STATE OF ARIZONA

ARIZONA INDEPENDENT REDISTRICTING COMMISSION

REPORTER'S TRANSCRIPT OF PROCEEDINGS

PUBLIC SESSION

INTERACTIVE VIDEO SESSION TO MULTIPLE REMOTE LOCATIONS

Show Low, Arizona
September 15, 2001
3:00 p.m.

ARIZONA INDEPENDENT REDISTRICTING COMMISSION

LISA A. NANCE, RPR, CCR
Certified Court Reporter
Certificate No. 50349
The State of Arizona Independent Redistricting Commission Convened in Public Session on September 15, 2001, at 3:00 O'clock p.m., at Northland Pioneer College, 1001 West Deuce of Clubs, Show Low, Arizona, in the Presence of:

Appearances:

COMMISSIONER JOSHUA M. HALL - Show Low

COMMISSIONER DANIEL ELDER - Show Low

LISA HAUSER, Commission Counsel - Show Low

DR. FLORENCE ADAMS, NDC, Consultant - Show Low

ADOLFO ECHEVESTE, Executive Director - Show Low

PAUL CULLOR, Outreach Staff - Show Low

ALMA VILLARREAL, Outreach Staff - Winslow

MANUEL, Outreach Staff - Holbrook

AMY REZZONICO, Outreach Staff - Snowflake/Taylor

THERESA, Outreach Staff - St. Johns

CINDY LE, Outreach Staff - Springerville/Eagar

JESS, Outreach Staff - Polacca

SUSAN SVITAK, Outreach Staff - Kayenta

LOU JONES, Outreach Staff - Heber (technical diff.)

Spanish Interpreter

Navajo Interpreter

LISA A. NANCE, RPR, CCR, Court Reporter

ATWOOD REPORTING SERVICE
Phoenix, Arizona
PRESENTATION BY:

COMMISSIONER JOSHUA M. HALL

SPEAKERS FROM CALL TO THE PUBLIC:

HOLBROOK:

EDDIE KOURY

WINSLOW:

BILL ELZUI

ST. JOHNS:

SENATOR JACK A. BROWN

BILL ELZUI

CLARENENEY BINGLE

POLACCA:

CLIFFORD BALENQUAH

SHOW LOW:

JESS THOMPSON

REV. DICK LUDKO

SPEAKER EDWARD T. BEGAY

PERRY B. YAZZIE

EDWARD RICHARDS

JUDITH DWORIN

MIKE HUMPHREY

MAYOR SANDRA BURK - Eagar

ATWOOD REPORTING SERVICE
Phoenix, Arizona
SPEAKERS FROM CALL TO THE PUBLIC (CON'T):

SHOW LOW (Cont'd)

GINNY HANDORF - Pinetop/Lakeside

KAYENTA:

CHAIRMAN PETER MacDONALD

WINSLOW:

BROOKE HODGES

HOLBROOK:

SAM MARTINEZ

ST. JOHNS:

SENATOR JACK A. BROWN

SPRINGERVILLE/EAGAR:

NANCY GOLIGHTLY

POLACCA:

SASHEEN HOLLOWHORN

SHOW LOW:

ALEX YAZZA, JR.

DARRELL WATCHMAN

SUPERVISOR LEWIS TENNEY - Navajo Co.

MICHAEL DOWNS

ROMAN BITSUI

LEE BIGWATER

DERRICK WATCHMAN

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ATWOOD REPORTING SERVICE
Phoenix, Arizona
SPEAKERS FROM CALL TO THE PUBLIC (CON'T):

SHOW LOW (Cont'd)

REPRESENTATIVE JAKE E. FLAKE
ERVIN M. KEESWOOD
LEONARD GORMAN
FRANK M. SEANEZ
SUPERVISOR DAVID A. BROWN
DONALD HANCOCK

NAVAJO CO. BOARD OF SUPERVISORS (WRITTEN SUBMITTAL 1)
NAVAJO CO. BOARD OF SUPERVISORS (WRITTEN SUBMITTAL 2)
WHITE MOUNTAIN APACHE TRIBE (WRITTEN SUBMITTAL 3),

SIGNED BY CHAIRMAN DALLAS MASSEY, SR.

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P R O C E E D I N G S

COMMISSIONER HALL: Ladies and gentlemen,

remote locations, most of all the staff of the
Independent Redistricting Commission, we request a
certain level of reverence as we proceed through this
Commission hearing.

I'll call the public hearing of the
Independent Redistricting Commission to order, which is
centralized here in Show Low, Arizona, to remote
locations located in Winslow, Holbrook,
Snowflake/Taylor, St. Johns, Springerville/Eagar,
Polacca, Kayenta, and Heber, with interactive video
technology offered by Northland Pioneer College.

We're grateful for the college with the
assistance and coordination in assisting in the process.

We apologize for the smallness, the small
size of this particular room. It's centrally located in

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order to accommodate the video proceedings. This is
what we have.

I'm also grateful to a number of
representatives. If you may know, due to the fact there
was some terrible situations in our country this week,
our meeting was canceled in Tuba City. I'm grateful to
the Navajo Nation and other representatives being
understanding of that and grateful to have them here in
this meeting with us, also.

While we're on that note, prior to
beginning this meeting, in light of the fact that we've
had some significant detrimental events in our nation
this week, I would ask that we would just take a minute
of silence in honor of the families and victims of those
who suffered so much by reason of the terrible
terrorists that have done so much damage to our great
country,

(Whereupon, all joined in observance of a
moment of silence.)

COMMISSIONER HALL: Thank you, ladies and
gentlemen.

It's a pleasure to be with you.

This is our last of a number of second
round of public hearings.

Mr. Elder and I, my fellow Commissioner,

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are the only two Commissioners here.

My name is Joshua Hall. I reside in St. Johns, work here in Pinetop, Show Low, and Snowflake.

Commissioner Elder is from Tucson, is an architectural engineer, design engineer, in Tucson. And we have a fellow Commissioner located in Bullhead City, presumably, right now.

Our other Commissioners had other engagements they needed to be at.

We've been riding our horses hard and they're a little bit wet.

I also would like to introduce Lisa Hauser, our counsel, legal counsel; Florence Adams, a representative of National Demographics Corporation, our consultant; Paul, a member of our staff; the gentleman behind the camera, a member of staff; staff located every remote location; Mr. Adolfo Echeveste, Executive Director; and Lisa Nance who is our primary stenographer as we have had numerous meetings.

I can tell you that it's a great privilege. One of the few blessings is the great privilege of seeing the various areas of the state in hearing from people throughout the state. I had the opportunity to go to Sierra Vista, for example, for the

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first time, and Nogales. And what wonderful country that is. I can tell you we're running cows in the wrong country, folks. Grass to my knees down there.

I was impressed with a number of the areas of the state, and it has been a great experience to hear from the people in the state and receive their input. That's the primary purpose of this meeting today.

Prior to that, though, as is our custom, we will start with the Power Point presentation which will be given by Mr. Elder to give you an overview of where we've been and where we are. Subsequent to that presentation we'll receive public comment from all of you that would wish to do so.

If you'd like to provide public comment to the Commission, I would recommend, ask you fill out a yellow speaker slip. If you do not have one, you can ask Mr. Echeveste, and he'll get one to you. If you feel so inspired sometime later in the meeting, he'll get one to you. We're here as long as you'd like us to be.

With that, I'll turn the time over to Mr. Elder.

COMMISSIONER ELDER: Thank you, Commissioner Hall.

I think we need to check, I guess was the
request from control, that everybody could see around to
the public hearings on the Power Point at the remote
locations.

Are we okay?

MR. ECHEVESTE: Yes. Just go.

Okay.

Paul.

COMMISSIONER HALL: You need to talk loud.

COMMISSIONER ELDER: Start, yes.

MR. POLLACK: Ready.

COMMISSIONER ELDER: Thank you.

He said speak louder. I'll attempt to do
that and stay in view of everybody.

This is round two of the public hearings
that the Commission started about two months ago. We
had a first round. We came out through the state to try
and determine what was the glue, what were the various
factors that held the communities together, what were
the communities of interest. We went back, tried to
address some of those, or a majority of those, and we
found that we had other information that we needed and
we wanted to have the second round. And that's what we
are doing today. The Commission welcomes citizen
comment for the draft districts for the Congress and
State Legislature.

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Proposition 106 started off with a series of guidelines and set up for drawing new districts. Those guidelines started off with the first two being ones that were directed by the Constitution and the Voter Rights Act. They are mandatory. You know, they relate to one person one vote, the Voting Rights Act, and then Congressional Districts of nearly equal population. Nearly equal in this last redistricting, 10 years or eight years ago, it came down the state was divisible almost, so there's three districts that have one more person than the other two districts out of the state. So it came out to where it was in the one or two person mode. That's what goal would be, if possible, this time around for Congressional. Legislative gives more latitude.

The final four items up there on rules for redistricting were geographically compact; contiguous, to the extent practicable; district boundaries of communities of interest, where practicable; various geographic district lines, jurisdictional lines, counties, cities, things along those lines; and the fifth one, item F up there, is the one where we're getting to, that is where we stand right now. We're trying to develop competitive districts, to the extent practicable.

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Proposition 106 required the Commission start off with a grid system. We commenced that, developed a grid, and came back to you after the first round of meetings.

The grids developed townships, a combination of Census tracts.

We started off with a six-mile-square grid and amalgamated, accumulated a Census grid within that, and went next to the grid. That's why the Census tracts, being non-uniform in geography, take some grid-like out of the proposition, or out of the plans, districts we developed.

Once the grid was developed, we needed to adjust those grids to match the Proposition 106 mandates.

Here are the Congressional and Legislative grids that we developed and presented the last time through as we went around the state.

The citizens made it clear in redistricting we follow several basic principles. Ones that really came out strong, that we respect communities of interest, their community, respect cities, towns, counties, local government.

Citizens developed communities into regions they lived in. One of the problems we had with

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that, one community of interest, we'd go to the next town, it's not the same in the next community of interest, next county, or next region of the state. That's our job, to try to take competing and conflicting communities of interest, try to resolve them in the best manner we can.

What came out of these communities of interest are Arizona units of representation, or AURs. Major communities of interest came out as Native American and tribal reservations, Hispanic communities of interest, relationships between rural and urban communities. That was pervasive in all meetings I went to. Not at one hearing site did I not have those three come out.

We heard the same, urban communities not wanting to be treated as rural, not just rural communities saying we want nothing to do with the State of Arizona, if you will, and heard it in Maricopa County, we really want urban representation, don't want to be tied to rural population, a very distinct break those two areas.

The Commission followed the mandates of Proposition 106 expressed by the citizens.

The Commission expressed draft plans very different from the existing districts expressed in the
1996 redistricting. The draft plans have many fewer
city and town splits. The existing have six
Congressional areas with 16 split cities towns. The
draft Congressional maps we came out with have six split
cities and towns.

In the Legislative Districts, the existing
had 39 split cities and towns. We cut that by
approximately a third by the draft, in other words, 13
split cities and towns.

In some of the existing districts, cities
cross over boundaries, and so do many tribal boundaries.
We felt tribal lines should not be split. We wanted to
keep tribal reservations whole. We went across, and
where they crossed tribal lines, we said no tribal
reservations should be crossed by a district line.
Existing Congressional Districts, five
split counties. Remember, we're having two more
Congressional Districts than we had in 1990. The draft
Congressional Districts, where we have eight, split six
counties.

In the existing Legislative Districts, 13
counties were split. And we have 30 of those. The
draft Legislative, we have nine split counties.

The states major communities in respect to
the draft plans, tribal reservations are undivided and

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in many cases unified with the other tribal reservations.

Hispanic communities of interest largely have been kept together.

Rural and urban communities are distinguished.

Most of the AURs have been respected in the draft plans.

Competitiveness of districts, proposition 106 did not allow us, prior to this time, to address competitiveness.

Under Proposition 106, all of the other items above that, the contiguousness, the compactness, the AURs, or communities of interest, as long as competitiveness did not get affected, to a great extent, the other factors involved, we could then address competitiveness. That's where we are today.

Competitive districts should be favored where there is no substantial detriment to the other goals.

The Commission designed the following draft for the Arizona eight Congressional Districts.

This is the Congressional District map.

The colors, I think, stand out a little better. It's a little hard to read the Maricopa County and Pima County
areas. Here's a blowup of those areas in Maricopa County and they are followed here by Tucson and Pima County.

The draft Legislative maps were designed to follow the plan for 30 Legislative Districts. Here are the Legislative Districts as we show them now, and let me reiterate again, these are draft plans. To the extent we are trying to elicit information and comments from you to make adjustments, that's what we're trying to do.

I reiterate, they are draft plans.

Here's Maricopa County, and here is the draft Legislative maps for Tucson.

Further opportunities for citizen input.

We're here today to hear testimony at these hearings, complete the forms, the packets handed out or on the table as you came in. Forms are in there. Complete your form and hand it in today, mail it to us, fax it to us, or use the website. The website is www.azredistricting.org. Any of those three or four items are ways of getting to us and would be helpful.

I would reiterate, we'd like to try have it all back between -- somewhere between the 20th and 25th. We have to start drawing maps on I believe Monday the 1st or 2nd and making adjustments.
We'd like, if at all possible, to have it evaluated and integrated into the process. If you help us by returning them today, or making your testimony verbal here at the meetings, that would be absolutely great. With that, I'll turn it back over to Joshua Hall, and we'll go to, I assume, the remote locations. Joshua, why don't you start.

COMMISSIONER HALL: Was everyone in remote locations able to hear at the remote locations and see it okay? I should say was there anyone that did not hear it and see it? Great. What I'd like to do then is look at the control room participants located in Holbrook. Brian, are you there? Houston? Can somebody in Holbrook say something? I'm now looking at the Springerville location, four individuals. Would somebody there in Springerville would like to make public comment to the Commission? MR. CULLER: Can you hear us in

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Springerville?

COMMISSIONER HALL: I can't hear your head nod.

BRIAN: Are you hearing me now?

COMMISSIONER HALL: Who is speaking?

BRIAN: What we did, there was a lot of shuffling of papers. We muted every room except yours. People were having trouble hearing you.

COMMISSIONER HALL: Go to Holbrook.

BRIAN: Greg, choose Holbrook as a video source.

COMMISSIONER HALL: Perfect. Is that Holbrook?

PDC1, Holbrook. One, two, three, four, five individuals in Holbrook.

BRIAN: Zoom out, a few more in there.

COMMISSIONER HALL: What I would like to do, in some orderly fashion, is hear public comment from those individuals located at that remote location.

The young lady closest to the camera, do you have a desire to make a comment to this Commission?

YOUNG LADY: Not today. Not right now.

Thank you.

COMMISSIONER HALL: Your neighbor?

A WOMAN: (Shakes her head.)

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COMMISSIONER HALL: Next to you?

GENTLEMAN: No.

COMMISSIONER HALL: Lady next to you?

FEMALE: No.

COMMISSIONER HALL: Person next to you?

WOMAN: Not at the moment.

COMMISSIONER HALL: The other gentleman?

MR. KOURY: I would make a comment.

I'm a Navajo Supervisor, member in Show Low, and would like to elaborate on what I would say.

COMMISSIONER HALL: Okay. Do you want to make a comment?

MR. KOURY: Comment at this time?

COMMISSIONER HALL: It's up to you.

MR. KOURY: Let me make a brief comment.

COMMISSIONER HALL: I need to know your name and spell it, first and last name, for this Commission.

I'd ask the camera zoom in on you and that you speak loud and clear for our benefit.

MR. KOURY: Eddie Koury, E D D I E, K O U R Y, Navajo County Manager.

I just want the Commission to know the Navajo County Board of Supervisors passed resolutions in support of the Independent Redistricting Commission's

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Congressional and Legislative proposal you currently have on the table.

Also, I'm an officer of the Eastern Arizona County Organization.

Speaking for them, we do appreciate the Eastern Arizona Counties being kept together in the Northern District. There are other board members that would like to elaborate.

COMMISSIONER HALL: Thank you very much.

Anybody else in the immediate surroundings that wishes to make public comment to the Commission at this time?

Thank you.

Can we then change the video view to Winslow?

BRIAN: Greg, would you take the camera to the Winslow site.

I would ask the person working, NPC staff member at Winslow, to please try to assure the camera focuses clearly on the person speaking.

MR. ECHEVESTE: Okay. Looking at Winslow.

We see you.

COMMISSIONER HALL: Thank you.

Is there anyone that wishes to make a comment to the Commission at this time?

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WINSLow OUTREACH: I have Bill Elzui.

MR. ELZUI: Yes.

COMMISSIONER HALL: Okay. Bill Elzui.

Bill, can you please spell your name, first and last.

MR. ELZUI: B I L L, E L Z U I.

COMMISSIONER HALL: Please continue.

MR. ELZUI: I'm just, I just want to comment I'm appreciative of the fact you've taken all the time you have to attempt to make these districts as equitable as possible. I think I agree with this Legislative Draft District E. I think most of our people will be pleased with it.

COMMISSIONER HALL: Thank you, Mr. Elzui.

Is there anyone else in your immediate surroundings that would like to present to the Commission at this time?

WINSLow OUTREACH: No.

COMMISSIONER HALL: Then move to the Snowflake/Taylor location.

MR. ECHEVESTE: Amy.

COMMISSIONER HALL: Amy. Amy, would either of those folks with you, would they like to make a comment to the Commission?

MS. REZZONICO: No, Commissioner Hall,

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they do not wish to speak at this time.

COMMISSIONER HALL: St. Johns, can we move
the view to St. Johns at this time?

COMMISSIONER ELDER: They're asleep.

COMMISSIONER HALL: Is this St. Johns?

Would anyone at the St. Johns location
like to make a presentation to the Commission at this
time?

THERESA: Yes.

COMMISSIONER HALL: Okay. What we need
you to do, is that you, Mr. Brown?

SENATOR BROWN: Yes. Senator Brown.

COMMISSIONER HALL: Sorry. Is that you,
Senator Brown.

Can you please spell your name for the
benefit of the record.

We'd welcome any comments you have and ask
that you proceed around the table if anyone else would
like to make a presentation.

SENATOR BROWN: Jack, J A C K, A,
B R O W N. Thank you.

I think this is great. I think it's
innovative, shows we don't all have to travel to one
location to communicate with each other. Doing good.
If we don't lose anybody, we'll be lucky here.

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I just wanted make a few short comments, thank the Commission for the hard work you've put in with no pay. I don't know how in the world people voted this thing in with no pay for you guys. That's the kind of public service you get, blessings you get. We appreciate that.

I've been through three of these redistricting things back through the years, know how tough they are and know how you can't please anybody. You do the best you can, and you seem to have done a pretty good job of that.

