional district  
9 proposal excludes four precincts, namely Ganado  
10 North, Steamboat, Kinlichee and St. Michaels. Also  
11 in the congressional district proposal, as the  
12 proposal now stands, Metropolitan Phoenix will have  
13 majority of the voting and election privileges. It  
14 is very important that, in accordance with  
15 Proposition 106, that the rule and minority  
16 population are represented fairly. This proposal

17 does not fairly align the boundaries. Our votes  
18 will never be heard under the present proposal.

19 We know there is constant Justice  
20 Department scrutiny. And therefore, it is important  
21 that the final decision is consistent with the  
22 U. S. Constitution and the Voting Rights Act of  
23 1965. As cochairman of the Native American Affairs  
24 Committee in the State legislature, for the first  
25 time in all the years that we have had

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1 representation, we were successful in introducing  
2 over 40 bills. In the State of Arizona, there are  
3 21 Native American tribes. Within the state and all  
4 across the United States, this state has the largest  
5 number of Native Americans. Therefore, I feel it is  
6 imperative that we continue to receive both  
7 legislative and congressional boundaries beneficial  
8 and representative of Native American needs.

9 The way I see it right now, we will be  
10 losing a senator, and we will also probably lose a  
11 legislator the way the boundaries have been set.  
12 And in the congressional district, we won't have any  
13 representation at all.

14 What I see with this proposal is that  
15 the -- in the State, the Hispanic and Native  
16 American population have been divided so as to  
17 minimize their voting power. I realize your job as  
18 a Commission is a difficult one, and I know, as an  
19 elected official, we cannot satisfy everyone. But  
20 we certainly try to be as fair as possible. Your

21 strong consideration in keeping all the Navajos  
22 together and, if need be, include other Native  
23 Americans, to obtain an equitable boundary for a  
24 congressional and legislative district is most  
25 appreciated.

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1 We hope that you will strongly consider  
2 all the proposals that have been made from the  
3 President's office and those that have been heard by  
4 all the members that have come here today. We  
5 appreciate again the efforts that you have made, and  
6 we know it's a tough decision for you to make. And  
7 I don't know that I would be in your position trying  
8 to satisfy. But we certainly hope that you will  
9 consider our proposal strongly and keep the district  
10 the way that it is possible with at least two  
11 legislators and possible a congressional  
12 representative and one senator. Thank you very  
13 much.

14 CHAIRMAN LYNN: Thank you, Representative  
15 Laughter.

16 COMMISSIONER HALL: Thank you,  
17 Representative Laughter, appreciate it. I apologize  
18 for any inability to read the first name of this  
19 next presenter. It's -- last name is Morgan?

20 MR. MORGAN: Randy.

21 COMMISSIONER HALL: Sorry, Mr. Morgan.  
22 I'm sure it's not your handwriting. It's just my  
23 vision.

24 MR. MORGAN: Somebody sabotaged it. Hi.  
25 I'm Randall Morgan, and I'm here as a voter from the

1 State of Arizona. And my comments tonight speak  
2 directly to the proposal on the congressional  
3 boundaries. While I believe it's important to --  
4 for everyone in this room to understand both the  
5 proposals related to the legislative boundaries and  
6 the congressional boundaries, I'm going to focus  
7 primarily on the congressional boundaries.

8 Part of my job involves interfacing with  
9 federal agencies and members of Congress and their  
10 respective staff. And so that is obviously, the  
11 result of this proposal, to redraw the boundaries,  
12 is of great interest to me professionally, because  
13 my job requires me to keep abreast of who will be  
14 representing the Navajo Nation or who in Congress  
15 will advocate the interests of the Navajo Nation.

16 Before I begin a series of comments, I  
17 first want to say that I did vote in support of  
18 Proposition 106, and I'm glad to see that the  
19 Commission was receptive to coming to Arizona's  
20 Indian Country, especially the Navajo Nation, to  
21 receive input directly from Indian voters; in this  
22 case, the Navajo voters. I think that by coming to  
23 the Navajo Nation and visiting Indian Country,  
24 you're doing a -- you're -- it's only going to  
25 improve the relationship between the state and the

1 Indian tribes in the state.

2 What you're also doing, as you probably

3 know, is for those voters who participated in the  
4 last election relative to this referendum for this  
5 ballot proposition, you're creating an opportunity  
6 for young Navajo voters to see -- or see the outcome  
7 of participating in the process, and they'll get to  
8 see firsthand what results when they participate in  
9 elections and when they take a position and  
10 formulate an opinion about the propositions that are  
11 on the ballot and how it will impact their life and  
12 their family.

13           So I hope that your comments about coming  
14 back to Window Rock are genuine, and I hope that the  
15 Commission will seriously consider maintaining close  
16 communication and close ties to all Indian tribes  
17 and all Indian people in the state who have great  
18 interests in this task that we're discussing  
19 tonight.

20           I also want to say that, first of all, the  
21 Navajo Nation proposal that was shared with you  
22 tonight, I think most people in this room, hopefully  
23 everyone in this room, supports the proposal.  
24 People who have great faith have great respect for  
25 the individuals who are in elected position for the

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1 Navajo government. And that would be all members of  
2 the Council, all 88 members, the President, the  
3 Vice-President and some of the local elected  
4 officials.

5           And I say that because I think you -- what  
6 I'm asking you to do is respect the titles in which  
7 they hold and the trusts in which they are given by

8 Navajo voters to advocate for the interests of  
9 Navajo people, Navajo communities, Navajo interests.  
10 And the proposal that was submitted to you tonight  
11 represents that leadership, and that I am asking you  
12 to respect the inherent right of the Navajo Nation  
13 government to speak to issues and advocate on issues  
14 in which it will be affected.

