ARIZONA INDEPENDENT REDISTRICTING COMMISSION

Friday, July 29, 2011
1:30 p.m., Mountain Daylight Time

Location:
Navajoland Inn & Suites
392 West Highway 264
St. Michaels, Arizona

Attending:
Colleen C. Mathis, Chair
Scott Day Freeman, Vice Chair
Kristina Gomez, Deputy Executive Director
Buck Forst, Information Technology Specialist
Joseph Kanefield, Legal Counsel
Stuart Robinson, Public Information Officer

Reported by:
John A. Dalsin, CCR
Certified Court Reporter No. 50290
www.CourtReportersAz.com
CHAIRPERSON MATHIS: Good afternoon.

This meeting -- or hearing, actually, of the Arizona Independent Redistricting Commission will now come to order.

The time is 1:30 p.m., Mountain Daylight Time. We are coming to you live from the Navajo Nation, in St. Michaels, Arizona.

And let's all begin with the Pledge of Allegiance. So if you would all rise and do that first, that would be great.

(Pledge of Allegiance recited.)

CHAIRPERSON MATHIS: So good afternoon, everyone. It's wonderful to see so many of you here today.

I'm Chairman Mathis, and with me today is Vice Chairman Scott Freeman. And I've got a number of other folks to introduce to you all.

Our counsel today is Joe Kanefield.

We also have Willie Desmond from Strategic Telemetry, which is a mapping consultant. He will be making a presentation little bit later.

We have a court reporter helping us today. His name is John. So if everyone could be
mindful to spell your name when you come up to the microphone and tell us where you reside, either a city, town or county, that would be very helpful, so that we get an accurate accounting of today's events.

We also have a number of staff who are here today to help us out, starting with Kristina Gomez, our Deputy Executive Director. She's in the back. And be sure to ask Kristina any questions if you need to.

Buck Forst is our Chief Technology Officer. He is making sure that we are streaming live over the internet today.

And we also have Stuart Robinson, our Public Information Officer, in the back there, raising his hand.

And we have two ladies. I want to get their last names right. They are Kristy Olson and Lisa Schmelling. They are standing in the back, and they are Outreach Coordinators who are helping us today.

So feel free to go to any of these folks and ask them questions if you need any assistance.

Let me see where we are with other housekeeping items.

I want to first, I think, talk about our translation services that are available with us today,
too. We have other assistants.

In accordance with the Voting Rights Act, a translator/interpreter is available at all of our public hearings in order to provide translating and interpreting services that might be needed for those citizens that need it. And please contact the translator or interpreter present at this meeting so that he or she can assist you.

Will the interpreters please raise their hands. We have two today.

We have Gurlice Buffington. She is translating into Spanish today for us for anyone who might need it.

And Ralph Scott, who is translating into Navajo for us.

Thank you both for being here.

And would you like to make any opening comments or translation of what we just said? Either of you.

(No audible response.)

CHAIRPERSON MATHIS: I don't know if anyone is needing assistance today or not.

Could you maybe come up to the microphone, Gurlice, and ask if there is anyone?

THE SPANISH INTERPRETER: (Addresses those
assembled in the Spanish language.)

CHAIRPERSON MATHIS: And would you like to say anything, Mr. Scott?

THE NAVAJO INTERPRETER: I'm Ralph Scott. I'm from the Indian Wells area. I'm the Navajo Interpreter.

I'm glad to be here.

I don't see anybody that is in need of my service, but I'm glad to be here.

CHAIRPERSON MATHIS: Well, if that changes, we are fortunate that you are both here.

I also wanted to say that we are honored to have with us today Chairman Yazzie of the Navajo Nation Human Rights Commission.

And I thought it would be wonderful if you could come up and just give a few words of welcome at the microphone and introduce any distinguished guests.

CHAIRMAN YAZZIE: Good afternoon, Madam Chair and Co-Chair and all of the staff that you bring with you this afternoon.

We are pleased and fortunate that you would be holding a public hearing here in Window Rock, the capital of the National Nation.

I was introduced. I am Duane Yazzie, the
Chairman of the Navajo Nation Human Rights Commission.

I'd like to, first of all, just introduce one of my colleagues, who also serves on the Human Rights Commission. That's Commissioner Irving Gleason.

And we have some staff here. Elaine Begay is back there by the door, for a quick escape if need be! And Rodney Tyee, one of our policy analysts. And we have some other staff here. And Charlene. I think that's all that's here.

We want to welcome you here to Window Rock, honorable Commissioners. And not to be remiss, I'd like to welcome home our good and dear friend and brother, Honorable Senator Hale. Senator, Representative, President, et cetera, et cetera!