First off, we believe the Congressional District probably is all right, although it may need to be tweaked some. We want to see it kept rural, don't want to go into Maricopa County, unless we have to, have to, to make it work.

By golly, we need rural representation, someone that represents the rural area of the State of Arizona.

On the, on the redistricting for the state legislation, we think that E is the best one we've got on the board. That holds together five Eastern Arizona Counties that have communities of interest and are united in the start and want to be together and reach things together. It's a good, strong district presently
the rural areas of the state have pretty well agreed to.
It should go a long way. And you should leave that
district intact.
I appreciate that, appreciate you being
there and doing the good work for us.
Tell Mr. Elder "Hi."
COMMISSIONER HALL: Thank you, Senator
Brown.
Anyone else in the immediate surroundings
that wishes to make a presentation?
SENATOR BROWN: Commissioner Hall?
A VOICE: Yes, sir.
COMMISSIONER HALL: Can you make sure you
spell your name for the benefit of our court reporter.
MAYOR OVERSON: Ross Overson, R O S S,
O V E R S O N, Mayor of St. Johns. And we did, with
Senator Brown's help, understand the proposal for
redistricting. It appears to us the best for St. Johns.
We're very proud of you and think you did a wonderful
job.
COMMISSIONER HALL: Is there anyone else
in the immediate surroundings that would like to present
to the Commission?
MR. BINGLE: Clareneye Bingle,
C L A R E N E Y E, B I N G LE, resident of Apache

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County, county manager.

I support what the Mayor said and the Congressman said.

COMMISSIONER HALL: Mr. Bingle, is there anyone else that would like to speak?

MR. BINGLE: No one else.

COMMISSIONER HALL: Thank you.

With that key, move to the remote location of Springerville.

MS. LE: Hello.

COMMISSIONER HALL: Anyone in your locations?

MS. LE: Three persons here. No one wishes to speak.

COMMISSIONER HALL: Thank you.

Can we move to Polacca?

MR. SAUNDERS: Commissioner Hall.

COMMISSIONER HALL: Yes, sir.

MR. SAUNDERS: We have a gentleman from Dotsaquahu Village. Counsel would like to say a few words and also a young lady from the Navajo Times may have a few questions.

COMMISSIONER HALL: All right. We'll ask, Mr. Saunders, that questions be reserved until the end of the meeting, but -- and we're more than happy to hear...
words. The gentleman that would make the presentation, please spell your first and last name for the benefit of us. We'd love to hear what you have to say. And also --

MR. SAUNDERS: And hear your town and the location you're from, also.

MR. BALENQUAH: My name is Clifford Balenquah, C L I F F O R D, B A L E N Q U A H, from Dotsaquahu, D O T S A Q U A H U. I'm from -- I'm also on the Tribal Government.

I want to thank you for the all hard work, for the representation throughout the State of Arizona. Looking at that Power Point presentation, I have a couple concerns, actually three. One is the grid, based only on population, no other. And then the other one you mentioned, you want to keep the tribal lands whole. And one other is Proposition 106 does not allow Commissioners to consider competitiveness. I think certainly Indian Tribes having independent culture within their own right within the state and within the nation, I am primarily going to speak to the Legislative District of Arizona, primarily for the Hopi Reservation, and the surrounding, not for Navajo Tribe, but with the concerns of the surrounding Navajo Nation.

Okay. Over the past decade, there is

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independent rights. Excuse me.

MR. SAUNDERS: I'm sorry, but there are
people speaking in conference rooms. We can't hear the
speaker. We'd ask you not to speak.

Thank you.

COMMISSIONER HALL: Just a reminder to
remote locations, we have a gentleman presently
speaking. We ask while he is speaking, that we be
respectful of those who wish to speak. Just because
nobody can see you, we can hear you. We ask that you
retain a quietness, if possible. If you feel you are
unable to refrain from speaking, you are more than
welcome to leave the room where you are located. It's
impossible to hear the speaker.

My apologies.

MR. BALENQUAH: Over the past decades, the
federal government, State of Arizona, federally eroded
many American rights, especially those related to
territorial jurisdiction and over the exercise of
sovereign rights. Today we are faced yet with another
form of threatened political dominance and being placed
again in an adversarial position with our neighbors, the
Navajo tribes, through Legislative redistricting.

The governments cite equal representation
for all as an expression of being a democracy and caring

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for all Arizonians. Even state government does not know its own people. Many American Indians do not understand white man's politics, much less understanding partisan allegiance. Arizona must give recognition to Indian tribes as many are not ready or willing to become a party to political entities.

We Hopis are not a dominating political society. Our Hopi Tribe system is our form of politics. Historically the Navajo have never supported the Navajo tribe. We have lived under constant fear of the Navajo tribal government to commence our own version of manifest destiny on us and other groups of the same jurisdiction. Now, unless there is a miracle, indeed, in the future, Navajos would not support the Hopis for political benefits or services.

For instance, the most recent demonstration of arbitrary action is the recent ceremony held on Hopi land. The Navajo agreed last year's ceremony would be the last one allowed on Hopi land. And as the Sun Dance of the northern plains, the Indian ceremony, Navajo religious ceremony, President Begaye of the Navajo Nation and Chairman Taylor of the Hopi Tribe, asserting Hopi jurisdiction over our own lands, our asserting of jurisdiction was by admonishing of the Sun

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Dance of our joint agreement. No one lives above the law. These are the rules. Let's play by these rules.

Another coincidence on a bigger national scale are the Navajo County authorities, expression of coincidence. We are all earth people and created from this earth and must all unite and defend our Independent lands. Navajo people and their leadership, know that there are other Indian tribes, such as the Hopi, Sioux, Seminole, in the area company, and others that had code talkers in World War II that performed equally well, and honorably, as Navajo code talkers, yet they, the Navajo government, sought only Congressional recognition only for themselves, but none for their Indian warrior brothers of other tribes. I am a veteran of the Vietnam War, served in the first infantry mission participating in 13 combat missions.

I'm proud of every single Navajo veteran, services to the nation, equally proud all Indian code talkers and veterans in general.

On many issues, the Navajo and Hopi agreed upon and continue to support one another on certain issues of national concern, like over and during the most recent clarifying declaration, the US Supreme Court ruling that states can invade the reservations and territorial jurisdictions of the Indian Nations which,
especially indicates the political machinery of our state to be an orchestra of the government collaboration further eroding jurisdictional sovereignty we have left. Every government, whether the Hopi or other smaller tribes in their survival, as you will not guarantee improved economics on our reservation, much less guarantee the Hopi culture, being placed on Legislative Hopi jurisdiction, with very large Navajo population comparable to the federal government, not fulfilling the nations treaty signed in 1848 and proclaimed by the then US President on July 4th, 1848.

I truly believe that the Navajo Nation would be served best by having our own Legislative District. I know we have our own very unique needs. I therefore request that the Hopi Indian Nation and the Navajo Independent nation remain separate, a Legislative representation in our great state of Arizona.

Thank you. I thank you very much.

COMMISSIONER HALL: Appreciate your input.

Is there anyone else that wishes to speak at this time?

MR. SAUNDERS: Not at this time. May have questions later on.

COMMISSIONER HALL: Thank you.

Let's move to Kayenta.

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SUSAN SVITAK: Susan Svitak in Kayenta.

We have no participants at this time.

COMMISSIONER HALL: Thank you, Ms. Svitak.

Did we ever receive connection at the Heber location?

BRIAN: Our understanding is no one participated at Heber. We're calling, not able to reach. Did you have a representative there, Commissioner?

MR. ECHEVESTE: We did.

COMMISSIONER HALL: We did.

BRIAN: We'll continue try to reach them. We haven't been able to reach anybody.

COMMISSIONER HALL: Thank you. We'll proceed to the public comment to those here in the Show Low location. At some point through that comment period, we will, again, sweep the remote locations to determine if there is anyone else that has shown up late or has suddenly felt inspired by the previous comments that would like to make an additional comment.

Right now, we probably want the video to go to show the Show Low location.

Is it correct, Brian, those who would like to be speak, are able to be seen where they are, or is it better to come where I'm located?

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BRIAN: Go to where you are.

COMMISSIONER HALL: That's what I thought.

We have a number of folks that would like to speak here. Why not just come where I am.

BRIAN: We have our system on moot.

People in Snowflake, Winslow, your site, it's best in Show Low for people to come your standing.

COMMISSIONER HALL: Great. Make comments.

Perfect. We'll do that. We'll proceed in that fashion and come back through remote locations.

A number like to speak, ladies and gentlemen, we'd request, for the benefit of all that would like to be heard, you keep the comments around three to five minutes, if possible. And again, you are more than welcome to stand up and reiterate something, if you feel inspired, after.

We'd like to have you fill out a yellow speaker slip, those that would like to speak. For your information, if you'd like to speak, this is not the microphone, it's recording. The microphone is located in this little box. Going like this, no one can hear you, it's because you are doing what I'm doing.

With that, what I'd like you to do, there are a couple speakers I'd like to call before the members of the Navajo Nation to be heard.

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Simplest here, let's call them in order.
They've been presented to us. The two slips I received before the Navajo Nation, Mr. Jesse Thompson, District Two Navajo County, and Rev. Dick Ludke. Following then we'll proceed with Speaker Begay.

Mr. Thompson.

MR. THOMPSON: Good afternoon, Chairman, and Members of the Redistricting Commission. My name is Jesse Thompson, J E S S E, T H O M P S O N. I presently serve on the Navajo County Board of Supervisors, have been for the last eight years, now going on my third term.

I do represent nine Hopi Villages and nine Navajo community chapters. We have supported the map you have proposed today, and again that will be presented by one of my fellow supervisors.

My purpose for coming before you today is to inform all of you, and particularly this Commission, that the county has worked hand in hand with many of the Indian tribes, Navajo, Hopi, and the Apache. But primarily, I have two tribes that I represent, the Hopi, and the Navajo tribes. I am proud to say that Navajo County has been very considerate and fair with all the Native Americans of Navajo County. Every so often from the Native American communities, we receive requests for
technical assistance, or financial support. Maybe in some cases we can't provide that service. But at that point, we ask for partnership. We are aware of the sovereignty status of the Native Americans, as well as the local governmental policies that they have, and the differences between traditions and culture of the tribes. That's why we have a partnership with them, and we ask them to take the local leadership and making things happen.

Again, I say that local counties, local community oriented, we have established, let me kind of focus in on our friends, the Hopi Reservation. We have extended support and helped too many of the villages. Together we have worked on many projects and activities. The only reason why I bring this out is I understand there were some concerns expressed surrounding this, the relationship. And I say to you again, that we have a very positive relationship, decide the limited resources that may be, that we can provide. We are committed to doing as much more as we go for those communities, including the public at large. So I wanted to share this with you, the Commission, that I again, I understand there were some concerns surrounding this. And we have provided some of the projects and activities that we have done with the Navajo Nation, and we have
given that to them, and they are just needing. Again,
we will also provide to you some of the activities and
projects we've been involved with the Hopi Tribe.
Again, thank you very much.
COMMISSIONER HALL: Thank you,
Mr. Thompson.
Mr. Ludke. Following Mr. Ludke here,
Speaker Edward Begay.

MR. LUDKE: Good afternoon. My name is
Dick Ludke, known as Reverend's Dick Ludke, not in
active ministry at this time. Active involvement in
involving people is as Chairman of the Apache Democratic
Committee. May I see a hand if anybody here on that
committee.

Thank you. There are four of us here, I'm
not here to make a political pitch. I'd like to
encourage everybody in this room to be active in the
Democratic process or say the Democratic Republican
process, of being involved in decisions make the
influencing voting process in the state house as well as
local government. Events in the last few days have
strengthened the commitment to be a strong America but
we cannot be a strong America unless the Democratic and
Republican parties are working every way they can to
support the current, the incumbent president and

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leadership of this, this state.

I'm happy to tell you there is in the planning process at this time a barbecue event that will probably be located here in Show Low sponsored by the Navajo County party and the Apache county party, a joint effort, to show again an element of comradeship. We'd expect to have at least one of the candidates for the Governor of this state as a speaker at that meeting. Of course, there will be plenty of good food and a barbecue. We hope we'll have a generous contribution to cover the costs. And we already have such a contribution in the form of a $150 donation for such an event. So anyway, that's just to get this word out. I hope you don't perceive this as a commercial but rather backup of the process we're here to enhance.

Thank you.

COMMISSIONER HALL: Thank you, Mr. Ludke.

Next, Speaker Edward Begay, Navajo Nation, followed by Perry Yazzie.

SPEAKER BEGAY: Thank you, Commissioner.

For the record, Edward T. Begay. B E G A Y, Speaker of the Navajo Nation Council and chairperson of the Navajo Nation's subcommittee on Congressional and State Redistricting.

Good afternoon, Members of the Arizona

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Independent Redistricting Commission, NDC staff, and staff to the Commission, and the people in the audience. It is an honor to come before the Commission again. The last opportunity to visit with the Commissioners was in Flagstaff, just last week. Unfortunately, the Commission had to cancel the second round of public hearings in Tuba City due to the terrorist attacks in New York City and Washington, D.C. and decided not to reschedule the Tuba City public hearing. The Navajo Nation regrets that it will not have the opportunity for Navajos from the Western Agency to provide their input to the Commission.

Back on June 25th, 2001, the Navajo Nation presented to the Commission its position and recommendations for the State and Congressional redistricting plans. At the Window Rock meeting the Navajo Nation clearly supported its recommendations by submitting maps, narratives, and supporting letters from other Indian Nations in Arizona. Navajo Nation clearly demonstrated that need to maintain at a minimum 75 percent Native American population in the Legislative District the Navajo Nation will be located. I am very disappointed that the Commission forwarded a Legislative plan only has 65 to 66 percent Native Americans, which was a drop of at least 10 percent both in Native

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American population and also voting age population.
This is not acceptable.

Throughout the hearings you've heard from the Hopi Tribe seeking your approval to exclude them from the Congressional and Legislative District in which the Navajo Nation would be located. You have heard some claims from the Hopis as to why they should be separated from the Navajo Nation in the Legislative and Congressional Districts. The Commission in turn responded by creating a gerrymandered corridor leading to the Hopi reservation from District A. I remind the Commissioners that the neck on your ostrich is very much similar to the North Carolina gerrymander that was struck down by the United States Supreme Court as provided below.

At one point the North Carolina gerrymander stretched through interstate I-85 to connect two black communities. Although you don't follow any major roadway or other washes in your Hopi gerrymandering, you seem to have made every effort to avoid picking up people, Navajo or non-Navajo, along your route, except 15 people of which four of them are Native Americans. You also heard that Navajos very different from the Hopis because of the land dispute. I remind the Commissioners the Navajo-Hopi-US land dispute ATWOOD REPORTING SERVICE Phoenix, Arizona
is but one of the issues affecting the Navajo Nation and Hopi Tribe. Beyond the land dispute, issue such as, roads, schools, and medical facilities affect Navajos and Hopis equally. In Congress nearly all Indian bills are passed by unanimous consent in the House of Representatives and Senate. That is to say, no votes are cast, and therefore, no voting record exists. Thus, it is possible to say both the US House of Representatives from Congressional District Three and Six support the Navajo Nation and Hopi Tribe. Navajo Nation and Hopi Tribe testimony before Congress is most often in agreement in areas other than the land dispute. One such area is law enforcement.

In a testimony submitted Hopi Chairman Wayne Taylor to the Senate Judiciary Subcommittee, Chairman Taylor stated crime on Indian country in Arizona is severe. Chairman Taylor continued to state that:

"The need is overwhelming. In 1996, our neighbors whose reservation surrounds the Hopi Reservation, experienced 46 homicides resulting in a rate per that would on a per capita basis place the Navajo Reservation among the top 20 most violent cities. Mr. Chairman and members of the Committee, we need your support to address public safety which also accounts for

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the safety of law enforcement personnel including the
chronic shortage of personnel on a comprehensive level."
I express my sincere appreciation to
Chairman Taylor for articulating the grave concerns
pertaining to the needs of all Indian Nations,
especially the Navajo Nation, to the members of the
Senate Judiciary Subcommittee.

The Navajo Nation submitted its testimony
on Legislative priorities for the 107th Congress. In
the written testimony, the Navajo Nation clearly
demonstrates the needs for better law enforcement
funding that not only exists on the Navajo Nation but
also throughout Indian country. In part, the Navajo
Nation states the following when commenting on federal
law, enforcement initiatives and additional funds for
the Bureau of Independent Affairs law enforcement
services, and I quote:

"Although federal efforts have been
highlighted and oftentimes mentioned with high regards,
the comments by Indian tribes at United States
Department of Justice, consultation meetings have been
nothing but outcries of tragic situations and dire needs
of law enforcement in Indian country. The US DOJ has
yet to answer critical criminal justice concerns raised
by tribal leaders at the consultation meetings and it is

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undetermined whether these concerns are being shared
with the Secretary of Interior, Assistant Secretary of
Interior, United States Attorney General and the Office
of the United States President," unquote.

Both the Navajo Nation and Hopi Tribe have
expressed similar paramount concerns and needs. In
addition, the Navajo and the Hopi have equally advocated
on behalf of all tribes in the United States on federal
issues, such as health, transportation, roads, education
and others as demonstrated by the Navajo Nation.

In conclusion, the Commission heard from
the Hopi Tribe that their people are culturally
different from the Navajo Nation. In addition, the Hopi
Tribe informed the Commission that it also differs with
the Navajo Nation on federal policy issues. The Navajo
Nation will demonstrate that the Hopis and Navajos have
similar needs in area education, health, social
services, roads, et cetera. The daily lives of
individual Navajos and Hopis depend on the efficient and
effective operations of programs that serve them, and
these programs have similar goals and needs which are
based on the commonalities which Navajos and Hopis share
as rural Native Americans in Arizona.

Thank you, Commissioners, for your time.

COMMISSIONER HALL: Thank you, Mr. Begay.

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Any questions?

Lisa?

Mr. Perry Yazzie followed by Ed Richards.

MR. YAZZIE: Good afternoon. Perry B. Yazzie, P E R R Y, Y A Z Z I E.

I'd like to take this opportunity to thank the Redistricting Commission for this opportunity to present this testimony and also would like to recognize the delegation from -- and staff members from the Navajo Nation and public here.

I work for the Navajo transit system, which I am the director of, which operates the public transportation and serves members of both the Navajo Nation and Hopi Indian Tribe. The Navajo Transit System is a grant by the Federal Transportation System through the State of Arizona providing public transportation residents in rural and Northern Arizona since 1980.