15           And with that resolution, I think you also  
16 have an opportunity to utilize resources throughout  
17 all of Arizona to help you do your job, complete the  
18 task that is a difficult one. I don't believe -- I  
19 would assume that no one who was involved in  
20 creating the Navajo Nation proposal would refuse an  
21 invitation from this Commission to help you in your  
22 job.

23           And so I would -- I'm encouraging you to  
24 think about that, and the Navajo people would be --  
25 Navajo people in the government would be happy to

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1 help in that whole effort.

2           I also want to say that ideally, I would  
3 like to see the Navajo Nation as its own  
4 congressional district. And the reason why I say  
5 that is because I think that a lot of young Navajo  
6 people would like to one day see the U. S. House of  
7 Representatives include one member of the Navajo  
8 Nation whose constituency is the Navajo Nation.

9           And I think that's possible. And I think  
10 that's possible because you look at the stats, and  
11 which you've shared with us earlier tonight, and you

12 see that not only is the state population  
13 increasing, but the Navajo Nation population is  
14 increasing dramatically. And hopefully, one day, I  
15 look forward to seeing one member of the Navajo  
16 Nation represent the Navajo people in the Congress,  
17 the United States Congress. Clearly, by including  
18 or by increasing our congressional districts from  
19 six to eight, hopefully, we're going down that path.

20 I also want to say that I know that  
21 Proposition 106 makes permanent that every -- during  
22 every ten years, a Commission will have the task of  
23 redrawing the district lines, if I understand the  
24 proposition correctly. And so that's why I'm here  
25 tonight, too, is to make sure this year, the first

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1 year in which a private citizen entity has that  
2 responsibility, may it be unchallenged or that it be  
3 solid, the results be solid, so that in the next  
4 years, it will prove to be beneficial to everyone.

5 I obviously support a proposal which does  
6 not dissect any -- does not -- I support a proposal  
7 that includes the Navajo Nation in one congressional  
8 district. And I say that, because if you're looking  
9 at -- if you're seeking input on definitions or  
10 understanding of communities of interest, I think  
11 many people who spoke before me tonight have already  
12 given you plenty of definitions in which I believe  
13 in.

14 And each -- the Navajo Nation has 110  
15 precincts, 110 communities. And I think that you  
16 need to become familiar with those communities,

17 because as a whole, they develop or they create the  
18 Navajo Nation. And each community, I believe, would  
19 be supportive, each chapter would be supportive in  
20 what everyone is advocating here tonight, and that  
21 is to not separate them from any of their related  
22 communities or local communities, if all chapters of  
23 the Navajo Nation should remain in one congressional  
24 district.

25 I also want clarification on a couple of

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1 things. Earlier in the presentation, where the  
2 gentleman was going through his PowerPoint  
3 presentation, you spoke briefly about the  
4 partisanship and the incumbency requirement or the  
5 prohibition. And I'd like you, at some point  
6 tonight, to go over that part again, because it was  
7 kind of unclear to me exactly what -- what you were  
8 saying relative to the last sentence in this  
9 section, which reads, "The place of residence of  
10 incumbents shall not be identified or considered."  
11 And if you could go over that for me, I'd appreciate  
12 it.

13 Secondly, I'd like to know or be informed  
14 of regarding this redistricting impact the next  
15 congressional election, so that in the -- when we  
16 are voting for a representative to the 108th  
17 Congress, we Arizona voters are sending eight  
18 members to the U. S. Congress.

19 Again, for the record, I just want to  
20 underscore what everyone else had talked about

21 tonight, and that is for the congressional proposal,  
22 please pay special attention to what was provided to  
23 you by members of the Subcommittee on Redistricting  
24 for the Navajo Nation Council's Intergovernmental  
25 Relations Committee, respect that this is a body in

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1 which it is advocating in the best interests of the  
2 Navajo Nation, and that you appreciate that the  
3 folks involved in that -- in the development of the  
4 Navajo Nation proposal equate the amount of time and  
5 energy probably equates to the amount of time and  
6 energy that you put into your task as Commissioners.  
7 Thank you.

8           CHAIRMAN LYNN: Thank you, Mr. Morgan.  
9 Let me respond to your two questions very briefly.  
10 First, with respect to when the districts would take  
11 effect, our schedule is such that we anticipate the  
12 districts taking effect for the 2002 congressional  
13 election. So in 2002, Arizona will be electing  
14 eight representatives to Congress.

15           With respect to the section, that you  
16 referred to, the section indicates that at no time  
17 during this process may we take into account where  
18 current incumbents or candidates for office reside.  
19 That means -- and the reason it's in there is that  
20 the framers of the initiative wanted to, if you  
21 will, depoliticize the process in a way that would  
22 make sure that we did not draw districts,  
23 particularly favorable to any one incumbent.

24           By keeping us out of that knowledge, away  
25 from that knowledge of where people live, the hope

1 is that we would draw districts that are more  
2 regular in shape, that are contiguous, that have  
3 other attributes. But we are not protecting any  
4 incumbent or any candidate for office in terms of a  
5 safe district or a specific district. And that was  
6 the intent of the legislation. So does that answer  
7 your question?

8 MR. MORGAN: Yes.

9 CHAIRMAN LYNN: Thank you.

10 MR. MORGAN: Thank you.

11 COMMISSIONER HALL: Thank you, Mr. Morgan.  
12 Thank you, Chairman Lynn. The next speaker is Leila  
13 Help Tulley.

14 COMMISSIONER HALL: Will you please spell  
15 your name for the reporter?

16 MS. TULLEY: The name is Leila Help  
17 Tulley. L-E-I-L-A, Navajo. I am of the Bitter  
18 Water Clan, or for the Yucca Fruit on the Stream  
19 Clan.