Just very briefly, Madam Chair, I am probably going over the time that I need to take here, but I asked earlier if the Commission here would be so kind as to indulge us, as our Navajo Nation Council has reconvened this afternoon and our Executive Director, Leonard Gorman, is going to be presenting some options on the redistricting plans to the Council this afternoon. And our intent is to have the Council formulate a position that we can present to the Commission this afternoon. And as legislatures go, it's unpredictable on the time. So we seek your
indulgence in terms of allowing us that time, that
opportunity to have the Council deliberate and get us
the position that needs to be presented to the
Independent Redistricting Commission.

I believe that's all I need to cover at
this time. And again, we appreciate all that are here
this afternoon. And have some good discussion.

Thank you, Madam Chair.

CHAIRPERSON MATHIS: Thank you very much,
Chairman Yazzie.

And I would also like to acknowledge
Lauren Long, who is also from the Human Rights
Commission. And she helped coordinate a lot of the
logistics today with Kristina Gomez. So thank you very
much to her for her help.

Before I also move forward with the rest
of the meeting, I should mention that there are three
other Commissioners, too. Besides Scott and myself,
there are three other Commissioners who form the group
of five. And they are Jose Herrera, Vice Chair
Herrera, from Maricopa County. He will be seeing us
later in a presentation, but I just thought I would
mention him now; Linda McNulty, and she is from Pima
County; and Richard Stertz, from Pima County.

So the five of us are all taking turns
and going to different parts of the state for these public hearings. We haven't all been at one hearing before. So we are kind of dividing and conquering. But the three of them are likely watching online today. They will be very interested in what gets discussed today just as much as we are.

Our purpose today is to receive public comments from all of you. And we are hoping that after the presentation that Mr. Desmond will be giving on the redistricting process you will provide us with your input on what we are doing. And there are forms to help you do that.

If you would like to speak and address us today, there is a yellow Request To Speak form that's in the back that you can fill out, and just give us a sense of what it is you would like to discuss with us today by checking the different boxes or making any comments.

If you are not comfortable addressing us formally today, you are welcome to fill out the blue form in the back. On that form you can provide all the information you would like to and give that to us, and it will still be part of the record. So that's another way to provide input.

If you think of something later on, after
we are gone, and you want to provide it, you can go to
out web site at azredistricting.org and also provide
input that way. You can call us or email us.
So there are many ways to do that, and we
encourage you to let us know your thoughts.
Is there anything I'm forgetting, Scott?
I think we've got everything covered on
the front end.
And so I think if Willie is ready, we
will bring Mr. Desmond from Strategic Telemetry up, and
he will give you the presentation.
MR. DESMOND: Thank you all for allowing me to
be here today.
Again, my name is Willie Desmond. I work
with Strategic Telemetry, who is a firm hired to help
the Commission, providing technical assistance as they
begin and continue this map-drawing process.
I will be giving a short presentation
today on exactly what redistricting is, what the AIRC
is, and the guidelines we follow as we redistrict.
This is the eighth, I believe, in a
series of seventeen first-round public meetings all
over the state. And the main goal of all these is to
solicit input from the public about what criteria, what
communities of interest, what they want the Commission
to consider when drawing these maps. So I encourage everyone here or anyone listening on the live stream to make your input. And I will go over how you can do that exactly.

I should also mention for anyone watching on the live stream on line that the PowerPoint presentation is available on the web site, so you can download it and follow along if you are unable to see it on the webcast.

So I will be giving a short presentation today, discussing a few things.

The first one is: Why do we have a Redistricting Commission?
The next is: What is redistricting?
What are the differences between reapportionment and redistricting?
Why do we have to redistrict?
What guidelines need to be followed when drawing new districts?
What steps are in the redistricting process?
And how can public input be submitted to the Arizona Independent Redistricting Commission?

All right. First of all, why do we have a Redistricting Commission?
This is the second time that Arizona's congressional and legislative districts will be drawn by the Arizona Independent Redistricting Commission.

In 2000 the voters of Arizona passed Proposition 106, which created the Commission, and established a series of criteria to be followed when drawing new district lines.

The Commission is made up of two Democrats, two Republicans and an independent Chair, who is elected by the other Commissioners. The fifth member, the Chair, shall not be registered with any party already represented on the district -- or on the Commission. Excuse me.

In 2011, the members are:

Vice Chairman, Scott Freeman, who we are lucky enough to be joined by today;

Vice Chairman, Jose Herrera;

Chairwoman, Colleen Mathis, who is also here; and

Commissioners Linda McNulty and Richard Stertz.

All right. What is redistricting?

Simply put, redistricting is the process of redrawning congressional and legislative district lines.
What is the difference between redistricting and reapportionment?

There is a technical difference. Reapportionment is the process of allocating congressional districts to the state based off of changes in population.

Because of growth in Arizona over the last decade, Arizona has been allocated an additional congressional district following the 2010 census. Arizona in 2012 will elect nine members to congress, as opposed to the eight that currently serve.

And again, redistricting is the process of drawing the new lines based off of those changes in population and the additional district that has to be added in.

Why do we have to redistrict?