Over the 20 years of public service, the transit system has maintained bus routes connecting major communities of the Navajo Nation and Hopi Tribe and the border towns in Northern Arizona. One such bus route runs between Tuba City and Window Rock, Arizona. The same bus route serves the Hopi Villages of Moenkopi, Kykotsmovi, Shungpovi, and Second Mesa, Polacca, as well as Keams Canyon.
The last fiscal year, from Keams Canyon, we've provided transportation for 9,099 passengers from these communities with an operating cost expended on the transit system of $46,015. Over the last 20 years, this has resulted in an approximate accumulation of 160,000 passengers, expenditure of $809,000 for services provided in these communities that run through the Hopi Indian Reservation.

The Navajo Transit System has connected both the Navajo Reservation and Hopi tribes outside Indian country.

I support with encouragement the City of Flagstaff and Coconino County Navajo Transit System of Navajo and Hopi, our communities, and hope the Hopi seat with many economic social activities. Most recently, a new route has what has been established communities between Tuba City, Flagstaff, US highway 89. Of the 77 passengers within these past several weeks, 27 of them were Hopi patrons. And the cost related to these has been in the amount -- cost to operate this route is approximated at $123,496.

Of this, $43,302 are shared and expended toward the Navajo rideship or Hopi rideship, I'm sorry. Annually, thousands of people throughout the world come to the Southwest to experience the cultures of the
Navajo Nation and the Hopi Tribe, and enjoy the beauty of our lands. This provides both Navajo and Hopi with the much needed tourism dollars that we as Native American people compete for with the outside world in the global marketplace.

The Navajo as a transit system charter services assists the charter system and the Hopi tribes assist our share of the tourism market, increase our share of local tourism, and business. San Juan Paiute tribe and San Juan Nation access to obtain goods and services, including medical, legal, health, and human services, as well as transit system, which connect the Navajo and Hopi employees with employers, students with colleges and universities, customers with businesses, and clients with local and regional public services. These connections are available equally to both Navajos and Hopis.

It is crucial that the Navajo Nation and Hopi Tribe, along other Native American tribes, continue to work together with federal and state agencies involved in the area of transportation, highways, tourism, economic development, within the State of Arizona.

Our shared interests go beyond the boundaries of the independent Indian tribes to maximize

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the abilities of Navajos and Indians in the global
marketplace.

Local transportation is essential in the
whole of the areas in an endeavor to better serve the
area in unification of efforts of the Navajo Nation and
Hopi Tribe.

The Inter Tribal Council of Arizona brings
together the 21 Native American tribes of Arizona, which
includes Navajo and Hopi, through a transportation work
group. This work group collaborates, networks addresses
with specific areas of concern. This type of unity
enhances working relationships with county, state, and
federal agencies for public transportation, in such, for
example, in areas such as to allow welfare to work and
TANF recipients access to jobs, day care centers, in
addition, allowing elderly access to handicapped and
welfare needs, food, shelter, and clothing. There is a
necessity to incorporate public transportation as a part
of the infrastructure needed for economic and community
development which is paramount throughout our country.

A unified voice from the Native American
people will aid in working with our neighboring
communities in Arizona and the various federal, state,
highway, and transportation agencies. To fragment the
efforts of native people is not nation building that

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revolves around our children, family, communities as a priority. Therefore, I support the decision of the Independent Redistricting Commission as a result in the importance of focusing on the unity between the Arizona tribes and bringing together the Native American communities through the final Congressional and Legislative redistricting.

Thank you.

COMMISSIONER HALL: Thank you, Mr. Yazzie. If you have a copy of your written comments, for the benefit of the staff and stenographer.

For future speakers, if you would like to summarize your comments and provide those, they will be fully taken into account.

Ed Richards and then Ms. Judith Dworkin.

MR. RICHARDS: Thank you, Commissioners, for allowing me speak them.

Guests, contingency, I'm Ed Richards. I'm the acting division director for the Division Economic Development for the Navajo Nation.

Under the Navajo Nation, we have a tourism department that continues to have working relations with the Hopi Tribe. And the Navajo Nation has existed with the Hopi Tribe through marketing projects focusing on increasing visitors to both the Navajo Nation and Hopi
Tribe thereby increasing income to the tourists and Hopi Tribe. The Navajo Tourism Department produces a number of departments. We have production from tourism, the Hopi Department purchases a page, and this is the most recent version of the Discover magazine I have in my hand here; which is entitled Welcome to Hopi, a Timeless and Uplifting Experience of Peace and Culture.

This portion of the Discover magazine features the Hopi artists, Hopi cultural restaurants, and the Inn, the village of Walpi, and tips for Hopi visitors.

The Navajo Tourism Department also published Cowboys and Indians Magazine, which I also have a copy of, which, actually, is a tour that was developed by the two tribes including the Haulapai tribe, a tour that starts in Winslow, works around the way, all the way I-40 up into Window Rock, down across Canyon de Chelly over to the Hopi Nation. We do include the Hopi Nation in this. Again, it does represent their restaurant, cultural centers, First Mesa consolidated villages, and Second Mesa, and their artisans and potters.

The Navajo Tourism Department markets businesses and events occurring along the entire Arizona State Highway 264 under it's state designation as a

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The Navajo Tourism Department participates jointly with the Hopi Tribe in tourist-related associations at the state and national levels. This participation is designed to benefit both the Navajo Nation and Hopi Tribe in tourism by linking tourist designations and events by both Indian tribes and encouraging tourists to patronize all such businesses and events.

Recently, we've also been designated, I'm talking the Navajo Nation, has been getting designated as an empowerment zone. We fell a little short of getting an empowerment zone. We do have a community enterprise designation, called a Four Corners Economic Community. And in that, it includes the two other tribes, the Hopi, Paiute, and Mountain Paiute tribes, working toward coordinating with the Hopi and Paiutes, to help the economy of those areas. And primarily in the Hopi area, it covers the Moenkopi community. And that's how we cover that.

We will also include them in our next round for an enterprise zone designation, empowerment designation, which will be coming up very soon, and also the Hopi Tribe is included in that, too. Board members that serve on that board are
also representatives from the Hopi Tribe and work very
closely together.

The Tuba City regional business
development office, which is part of the division of
economic development, also serves the community of
Moenkopi and any other representatives of any tribes
that come for help in economic development where we
provide certification, business certification, also
provide for business planning, and they are all
included. And we most closely work with, at the
Moenkopi Hopi community.

Again, I do think that we do have a lot of
commonalty. There's a lot of work that has been done
over the years in developing the economy for the Navajo
Nation, including the Hopi Tribe.

I do feel keeping us in one district it
really helps us working together and getting economic
development for our region.

I thank you very much.

COMMISSIONER HALL: Thank you,

Mr. Richards.

The next speaker is Judith Dworkin
followed by Mike Humphrey.

MS. DWORKIN: Thank you very much,

Commissioners and staff of the Arizona Independent
Redistricting Commission for hearing my comments this afternoon. They will be fairly brief. And they will be directed primarily to the comments in response to the comments that were heard at the Flagstaff meeting with respect to counsel for Hopi Tribe, Mr. Canty, with regard to his position that fair representation, regarding a constitutional requirement in redistricting would require this Commission to separate the Hopi Tribe from the Navajo Nation.

JUDITH, DWORKIN. I've heard that often enough, should be able to get it right.

The Constitution of the United States does have a criterion of fair representation. That criterion really consists of two components, first is mathematical strength of one person's vote should equal that of another person's vote, as nearly as practicable.

I know that is something that the Commission has been grappling with and done the divisions and deviations from that. That is one component. The second component is assuming substantial voting equality, redistricting efforts must not operate to minimize voting strength of the minority components of the population. The latter, the attempts to insure the groups interests to receive a fair chance to be represented through the election of a candidate who

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reflects those interests, that, of course, is the portion of the criterion that counsel for the Hopi was focusing on, not the fact that you couldn't do the division by minority, however the courts have indicated. And the courts have relied, primarily, on the broad groups of racial, ethnic, or political origin to base this constitutional criterion on. And that makes some sense, as Commissioners think about where the data is coming from to do this redistricting. It primarily is coming from Census data. And that Census data is collected based upon those broad categories in addition to simply counting numbers. There are cases, in fact, where subgroups, subminorities, have not received the same protection, on which counsel for the Hopis comment. For example, the Hasidic Tribe -- in the Hasidic Jewish community, I should be able get that right being a member of the Jewish community, when the Hasidic Jewish community sought to get that kind of protection for its members within a New York county.

And I think that the comment of the court is very helpful to you in thinking about your task ahead of it, not that I have to remind you. It pointed out in that particular county there were 20 to 60 clearly defined subminorities or communities and they only had 8.6 Senate districts and 21.4 assembly districts.
In this situation, if you simply stick to simply the tribal situation, there are 21 Arizona Indian tribes. You only have eight districts and 30 Legislative Districts, so you are not going to be able to put each one of these entities in a separate district.

You need to look at -- you need not to be concerned with that from a constitutional requirement.

The other point I want to raise is the Census data, the way it's collected, what you are receiving in terms of population reporting of reservations is in addition to the total population, is population of Indians or Native Americans within that reservation. That doesn't -- it does not give you, for example, the enrolled members of a particular tribe living on the reservation and being counted there as opposed to Phoenix, or Tucson, or New York City.

And so when you have an independent population of the Hopi Tribe or independent population of the Hopi Nation that by definition includes representatives from other Indian tribes, Hualapai, Havasupai, from even eastern tribes that are living on that reservation and consider that their residence.

It most likely includes people either employed by that reservation or living -- employed
somewhere on that reservation, and for a great group it
includes people that have intermarried.

I believe you will hear testimony later
this afternoon about that particular aspect of this
situation, that is Hopis and Navajos that have found a
relationship with one another and married and live
either on the Hopi Reservation or Navajo Reservation.

In addition, excluding the Hopi Tribe from
the district, it would, if you will, naturally fall
into, the one closest to the Navajo reservation, which
causes additional issues, issues Mr. Seanez addressed
many times before, and I'll just briefly indicate to
you, Mr. Begay, Speaker Begay, also indicated to you,
provides a wonderfully racially motivated gerrymandered
district, whether an ostrich, or flying giraffe, or some
other description of something, long attenuated
corridors.

The counsel for the Hopi Tribe also
advised you the Navajo Nation and Hopi Tribe have a long
history of disputes and somehow you should be -- you
should be -- base your decision on the fact that these
two groups have disputes. Whether it's a hundred years,
140 years, 200 years, we all know that there have been
disputes between the Hopis and Navajos. There is,
however, a broad leap in faith I don't believe you
should take that says simply because the Hopis are
placed in a district with Navajos they would in fact
lose their voice in a district that includes the Navajo
Nation, a statement made by counsel for the Hopi Tribe.
In fact, I believe what you have received today and
continue to receive is information that the voice of the
Hopi is heard by the Navajo, by the district in which
both the Hopi and Navajo would be located. In fact, in
the last redistricting litigation in Arizona, there was
in fact an affidavit by Gordon Henderson, which is in
part two to the amicus brief, and Peter Zah, Z A H, in
the Symington for Fair Representation, regarding the
Hopi voting similarly in similar situations.

Finally, in regard to fact the US Supreme
Court has recognized independent tribes constitute
distinct political communities, a recognition that
existed from Whister (phonetic) vs. Georgia decisions
from the Supreme Court, we all understand that these
kinds of legal concepts are used differently in
different situations and a distinct political community,
clearly distinct political communities does not, has
not, under the court's interpretations, meant that they
have constitutionally the right to say that they should
somehow be separated one from another.

Separating the Hopi Tribe from the Navajo

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Nation is, I believe, inconsistent with constitutional protection.

The statements you received today demonstrate that, the statements the Navajo made in the past, too, of inclusion.

I believe that what is being presented today is that the constitutional criterion of fair representation does not require separation of Hopi and Navajo and that there are clearly strong reasons in support of putting the Hopi and Navajo together.

Thank you very much.

COMMISSIONER ELDER: Could I ask a couple questions. First of all, we asked the representative of the Hopi last time in Flagstaff to give us, I don't know whether I'm learning more about legalese than I ever hoped to, a bibliography of the cases discussed to make sure we're cognizant of all the things going into all these things.

MS. DWORKIN: Yes, Commissioner Elder.

COMMISSIONER ELDER: The other thing we asked, so far asked for, so far we're hearing a lot of things -- I guess what I'm looking for is community of interest. A lot of things say we're separate, separate, don't participate here.

There was a gentleman in Holbrook that
said something about the Sun Dance and having problems
with that, barriers.

What things hold the communities together?

MS. DWORKIN: Mr. Elder, because there are
Navajos here that I believe can best speak to -- they've
worked with them. My objective is to simply provide you
with some interpretation from myself with respect to the
legal basis.

COMMISSIONER ELDER: Okay.

MS. DWORKIN: I think it's very important
you not see this as a constitutional requirement.
Communities of interest do not go to the constitutional
requirement of fair requirement.

COMMISSIONER HALL: Ms. Hauser.

MS. HAUSER: Ms. Dworkin, one of the items
Mr. Canty testified about in Flagstaff is Hopi and
Navajo are currently separate. If they were put back
together, he made the legal argument for retrogression
there. They currently have an ability to influence in a
non-Navajo dominated district and putting them back with
the Navajo, or putting them together with the Navajo,
would cause retrogression. Could you give us your views
on that?

MS. DWORKIN: First of all, I want to
start by referencing the fact that the Hopis are
separate only with respect to a concession under the litigation that the parties to that litigation agreed and not as a determination of adjudication of the court they be separate.

But with respect to retrogression, I believe the issue is going to come down to whether -- I don't believe -- I did not hear, in the testimony, and I would certainly like to see anything that counsel subsequently provided you, but with evidence and documentation that that retrogression in fact would in fact be the case, if you look at the independent group, the minority group.

I believe that we will be providing documentation as part of our report to the Commission next week that will, I think, respond more specifically to that.

MS. HAUSER: Okay. So I'm hearing you are going to provide some additional arguments in writing?

MS. DWORKIN: We'll provide additional legal cases I'll site to that with respect to retrogression.

MS. HAUSER: Do you know roughly when you plan to submit that?

MS. DWORKIN: We're planning on targeting Wednesday.
DR. ADAMS: The 19th.

MS. HAUSER: 19th or 20th.

COMMISSIONER HALL: Thank you, Ms. Dworkin.

The next speaker is Mike Humphrey followed by Sandra Burk following whom we'll make another sweep of the remote locations.

Mr. Humphrey.

Mr. HUMPHREY: Michael W. Humphrey, M I C H E A L, H U M P H R E Y.

I reside in Linden, Apache County, and I'm a Republican Committeeman from that area.

I would like to say that I support what I've seen here in this second draft. I thank the Commission for taking into account the needs of us in rural Arizona. We need a cohesive voice. And I also thank them for the great effort they've gone to to hear all of us, as much as possible, in the second draft review.

That concludes my comments. Thank you very much.

COMMISSIONER HALL: Thank you very much.

Our next presenter is Sandra Burk, following which we'll do a check of our friends in other areas.

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Mayor Burk.

MAYOR BURK: Good afternoon.

I'm Mayor Burk, Commissioner Elder, Commissioner Hall, from the Mayor of Eagar. For all those who live in a rural area like I serve, I would like to express our thanks and appreciation to you for all the time and effort you have put forth.

As Proposition 106 passed and I thought about the task that the newly appointed Commission would have before them, I likened it to the needle in the haystack. Having raised six children, just six, I know you can't please everybody. But I'm here to echo the comments that have been made by Senator Brown, who is in St. Johns at this time, and also Mr. Humphrey.

As I stood up to speak, Mayor Ginny Handorf from Pinetop asked me to state they also are supportive of this second draft.

The rural part of Arizona has unique issues. We have unique issues to address: mining, grazing, forest management, different environmental issues. With those, we feel we need to be in an independent, a separate Legislative District, as the one you have proposed in Legislative District E. So we are very supportive of the second draft.

We would like to thank you.

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We would like to add if there is something we can do to be a further service or help to you, we would like to do that as well.

And keeping my comments short, I'll spell my name and the Town of Eagar, SANDRA, BURK, and Eagar, EAGAR. A family name.

COMMISSIONER HALL: Thank you, Mayor Burk.

Mayor Handorf, did I infer, you are fearful you'll be unable to stay the duration? If that is your fear, we'll be more than happy to call upon you at this time, if you are needed to be somewhere.

MAYOR HANDORF: Thank you. I'm Mayor Handorf.

BRIAN: Commissioners, Holbrook has nasty weather. If we lose any site, we'll call you. Typically power does come back on fairly quickly. If we lose power, sit tight. We'll contact you.

COMMISSIONER HALL: Thank you, Brian.

We'll never deter due to any wet weather for any wet reason. We'll deal with it.

COMMISSIONER ELDER: That's a rural comment.

COMMISSIONER HALL: Mayor Handorf.

MAYOR HANDORF: Thank you, Commissioner Hall, Commissioner Elder.

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I'll be extremely brief. I want express we feel you've listened to Eastern Arizona and appreciate the way you have redistricted us. We did send letters. Apparently you paid attention to all of that. And that's a very special feature.

I certainly want to tell you that we support it and are highly encouraged. And please don't think about undoing that.

I think of some of the pressures, you know, you might be facing in that regard. But realize we've worked with you. You've worked with us. If other people want you to work with them, do that. Don't do it by undoing the good you've done.

Thank you very much.

COMMISSIONER HALL: Thank you, Mayor Handorf. We appreciate your comments.

Can you go to Kayenta, for us, please.

BRIAN: Commissioner, I'd also like let you know, the center in Polacca, the Hopi center, is having some difficulties. They are intermittently dropping off the network. We're working with the telephone company. It won't be addressed until Monday. I apologize to the folks in Polacca, the Hopi center. We keep trying to keep you on as much as we can.

We are making a videotape of this. I will

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give it to the redistricting representative here. I'm sure that will be available to you.

I apologize. We're doing the best we can.

We are now at the Kayenta center.

COMMISSIONER HALL: Thank you, sir.

Mr. MacDonald, it is my understanding you would like to make a presentation to the Commission.

Please spell your name for the benefit of our reporter.

MR. MacDONALD: Chairman MacDONALD,

MACDONALD.

Members of the Independent Redistricting Commission, I'm Peter MacDonald, born raised in Teec Nos Poc, Four Corners, and presently reside in Tuba City, Arizona.

I appreciate this opportunity to participate in your forum, the new Congressional District, truly, the unfolding of the Democratic process. And I want to thank you for that.

You know, after listening to many of my fellow Navajos reacting to the proposed new northern Congressional District, I would like to concentrate my remarks on the draft Congressional District before me that includes the Navajo Nation.

My fellow Navajos and I are concerned that

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the Navajo Nation has been grouped together with Yavapai County, an area of Arizona with which we share little common interest. Because of its rapidly growing population, Yavapai County is more concerned with managing its growth than with our issues of economic development. Yavapai County's Native American population stands, and every year this population in Yavapai County becomes more and more diluted. Similar problems are at work in the included portions of Mohave County, which is undergoing extensive growth, with a diluted Native American population of 2.4 percent. And obviously that population is falling, also, due to rapid population growth in that area. Indeed, our ties with neighbors in Prescott, in Kingman, are as historically and demographically weak as they are geographically distant.