20 Commissioner Hall, Chairman Lynn and  
21 members of the Arizona Independent Redistricting  
22 Commission members, our Navajo Nation leaders,  
23 Speaker Begay, Mr. Ervin Keeswood. Good evening to  
24 each and every one of you. This evening, I speak as  
25 a private citizen of the Navajo Nation. I provide

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1 this testimony in regards to the plans for  
2 redistricting within the State of Arizona.

3                   During the Census 2000, I had the  
4 privilege of working with our Navajo Nation in  
5 proving the Census 2000 count. As a tribal  
6 partnership specialist assigned to the Navajo  
7 Nation, from the Denver Regional Census Office, I  
8 worked to insure that the Navajo Nation gained a  
9 true representation of the Navajo citizens.

10                   In working with the Census Bureau, a true  
11 advocacy was made to produce census data that could  
12 represent the following:

13                   No. 1. Census data would be presented to  
14 enhance the Navajo Nation's tribal sovereignty.  
15 Acknowledgment of tribal sovereignty would assist  
16 the Nation's unique legal and political status as a  
17 federally recognized tribal government.

18                   No. 2. The Census Bureau worked very hard  
19 in committing itself to work on a  
20 government-to-government basis with the Navajo  
21 Nation. This relationship was honored based upon  
22 Executive Order initiated by President Clinton on  
23 April 29th of 1994.

24                   3. A requirement was made also to all  
25 Congress agencies to consult and work closely with

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1 tribal governments on community matters that impact  
2 our tribal nations directly.

3                   I bring these commitments made by the  
4 Census Bureau to the attention of this Arizona  
5 Independent Redistricting Commission because it is  
6 my conclusion as a Navajo Nation citizen that the  
7 statistical data we worked so very hard together

8 upon the Navajo Nation is being minimized by your  
9 Commission's proposals that have been initiated, by  
10 the purity is what I end up hearing. And I am very  
11 concerned, because this makes a significant change  
12 to the Arizona's -- to Arizona's voting district.

13           Recognize that the Navajo Nation is one of  
14 the largest Indian nations in this country who  
15 desires to protect the interests of the Navajo  
16 citizens, and that every interest is expressed to  
17 hold our political base for our Navajo Nation.  
18 During our work with the Census 2000, the interests  
19 of the majority of our Navajo people was to elect a  
20 congressional representative, to be able to have  
21 that type leadership, nationally, to advocate on  
22 behalf of all Indian nations' interests has been the  
23 desire of the grass root of the Navajo people.

24           Let it be recorded that as Navajo people,  
25 we never asked for citizenship within the State of

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1 Arizona. This is something we, as a nation, had to  
2 adjust to. And now in this year of 2001, we are  
3 still left to fight for our interests within this  
4 Grand Canyon State by possibly having our voting  
5 block divided.

6           I would ask through this testimony that  
7 the members of the Arizona Independent Redistricting  
8 Commission offer the same acknowledgment as the  
9 Census Bureau has done from the Department of  
10 Commerce to recognize our sovereign status by  
11 listening to our words to state that we are opposed

12 to the dilution of our voting district.

13 It is through our own Navajo legislative  
14 representation that our interests are moved forward  
15 within the state government. Without this type of  
16 representation, we will not have the advocacy needed  
17 to promote the cultural match we so desire for our  
18 Navajo Nation.

19 Do not split our Navajo vote. I fully  
20 support the Navajo Nation's advocacy for the  
21 proposed Northern Arizona congressional and  
22 legislative proposal. This is very important to our  
23 nation, and we desire that our interests be heard.  
24 Thank you.

25 CHAIRMAN LYNN: Thank you.

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1 COMMISSIONER HALL: Thank you, Ms. Tulley.

2 The next speaker is Mr. Derrick Watchman.

3 MR. WATCHMAN: Thank you. Chairman --  
4 Chairman Lynn and Commissioner Hall, welcome to  
5 Window Rock. I'm Derrick Watchman. And I'm here on  
6 behalf of myself, as a resident of Window Rock. My  
7 official duty is Chief of Staff for President Kelsey  
8 Begaye. And because of some health issues, he  
9 couldn't make it tonight. So on behalf of him, I  
10 extend his apologies.

11 This evening's hearings and testimony  
12 about the proposed legislative district and  
13 congressional district, I think there's a lot of  
14 interesting notes that I want to bring out.

15 But as a member of the Navajo Tribe, I  
16 think it's -- it's a unique situation for us and for

17 me, because not only do we participate in the  
18 federal government elections, the state and the  
19 county and the school districts, but we also get to  
20 participate in the Navajo process. We vote in our  
21 chapters. We vote for the President. We vote for  
22 our chapter delegates. And so because of that,  
23 we're afforded many opportunities to participate in  
24 the different governmental structures around here.

25 But for me, as a Navajo, we weren't

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1 actually allowed to be citizens of this country  
2 until 1922 or 1925, something in the '20's, I  
3 believe. But the Navajo Nation, as you heard  
4 earlier, has been around for many, many years. In  
5 fact, a treaty was struck between the United States  
6 government and the Navajo Tribe of Indians in 1868.

7 And for myself, as you heard earlier, we  
8 do hold the treaty sacred to our hearts. And the  
9 treaty sets up a lot of parameters between not only  
10 the Navajo Nation and the federal government, but  
11 the Navajo Nation and the state governments.