To be sure, we have a great deal more in common with the Native Americans of the people of Fort McDowell, Salt River, Gila River, and Ak-Chin Reservations, with whom we share a history of common interest in the current Congressional District Number Six.

The tradeoff of tribal populations depicted in the new Congressional draft map will result in an estimated net loss of over 10,000 Native Americans

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in the new district. This is just the dilution of
Native American voting power that is being contemplated
by the boundaries of the draft map. The remaining
dilution will occur rapidly through dynamic population
growth in Yavapai and Mohave counties. As the Navajo
Nation is aligned with high growth counties like Yavapai
and Mohave, our voice in this proposed new Congressional
District will diminish. The diluting of our voice that
is not done with redrawing boundaries will, in the end,
be accomplished through disproportionate population
growth and its influence.

In the end, what I am asking for truly is
balance. Balance can be achieved by aligning the Navajo
Nation in Arizona with communities of similar interest
and growth patterns. I ask that you instruct --

COMMISSIONER HALL: Ladies and gentlemen,
we have someone visiting in the background. If you
refrain from doing so, we can continue.

MR. MacDONALD: -- can be achieved by
balancing communities of similar interest and growth
patterns. I ask that you instruct your consultants to
let you view an option in which the new district is
redrawn without the influence of Yavapai County. I ask
that you view an option which expands to include all the
Phoenix Metro area tribes and perhaps portions of Pinal

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County. These are a few ideas that I believe might help you keep equal populations of common interest together in the new district.

With regards to other communities of interest that the Commission might seek to include in this new district, I honestly believe that the Hopi and Navajo peoples have more in common than we do in conflict, but should they seek alternative Congressional representation, I certainly respect their wishes.

It's imperative, then, that I ask, please, direct your consultants to lend their best efforts and technical expertise to viewing these options before any final decisions are made on this draft Congressional map.

Please take your time to see all of the redistricting options, especially as they play out through population growth over the next decade.

I wish you all good luck in your endeavors.

Thank you for this opportunity to share my view with the Commission.

COMMISSIONER HALL: Mr. MacDonald, thank you for your input.

With your permission I would like to ask you a question. Can you hear me okay?
As you know, the present configuration of C includes the northern metropolitan tribes, as it stands. We intentionally did that as it raises the Native American percentage of that district a little over, my recollection, 24 percent. The proposal you made is a rather interesting proposal. I can tell you it is something we'll look at. The challenges on its face, though, is given my -- just working in my own head is I don't think there is sufficient population in the rural areas you mentioned to replace the rural areas you'd like to replace them with. Therefore, here is my question. Would it be your preference to have a completely and entirely rural Congressional District or would it be your preference to remove the areas that you have referred to and thereby have that, this Congressional District influenced to some degree, some degree, by a metropolitan area?

MR. MacDONALD: I believe the latter. Some of the rural areas, we may have how many geographic patterns, but growth and economic endeavors are very, very different.

COMMISSIONER HALL: Okay. Thank you. I appreciate that.

Ms. Adams, do you have any questions for Mr. MacDonald?

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Thank you very much.

Is there anyone else in the immediate surroundings while in Kayenta that wish to speak to the Commission.

MS. SVITAK: No. Thank you.

COMMISSIONER HALL: If I can ask the control room in Houston to transfer us -- go to Winslow while doing this.

Is there anyone in Winslow now that would like to speak to us?

MS. VILLARREAL: Only one lady with a question.

COMMISSIONER HALL: Yes?

I'd like to be able to see Winslow first.

If we could wait one second, please.

COMMISSIONER HALL: Brian, can you hear me?

BRIAN: I'll make sure -- we don't have Winslow yet. Let's make sure we get to Winslow.

COMMISSIONER HALL: Thank you.

BRIAN: I'll go into the control room to do that. Give me about 30 seconds.

COMMISSIONER HALL: Yes, ma'am. I understand you have a question. I'd ask you state your name and spell it for us, first and last name, and we'd
be happy to hear from you.

MS. HODGES: My name is Brooke Hodges, BROOKE, HODGES. I'm with the Winslow Mail Newspaper here in Winslow.

I have a question for you, Commissioner Hall, two, real quick.

Now that this, these maps have been delivered to the public, almost through the whole second round public forums, what is the plan now? How long do you estimate until the final decision to hand them out?

COMMISSIONER HALL: Thank you for that question.

We, as you know, today had the last round of second public hearings. We'll meet with the consultants individually and collectively as a Commission over the next few weeks. Our plan is in mid October to have the final adopted plan to turn over to counsel and the consultants and where they will do the final preparation for submission of that plan to Department of Justice.

MS. HODGES: Okay.

COMMISSIONER HALL: Brian, please, transfer to Holbrook.

Is there anyone in Holbrook that feels inspired by the proceedings and wishes to speak?

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BRIAN: Folks in Holbrook, have anybody?

A VOICE: Yes.

BRIAN: Control, Holbrook now?

COMMISSIONER HALL: We are there.

State your name and spell for the benefit of the reporter. I'm happy to hear from you.

MR. MARTINEZ: Sam Martinez, S A M, MARTINEZ. Two questions.

First one involves when the districts were taken into consideration for the Congressional and Legislative, regarding the Hopi Tribe, why was consideration not consistent with the State drawing as the Congressional drawing? Are their interests different on a Legislative level as opposed to Congressional level?

That's my first question. I'll leave it at that.

COMMISSIONER HALL: Thank you for the question.

First of all, let me reiterate the fact the draft plans, no final decision has been made as to any venue. If I can give you my sense of why the current drafts exist as they do now, I'd be happy to do so.

A number of the disputes that have

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historically occurred between the two tribes have been
of a federal nature. And there seemed to be a clear
feeling among, I think, our fellow Commission, at least,
at the draft phase, which should be separated given the
history that has existed.

Whether or not that will be the final
configuration, I could not give you my slightest guess.

With respect to Legislative, however, I
think there's a feeling to look at it as it currently
exists and try and determine and hear the comment
relative to its current configuration and make a
determination as to what would be the best way to handle
it in our final version.

MR. MARTINEZ: Okay.

My second question is now you've heard a
number of different viewpoints from the communities.
How is competitiveness going to be introduced in this
process? Is it going to be taken into consideration to
assure competitiveness in the Congressional Districts?

COMMISSIONER HALL: Competitiveness, we
were not allowed to consider competitiveness in the
initial process. We're in the process of taking into
consideration competitiveness. We've hired consultants,
have voting history data, racial block data, and are
considering that to see what to do and still comply with

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the Voting Rights Act, make sure we meet all the other
goals of Proposition 106, and hopefully try to adjust
some districts in an effort to create a greater level of
competitiveness.

The last requirement, I'll not quote it
exactly, says "Competitive districts shall be favored
where to do so there is no significant detriment to any
of the other goals." Well, one is a competitive
district becoming a significant detriment. Another is
we should favor them. It's a challenge for us to
balance the various issues in an effort to do the best
we can.

The Commission is considering that and
certainly it will be part of the adjustments we make in
the latter phases.

Mr. Elder, is there something you want to
add?

COMMISSIONER ELDER: Can you hear me?

This is Commissioner Elder.

MR. MARTINEZ: Are you addressing me? I
can hear him.

COMMISSIONER ELDER: One of the things we're looking at
right now, we've been through approximately 18 meetings
or hearings in the second round. As we went through the
first five or six, the Commissioners identified some
issues we wanted have to taken a look at by our consultants. Each time now, as Joshua said, each time we're looking things, starting to look at competitiveness. Also, each time we make a move, we'll get an indication of whether it has increased or decreased competitiveness. It's an ongoing process now. But as we go further into the process and take the issues and the information we got from this meeting and the preceding four, five days of meetings, we'll come up with another series of alternatives we'd like to have them take a look at to determine what competitiveness is. That's where we're at now.

MR. MARTINEZ: How can the community monitor the process and can we give input?

COMMISSIONER HALL: Input is always welcome.

It's a public process. We'll be holding meetings in Phoenix in the next few weeks. There's the website, telephone, fax, however you like, we'd love, want you to do so. For example, we had a hearing in Glendale, received an amended map presented to the Commission by the Coalition for Fair Redistricting which adjusted even their own initial requests to consider to try to make districts, some, more competitive.

We're receiving feedback as speak.

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More questions?

Is there anyone else in the immediate surroundings that would like to speak to the Commission at this time.

MS. VILLAREAL: No one else.

COMMISSIONER HALL: While moving to Snowflake/Taylor, my Executive Director pointed out I committed an administrative snafu.

I assume no one here needed a Navajo translation. Is that safe to say, Mr. Begay?

SPEAKER BEGAY: Safe to say.

MR. ECHEVESTE: We have translation present.

COMMISSIONER HALL: We have it.

Hispanic translation services here as well.

Mrs. Rezzonico, is there anyone there that would like to speak to the Commission?

Amy, anyone that would like to speak to the Commission?

COMMISSIONER ELDER: Quietest I've ever heard her.

COMMISSIONER HALL: Mrs. Rezzonico.

MS. REZZONICO: I'm here and heard everything you guys said about me.

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COMMISSIONER HALL: It was all positive.

Do either of the folks with you there, would they like to make a presentation to this Commission?

MS. REZZONICO: No, Mr. Hall.

COMMISSIONER HALL: Thank you.

If we move to the St. Johns area then.

St. Johns, would anyone in St. Johns like to speak to this Commission?

ST. JOHNS OUTREACH: Not at this time.

COMMISSIONER ELDER: I would like to ask that particular location, because Senator Brown, I assume, is still there, one of the things we're trying to do is juggle competing or similar interests.

Given that as a fact, would you comment whether, if we had to take, say, Gila River Valley out of the Legislative District add in Verde River, or vice versa, what is preferable and/or why?

SENATOR BROWN: It's preferable like we have it now.

Can you hear me over there?

COMMISSIONER ELDER: Yes, sir.

SENATOR BROWN: We fit a lot better with the people in that end than we do over in the Verde Valley. Verde is just not on our side of the mountain.

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They're the south, westward, don't fit in Gila Valley and the southern end of our district. We feel like we're united now, five times united. You can make a district almost perfect like we have it, and we like it in your plan east.

COMMISSIONER ELDER: Thank you.

COMMISSIONER HALL: Anyone else in.

St. Johns we did not catch in the first sweep?

ST. JOHNS OUTREACH: No. Thank you.

COMMISSIONER HALL: If we move to Springerville/Eagar.

MS. LE: Mr. Hall, we have one speaker.

COMMISSIONER HALL: Okay. State and spell your name for our benefit and that of the reporter.

We'd love to hear from you.

MS. GOLIGHTLY: Nancy Golightly, N A N C Y, G O L I G H T L Y.

COMMISSIONER HALL: Nancy, how you doing?

MS. GOLIGHTLY: Great.

This is the first public hearing I attended. Listening to various reports from various senators and various people, it's very obvious to me the Hopi Tribe historically and currently has very, very different needs, using the Congressional District to separate out the Hopi Tribe, you should also follow suit.
with the Legislative Districts instead of lumping
together all Native American tribes in the northern part
of the state.

As sitting down, what we've done, with the
tragicness on Tuesday, people thinking anyone from a
Middle Eastern country, anyone from the Middle East is
suspect, it's ironic, Pakistan, Afghanistan, and they're
not.

Hopi should have their own Legislative,
Congressional District.

COMMISSIONER HALL: Thank you,
Mrs. Golightly.

Would anyone else from the immediate
surrounding like to address the Commission?

Thank you.

If we could move to Polacca.

Polacca?

Brian?

COMMISSIONER ELDER: Trouble.

BRIAN: Never reached Heber.

COMMISSIONER HALL: Mr. Saunders, that's
Kayenta.

That's Holbrook.

BRIAN: Polacca, I think, can see us.

A VOICE: They're totally down right now.

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COMMISSIONER HALL: With that, ladies and gentlemen, there are a few more speakers to be heard.

Prior to doing so, I received a signal prior to my stenographer would need to take about a five-minute break. If we could do so, let's reconvene the meeting in five minutes.

MR. SAUNDERS: Mike Saunders, Polacca.

COMMISSIONER HALL: Is there anyone that wants to speak to us?

Mike?

BRIAN: They see us.

COMMISSIONER HALL: Anyone that wants to speak to us?

MR. SAUNDERS: A young lady from the Navajo Times, not speaking.

A VOICE: A gentleman from the Times.

COMMISSIONER HALL: A lady from the Navajo Times wants to ask questions, correct?

MR. SAUNDERS: How many?

COMMISSIONER ELDER: Two.

COMMISSIONER HALL: While we're here. We may never come back, not intentionally.

MS. HOLLOWHORN: Sasheen, SASHEEN,

HOLLOWHORN.

I just had a general question, how you

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figured out the Congressional Districts C and
Congressional District A. Just judging by your booklet
handed out, it looks kind of like a gerrymander. I
wonder if you can explain it to us.

COMMISSIONER HALL: Sure.

The desire of Congressional District C,
one of the Congressional Districts, is for it to be
entirely rural, void of any metropolitan area of
influence. Feedback I'm getting, what I assume you are
referring to, when you use the word gerrymander, it was
also the desire of the Commission in so doing, to
maintain separateness, at least at the draft level,
between the Hopi Nation and Navajo Nation.

You also ask about District A?

MS. HOLLOWHORN: You answered that.

COMMISSIONER HALL: Did you have any other
questions?

MS. HOLLOWHORN: No, I don't.

COMMISSIONER HALL: Thank you.

With that, ladies and gentlemen, we'll
take a five-minute break.

(Whereupon, the Commission stood in recess
for approximately five minutes.)

COMMISSIONER HALL: Ladies and gentlemen,
here and yon, reattach yourself to your previous

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location.

Ladies and gentlemen, those of you here
and yon, I think I'm looking at Springerville, if I
could please have your attention, we're going to
reconvene this meeting.

Ladies and gentlemen?

Ladies and gentlemen, we'll definitely
redraw your district lines if you are unable.

(Laughter) I'm joking, of course, for the record.

This, ladies and gentlemen, in some in
remote locations we apologize for interrupting whatever
conversations you are having.

Brian, does this system have a short
capability.

Brian, can you hear me?

MR. ECHEVESTE: Susan.

COMMISSIONER HALL: Mr. MacDonald, can you
hear me? You can. I wondered if everyone else in
remote locations can hear us.

Those remote locations, we again are ready
to reconvene. We'd appreciate your quiet as we proceed
with additional public comment here in Show Low for
probably the remainder of the public comment. According
to my information, for those in other locations we'll
take the speakers in Show Low. If at any remote

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location there are any late attendees, unless any of our
staff advise us somebody out there would like to speak,
I'll assume we've heard everyone at the remote
locations.

MR. ECHEVESTE: Heber one more time, if we
get Heber on the line.

COMMISSIONER HALL: Were we ever able
close connect with Heber?

BRIAN: No, we weren't.
Want a representative? We've been calling
that number from cellphones. They're not in the room
or, cellphones.

If they want to drive, could drive to
Snowflake.

COMMISSIONER HALL: That's okay. I know
the people here with us, many live in Heber. They can
spread the word. We're going to move forward.

With that, then, I'll go ahead and call on
Alex Yazza followed by Mr. -- I thought the name was
Darrell Watchman.

Alex Yazza followed by Darrell Watchman.

MR. YAZZA: Good evening, Commissioner
Elder, Commissioner Hall, members of the Arizona
Independent Redistricting Commission. I'm Alex Yazza,
Jr., A L E X, Y A Z Z A, J R.

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I am here on behalf of two issues that I'd like to address on behalf the Navajo Nation. First, if I could begin with issues regarding Navajo Nation health and also the issues of the Navajo Nation's Temporary Assistance for Needy Families program which, by the way, I'm the department director of the Navajo Nation TANF program. If that's allowed, I'll proceed with that.

COMMISSIONER HALL: Thank you.

MR. YAZZA: With regard to statements regarding the provision of health, again, in support of the Navajo Nation's initiative for the redistricting process.

In regards to the Navajo Division of Health, the Navajo Nation Division of Health supported Division of Health Services to both Navajos and Hopis. Both Navajos and Hopis reside in rural and remote areas of Arizona and have similar issues regarding health care facilities, services, poor housing conditions, diet, poverty, combined physical isolation and poor road conditions, which create very similar sets of health problems and they have similar areas to access acute health care and need better health services. They have shared health services for injuries due to automobile accidents, diabetes, pneumonia, and other transmittable diseases, limited
health care facilities and resources in Northern Arizona
that meet the needs of both the Navajo and Hopi
facilities and resources that require careful planning
and coordination between the Navajo Nation and Hopi
Tribe.

There are several Navajo Area Indian
Health Services, which is the NAIHS facilities, serve
the Navajo and Hopi communities. The Tuba City Service
Unit is the primary health community, Tuba Indian
Medical Center includes a coverage area for the nearby
Hopi Village of Moenkopi as well as many Hopi residents
of the Tuba City community.

The Tuba City Indian Community has a full
charge emergency ambulatory inpatient acute and
specialty care services to all eligible beneficiaries of
the Navajo Nation and Hopi Tribe.

Fiscal year '97, 642 patients from
Moenkopi were seen. 4,332 visits for hospitalizations
at Tuba City Indian Medical Center. Almost 6,000
additional visits and hospitalizations occurred at Tuba
City Indian Medical Center involving Hopi residents that
go to Keams Canyon and Hopi, as well the Keams Canyon
Services Unit located administratively with the Phoenix
area Independent Health Services through a negotiated
shared health services, the Navajo Area Indian Health

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Services for services to Hopi residents in Keams Canyon and the Hopi valley areas include contract health services and contract dental services.

Provision of health services by Navajo Indian Health Service facilities is not, by any means, limited to the Tuba City Indian Medical Center. Hopi patients are served at numerous other Navajo area Indian Health Center facilities.

As an example, let me follow through with these facilities: Chinle Service Unit, 27 Hopi patients were seen, 134 visits and hospitalizations; fort Defiance Service Unit, 24 patients seen, 150 patients and hospitalizations; Gallup, New Mexico, 159 patients seen, 699 visits and hospitalizations; in the Kayenta Service Unit, 130 patients, 138 visits and hospitalizations; Shiprock Service Unit, 30 patients seen, 128 visits and hospitalizations, and Winslow Service Unit, 543 Hopi patients seen, 2,156 visits and hospitalizations; closer, IHS, Keams Canyon, Tuba City Indian Medical Center now provides the majority of inpatient residents from Moenkopi and other Hopi residents as well. Navajo and Hopi are seen at Second Mesa, residents of Hopi and nearby Navajo residents.

The Navajo Nation and Hopi Tribe worked cooperatively in obtain funding and priority for

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construction of the Second Mesa Health Center.

To summarize, the delivery of health care services and facilities to Navajos and Hopi, construction, required careful planning and cooperation between the Navajo Nation and Hopi Tribe.

Sharing of health care facilities has historically existed between the Navajo Nation and Hopi Tribe.

Shared living conditions and location of Navajos and Hopi within a remote and rural Northern Arizona dictate continuation of this connection.

I'd like to further comment on the Navajo Nation TANF program, if I may proceed with that.

This is my statement regarding the Navajo Nation TANF program. Pursuant to Public Law 104, 193 Section 412, also known as the Personal Responsibility and Work Opportunity Reconstruction Act of 1996, also known as the Welfare Reform Act, the Navajo Nation submitted a tribal family assistance plan to administer its own temporary assistance to needy families in the states of New Mexico, Arizona, and Utah. This law would provide Indians cash assistance and support assistance for Indian families in Indian country, we've taken on the challenges to administer the TANF program.

Historically, the TANF program, for 60 plus years, the
TANF is Aid to Families and Dependent Children, or the AFDC program. As such, 21 tribes in the State of Arizona and currently five tribes have been approved by the Secretary of the United States Department of Health and Public Services to deliver their own. The Navajo Nation, Hopi Tribe, White Mountain Apache Tribe, Salt River, Pima River Indian Community, and Pascua Yaqui tribe. In all, these tribes serve 10,000 Indian TANF families in the State of Arizona and service delivery areas.

These tribes provide cash assistance to tribal members and the states continue to provide food stamps and medical assistance to the same families.

The Navajo Nation began to implement the Tribal TANF program beginning October 1st, 2001, to serve approximately 9,000 families in the tri-state region. With that we will be providing a total amount of $31.2 million in federal cash assistance as well as the administrative cost to operate the program.

The Navajo Nation will provide services of cash assistance and employment support service that includes child care, child support enforcement, work force development for employment training, general assistance, and transportation and other services to assist Navajo families to end dependency on welfare and

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become self-sufficient.

Speaking in regards to the state redistricting initiative, please allow me to comment on the relationship the Indian tribes have with the states as well as the tribal-to-tribal relationship in providing human services.

State tribal relationship. The Welfare Reform Law creates unique federal policy that Indian that tribes enter inter-governmental agreements irrespective of states receive a portion of state TANF funds for converting these funds into a Tribal Family Assistance Grant for the Indian Tribe. The federal share funding amount becomes the tribal TANF funds to Indians and direct amounts for tribal recipients.

The welfare law has a unique amount for non-Indian tribal and the state tribal partnership in delivery of tribal assistance for family. 45 CFR Parts 286, 287, which is the Rules and Regulations for tribal TANF programs, gives tribes better flexibility in their own service delivery area, service population, and program population for tribal TANF, with light flexibility to how tribes work together closely on state human services on a coordinated basis.

Thus far, the State of Arizona has done a satisfactory job in working with the tribes.

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These are issues and concerns from the Indian tribal communities concerning the state TANF funds. Accessibility to state funds help tribes successfully implement state TANF funds, capital outlay appropriation, access state TANF funds for other state supplemental funding.

Most often state legislators do not consider funding for tribes and this creates a dilemma for the tribes and tribal relationships.

Tribes have taken an initiative to administer their own tribal TANF programs. Five tribes are administering their own TANF in this state.

Nationally, states formally organized to represent state government interests through the National Governors Association, Western Governors Association, and American Public Health and Human Services Association. To affect tribal governments and its people, in Indian country, the National Congress of American Indians established the Tribal TANF Indian Work Group to address tribal issues upcoming reformation in the upcoming law year 2002. The Work Group understands the need to unify and advocate tribal issues regarding tribal TANF in the State of Arizona.

There are five tribal TANF tribes coming to form the Southwest Tribal TANF Coalition to address

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reauthorization of other tribal issues concerning welfare reform. A representative of the Navajo Nation and Tribal Reformation co-chair it in creation of the coalition and in continued advocacy of policy.

Both the Hopi and Navajo Nation see common issues to address in reauthorization and better service delivery coordination.

It's very important to underscore that both the Hopi and Navajo Nations address TANF delivery areas and service since they are in reservations next each other.

For example, one issue is on service populations. Since both tribes, whether they intend to serve tribal or rural members, all families, native, non-native irrespective of service to delivery members, in this case it addresses the Navajo Hopi families and each respective SDA in the respective tribal TANF plans. Thus the tribes may have to enter into agreements for providing services in these areas.

At best, the coalition brought together common tribal issues in this effort.

In conclusion, in the name of humanity, the Navajo Nation and Hopi Nation share equal responsibility in providing TANF human services to tribal members. There is no distinct separation or

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segregation. They're serving all Indian peoples, non-Indian peoples, non-Reservation lands, particularly in using federal resources, using these resources.

The Navajo and Hopi Nation need to continue to coordinate serving all tribal families to meet the basic needs, to become self-sufficient. In this case, our children come first, since they are the hope and future of our peoples in this time of federal and state devolution. Indian tribes need to unite in a spirit of cooperation.

I strongly advocate the tribal interests. The United States Congress needs to heed advocacy of the tribes to become a better nation, all in the name of tribal nation building.

Thank you.

COMMISSIONER HALL: Thank you, Mr. Yazza.

The next speaker is Darrell Watchman.

Again, folks, if you have information in writing, we're glad to accept it.

Mr. Watchman.

MR. WATCHMAN: Good evening, Chairman of the Arizona Independent Redistricting Commission and members, and public.

I'm Darrell Watchman, D A R R E L L, W A T C H M A N.

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I'm here to speak on behalf of the division of education.

The division of education consists of 11 programs and covers the entire Navajo Nation and provides services to all children, including Hopi children attending Navajo schools, including those set forth below, Tuba City High School, 103 Hopi students; Tuba City Junior High School, 56 Hopi students; Eagles Nest School, 51 Hopi students; Grey Hills Academy School, 9 Hopi students.

Navajo students also attend Hopi schools and teachers and administrators work jointly within the school system serving both tribes.

There is significant interaction coordination between the Navajo and Hopi Tribe and education, for example, the North Central Association, a monitoring technical services program, is an agency which accredits schools administered by the Navajo Nation and by the Hopi Tribe. This program provides technical assistance to both Navajo and Hopi schools upon request. The North Central Association monitoring and technical services program maintained good coordination of both the Navajo and Hopi Tribe.

The office on Education and Rehabilitation Services, the office provided services in vocational

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rehabilitation to members of both the Navajo Nation and Hopi Tribe, and has assisted the Hopi Tribe in the preparation of the Hopi Tribe Section 121 grant application.

The Navajo Nation provided $451,000. The Navajo Nation trust funds for handicapped services the Hopi Tribe project to assist the Indian Center for Independent Living.

The office on education and rehabilitation services in Tuba City, industrial laundry, provides laundry and dry cleaning services to tribal institutions of both the Navajo Nation and Hopi Tribe upon request.

The office of education and rehabilitation services, early childhood intervention program, coordinates child find activities for children in the tribe with special needs.

The office of culture is on the internet here. The office coordinates students, Hopi students, administrators, and/or school board members. The office respects the Hopi culture and language, reveres sacred sites, both of the Navajo Nation and Hopi Tribe. Practitioners provide traditional healing ceremonies from both the Navajo Nation and Hopi Tribe upon youth.

The office of youth works with Hopi and Navajo youth. The office of youth worked with the Hopi
and Navajo youth. NA Youth, Tuba City Youth hosting a 5K fun run during an annually event.

This type of coordination has existed between the Navajo Nation and Hopi Tribe for many years and will continue for the benefit and partnership of both the Navajo and Hopi youth.

The Office of NA Youth works out of Fort Defiance with a Gallup Indian Spelling Bee. The Office of NA Youth at Fort Defiance coordinates the Fort Defiance main contact office, all Hopi schools, advocates for participation of Hopi students in this event.

The Office of NA Youth program is currently working in high schools to sponsor career dates in the NA High School. The Office of NA Youth Opportunity Program currently sponsors career days at NA High Schools throughout the NA Nation.

Deputy Johnson O'Malley serves members of the Hopi tribes through JOM subcontracts. Most students on JOM subcontracts are located with the following contracts: Tuba City Unified School District, Cedar Unified School District, Winslow Unified School District, Flagstaff Unified School District, and Holbrook Unified School District. There are many more Hopi school districts served under the remainder of the

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DOJ school districts not attending schools in close proximity or close proximity, many less than the above-named school districts.

Members of the Hopi Tribe included Indian communities, JOM subcontractors. One good example is the Cedar Unified School District. Many Hopi students are bussed in from the Hopi Reservation and enrolled in the district in significant numbers.

Finally, the Department of Head Start provides services to Navajo and Hopi children of intermarriage. Parents of both the Navajo Nation, Hopi Tribe, serve on the Head Start Parent Advisory Council and participate in Head Start activities.

COMMISSIONER HALL: Thank you, Mr. Watchman.

Next, Mr. Lewis Tenney followed by Criss Cardelarie.

MR. CARDELARIE: Take my name off the list. I had my question answered.

COMMISSIONER HALL: Thank you.

Mr. Tenney.

SUPERVISOR TENNEY: I'm Lewis Tenney, L E W I S, T E N N E Y.

I appreciate very much the opportunity to speak to this Commission, and along with all that has

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been expressed previously, appreciate the work that you folks are doing.

I serve on the Board of Supervisors of Navajo County. I'm also an Executive Director, member of the Executive Board of the Eastern County Organization and I'm active in state and county government.

The position Navajo County finds itself in I think was wonderfully addressed by Jesse Thompson earlier. We've had a wonderful relationship with the Indian tribes within this county, and we have had no contention or problems with these people at all. We have great respect, one to another.

We appreciate your culture.

They are represented well by Jesse Thompson and Percy Deal. And we have had a wonderful relationship. This is the first time that we have really been at different ends of the spectrum at what we are recommending.

We had a strong desire to support the Navajo Nation in their Congressional District. And we have -- we have done so, up to a point. And -- and then we felt like it just wasn't right for us.

None of us want to be forced to do that what we don't want to do or goes against our will. Hopi
and the Navajo Nation have special issues they have to
workout. I think it will take time to see this healing
for them to work together to where they are able to heal
and where they see that their commonalty is enough that
they want to be together. But one of the concerns that
I see for this Commission, and I see for this draft
proposed Congressional District, you have reached out
and picked up many Native American tribes. And I
support that. I said in my previous testimony I support
that. But I think if the Hopi people are actually
forced to come back into this Congressional District, I
think then we may lean toward the packing of that. I
don't think today we have a Legislative District that
has as high a percentage Native American district as
this proposes. I think they deserve that
representation.

What I see from a state and county issue,
that they are more regional. Those issues, even though
we have a lot of basic issues we're all dealing with,
the county issues, and I say the issues, a lot are very
regional.

You mentioned, if I had to break up from a
Legislative group: Gila County, move toward Yavapai
County. These five eastern county groups, the proposal
has been made, was made for a very strong reason. The
fact that we have worked tirelessly for many years on
basic issues. We belong to the Coalition of counties of
Arizona and New Mexico on federal land issues. Yavapai
County is free to join that and has never done so. We
have the Blueridge Working Group, the Eastern County
Organization they can be a part of.

Their issues are so different, they've
never applied to be part of those issues and those
groups.

If you move us to that direction, then it
waters down what has been gained by these five eastern
counties over the last decade.

Now, one of the things, in the interest of
time, I will not read them. I have two resolutions
passed on Monday, unanimously, by the Navajo County
Board of Supervisors, signed by Chairman Percy Deal.
They support the Congressional District drafted here.
And it talks about the good relationship that we've had
with the Navajo people and also the Hopi people. We
want to continue with that. But we feel that it's
important to support it as it's drafted and also to
support the proposed Legislative District and keep the
five eastern county proposals intact. Please keep that
intact. I would like to make this part of the record
and hand this to you. There's an issue, also, another

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letter signed by Dallas Massey of the White Mountain Apache Tribe in support of the five county eastern proposal.

Thank you very much.

COMMISSIONER HALL: Next speaker, Michael Downs followed by Roman Bitsuie.

Roman? Roman? Roman?

Mr. Downs then Mr. Bitsuie.

MR. DOWNS: Thank you.

I'm just a citizen, live in the Town of Eagar. I also am the director of Little Colorado Behavioral Health Centers in St. Johns and Springerville, Arizona.

As a resident of Southern Apache County, I just want to commend you on your work, on the way you designed District E. I'm in very strong support of that.

I also want to say to my Native American brothers and sisters here, just as an individual citizen, I'm honored to share a Legislative District with our White Mountain and San Carlos Apache brothers and sisters and a Congressional District with our Navajo brothers and sisters maybe, maybe not, our Hopi brothers and sisters. If they are in the Congressional District, I'd be honored to have them in it.

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COMMISSIONER HALL: Next, Roman Bitsuie.

MR. BITSUIE: ROMAN, R O M A N, Bitsuie,

BITSUIE.

Members of the Commission, distinguished guests in the audience, abroad, watching through the network.

My position within the Navajo Nation is as the Executive Director of the Navajo Hopi Land Dispute Commission. As such, I do deal with all that has to do with conflicts or so-called conflicts between the Navajo, Hopi, and between Navajo and Paiute. It is interesting to hear that there is a true, or there is a dispute between Navajo and Hopi people. The dispute people talk about generally was created, generally, because of intermingling of non-Indian into Hopi education and because there was no land set aside so that the United States government would evict a non-Indian. An executive order established for order out of nonorder. It is because of intervention of the federal government to outline a boundary to evict the non-Indian from the education of Hopi children that we are in the situation that we're in today, that there has been many lawsuits between the Hopi land. One, the 1982 land relocation dispute had taken place, also a land dispute called the 1934 Boundary Act.

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My job is to oversee these two areas in terms of the relocation of 12,000 Navajos individuals relocated to various parts of the -- outside the reservation as well as on the reservation, as well as the area that has continued to be under a construction freeze within the 1934 Boundary Act.

There have been statements to the effect the Navajo and Hopi people don't get along. In recent times, agreements have been reached between the Navajo and Hopi people. There are agreements in place which allow Navajo families that do not want to relocate from their lands of ancestry to live, or continue to use their ancestral land for 75 years. And at the end, or termination of the 75 years, there is a possibility that those leases could be extended for another 75 years.

So irregardless of how people describe the Navajo Hopi land disagreement, there is agreement.

Similar to the 1934 boundary reservation, there's some litigation. We believe there will be some closure to those lawsuits in the coming months.

There is a process in place outlined in the statute that basically provides for an approval process in terms of whatever construction projects may take place within those regions still subject to litigation.

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There are some agreements that have been reached over waterways, water issues, power line, sewer, repair of windmills, and a new community that is going to be established within the so-called disputed regions. Over $20 million are contemplated in the coming months that will be spent in those areas still subject to dispute, and we believe that there should be some encouraged by the Commission, that there should be more cooperation between the Hopi Tribe and the Navajo Nation.

And there should be one Congressional District that promotes and encourages that these developments take place.

Under the 75 year lease arrangement that has been made for families that do not want to relocate off lands partitioned to the Hopi Tribe through Congress, there has been home sites identified, and we have constructed 48 homes on those home sites.

There has been some permits for grazing purposes, livestock grazing permits issued on an annual basis, and that will continue to happen.

There are some agricultural sites that have been identified, and people will continue to farm those hands. And at the people-to-people level, there are cooperation, there are inter-marriages that have

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taken place. My nephew and my niece are half Hopi and half Navajo.

We have people in leadership, people that have been in my position, that are married, that are still married to Hopi, and they have half Hopi, half Navajo children. Our roots goes back, back beyond, you know, before the statehood. And as such, our people go far, further back.

The plan that we have, some of them come from the Anasazi. We, the Tsenigijinii, the cliff, T S E N I G I J I N I I, the cliff dwellers, and other clans from the Hopi Tribe, the tobacco clan. It is said there are 16 branches of Tsenigijinii, Red Running Into the Water Clan; and some from Hopi, red, Dolli, Yelli, Kachinsi, the corn clan, and there are many others. They are from the Hopi clan.

Many of the residents that have -- are subject to relocation today, and some not have signed agreement with the Hopi Tribe, are from the mesas of the Hopis.

So our roots goes back long before the recent, so-called conflict between the Hopi and Navajo tribe.

Even on the Hopi side, the current Hopi Chairman has children half Navajo and half Hopi.

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So we can talk all we want to in terms of the conflict that we have, but there needs to be fairness. There history has to be rewritten to reflect the way things really what are.

There is cooperation.

Every spring, every March, the Hopi comes onto Navajo land to collect euclids. There is a permit required and they must go through the permit process. In some cases they don't. Our people have to go through a permit process to conduct religious ceremonies on lands partitioned to the Hopi Tribe. As such, some of our people do not abide by some of those things. It goes both ways.

But, at the grassroot level, when the Hopi cows wanders onto the Navajo farm site, there are words are exchanged and there is cooperation. Navajos inform the owners of those animals and they care for each others animal in that fashion. In some cases farm equipment is used owned by the Hopis in exchange for taking care of their livestock.

So what we want is basically to reestablish and rekindle that cooperative environment.

There needs to be, you know, it seems to me that -- you know, people half Navajo and half Hopi are caught in a situation that are really uncomfortable.
And if there's going to be a true representation in --
then you need to look at those mixed blood Hopi Navajo
in terms of coming up with an answer.

I realize it's difficult, but you must
also remember that those people that have signed the 75
year lease agreement with the Hopi Tribe do not vote in
the Hopi government. They don't have a say. The
individual that made a comment about Navajo Nation
manifest designee, they don't have a vote. They don't
have a Navajo Census number or Hopi Census number.
Everything is dictated in terms of how they are supposed
to live. It's a one-way street. And unless those
things are talked about, and unless those things are
revealed between people, among people, with the people,
then and only then it will work.

Of course, there's posturing at the
government level, and that's going to continue, because
that's politics. But if people needs -- if there's
going to be equal treatment, equal representation,
fairness, then all those things that -- what the
people -- you have to put yourself in -- and the people
that has the 75-year lease agreement with the Hopi
Tribe, people that have to make a request to the Hopi
Tribe for any improvement, put yourself in their
position. If you have to beg for it, if you don't

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receive what they get, your avenue is in terms of a
court system. Maybe they can build a new home. Maybe
not. But that's where --

I appreciate this opportunity to present
from my office in terms of the work I do. If there's
any questions or follow-up, certainly we'll do that.

And I will provide additional information in terms of
the projects we have been working with the Hopi Tribe.

COMMISSIONER HALL: Ms. Hauser had a
question, Mr. Bitsuie.