12 And so when the Navajo Nation does  
13 business with the states and the counties and the  
14 federal government, it's on a  
15 government-to-government basis. And so with that  
16 fundamental notion, the whole process that we're --  
17 you, as a Commission, are looking, I think need to  
18 keep in mind keeping the Navajo Nation intact. And  
19 I think that's a common theme that we're hearing  
20 tonight, that you're hearing.

21                   And I strongly advocate that we keep the  
22 Navajo Nation intact, for many reasons. One is that  
23 it keeps the Navajo people together. And that's  
24 what we've been striving to do is to keep the Navajo  
25 Nation, the young, the old, the people that live

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1 here in Window Rock, the people that live in the  
2 rural areas, the people with electricity, the people  
3 without electricity, all the issues that we as a  
4 Navajo Nation have to work on each and every day, to  
5 keep us as a family, to keep us together. That's  
6 one issue.

7                   The other issue is that we need to work  
8 with our fellow tribes. And I want to say thanks to  
9 the -- to the office of the Speaker and to the  
10 Intergovernmental Relations Committee of our Navajo  
11 Nation Council for working on that, too, for working  
12 with the leaders in Northern Arizona and for talking  
13 with them and asking them to join together as a  
14 group.

15                   There's also some other interests that I  
16 want to bring forth. And that is that Navajo Nation  
17 is totally unlike what has gone down in Phoenix.  
18 There's a big issue related to rural versus urban  
19 interests. Any new district that does come about  
20 that represents Northern Arizona needs to keep in  
21 mind the rural interests. I've seen, in many years,  
22 a complete difference in how our congressional  
23 delegation looks at urban issues versus rural  
24 issues. There's a lot of issues pertaining to  
25 water, a lot of issues pertaining to land, to

1 grazing, to rural economic development, to rural  
2 electricity, to education.

3           If the district comes about where we have  
4 to mix the rural interests with the urban interests,  
5 then I think that what the Navajo people out here in  
6 Northern Arizona get will be diminished and diluted.  
7 Those are very important -- very important issues.

8           I believe that our interests are very much  
9 similar to what the concerns are of Holbrook,  
10 St. Johns, Winslow, Joe City, Page, Flagstaff. And  
11 so what I am concluding with is that the proposal  
12 that was presented by our elected leaders of the  
13 Navajo Nation Council, Navajo Nation government, the  
14 Northern Arizona district, I believe that's  
15 something that is in the best interests of the  
16 Navajo Nation, the best interests of the area tribes  
17 that was talked about earlier.

18           And I also believe it's in the best  
19 interests of the counties, the small cities and  
20 towns. There's a lot of interaction, a lot of  
21 interaction, as we all know, a lot of commerce takes  
22 place between the Navajo people and Page, the border  
23 towns, as we call it, Flagstaff. We have to keep  
24 those interests all together.

25           But today, in going forward, I know that

1 many, many people, including the folks out at the  
2 chapter level, the folks at "sheep camp," as we call

3 it, they are going to remind us, as representatives,  
4 as leaders, elected leaders and appointed leaders of  
5 the Navajo Nation government, to remember the  
6 treaty, the Treaty of 1868. That's really  
7 important. That's something that I know that we  
8 need to, and you, as a Commission, need to think  
9 about that.

10 Navajo people are also saying that at some  
11 point, they would like to see a Navajo in Congress.  
12 I think that's something that -- that hopefully,  
13 will come in this go-round, and that's something  
14 that I know that a lot of people would really like  
15 to see.

16 There's been a few elected Indians in  
17 Congress over the years, but I think none from the  
18 Navajo Nation, the largest nation in this country,  
19 the largest land-based tribe in this country, the  
20 largest populated tribe. I think if you look at the  
21 2000 census, you'll see that there's a Navajo in  
22 every state, which is quite interesting. The  
23 Navajos are all around this country in each and  
24 every state.

25 I think we here, in Window Rock, the

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1 capital of the Navajo Nation, and having a  
2 significant force in Northern Arizona, the Northern  
3 Arizona economy, the policy directions, we're a  
4 major influence. We have to keep that all in mind.  
5 So with that, Commissioners, and staff, I urge that  
6 we keep the Navajo Nation intact. I know that there  
7 are some issues that we have to work on with Hopi

8 and the other nations.

9 I also strongly support the proposal here  
10 that's on the wall. I think that those -- if you  
11 really look at it and a lot of work actually did go  
12 into it, as was talked about earlier, through the  
13 efforts of the Speaker's office, the President's  
14 office, and the subcommittee, the Intergovernmental  
15 Relations Committee, a lot of work went into this,  
16 and I think that as you heard earlier, we really  
17 need to look at that.

18 Yes, the Navajo people need to -- to look  
19 at that. But the Navajo people have also elected  
20 the Navajo Nation Council members and the President,  
21 and this is the proposal that's being advanced.

22 So with that, I know that it's getting  
23 late. And I can see that -- that you're a couple of  
24 more hours set to go. But I welcome you here to  
25 Window Rock. This is a place that I call home. And

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1 I hope that in the next couple of days, when you go  
2 to Holbrook, you'll hear more comments from the  
3 Navajo Nation.

4 I'm looking forward to the second round of  
5 discussions, where I know that we'll have more  
6 meaningful and robust discussions about the  
7 proposals that you're going to come out. So with  
8 that, I want to thank you for your time. Thank you.

9 CHAIRMAN LYNN: Thank you, Mr. Watchman.

10 COMMISSIONER HALL: Thank you,  
11 Mr. Watchman. Appreciate that. We will see you in

12 Holbrook on Wednesday.

13 Our next presenter is Carol Perry.

14 CHAIRMAN LYNN: Ms. Perry, if you'll pick  
15 up the other microphone, thank you.

16 MS. PERRY: Thank you. I don't want to  
17 take a whole lot of your time. My name is  
18 Carol Perry, and I'm basically representing myself,  
19 very much so, this evening.

20 There's been, I understand the topic of  
21 what you're wanting to hear about is the community  
22 of interest. And I want to address that. You know,  
23 there's been a lot of talk this evening about the  
24 Navajo Nation and the Navajo Tribe and all of this.  
25 And in some ways, there's somewhat an inherent

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1 fallacy in all of that. The Navajo Nation is a  
2 title given to a group of people who are quite  
3 diverse, actually. We talk about our clans. And  
4 even the word "clan" is not an appropriate word,  
5 because it implies a sense of clanishness. And that  
6 isn't accurate.

7 The core of the so-called clans is to  
8 encourage diversity. You are not allowed to marry  
9 someone from the same clan. So we're actually  
10 anti-clan, if you will.

11 And so the idea is that you encourage  
12 diversity. You always marry outside of the clan.  
13 And in that way, it insures that the best -- that  
14 diverse ideas allow maximum growth. And in that  
15 way, the reason why I mention this is, you know,  
16 we -- so as a group of people who live in this

17 geographical location and have had long ties to it,  
18 we were called traditionally not Navajo, not Dine,  
19 we were called "Earth Surface People."

20           So that expresses to some extent the  
21 connection that we have with the land itself. And  
22 that connectedness, you know, it's like my father  
23 knowing that on August 15th, the snow will -- the  
24 rain will fall on his cornfield. And, you know,  
25 when he died, 96 years old, he could predict that.

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1 And he had that information for several generations.  
2 So it's knowing it that -- well, you know, more than  
3 the back of your hand, if you will.

4           So we are a diverse group. And I think if  
5 you look at the history of each so-called clan  
6 person, you see that there are Jemez people, there  
7 are Zunis, there are Hopis, there are people from  
8 all diverse groups from this geographic area. And  
9 if you wonder where the Anasazis went, well, you  
10 know, they probably intermarried with some so-called  
11 Navajo years ago, and they're still kind of around  
12 to some extent.

13           And I think if people do genetic analysis,  
14 they'll be able to find that kind of diversity. So  
15 I think that, you know, so I -- in some respect, you  
16 know, I think the idea of Navajoness is, you know,  
17 is true in some sense, but it also has other aspects  
18 to it.

19           We have this different history for this  
20 location. And you know, that history is very

21 important, you know. We all learn in grade school,  
22 Abraham Lincoln freed the slaves. Well, he  
23 imprisoned the Navajos. That's kind of left out.  
24 We need to know that, because we suffer to this day  
25 from lack of self-concepts and lack of belief in

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1 ourselves because of that imprisonment.

2           So those kinds of histories affect what  
3 happens now. So I think it's not so much that we're  
4 Navajos, but, as a group of people, someone decided  
5 we were Navajos, and we needed to be based upon that  
6 label, needed to be rounded up and treated,  
7 probably, we would say, inappropriately.

8           The other part is when people talk about  
9 the so-called Navajo culture and language, if you  
10 really look at culture and language, they are the  
11 products of living in a specific environment.  
12 Linguists say that different words that we have  
13 start from onomatopoeia, which are the sounds of  
14 things in the environment. That's the basis of  
15 language, you know, our -- you get the sense when  
16 you hear in English, "ocean," that big sound of the  
17 sea, and you hear the Navajo word for "toh" (sic),  
18 which sounds like really a small stream.

19           So even though we have language and  
20 culture, etc., they are representing our interaction  
21 with the environment that we have. As history has  
22 changed, you know, we see more so-called  
23 Biligaanas -- I don't say "Whites," because I don't  
24 think the use of the term "White" is appropriate,  
25 because in Navajo, we would not call you that. That

1 is something, by using the English language, forces  
2 me to make that racial categorization that I  
3 normally don't feel is appropriate.

4           So I -- you know, the best way I can deal  
5 with it is by trying to use the word "Biligaana,"  
6 which, in Navajo, I think, means -- it's a change  
7 from the Hispanic, "Americano," some people say. No  
8 one knows for sure. But it doesn't have any of the  
9 inherent -- I don't know what you would call it --  
10 sense of racism that I think is part of the history  
11 of the Americanos, you know, in the past. And so,  
12 you know, that, too, is different.

13           You're -- so this only brings me to really  
14 probably two points. You were asking about the  
15 Hopis, and you were asking -- and there was some  
16 concern about the -- the -- the Biligaanas in the  
17 southern parts of Navajo and Apache County. The  
18 more I see it, the more you can connect it to the  
19 land, we are going to have a community of interests,  
20 because the land speaks one language, and if they  
21 haven't understood it yet, they will in good time,  
22 because the ruralness of the place, the value of  
23 that will begin to speak to them, if it hasn't  
24 already. I'm fully confident that it has already.

25           Same would be true with the Hopis, to some

1 extent. You know, I think the environment does  
2 speak to them in the same way. We can decide that

3 they're Hopis and we're Navajos. We can also decide  
4 that we're all "Earth Surface People," and we all  
5 are rural-living people who are dependent on basic  
6 things, such as rainfall and watersheds and so  
7 forth.