MS. HAUSER: You talked a great deal about
intermarriage between Hopi and Navajo. I wonder if you
have any information concerning the level of
intermarriage and where those families tend to live, the
number of Hopi living on the Navajo Reservation, vice
versa. Do you know any statistics on that?

MR. BITSUIE: I don't have information.

We can provide that information by Wednesday. I believe
that's your deadline.

(Phone rings.)

COMMISSIONER HALL: Mr. Bitsuie, we're
attempting to keep remarks to three to five minutes.

That was a telephone call from NDC. We're exceeding the
length any other meeting on this campus. I'm kidding of
course.
There are a number of people still desiring to speak.

Lee Bigwater followed by Derrick Watchman.

Just a second, Mr. Watchman.

Those members of staff located at remote locations wherein there are no current residents are more than welcome to pack their belongings and go to their hotel room.

A VOICE: Okay.

COMMISSIONER HALL: Looking for an example.

COMMISSIONER ELDER: Including Amy.

COMMISSIONER HALL: That's Holbrook.

MS. VILLARREAL: Winslow is empty.

COMMISSIONER HALL: Have a nice dinner.

MS. VILLARREAL: Have a wonderful evening to all.

COMMISSIONER HALL: Thank you.

Sorry. I apologize, Mr. Bigwater.

MR. BIGWATER: Lee Bigwater, L E E, B I G W A T E R, representing the Navajo Department of Transportation. I'm the director for the department.

The Navajo Department of Transportation has been involved in significant joint road activities with the Hopi Tribe. The working relation has been
positive. For example the NDOT in recent months has
assisted the Hopi Tribe Transportation Task Force with
written and development of their road discretionary fund
application for a Hopi road project. Hopi Route 86 is a
continuation of a Navajo Route, Low Mountain to Navajo
Route 264 in Polacca, Arizona. Official of Low Mountain
Window Rock and Chinle Chapters of the Navajo Nation
Road are used for Hopi schools to transport students in
these communities.

Another example of NDOT joint road
projects, the Hopi Tribe and Low Mountain NDOT agreed to
conduct environmental assessment and archeologic surveys
as a necessary part of a road project. NDOT agreed to
purchase culverts and Hopi DOT to install the culvert
upgrade. Hopi upgraded the DOT culvert from Low
Mountain School to the Indian's school, Three Mountains
Road, end mile partition lands maintained by the Hopi
BIE Branch of Roads. Even routes under the memorandum
of agreement between the Hopi BIE Branch of Roads are
maintained by the Navajo BIE Navajo partitioned land.
Route N41, N65, N8064, N8027, N8031, N8062, N8060.
There are 18 Navajo routes adjacent to
lakes.

COMMISSIONER HALL: Mr. Bigwater, excuse
me one second. I apologize.

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COMMISSIONER HALL: Whoever is rolling up maps, leave them. We'll print up others. If you leave the room, do it in a quiet fashion. Someone is shuffling, rolling up maps.

Not you, Mr. MacDonald. You are doing good.

I ask you just to sneak out to Denny's, or something.

Thank you.

Mr. Bigwater, I apologize.

MR. ECHEVESTE: They can moot those.

MR. BIGWATER: Adjacent to, adjacent to Hopi, Navajo Route N4, N6 daily -- the average daily count, 690, N41, N60, N61, N67, with average daily traffic count of 167, 159, N5250, N5240, N5720, average daily traffic count is 149. N8027, N8031, average daily count is 405. N8060, N8062, N9000, N9062, N9101, average daily count is 746. N9102, N9103, average daily count of 26. These routes are used by Navajo college students to attend Northern Pioneer College at Polacca, Arizona, by local people, surrounding people, and to go the Hopi Trading Posts, United States Post Office sites, and for other economic and asocial purposes. These are communities of interest.

The Navajo Nation is looking forward to

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partnering and continuing partnering with the Hopi Tribe. The Hopi Tribe continues the transportation community in an environmentally sensitive area so both the Navajo and Hopi people can travel safely.

COMMISSIONER HALL: Thank you, Mr. Bigwater.

Next speaker is Derrick Watchman then Representative Jake Flake.

MR. WATCHMAN: Thank you, Members of the Commission, Navajo Chairman Mr. MacDonald. I'm chief of staff, Derrick, D E R R I C K, W A T C H M A N. I'm Chief of Staff for the Navajo Office of the President, represent President Kelsey Begaye and Vice President Taylor McKenzie.

I want to say on behalf of the President and Vice President, I appreciate you listening to our request and postponing the meeting on Tuesday. It was a tragic day, not the best thing to have a meeting that day.

On behalf of the Navajo people, the President and Vice President express their condolences to the people of the East Coast and it's certainly something we're all thinking about today.

In addition to that, you've heard from many staff of Navajo Nation about the commonalities that

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we have with the Hopi Nation. And the only exception
you've heard so far is on the issue of land, a
long-standing land dispute. What we're looking at today
and for the next 10 years is how do we work together
with the Hopi Nation? How do we work together with the
other tribes?

Right now, at this point, we do not
support the Congressional District and Legislative
District as proposed right now. I'd refer you back to
our proposal of June 25th. I think you'll hear that
again from many of the Navajo representatives. The
principal reason that we don't support the two proposals
right now is that it doesn't encompass all the tribes
we'd like to see. We'd like to certainly see a Native
American presence. We believe that it's needed. It's
needed because we have a lot of federal issues and
Legislative issues we need to preserve, as you heard
earlier. There's a lot of dollars that come from the
federal government and state government, and it's not
distinguished between Hopi and Navajo, per se, it's
actually provided to Native Americans, health dollars,
education dollars, road dollars, which we have to
preserve.

I want to speak briefly about water
issues. Up in Northern Arizona, there are a lot of

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issues about water, where to get water, the Colorado River, Upper Colorado River Basin, Lower Colorado River Basin, the Colorado River, and Hopi end aquifer, a major water reservoir that is slowly being depleted. And water used from that is actually being used to slurry coal from Black Mesa to a power plant down in southern Nevada.

On August 15th, which I'm handing out, the Navajo Nation, Hopi Tribe, and energy companies actually said publicly that we're going to work together. The parties, including us, we've been talking about how do we address this issue together. And I think that by combining our forces, combining our resources, we are table to work on these issues. I think that is the beginning of how we're going to work together.

All the issues we've been talk about have been over the last, talking about the last hundred years, 200 years, talking about redistricting, the Legislative District, Congressional District, how to work together over the next 10 years, hundred years, 10 years after that.

The water issue is precious. There is precious need there to live, for livestock and planting. What better way than to join forces so we actually look at the water supplies, water resources up in the

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northern area portion. That not only affects the Hopi, Navajo, cities down to Flagstaff, Holbrook, and Payson, St. Johns, and Kingman. We have to work together.

But to speak about our relationship with Hopi, we sat down and said we need to work with this.

In addition to this, the Hopi Chairman and Navajo President, since the Navajo President came into office, have been meeting almost monthly to talk about these issues, how do we work together. Because if we don't, we certainly won't get the benefits from the federal government and the state government, which is what we need. There is a division, a number of cases, as to how dollars are allocated to states and counties and then Indian country.

What we're trying to do and trying to express to you as a Commission, we're trying to challenge you to look at, look at the proposal the Navajo Nation presented to you on June 25th, look at and see what is the community of interest. We believe the community of interest includes the Hopi Nation, includes, from a Navajo standpoint, the eastern counties. All have interests that are rural in nature, the Northern Arizona portion.

With that, I want to challenge the Commission to again look at the June 25th proposal.

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Additional variations have been presented, posted September 15th. Some proposals are actually very consistent with what the Navajo presented.

With that, I want to thank you. I have presented to you a copy of the press release I think is very interesting.

So thank you.

COMMISSIONER HALL: Thank you,

Mr. Watchman.

Did you have a question?

COMMISSIONER ELDER: No.

COMMISSIONER HALL: Okay. Thank you.

The next speaker, Representative Jack Flake who will be followed by Ervin M. Keeswood.

REPRESENTATIVE FLAKE: Thanks for this opportunity to address the Commission.

My name is Jack Flake, J A C K E.

F L A K E.

I wanted to make three points: As a Legislature, before Proposition 106 became law, and even being proposed, it wasn't looking forward to strong redistricting, even though preparing for it. I wanted to be a part of it and wanted to be ready when that came and even attended a national convention in the Carolinas on redistricting along with some other legislators.
The public took that out of the Legislature, and I'm not saying I feel bad that it happened. It's interesting, though, that that was one of the purposes was to take politics out of the redistricting. I don't think that really happened. But I do want to take my hat off to the Redistricting Commission. I think you've done a mammoth, masterful job. I'd like to commend you, the two here and three not here. I don't think you could -- I don't think the Legislature could have done the job you have done, I want to just say that, mainly because there would have been 90 of us fighting over which district we got to keep.

My biggest concern, as I mentioned in Hon-Dah when the first round of meetings were held, was representation for rural Arizona. When I came into the Legislature a little over five years ago, Maricopa County was a little over 56 percent of the state. Even though all parts of the state have grown, we haven't grown at the pace Maricopa County has. It's now approaching 60 percent of the state, therefore, they get 60 percent of the representation. Pima County, 16 and 18 percent of the state. I always felt like we had the two urban centers of the state and then 13 counties that had a little, just a little over 20 percent of the...
population yet the big area of the state, all of greater Arizona.

We had an ad hoc committee meeting on Arizona business climate in Tucson a couple weeks ago. I found out that they are, just about the rest of the 13 counties, they are concerned about the same things we're concerned about. And so I am concerned, my big concern was and is, that the 40 percent of the population, the 14 counties in the rest of the state, get proper representation.

I feel like your plan, the things you put on the board for a Congressional District and Legislative District, pretty well does that. I know there will need to be some tweaking and some things done to it, and I know there will be some suggestions. A lot of people aren't happy, and nobody will be totally happy. The only way they can be, the only way you can be successful, I've worked enough in legislation, if everybody is happy, something is wrong. Everybody has to be a little bit hungry in order to make things right. I really support your efforts.

The last point I make, want to make, is the House of Representatives. I, at least, I think the entire Legislature, has worked hard to give more representation and more attention to Native Americans.

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For the first time ever in this session of the Legislature, a Native American committee has been appointed as a standing committee, one of the standing committees. I'm happy to be co-chairman of that committee, along with Sylvia Laughter, a full-blood Navajo who represents the Navajo Nation.

We're committed to finding what is the responsibilities of counties, what is the responsibilities of the state, what is the responsibilities of the federal government to the Native Americans.

But there is 21 Native American tribes in the State of Arizona. All of them deserve representation. I don't know how we can bunch them up where we can give them total representation. If you do, if you could put them all together into one or two Legislative Districts and one Congressional District, I'm afraid you would have less representation than you would have today.

I think it's good that you are spread out around the state and have different legislators looking out for your interests and different Congressmen looking out for your interests.

I think you need to be careful with too much bunching of Native Americans into total Legislative

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or Congressional Districts.

We worked hard to give proper representation. I've been on most of the reservations of the 21 tribes. I've been in Chairman Kelsey Begaye's office in the last two years even though I don't represent that district. Yesterday we were to be in, a delegation of Representatives, was to be in -- on the Hopi lands, in Wayne Taylor's office, and their offices, and that was, of course, postponed because of the serious consequences of the problems in the East.

I represent, in my district, three Apache tribes, the San Carlos Apaches, White Mountain Apaches, and Tonto Apaches. I have a great rapport with each of those Chairmen, with each of those councils, and I'm happy to be their representative.

And what I'm trying to say is you are getting good representation from the State of Arizona. You are getting good representation, I think, in Congress. I think this is the way it should be. I think that we need as much representation as can possibly be brought out. I think our Commissioners, Redistricting Commissioners, are doing this for rural Arizona and the Native Americans in the different 21 tribes.

Thank you for the opportunity to be able

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COMMISSIONER HALL: Thank you, Representative Flake.

Ms. Hauser, do you have a question?

Ms. Hauser.

MS. HAUSER: Representative Flake, we've gotten, as we traveled around the state, a lot of criticism for draft District C's size as the district is stretching from the easter to western part of the state as a district impossible to campaign in effectively. Do you have any thoughts on that?

REPRESENTATIVE FLAKE: Yes, I do. It would be and will be. I represent a Legislative District about -- somewhere between a quarter and third of the State of Arizona, and the people in metropolitan Maricopa County don't understand. In fact, I talked to one whose district contains about 10 square miles. I figured out mine is about 200 -- no -- yeah, about 200 square miles, in my district. And I represent 18 of the incorporated towns. Most Maricopa legislators have a part of one incorporated town or city. I represent some 35 school districts. So I know a little bit about what it will be. But then I do know this person who's going to campaign in this Mammoth proposed Congressional District will have a lot more help than I've had, too.
They will have to have to be able to do it.

Yes, it will be a challenge, tremendous challenge, but I think it's worth it.

MS. HAUSER: Thank you.

COMMISSIONER HALL: Thank you, Representative Flake.

Our next speaker is Ervin M. Keeswood followed by Leonard Gorman.

Mr. Keeswood.

MR. KEESWOOD: Thank you, Commissioner Hall. Let me first introduce myself, Ervin Keeswood. M. KEESWOOD. E R V I N is the first name.

Honorable Commissioners, leaders, communities, counties, and of course our own Speaker of the House, and our own Chairman McDonald in our audience today. Good afternoon.

First of all, from the Navajo Nation, let me express my appreciation to the Honorable Commissioner Hall, Commissioner Elder, and other Commissioners for also working very hard. I extend my appreciation. It was raised one time, this became thankless at one point, a rough trail, road. Today you hear a lot of good comments and appreciate that.

That's the position the Navajo took the first time you came to the Navajo Nation. We extended
appreciation for all the hard work you had done and
again do so today.

Members of the Commission, it's certainly
again an opportune time for the Navajo Nation to state
their position. The Navajo Nation is here today to
remind the Commission it has certain proposals it still
supports today. And also the Navajo Nation is here to
reiterate some of the issues you've heard today to be
very clear that the community of interest issue is very
real, important, to this Commission. And as Proposition
106 indicates, the constituents of the State of Arizona
amended this particular section of law that mandates
development of Congressional and Legislative Districts
to meet various requirements. And such is the fact
today this Commission must realize and remember it must
comply with the United States Constitution and Voting
Rights Act and, thus, in many of the former
presentations made by my brothers and sisters of the
Hopi Tribe who have entertained the thought the Navajo
people and Hopi people do not get along.

Per the memoranda sent to the Commission
July 16th, as I remember, the Hopi representatives
indicated to the Commission they wanted to respond to
the June 25th document, the proposal the Navajo Nation
still supports. They wanted to respond to this. In

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their claim, they claimed we were creating Legislative
and Congressional Districts that were inclusive of the
Hopi Tribe, that the Navajo Nation would severely dilute
the vote of the Hopi people, and that would constitute
retrogression.

You've heard numerous arguments from the
people of the Hopi Nation, the Hopi Tribe. All the
arguments have surrounded around the conflict that is
described again today, the Navajo Hopi issue.

Arguments and presentation never
surrounded on true issues. Navajo and Hopis, as you've
heard, get along in many instances. On the day when the
Hopi Nation described many of the problems they thought
were very prevalent, Hopi, since then, has yet to
demonstrate its numbers would be sufficient in a single
District to be likely to fill in a single member in a
district and that they would be likely to be cohesive
and effective as a body or able to elect their own
elected representative.

The Hopi also need elect a majority on
voting age turnout. Per the 2000 Census count that you
are all aware of and were aware of, according to that
document, it indicates that the Hopis have a population
of 6,946 people. And assuming that all of those people
voted, the number still would not constitute a majority

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and thus would not give the power to the Hopi Nation to elect a candidate of their choice.

As you've heard earlier from representatives from various counties that were here, and also as you will hear today, we have Legislators in the Arizona House and Senate that do a tremendous amount of work for the Hopi and Navajo people.

The Navajo people, 19th Council, I would like for the record, during term of the 19th Council voted unanimously to create a treaty, an agreement between the Paiutes, Navajo, Hopi, and San Juan Paiute to live peacefully.

The Navajo live peacefully with the Paiutes. The Paiutes live peacefully. They were a nation with no land. What the Navajos did, they created a land base for the folks, the Paiute.

We want to show the Commission, the Navajo people are ready, able to work with any nation around us to promote our ability to be heard in both the Congressional and Legislative Districts.

All issues described by the Navajo presenters today show the willingness of the Navajo people to work with other tribes.

It is very interesting, as I heard today, the Navajo Nation and Hopi Tribe, as all of you may be
wondering about, at some point, it was indicated we
couldn't work together. Very interestingly, the
presenters basically came together and told all of us,
the Navajo and Hopi used the same education system,

preschools to college facilities, businesses, grocery
stores. The Hopi people have to go to Tuba City to
shop. There's common interest there. Have to go there
for fuel, gas stations, medical facilities, churches.

The Navajo Nation has a legal program, DNA
Legal Services. The Hopi people are also served there.

The majority of everything I'm describing
there is in Tuba City, within the city limits of Tuba
City.

Also, the Tuba City post office serves
both Hopis and Navajos.

Last year, 2,112 visits had taken place by
the Navajo Nation fire rescue who had gone on to
Moenkopi to help their brothers and sisters. There is
commonalty. There is a tremendous amount of respect
among the people.

As we see it, the delegation is on behalf
of the people here today. When you go to Tuba City,
"Welcome to Navajo land." Same sign says "Welcome to
Hopi land." If that's not commonalty, I don't know what
is.

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Also in Tuba City, it's an area of farm land. And nobody has spoken of farm issues in regards to this area. There's a community in Tuba City called the Early Valley Moenkopi wash. There is an irrigation system used by the Navajo and Hopis.

There's a tremendous amount of commonalty when we come to the fact of survival for both nations. And when that happens, the farmers in that community come together to clean those ditches, to make sure, like every other community of farmers come together, because basically the issue is survival for all people, the common good. This is also practiced in this particular community.

A couple issues raised, certainly interesting, as I listened today. One presenter spoke from Polacca that the Navajo people have nothing in common with the Hopi people. He referred to the Sun Dance, intrusion on Hopi land. As I recollect, I've been there numerous times, one of the traditionalists no longer with us, passed on probably five years ago, Thomas Banyaca, a traditionalist, went around the country and world talking Hopi philosophy. This individual would come talk to friends, relatives there, and also participate in that particular event. And also, furthermore, other Hopi people participated in the

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Sun Dance. And to take that a little further, to show the commonalities, when it comes to non-Navajo, non-Hopi events, nonceremonial events, pow-wows from both communities, both the Navajos and Hopis, participate. Both have groups participate, Sun Shield, other groups, Little Bear. I know the groups personally. There's a tremendous amount of respect in these communities.