8 I think that there is -- their lives are a  
9 community of interests. So I really do appreciate  
10 you coming here. I just wanted to tell you my  
11 thoughts. It's probably real different than  
12 everyone else's, but it's something I've thought  
13 about a great deal. And I feel like there is a  
14 really strong community of interests with regard to  
15 the so-called Navajo Nation, but I would say to this  
16 rural land that we are on. And that community of  
17 interests needs to be represented in the state  
18 legislature, in the Congress of the United States,  
19 because more and more as America becomes more  
20 urbanized, dealing with very different problems.  
21 But I think the rural communities have a lot to say  
22 in terms of solutions, in terms of dealing with the  
23 environment, that cannot quite be said the same way  
24 with regard to urban people. Thank you very much.

25 CHAIRMAN LYNN: Thank you, Ms. Perry.

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1 COMMISSIONER HALL: Thank you, Ms. Perry.  
2 Were many of your comments written?

3 MS. PERRY: No, off the top of my head.

4 COMMISSIONER HALL: You're obviously a  
5 very educated person. I was just very interested in  
6 some of your historical input, and I didn't know if  
7 you were reading from something you prepared or just

8 some notes.  
9 MS. PERRY: Just some notes.  
10 COMMISSIONER HALL: Thank you for your  
11 input.  
12 Wilfred Whatoname, Senior? How did I do?  
13 MR. WHATONAME: Oh, you did just like all  
14 my teachers that I had in school.  
15 CHAIRMAN LYNN: Uh-oh.  
16 MR. WHATONAME: Come to class, and every  
17 grade I go to, Oh, no, sitting way back here. Sure  
18 enough.  
19 COMMISSIONER HALL: Is your last name  
20 spelled W-H-A-T-O-N-A-M-E?  
21 MR. WHATONAME: Whatoname, we actually  
22 pronounce it.  
23 COMMISSIONER HALL: Whatoname.  
24 MR. WHATONAME: Again, I'm Wilfred  
25 Whatoname, Senior. I'm a member of the Hualapai

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1 Tribe. I'm a Council member. My Council  
2 Chairwoman, Louise Benson, had addressed a letter to  
3 Mr. Edward T. Begay. I'd like to read that, if  
4 possible.  
5 "Speaker, Navajo Nation Council. Dear  
6 Mr. Begay: First I want to thank you for the  
7 meeting on Friday in Camp Verde along with Chairman  
8 Vincent Randall. I believe my tribe has not  
9 realized the importance of this redistricting and of  
10 the Proposition 106. After reviewing the  
11 information and reading the Proposition 106, I give

12 my support on behalf of the Hualapai Nation on the  
13 Navajo Nation's proposed redistricting of  
14 congressional and legislative districts."

15 Also to say that she would not be able to  
16 make it and that I would be here, and she wants to  
17 thank you, again, and she wants you to keep her  
18 informed, Mr. Begay. That's the letter from her.

19 Again, I want to say good evening to the  
20 Commissioners and of the Independent Commission and  
21 staff, and also good evening to the Navajo tribal  
22 members here and to the Navajo Tribe. I'm thankful  
23 to be here, to be here to support your efforts in  
24 the redistricting here.

25 Again, I am, like Ms. Benson, I don't have

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1 too much information regarding redistricting. I  
2 think we failed to realize, like she said, the  
3 importance of it. But again, as we see it. I'd  
4 like to say this gives us the opportunity, or the  
5 Native Americans in the State of Arizona. Again, we  
6 keep saying -- keep hearing that there are 21  
7 tribes. And we are the Hualapai Tribe of the  
8 northwestern part of Arizona (inaudible.) Total  
9 members of 2000 tribal members, of nine council  
10 members an executive order tribe and we, again, like  
11 I say, we are here tonight to just to say that we do  
12 support the -- the redistricting as proposed by the  
13 Navajo Tribe. Thank you.

14 COMMISSIONER HALL: Thank you,  
15 Mr. Whatonmae. Appreciate your input. Next speaker  
16 is Johnny Naize. Is Mr. Naize or Naize here?

17 N-A-I-Z-E? How about Ms. Angelita Benally? Do you  
18 mind spelling your name?

19 MS. BENALLY: Yes. My name is Angelita  
20 Benally. A-N-G-E-L-I-T-A, B-E-N-A-L-L-Y. And I'd  
21 like to, first of all, express my appreciation for  
22 both of you holding your -- the redistricting  
23 hearings here in Window Rock, Arizona. And it shows  
24 me that you have a genuine effort -- that you're  
25 showing a genuine effort and a genuine -- trying to

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1 create a genuine understanding and working  
2 relationship with the Navajo Nation as well as with  
3 the northeastern part of, you know, Arizona.

4 And as we know, the 2000 Arizona census  
5 population increased, and we have enough of a  
6 population increase to increase the apportionment of  
7 congressional representation in Arizona. And the  
8 2000 U. S. census allowed the Navajo Nation to  
9 maintain a better count and decrease the tremendous  
10 undercount that we had experienced in 1990. And the  
11 1990 undercount had damaged the Navajo Nation in  
12 decreases of money and as well as representation.  
13 Otherwise, we would have been eligible for it, and  
14 that we could have called on.

15 And the U. S. census has worked hard and  
16 long with the Navajo Nation in the 2000 count to  
17 conduct a census count that was closer than the one  
18 conducted in 1990. So I think the hard work that  
19 the U. S. Census Bureau and the Navajo Nation has  
20 done in a collaborative effort has shown that there

21 was a nearly 50-percent population increase than  
22 what had been counted in 1990.