Members of the Commission, the Navajo Nation provided you our proposal June 25th. We stand on that proposal once again today.

Congressional District comprises 23 percent Native American population, and the Legislative District comprises 78 percent Native American population. Please do not be misled when people say that this may be a tremendous amount of concentration of Native Americans in done one district. You have to understand that the voting population in Native American districts, such as Navajo and Hopi, 50 percent are under 18 years of age, so they can't even participate in the voting process. Less than 50 percent of that 50 percent even participate in the electoral process. Thus it certainly presents a problem for Native Americans in rural Arizona.

How do we maximize the voting process of our brothers and sisters? We could have said what is

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best for Navajo. The Navajo Nation has taken upon

ourselves to talk to all our brothers and sisters in

Indian country, the State of Arizona, and found

commonalities. We've always known commonalities

existed.

The Hopi Tribe within the districts,

Legislative and Congressional Districts, would maximize

the Indian voting strength, respect the community of

interest, and be geographically compact. Any attempt to

separate the Navajo Nation and Hopi Tribe into two

separate districts would result in gerrymandered

districts that ignore communities of interest among

members of the Navajo Nation, Hopi Tribe, and diminish

the ability of Indians to participate in Arizona

elections.

I'd like to conclude that an interesting

issue came up today. I listened to certain as the

individuals spoke. A person spoke that separating

Navajos and Hopis could result in an issue that happens

like foreign countries in the Middle East, these two

people literally come fight, literally, and hurt each

other. The reverse is also true. If this body, this

Commission, with respect to how it's created through the

United States governmental system, comes down through

the United States of Arizona amending Proposition 106,
you are arm of the federal government, thus anything along those lines, if in fact this body proceeds to separate the Navajo and Hopi people, there will never be a chance for the Navajo and Hopi people to come together and to be one community.

We feel that we are one community, but based on various federal laws it shows we are not. And people tend to argue that.

I would hate to see this body here, the Honorable Commission and staff, to become a party in the future of this particular Navajo-Hopi issue. I would hate for this body to show the rest of the world that, in fact, the Navajo and Hopi should be separate. And if such is the case, Navajo and Hopis is separate, if they are ever coming to that, certainly then there's a possibility of a situation that arises such as that between Israel and Jordan. And by saying that, I believe that if this body I'm presenting to today continues in a fashion to separate these and not allow for healing to proceed, there's a possibility in the future to be a party to Zionism in the United States on the Hopi, Navajo Nation.

I conclude my presentation to everyone here, appreciate the time allotted to the Navajo Nation, and we welcome each and every one of you here to come to

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Navajo any time, welcome the Hopi Nation to come to us. We have many in-laws in Hopis, and vice versa. We should always move forward as a people. Thank you very much.

COMMISSIONER HALL: Thank you, Mr. Keeswood.

COMMISSIONER HALL: Next speaker is Leonard Gorman followed by Frank Seanez.

(Whereupon, a five-minute recess was taken.)

COMMISSIONER ELDER: Let's start going.

COMMISSIONER HALL: For the remaining speakers, if anyone else would like to speak, we're sorry. (Laughter) if anyone else has been unable to give me a speaker slip, we'll consider it. (Laughter) Mr. Gorman, my humblest apologies.

COMMISSIONER ELDER: Almost got rid of him. Darn. (Laughter)

COMMISSIONER HALL: Our stenographer is grateful of the consideration. Therefore, we'll give you four minutes.

MR. GORMAN: Good afternoon, Commissioner Elder, Commissioner Hall. I'm Leonard Gorman, L E O N A R D, G O R M A N.

Good afternoon, Chairman McDonald, at ATWOOD REPORTING SERVICE
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I'd like to address the former speakers, Tenney and Flake, having spoken about Native Americans and their interests, it hasn't involved Native American issues. They are well-respected and well-appreciated for their efforts, not only at the county level, but also the state level.

The other item I wanted to mention is that, at least in my view as a member of the Navajo Nation, citizen of the State of Arizona, and also citizen of the United States, I felt like your views about the relationship between the Navajo people and Hopi people, we started off with a wall, a wall that is constructed much like the wall in China, the Berlin Wall. And I think, in my mind, that's where you started off, with a wall around the Hopi Reservation.

What I hope the Navajo representatives illustrated to you, there is no such wall. There is life between the Navajo people and Hopi people. There is tremendous amount of cooperation, coordination happening out there. I hope we have shown to you this evening the tremendous amount of activities going on between both tribes and that we are making every effort to address the commonalities, communities throughout this northern region of the State of Arizona.
One other proposal the Navajo Nation has submitted, to remind you of the Navajo Nation's position expressed earlier, the June 25th presentation that we have made, as has been illustrated, we still stand on. I'm noticing your attorney's screen, you still have the Navajo Nation's proposal in your computer system. I believe you are well aware of the numbers associated with this plan.

The other information I wanted to share with you this evening is the recommendations that have been made by various tribes that we have proposed that are in this Congressional and also the Legislative Districts.

I know that you face a decision in regards to the Legislative plan in which you've heard a couple of days ago citizens of the City of Kingman and New Kingman, their desires to be left out of the Northern District. I know you face the position of having to find an additional 35,000 plus numbers to fill that gap. You've also heard the positions of the people at Flagstaff a couple of days ago.

As I understand, some of the members of the City of Flagstaff want to be a part of the Northern District. Some of them don't want to be a part of the Northern District. It seems clearly stated whichever
district the City of Flagstaff will be located in, it
has to be as a whole, whole unit. The city has to be
moved into whichever district it is going to be located
in. When you look at the numbers, the City of Flagstaff
is about 52,000 people within that Census place. 52,000
is far larger than the 34,000 plus people that would be
taken out of the Northern District which come from
Kingman. So we have a deficit there. So obviously you
cannot put the entire City of Flagstaff in the Northern
District. Okay? Should you decide to do that, I think
one of your ways of doing it is to start chopping up the
Navajo Nation.

I really commend the Commissioners for
maintaining all Indian Nations as a whole, you have not
broken them up.

So you have a dilemma that faces you with
the recommendation coming from New Kingman.

I'd also like to be happy as well as the
Mayors coming to you saying they express great
appreciation, gratitude to you, having their point is
that you have listened to them. I also like to feel the
same way, that you have listened to my recommendation,
the Navajo Nation's recommendation.

So the resolution distributed to you is
the Navajo Nation's position.

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At the August 30th hearing, we were also present. White Mountain Apache was present at that meeting. And Chairman Massey specifically made a statement to you, and it is of record, the record recorded by Atwood Reporting Services on page 67, and it starts off at line five. It reads, and the statement is made by Chairman Massey, Chairman White Mountain Apache Tribe. "We also agree with the Navajo Nation, their proposal about keeping Indian tribes together, the San Carlos, White Mountain Apache Tribe in Legislative Districts."

So it's very clear, a clear statement by Chairman Massey, that he wants to be a part of the Navajo proposal, the Legislative District.

So when you look at the resolution I distributed to you labeled "Legislative," it picks up the White Mountain Apache tribe.

The second document I want to share with you is a resolution by the San Carlos Apache Tribe. On September 11th, 2001, the San Carlos Apache Tribal Council passed a resolution, that resolution is being distributed to you. It reads, in the resolve section, the first resolve paragraph, "Resolved, that the Tribal Council hereby supports the Navajo Nation's proposal for the Congressional District,
attached as Exhibit A, and recommends that the Arizona Independent Redistricting Commission adopt the same as the Northern Arizona rural Congressional District."

The second resolve clause states that "The Tribal Council hereby supports the Navajo Nation's proposal for the Legislative District, attached as Exhibit B, and recommends that the Arizona Independent Redistricting Commission adopt the same as the northeastern and the east central Arizona Legislative District."

So we do have documentations and specific statements made by tribal leaders in support of a particular plan.

And I respectfully request the indulgence of the Commission to adopt, as requested by the San Carlos Apache Tribal Council, the Nation's proposals. And I respect the comment made by Representative Flake and also Tenney, Commissioner Tenney, or Supervisor Tenney.

These are the requests of the tribal leaders that support the Navajo Nation.

Thank you.

COMMISSIONER HALL: Thank you, Mr. Gorman. Next speaker, Mr. Seanez, followed by David Brown. And the last speaker I have is Donald ATWOOD REPORTING SERVICE Phoenix, Arizona
MR. SEANEZ: Good evening, Commissioner Elder --

COMMISSIONER ELDER: That's enough (laughter).

MR. SEANEZ: -- Commissioner Hall, Speaker Begay, and Vice Chairman of the IGR Subcommittee, Mr. Keeswood, and staff, and former Chairman Mr. MacDonald.

I come before you now to speak relative to Legislative District Number Three's support for Hopi Bills in the legislature.

The Commission heard in the second round on August 30th, 2001, and in Flagstaff on September 6, 2001, claims the Legislative District Number Three State Representatives have a history of not supporting Hopi issues. The Navajo Nation is concerned about the issues and the effect it might have on Commissioners as they consider changes in the Congressional District maps and Legislative maps. Since the claims were unsupported by any documentation at both Phoenix and Flagstaff, the Navajo Nation wanted to perform research as to any basis for these allegations. The Navajo Nation would certainly not want to the Commission to make its decision on bald, unsupported allegations.

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Following research of the matter, we are pleased to report to the Commission the State Representatives and Senators elected from Legislative District Three consistently provided support for Hopi bills in the State Legislature, and State Senators from Navajo for the past for State Legislatures, 42nd through 44th. Honorable Jack Jackson, James Henderson, State Legislative Representatives for the past for State Legislatures, with the exception of Tom Gordon, non-Indian, Representatives Honorable Sylvia Laughter, Albert Tom, Jack Jackson, and Benjamin Hanley. The support of these Legislative Districts, State Representatives and State Senators, has been shown through their votes on a committee level and vote of the full state representatives and full state Senate sponsorship in the State Legislature, first Representative Laughter introduced State Legislature which addressed Hopi issues, '94 Bill 14-06, co-sponsored by Albert Tom, addressed Hopi Social Service Issues, Crucial Area Temporary Assistance Needy Families TANF Program, Child Support Enforcement, SB 40-06, appropriated sums of $212,000 and $398,000 from the State General Fund to start up an operational office Hopi office, and TANF. Respectfully, Jack Jackson voted in favor when it came before them March 5th. It did not

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make it before the House of Representatives Committee.

Assignments were not occasioned by any action or inaction our state representatives.

Hopi Social Services TANF Child Support were addressed in an alternative bill, HB 22-08.

Section 7 C 22-08 appropriated those sums, $212,000 and $398,000 from the State General Fund for those start-up operational costs of the Hopi Office of Child Support and for TANF.

The bill was assigned to the Public Institutions and Rural Affairs Committee on January 11th and received consideration by that committee on February 13th, at which time it received a "do pass" recommendation. One of the "aye" votes cast was by the Honorable Sylvia Laughter.

When HB 22-08 went for its third reading before the House of Representatives on March 13th, it received another "aye" vote from the Honorable Albert Tom, Honorable Sylvia Laughter not voting. Likewise, the bill went to final reading on April 3rd of this year. It received another "aye" vote by the Honorable Albert Tom.

In the State Senate, HB 22-08 was assigned to the government committee where it was considered on March 26. In that committee it received a "do pass"
recommendation with one of the "aye" votes cast by the Honorable Jack Jackson. When that bill came before the full State Senate on the 27th of April, the Honorable Jack Jackson again supported it.

While Governor Hall ultimately vetoed SB 13–90, the Legislature appropriated the Hopi Tribe $390,000. The rationale being to start up the TANF office with strong support Legislative District Three Representatives and Senators.

When it went for its third reading before the House of Representatives on April 24th, it received "aye" votes from both the Honorable Sylvia Laughter and Honorable Tom, with the final reading showing aye votes from both Representatives.

You could say the Senate on May 2nd, at its final reading, with an "aye" vote passed by Jack Jackson overrode the motion and it came before the Senate May 10th of this year. The Honorable Jack Jackson again cast an "aye" vote.

Senate Bill 9–90 introduced by Jack Tom, House of Representatives. Jack Jackson, Sylvia Laughter, Albert Tom introduced House Bill 25–33, a bill which would have appropriated $779,590 for planning, design, and development of senior citizen centers for the Hopi communities of Cykotsmovi, Kotevilla —

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THE REPORTER: Whoa.

MR. SEANEZ: CYKOTSMOV, Kotevilla, KOTEVILLA, and First Mesa.

HB 25-33 would have further appropriated $35,000 of State General Funds, 20-02 and 20-03, 20-04, Construction in the Villages of Twewa and Vacva, TW EW A and VACV A.

The Honorable Albert Tom and Sylvia Laughter's cast "aye" votes when that bill received a "do pass" recommendation from the House of Representatives, Native American affairs committee.

Following amendment by the House Appropriation Affairs Committee, it increased funding to $1.5 million for both Navajo and Hopi senior citizen centers. Both the Honorable Sylvia Laughter, Honorable Tom, cast "aye" votes when bill came before the House for a third reading. The bill did not come through the Senate committee assignments. However this was not occasioned by any action on the part of State Senator Jack Jackson.

An alternate bill, however, Senate Bill HB 24-35, did alternately, receive positive consideration the State Senator. 20-85, 700,000, 2001 to 2002, 2003, to be combined with matching contributions from the Hopi Tribe for construction of Hopi senior citizen center.

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Albert Tom voted "aye" on the bill at the third reading of the House of Representatives, and the Honorable Jack Jackson "aye" on the measure at the Senate on the third reading on April 27th. With House Bill 25-33 bogged down in state committees, both Honorable Sylvia Laughter and Honorable Albert Tom voted in favor of HB 20-85 at the House of Representatives in its final reading.

COMMISSIONER HALL: Mr. Seanez, are you really going to read -- summarize every bill action?

MR. SEANEZ: No, Mr. Hall. I felt the need to point out this matter as it's come before the Commission.

COMMISSIONER HALL: I understand that.

MR. SEANEZ: Statements to Legislative District Representatives.

COMMISSIONER HALL: I understand.

MR. SEANEZ: I wanted to show it was not supported, and they cast votes, numerous votes.

COMMISSIONER HALL: I understand.

MR. SEANEZ: I understand.

COMMISSIONER HALL: Your point is well-taken. I appreciate what you are suggesting. In light of the fact you have all of that in writing, and you can rest assured my staff and our consultant and counsel will analyze it in intimate detail, would it be...

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possible in your opinion, and if you tell me no, I'll --
can you say: Folks, here's another 15 bills. Their
assertion is invalid. Summarize the bills for us, and
submit them to us, or is that an inappropriate request?
I'll defer to you.

MR. SEANEZ: I hear you recognize the fact
it's an unsupported allegation. And that the Navajo
Nation can provide you ample information, documented
from State Legislative documents, is sufficient for me.
And the Navajo Nation will submit additional
information.

COMMISSIONER HALL: Great. I'm one vote.

THE REPORTER: I can write the rest of
your speech into the record.

COMMISSIONER HALL: I can direct she
write the rest of your speech into the transcript.

Can you summarize in your findings how
many bills, a summary, how many bills you found where
their assertion they made relative to this was
inaccurate, inappropriate or --

MR. SEANEZ: Oppositional?

COMMISSIONER HALL: Not validated by
research. What was the total tally and time frame.

MR. SEANEZ: In the 45th, all eight bills
that specifically mentioned Hopi.

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COMMISSIONER HALL: 45th being last?

MR. SEANEZ: The one we're in now.

COMMISSIONER HALL: Okay.

MR. SEANEZ: All eight bills introduced specifically noting the Hopi Tribe, not talking ones Indian tribes in general.

COMMISSIONER HALL: I understand.

MR. SEANEZ: All eight were supported by Legislative District Three Senators and Legislators. The 44th, there were four. Again all of these bills received significant support from those Representatives and Senators. In the 43rd, only two. And both of those received significant support from the Senators and Representatives. In the 42nd, only one.

The only other point, Commissioners, in addressing the matter, is one of the allegations made by folks speaking on behalf of the Hopi Tribe was in order for the Hopi Tribe to receive fair effective representation, I believe was the phrase used on a number of occasions, they had to be in a separate Congressional District and Legislative District. During the same period, there were, I can tell you, many more bills introduced relative to the Navajo Nation and affecting Navajo Nation interests.

The Navajo Nation is not here saying
Legislative District Three Representatives and Senators have not provided fair and effective representation. We can see by the sheer difference in numbers the Hopi Tribe would receive at least the same fairness and effectiveness in representation in a Legislative and Congressional District including the Navajo Nation as they currently do with their current representation.

COMMISSIONER HALL: Mr. Elder has a question.

COMMISSIONER ELDER: Just so I understand, House Bill, Senate Bill, whether two people, four people, when we're looking at, we're looking at this thing, several of these circumstances, it appeared as though Jackson consistently supported, that means the other person didn't, in voting, which would be a fifty-fifty, and then a couple other instances one person out of the group was supporting the House Bill, which seems as though almost a neutral district as to the Hopi. Is there anything that would lead that to a false understanding of what you just presented?

MR. SEANEZ: What I'm referring to, the State Senate, of course, there's only one Senator. When talking about the Jack Jackson bill, he's the only Senator from that Legislative District Three to support
the bill.

COMMISSIONER ELDER: Henderson, Sylvia

Laughter and Tom --

COMMISSIONER HALL: Legislature, the

House.

COMMISSIONER ELDER: House, one vote

for --

COMMISSIONER HALL: One vote, Dan,
saying when in the Senate.

COMMISSIONER ELDER: Okay.

MR. SEANEZ: We'll submit the full detail.

COMMISSIONER HALL: Please. The more
detail the better.

MS. HAUSER: Unrelated to the Legislative,
a couple quick questions. We had a couple questions in
the past concerning the percentage of Native American
population you believe is important to this district.
And you've indicated that that number, the bench mark
currently is at 75 percent. Is that right?

MR. SEANEZ: That's right, as stated in
the report provided to National Demographics Corporation
on July 25th to this Commission.

DR. ADAMS: Current district.

MS. HAUSER: Right. 2000 Census data

infused.

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MS. HAUSER: The question then is we've seen, coming in from some other communities of interest, similar Voting Rights Act concerns, specifically the Hispanic community, they had come in with plans originally that had higher percentages, but they have, in this past week, come in with a new plan that lowered the percentages in their districts in exchange for an attempt to increase competitiveness. And you may be aware that competitiveness is sort of the current topic that the Commission is struggling with with respect to making modifications to the draft map.

Is there any comfort level that the Navajo Nation would have with respect to a lower percentage relevant to the benchmark in exchange for competitiveness, for example? Because we're having to balance these criteria recognizing, of course, your comment, and comments of others, lower voter registration among the Navajo, looking at voting age population percentage, that it already takes that factor into account, doesn't take into account turn out, takes into account voting age population already.