23 And a lot of my work -- I work for the  
24 Navajo Nation, and I'm a citizen of the Navajo  
25 Nation. I participate in voting, tribal elections

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1 and so forth. And -- but I had previously worked in  
2 elections, mainly candidate elections, and so I'm  
3 familiar with that. But also my work was and took  
4 place in New Mexico. And I worked with both  
5 Democratic and Republican candidates in addressing  
6 Native American issues and educating them on Native  
7 American issues as well. And I worked in  
8 gubernatorial elections and senate representatives,  
9 on the state level as well as the federal level.  
10 And so I'm quite familiar with the voting habits of  
11 Navajo people.

12 And I think that what's interesting is the  
13 voting habits of Navajo Nation people, because  
14 they're -- our own tribal elections show that we  
15 have a high interest, and the turnout to vote is  
16 more than 90 percent of the total Navajo people who  
17 are eligible to vote. So they're not unfamiliar  
18 with the voting process. But when it comes to state  
19 and federal elections, we show a poor representation  
20 of how many people did go to the polls and vote,  
21 especially if it doesn't take place during a  
22 presidential election year.

23 And I think when the Navajo Nation is  
24 split congressionally, I think that diminishes the  
25 interest in getting the vote out from the Navajo

1 people, because it's more confusing to them. They  
2 don't understand which congressional people, much  
3 less who they're voting and what their platform is,  
4 because they're most likely non-Navajo candidates.  
5 And I think if the Navajo Nation voted as a whole,  
6 it would create more enthusiasm for the Navajo voter  
7 to participate in a more higher percentage rate in  
8 the federal and the state elections, if they were  
9 kept as a whole.

10           And the -- and I see this, you know,  
11 primarily in Arizona, because I helped now Senator  
12 Ben Nighthorse Campbell in his first -- in his first  
13 political rally, you know, fund-raiser. And it did  
14 take place in Albuquerque, getting contributors  
15 there for his campaign. So once his -- native  
16 Americans in his district, they had a high turnout  
17 vote that year, that year that he ran.

18           And I do work with the Public Safety  
19 Committee of the Navajo Nation Council. And we have  
20 dealt with numerous uphill battles in meeting the  
21 needs of like our law enforcement officers, the  
22 Department -- like the jurisdictional issues,  
23 taxation issues and the state tribal relations on  
24 representation. And the Navajo Nation faces bigger  
25 needs than the urban and rural areas of Arizona

1 because outlying airing transmission and  
2 communication lines, utilities and road conditions,

3 just to name a few.

4           And I also -- I also do work with the  
5 Navajo Land Commission of the Navajo Nation Council.  
6 And I think that if the Hopi and the Navajo Nations  
7 were put into one congressional district, I think  
8 they would be forced to sit at the same table and  
9 forced to speak with one another. Right now, they  
10 have two congressional representatives.

11           But I believe that the Hopi and the Navajo  
12 Nation can resolve a lot of these issues if they sit  
13 at the same table. And if they have one  
14 congressional representative, that person might  
15 encourage mediation and more solutions to problems  
16 that exist.

17           And there will be other likely, you know,  
18 divisiveness and discommunication as well. And I  
19 think that if -- the Navajo Nation and along with  
20 our neighboring tribes are in one congressional  
21 district, we will be similar in needs and  
22 geographical locations and voting patterns as well  
23 and the tribes -- well, the border towns that  
24 surround the Navajo Nation, we could look at  
25 patterns of those areas of the voting precincts as

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1 well.

2           And I think that if the purpose of the  
3 Redistricting Commission is to assure that, you  
4 know, what the Navajo Nation wants is to select our  
5 own candidate of our own choice, and I think that  
6 that's a true goal and purpose of what the  
7 redistricting Commission was set up for. Thank you.

8 CHAIRMAN LYNN: Thank you, Ms. Benally.

9 COMMISSIONER HALL: I believe our final  
10 speaker is Mr. Ervin Keeswood.

11 MR. KEESWOOD: Good evening,  
12 Commissioners. Certainly a pleasure and an honor to  
13 speak this evening. We welcome you-all, so on  
14 behalf the Navajo population, to the great community  
15 of Window Rock.

16 Honorable Commissioner, Chairman Lynn and  
17 Commissioner Hall, and your relentless attorney  
18 warrior, Mr. Rivera, who we see falling all over  
19 the -- we recognize, in the Navajo Nation, we've had  
20 an opportunity to visit with you, various  
21 communities. And we've seen how difficult some of  
22 those presentations have been for you. And we've  
23 also seen the time that it's taken for you to travel  
24 to these communities.

25 And based on what we've seen we certainly

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1 first of all would like to extend our appreciation  
2 to you gentleman for the work that you're doing on a  
3 voluntary basis, and we see that individually,  
4 you're business people and I'm sure your businesses  
5 are sacrificed at this point in time as you take on  
6 this duty that you feel very comfortable and honored  
7 also as we believe that you do. So we also extend  
8 our appreciation. As you heard throughout the year  
9 there was many, many issues that were brought by the  
10 Navajo people. But I think the other issues have  
11 been brought to your attention throughout the visits

12 that we made, through the great state of Arizona,  
13 was from our friends the non-Indian communities.  
14 Our friends there in the rural areas understand the  
15 unique situation that the native populations are in  
16 and we've heard that and we appreciate that and we  
17 know that you've heard that also. And the  
18 presentations that were made previously by our  
19 non-Indian friends throughout the northern part of  
20 Arizona extended to you as a reminder that the  
21 Indian nations and the rural communities should  
22 remain as one.

23 And you've heard that once again this  
24 evening. We've had tremendous rapport from various  
25 communities. And as you have heard throughout the

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1 evening, there was presenters from various areas  
2 within our nation. And also we've had documentation  
3 presented to you from various nations throughout  
4 this great state of Arizona. And in some of the  
5 presentations that were made in various other parts  
6 of the state, there was local leadership that  
7 expressed that same authority.