Is there another number you would be comfortable with to allow us any kind of flexibility with respect to some of the other criteria?

MR. SEANEZ: Ms. Hauser, Commissioners,
the Navajo Nation notes that the Congressional District C is one of the few competitive districts which is noted around the state. And the Navajo Nation believes that that competitiveness would be assisted by the adoption of the Navajo Nation proposal as stated on June 25th of this year. The Navajo Nation is very concerned, as has been stated before, about a decrease of Native American population from the benchmark figure from 1994 from the 2000 Census data, and the Navajo Nation stands on that, as has been stated by the Navajo Nation delegation. And we do not believe, as well, that competitiveness can be achieved in that Legislative District, additional competitiveness, by not adopting the Navajo Nation's proposal.

I believe you'll find the Navajo nation's proposal is a competitive proposal when viewed on that basis noting, again, competitiveness is not to be considered in the first -- in the initial consideration and is only to be utilized if it does not have a negative effect on the other criteria, one other criteria being possible dilution and retrogression under Section Two of the Voting Rights Act.

Commissioners?

COMMISSIONER HALL: Mr. Seanez, numbers put outright, this goes to the 75 percent number, that

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is no longer applicable. The gross number has gone, we've increased the gross number, so the percent goes down. So that probably out to be mentioned that again, while the current percentage is based on 150,000 and change, the new configuration is 171,000.

Having said that, other minority representatives have come in with their initial proposals in the low sixties and are now resubmitting in consideration other variables in the fifties feeling that's a significant enough majority representation to address their concerns.

There seems to be a large gap from what we're hearing from everyone else and what we're hearing from you. Maybe you can tell me from your perspective why that is and what the feeling is regarding that.

MR. SEANEZ: Commissioner Hall, I'd say the Navajo Nation and Native Americans in the state, if I may go so far, have particularized concerns relative to voting rights and the history within the State of Arizona, protection of Native American voting rights. There's a reason why the State of Arizona is under the purview of Section Five of the Voting Rights Act and has to receive preclearance of its redistricting and changes in its voting procedures. And that's because, in the past, Native American voting rights have been negatively
impacted within the State of Arizona by the official
actions of those bodies which had the authority to adopt
and change districting and election procedures. That's
one of the reasons Native Americans and Native Americans
are extremely concerned about it.

Navajo Nation believes there are ways
readily available to address -- to address keeping the
bench mark number pretty much the same, in the mid
seventies, and submitted that.

As well, the Commission released, on -- in
its last Flagstaff hearing, on the 6th of September,
other alternatives that could reach that bench mark
number, some as well would not affect AURs in as drastic
a manner as the Navajo Nation's proposal does.

The Navajo Nation stands on its proposal
for the Legislative District and does realize the
Commission has other scenarios before it it can look at
in order to try to reach those numbers and requirements
of the Voting Rights Act, specifically Section Two.

COMMISSIONER HALL: Mr. Elder.

Mr. Seanez, this is maybe a request for
all the people here in the room. In the Wednesday
submittal coming, would you take a look at those? And
if there is room to assist us in any way you can in --
if you see any options, any way you can, if you would
present those or give us an idea of what trades are
perceived as being acceptable by the Navajo.

MR. SEANEZ: Yes, Commissioner Elder.

COMMISSIONER ELDER: Thank you.

MR. SEANEZ: Thank you.

COMMISSIONER HALL: Mr. Seanez, lest you
were fearful you would not be able to speak to us one
more time, you can be rest assured we'll be meeting in
Phoenix in October. Don't feel this is the last time
we'll have the privilege and pleasure of hearing from
you.

We appreciate your input.

The next speaker is David Brown followed
by Donald Hancock, the last speaker slip I have.

SUPERVISOR BRAUN: David A. Brown,

I wish thank you and NDC for your
cooperation in this event. It's nice not have to drive
to one location.

Thank you, Commissioner Hall, Elder, for
your participation, perseverance, as Chairman of the
Apache County Board of Supervisors, and also an
attorney.

I, this last 10, 15 years, represented all
the cities and towns in the Little Colorado Basin in

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water matters, and I also represent farmers in Gila Valley, Duncan, Thatcher, Pima, Safford, Fort Thomas, am involved with most folks in the eastern third of the state.

I made a proposal at Hon-Dah and made some comments about the Eastern Arizona Counties' proposal put together and presented to the Commission.

I won't reiterate all the points made in there. Let me talk more about what was presented today, some of the takes, and where we're at.

Let's talk about the Congressional District first. I think the rural part of the state said strongly we wanted a rural district. Symbolically it means a lot.

Ms. Hauser asked Representative Flake about the difficulties of campaigning over that big a district. I understand that. I've lived in that kind of world for a long time. It's a challenge, daunting, but not something you can't handle. It's would you rather have a symbolic point, having a rural district, than anything else.

Now personally, I'd rather see it include more of the eastern part, stating down into Pinal County, Cochise County, pick up folks, be more eastern oriented.

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I notice, by counting up on my map, it includes 10 Indian tribes out of 21. If you pick up another one or two, that's better.

We, Congressionally, in Apache County like to be aligned with Indian tribes. Every issue, federal issues, health, education, welfare, the Apache issue, having the highest unemployment rate in the entire country, not just the northern two-thirds, the entire county. It's a tremendous unemployment rate. We need federal intervention, federal help, at all levels, all the way up and down.

I strongly support the Congressional District. We're all in it together.

The more tribes we're in with, the better we feel. We have the issues, the same on the federal level.

That being said, as I know is the case, Shaw vs. Reno, which has been referred to, not by name but subject matter, I'll come back when we discuss Legislative issues.

I sympathize with the Hopi. I don't see how it fits Shaw vs. Reno to leave that design going northward. It gives us a much more compelling case as a rural district to have all of us in it together.

That's my opinion. And I don't

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necessarily represent my entire board on that opinion. I do when I talk about the Legislative issues.

When it comes to water issues, I'm an expert on water. I don't want to bore you with that, water issues. It's better to be represented by one representative for the entire northeastern plateau than not being represented by one.

As to the Legislative issues, let me boil down the Congressional issues. You've done a good job with the Congressional District. You could tweak it eastward.

You guys are doing a great job. I'd leave it to you.

On the legislative issues, you heard what we said from an EACO perspective. You gave us district, Legislative District E.

I'd love it if I could just sit down. It don't quite do the trick.

Let's talk about some of the issues presented.

We've been, for three decades, tied to Greenlee County. Since the first time we came out with one man, one vote, had to go to multiple counties, Greenlee County became a partner with Apache County forever. We've been tied forever. We'd hate to lose

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that relationship.

The eastern counties are the strongest of all county organizations in the state. They meet monthly. On the executive board is Mr. Tenney. It's a very strong organization. They do more than any county organization, in my opinion, than anywhere else in the state. The fact that essentially all the Mayors, all districts, all Boards of Supervisors all county officials came together not arguing about being split up and wanting to leave an area is particularly refreshing, I think.

In all of the other arguments I hear around the state some want be this way, some are wanting it this way, to wit Cochise County. They haven't quite gotten it all together on which way they want to go. It's pleasant, that note of refreshment, that we are together and are unified in most respects.

Let me tell you about my district a little bit, supervisor district: Window Rock, St. Michaels, Oak Springs, Luckton, Chambers, and Sanders, most of all of which are members of the Navajo Nation. A third of my district are Navajos. I wouldn't be in this position if it weren't my Navajo constituents, to be quite frank.

I have a very difficult time dealing with the bureaucracy getting the state government to respond
to my Navajo constituents, but it's been particularly
helpful these last two years to have two senators, four
representatives in assisting with our issues with senior
citizen funding; transportation. Senior citizen vans
sit there, no gas to run. Meal trays, no meals, lack of
meal trays. All these issues confront the four chapters
I represent of the Navajo Nation. We receive the help
of two Senators, four Representatives in Apache County.

Speaking on behalf and to my Navajo
colleagues, we are far better off having two sets of
Senators, two sets of Representatives representing us.

As depicted in the Legislative draft map
where we are in E, Apache County, look over here and
it's split exactly in half, love that, twice as much,
half. Navajo constituents get twice as much. Half.

Restricted to one Representative, pot
money, my constituents in Apache County get cut in half.

For Apache County, keep Legislative E
intact. It will affect, help my constituency,
especially those in my constituency that are Navajos.

Almost lastly, I'm an attorney and I don't
profess to be any kind of expert on voting rights
matters except I have a County Attorney that has been
doing this for a long time in Apache County.

I agree that one of the more egregious

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examples in history, why we're subject to voting rights,
the consent decree to operate with the Department of
Justice, first time I reviewed, looked at this for my
colleagues, four colleagues. They'll submit a letter
Monday, Tuesday to the Commission about their concerns.

It looked to be a real frank Navajo
proposal in June, that came out in June, and said that
doesn't quite fit Shaw vs. Reno, because I really know,
if you look at Shaw vs. Reno, it talks about how Justice
O'Connor states so there would not be a state
concentrated or disbursed minority margin in a single
district by disregarding traditional districting
principles: compactness, contiguity, and respect for
political subdivisions.

Legislative E does those three things as
well as anything up there. Then take a big, I don't
know what it looks like. I'm not very good at art,
can't come up with an animal, but clear, go down to the
bottom of the district, clear down to the bottom
two-thirds, the southern part of the state, and take in
the San Carlos Apache Tribe, it clearly violates the
principles of Shaw vs. Reno. They don't have any of the
issues with the Navajo tribe they do with local people,
economywise, things we deal with at the state
Legislature.

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I join the White Mountain Apache Tribe and San Carlos Tribe more often than not. I can't think of one time I joined the Navajo Nation to go to Phoenix to do anything legislatively. They join us all the time. We have issues of forest, industry, ranching, economy, transportation, roads. We join together all the time.

Chairman Massey submitted a letter in July that talked about the economy we have together on the White Mountain. As a Member of the Chamber of Commerce, we've worked together through all kinds of economic development efforts. My wife is on the payroll of the White Mountain Apache tribe in the winter, like many residents, and is interrelated in many ways.

You didn't hear one inter-relation of the White Mountain Apache Tribe San Carlos Tribe, other than Indians, as prohibited by Shaw vs. Reno.

I think I made all my points and sincerely hope you'll continue to listen to our concerns as you have to this point.

I'll get a question. I see a question.

COMMISSIONER HALL: Mr. Elder?

Let me pose a question. As is proposed for St. Johns, if, when you balance all things out, we need to come up, an example is possibly Cochise, they come into Gila Valley, to come
into the population, it could be Verde Valley, or could be moving on in toward Yavapai, or the other option would be if we came in and, you know, came down from Yavapai and picked up the balance of Gila outside the Indian reservations.

Are there areas of similarities as suggested by the proposition that fit the EACO areas' communities of interest you've got there in the eastern central part of the state?

SUPERVISOR BROWN: I'll give you my best shot as a citizen, somebody that lives in St. Johns, fifth generation, have lived there all my life. We have a strong relationship with folks in the East Valley, have for many years. We have a Representative, Supervisor Tenney to speak to that. We've just been tied with them on any different number of issues, especially environmental issues for many number of years, ranching, mining, transportation, many different issues. That's far and away the closest issue, Gila Valley, Globe, Miami, like that. That has been an area we've been partners on.

The letter from the County Attorney's Office will tell you those five county attorneys trade cases among themselves, never go out and trade cases with joint prosecutions. It's just been the first area
that has always been together.
   So we would strongly like to do that.
   If you are asking, me, all right, if push
came to shove, I had to twist your harm --
COMMISSIONER ELDER: Rather lose east or
rather lose south?
SUPERVISOR BROWN: We don't have much in
common with the Verde Valley, much less, if you go
over --
MR. CULLOR: Mingus.
SPEAKER FROM THE FLOOR: -- Mingus Valley,
that direction, there's less in common. We have more in
common probably with parts of Pinal County.
When you get to Miami, not that far from
Superior but --
You are forcing me to speculate. I'm sort
of rambling.
COMMISSIONER ELDER: Fair enough. Thank
you.
COMMISSIONER HALL: Thank you, Mr. Brown.
The last speaker I have, folks, Mr. Donald
Hancock.
Thank you, Mr. Hancock.
MR. HANCOCK: Donald Hancock, DONALD,
HANCOCK.

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I'm a Native Arizonian, superintendent of schools, Santaveen School District (phonetic), the district most impacted by the relocation situation of the Navajos and Hopis. Deal with on a daily basis problems created from this situation.

What I'm hearing here about today is looking at the situation between the Navajos and Hopis and allowing that to impact how we draw boundaries, how we allocate the votes. That should not be, in my opinion. We should stand as a district for rural Arizona, not special interest groups, not tribal entities, not religion, or any other basis. It should be the representation for rural Arizona. We all have the same issues, same health, same education, same transportation.

When we draw boundaries, I hope the boundaries allow the person elected to fill that position and to vote on behalf of all constituents, no matter where at, the western part of Arizona or eastern part, north, or south, represent each one of us as an elected official to accomplish the goals we need to be done for rural Arizona. That's my comment.

COMMISSIONER HALL: Thank you. I appreciate your input.

Ladies and gentlemen, assuming no one else

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wishes to be heard, we appreciate the opportunity to be
with you here today.

I assume no one at any satellite sites
would like to be heard?

Hearing none, this meeting stands
adjourned.

(The following has been was submitted to
the record and marked Submittal No. 1 and is included
verbatim as follows:

"Navajo County Board of Supervisors,
Governmental Complex – NC #18, PO Box 668 – 100 E.
Carter Drive, Holbrook, AZ 86025, Phone 520 524-4053,
FAX 520 524-4239, E-Mail ncbos@co.navajo.az.us,
Resolution 70-01, Resolution of the Navajo County Board
of Supervisors in Support of the Independent
Redistricting Commission's Proposed Legislative
Districts.

"WHEREAS, the Navajo County Board of
Supervisors is keenly interested in the Independent
Redistricting Commission's process for creating
Legislative districts and the resulting impact on the
citizens of Navajo County; and

"WHEREAS, the Board as a whole and
individually have been active in the Independent
Redistricting Commission's redistricting process; and

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"WHEREAS, the proposed Legislative districts for the State of Arizona maintain important and traditional communities of interest within Navajo County and with neighboring Counties; and

"WHEREAS, the Navajo County Board of Supervisors has always been concerned about the well-being of the Navajo, Hopi, and White Mountain Apache citizens who reside in Navajo County; and

"WHEREAS, the Navajo County Board of Supervisors considers the proposed Legislative districts as treating all citizens of Navajo County equitably,

"NOW THEREFORE BE IT RESOLVED, that the Navajo County Board of Supervisors supports the Legislative districts proposed by the Independent Redistricting Commission.

"PASSED AND ADOPTED by the Navajo County Board of Supervisors this 10th day of September, 2001.

"Percy Deal, Chairman.

"ATTEST: Judy Jones, Clerk of the Board.")

(The following has been was submitted to the record and marked Submittal No. 2 and is included verbatim as follows:

"Navajo County Board of Supervisors,

Governmental Complex - NC No. 18, PO Box 668 - 100 East

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Phoenix, Arizona
Resolution 69-01, Resolution of the Navajo County Board of Supervisors in support of the Independent Redistricting Commission's proposed Congressional District.

"WHEREAS, the Navajo County Board of Supervisors is keenly interested in the Independent Redistricting Commission's process for creating Congressional Districts and the resulting impact on the citizens of Navajo County; and

"WHEREAS, the Board as a whole and individually have been active in the Independent Redistricting Commission's redistricting process; and

"WHEREAS, the proposed Congressional Districts for the State of Arizona maintain important and traditional communities of interest within Navajo County and with neighboring Counties; and

"WHEREAS, the Navajo County Board of Supervisors considers the proposed Congressional Districts as treating all citizens of Navajo County equitably,

"NOW THEREFORE BE IT RESOLVED, that the Navajo County Board of Supervisors supports the Congressional Districts proposed by the Independent

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Redistricting Commission.

"PASSED AND ADOPTED by the Navajo County Board of Supervisors this 10th day of September,

"Percy Deal, Chairman.

"ATTEST: Judy Jones, Clerk of the

Board.")

(The following has been was submitted to the record and marked Submittal No. 3 and is included verbatim as follows:

"White Mountain Apache Tribe Executive Office of the Chairman, Dallas Massey, Sr., Tribal Chairman.


"Re: Navajo County's proposed legislative district for Northern Arizona.

"Dear Honorable Commissioners:

"On behalf of the White mountain Apache Tribe, I write in support of Navajo County's proposal for establishment of a rural legislative district in Eastern Arizona. As you know, the rural counties of Eastern Arizona and the White Mountain Apache Tribe face unique needs and circumstances due to our remote and

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rural locations far from Arizona's major metropolitan centers. While we in rural Arizona do not have the sheer population numbers like the metropolitan areas, we still have the same needs and similar fiscal demands in addition to unique needs and circumstances generated by the very fact of our rural identity.

Some of the common issues that the White Mountain Apache Tribe shares with Eastern Arizona counties include mining, forest health, endangered species, open space, ranching, farming, recreation, transportation, water resources and health care funding.

As a direct result of these common concerns and the rural location of the White Mountain Apache Tribe, I write to advocate your consideration of Navajo County's proposed legislative district which includes the southern portions of Apache and Navajo Counties, and all of Greenlee, Graham and Gila Counties.

"Another benefit gained through the Navajo County proposal is the assurance that the White Mountain Apache Tribe and the San Carlos Apache Tribe will be within the same legislative district. While the Mountain Apache Tribe believes this essential, to unite the voice of Apache people in ensuring that our interest and needs are heard and served in the Arizona legislature. Without this united voice, our concerns

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will be stifled by those of non-Indians, creating a situation where our interests are placed at a lower priority than other communities which do not suffer the same economic and social problems as we. We believe that uniting the voice of as many Indian nations across Arizona - through their elect representatives - will help protect the core values and culture unique to our communities and our people.

"Sincerely, Dallas Massey, Sr., Chairman.")

(whereupon, the hearing concluded at approximately 7:49 p.m.)

* * * *

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Phoenix, Arizona
BE IT KNOWN that the foregoing hearing was taken before me, LISA A. NANCE, RPR, CCR, Certified Court Reporter in and for the State of Arizona, Certificate Number 50349; that the proceedings were taken down by me in shorthand and thereafter reduced to typewriting under my direction; that the foregoing 163 pages constitute a true and accurate transcript of all proceedings had upon the taking of said hearing, all done to the best of my ability.

I FURTHER CERTIFY that I am in no way related to any of the parties hereto, nor am I in any way interested in the outcome hereof.

DATED at Phoenix, Arizona, this 19th day of September, 2001.

LISA A. NANCE, RPR, CCR
Certified Court Reporter
Certificate Number 50349

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Phoenix, Arizona