8 And tonight, I am proud to see a good  
9 friend of Navajo, the Mayor, Mayor Stubbins of Page  
10 here with us, who has stated to us on record that he  
11 supports the initiatives that are undertaken as long  
12 as all of our voices are heard, meaning that those  
13 of us in the rural setting, whether it be  
14 reservations or the rural settings in various  
15 communities and towns in the northern sections of  
16 the state, our issues are not only unique but also

17 much similar.

18           A lot of our communities survive  
19 economically on basically ranching. And we  
20 basically identify ourselves in that fashion. And I  
21 think these various community leaders recognize the  
22 fact that, in order for all of us to come together  
23 and have one voice, we all have to learn to come  
24 together and work together, so that in the halls of  
25 Congress, our voices are heard, in the state

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1 legislature, our voices are heard. With common  
2 goals and common interests, we can overcome many  
3 issues that come before and are brought upon all  
4 people within the northern part of the state.

5           There are many issues that were brought  
6 here this evening to you. And as I sat here and  
7 listened and I watched you, certainly you became  
8 very interested, and you may have unawaresly taken  
9 the course Navajo 101 possibly tonight. You've  
10 certainly been educated. And we certainly thank you  
11 for your time here.

12           You've heard from various county  
13 commissioners here who have, to the extent, gave  
14 their support. The work that was done by the Navajo  
15 Nation government, the staff, took a tremendous  
16 amount of time, and we extend our appreciation to  
17 them also. And we feel from the Navajo Nation that  
18 the particular maps here that are drawn,  
19 congressional and legislative, represents not only  
20 the Navajo, not only other Indian nations, but our

21 friends and non-Indians in the rural communities.

22           We believe that all of our issues are very  
23 unique, but are different also from those people --  
24 from those persons that live in the metropolitan  
25 areas. And if you would remember that, that issues

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1 in the metropolitan areas are much different from  
2 those that we live with on a day-to-day basis.

3           And we want also for everyone here and  
4 throughout the state to know that the Navajo Nation,  
5 we extend our hands to the Hopi people. We have no  
6 choice but to live with each other. We must learn  
7 to live with each other and move forward with one  
8 common goal is to have our voices heard.

9           So we extend our hands to our Hopi  
10 relatives. Let's come together, and we can work on  
11 all these issues, put a lot of our petty issues  
12 aside. And I believe that we can do this.

13           And also we extend our hands out to the  
14 non-Indian communities that are within this  
15 particular legislative and congressional district as  
16 proposed here this evening. This is basically the  
17 dream of the Navajo government here. We understand  
18 that possibly we may not get in. But we are hoping  
19 that tonight, you have heard all of the various  
20 testimonies, and we are hoping that you will take  
21 the consideration our issues again are very unique.

22           And we find the situation that we're in  
23 pertaining to this map here, this is basically the  
24 major issue for us as far as having our voices heard  
25 once again in Congress and also in the state

1 legislature.

2 I am not a citizen of Arizona. And I've  
3 heard that before from some of my colleagues. I'm  
4 from New Mexico, actually. But I take very  
5 seriously the issues that pertain to the Navajo  
6 people. And we've worked very hard. And I commend  
7 the honorable Speaker and the honorable President  
8 for taking the lead on these issues.

9 In the future, very near future, next  
10 couple of days, you'll also have some additional  
11 documents from the Navajo government by a lot of our  
12 staff that would pertain to the issues that are  
13 brought up this evening and that will reinforce once  
14 again the position of the Navajo people.

15 And again, we thank you for coming here.  
16 We know that you live miles away from here, and we  
17 know you have families, and we thank you for putting  
18 those issues aside, your personal issues aside, and  
19 coming out and hearing us. And we understand that  
20 there will be additional hearings in the near  
21 future, and we hope that in the next round, that  
22 these maps are unattacked, so we don't have to come  
23 forward and offer a great amount of testimonies and  
24 try to justify why these maps should remain as they  
25 are.

1 Thank you once again on behalf of my  
2 people that are here, the non-Navajo leadership that

3 are here, the county leadership that's here tonight.

4 Thank you very much for being here.

5 CHAIRMAN LYNN: Thank you, Mr. Keeswood.

6 COMMISSIONER HALL: Thank you

7 Mr. Keeswood. We appreciate the opportunity. By

8 any chance, did Mr. Naize or Naize appear?

9 We typically allow for questions and  
10 answers. And without objection, unless there is  
11 some burning question -- is there a burning question  
12 in the audience that has not been addressed or  
13 answered?

14 Folks, we appreciate the opportunity to be  
15 with you. We are grateful. May I say to  
16 representatives of the Navajo Nation that this is  
17 undoubtedly one of the most articulate and  
18 best-prepared presentations we have seen across the  
19 state. And we commend you for your effort, for the  
20 time and for the energy you've put into it, and you  
21 can rest assured that every member of this  
22 Commission and our staff will take this into serious  
23 consideration.

24 We appreciate the opportunity to be with  
25 you. And without objection, this meeting will stand

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1 adjourned.

2 (Public hearing concluded at 9:40 p.m.)

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12 this case, and that I have no interest whatsoever in  
13 the final disposition of this case in any court.

14  
15 Cynthia C. Chapman  
16 Certified Court Reporter #219  
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4 CASE CAPTION: AIRC, WINDOW ROCK ARIZONA

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6 ATTORNEY: MS. CINDY LI, AIRC

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