Well, because Arizona gained this ninth congressional district, new lines will have to be drawn to add it in. However, even if Arizona had not gained this district, the congressional and legislative district lines would have to be redone to account for changes in population. The concept of one person, one vote dictates that there should be as close to the same number of people per district as possible.

And again, because the population growth
is different in different areas, the existing districts
no longer have equal populations.

OK. The guidelines that need to be
followed by the AIRC when drawing these new districts.

First, they must comply with the U.S. Constitution and the Voting Rights Act.

Next, they must have equal population.

These first two criteria are federally mandated, and any plans that are submitted must meet these two criteria. However, Proposition 106 established four other criteria to be considered during the redistricting process, the first of which is compact and contiguous districts; respect for communities of interest; use visible geographic features -- cities, towns, county boundaries and undivided census tracts; and lastly, to create competitive districts where there is no significant detriment to the other goals.

Redistricting in Arizona.

The first step is the public hearings, where we solicit input from the public.

Following these, the Commission will start with a grid map. In some states they start with the previous plan; however, this is not the case in Arizona. Proposition 106 specifically states that you
must start with a grid map.

The commencement of the mapping process for both the congressional and legislative districts shall be the creation of equal population in a grid-like pattern across the state.

The best way to think of this grid map is a checker board or a tic-tac-toe board drawn over Arizona, but adjusted just to meet equal population.

It's likely that this initial grid map will only meet criteria B and C, which are equal population and compact and contiguous.

As a result, this grid map is adjusted to meet the other criteria, the first of which is the Voting Rights Act.

Arizona's congressional and legislative districts must receive preclearance or approval from the Department of Justice or a federal court under Section 5 of the Voting Rights Act before they can take effect. To get preclearance, Arizona must demonstrate that the new districts do not discriminate against minority voters in purpose or effect, which means there can be no intentional or accidental discrimination.

Under Section 5, Arizona's redistricting plans cannot be retrogressive. The plans cannot weaken or reduce minority voters' rights.
And finally, the presence of discrimination can be determined by analyzing population data and election results.

Following this first adjustment, the grid map is further tweaked to ensure equal population, compact and contiguous districts, and respect for communities of interest.

And again, one of the goals of these hearings is to solicit the public input about communities of interest.

There are forms available at these meetings and on the web site where you can define areas that you feel should be considered a community of interest. You can fill out one of the yellow forms if you wish to speak, and your comments will not only be put on the record from what you have to say, but also on your form. If you are here and you don't feel comfortable speaking, you can fill out one of the blue forms and submit it to the Commission, and your comments will also be considered. Finally, if you have any other sort of information that you would like to submit, feel free to do so. We do ask that if you are comfortable, please put your name and contact information on the materials you submit so that we may contact you should we have any questions about the
criteria you are trying to establish.

Finally, after this adjustment is made, we then go and use visible geographic features, which are then printed up by county boundaries, cities and towns and undivided census tracts. We're lucky that that census geography often follows these visible features.

And finally, districts are adjusted to create competitive districts where there is no significant detriment to the other goals.

OK. And how can you submit your input to the AIRC?

Again, you can fill out one of the forms to speak or submit your input today. Examples of input could be criteria that the Commission is using, communities of interest you feel need to be kept together, or anything else about the redistricting process. You can also submit these on our web site, which is www.azredistricting.org, or you can call our office at 602 - 542-5221.

Thank you very much for the opportunity to speak today.

We are very much looking forward to hearing what you have to say.

Thanks.
CHAIRPERSON MATHIS: Thank you, Mr. Desmond.

That takes us to agenda item 3 on our agenda, which is the call for public comments.

And right now I have three Request To Speak forms filled out. So feel free to complete yours and turn it in to Kristina, and she will bring that up to us.

Our first speaker today is Gabriel Freeland, representing self, a Navajo Nation member, from Apache County/Window Rock.

MR. FREELAND: Good afternoon. My name is Gabriel Freeland, G-a-b-r-i-e-l, Freeland,
F-r-e-e-l-a-n-d.

Good afternoon, Commission members.

I kind of want to just highlight some, you know, questions and concerns from my perspective.

I know you highlighted the Voter Rights Act and the Constitution, and we know that's what we're governed by. And I would like to reiterate that we use that and abide by that, so that way Navajo has an opportunity to potentially gain strong representation in Washington.

And also, Native American communities. You know. I know Arizona has a strong population of Native Americans in the state of Arizona. What I would
like to have the Commission members understand is it would be better to have Native American communities, whether Apache, Hopi, Navajo, have those nations stay intact. We have that analogy of divide and conquer, but it would be detrimental in some instances if we divide the Navajo Nation, if that was the case to be when we do this redistricting. You know. I know we cover three counties. And it would hurt, in some instances, if we divide the Navajo Nation when we go through this redistricting. It would be nice to keep the Navajo Nation as a whole so that we would have strong representation.

The other is, again, keeping cities and counties whole, so that way we are able to -- You know. I know in some instances that it's sometimes impossible to keep cities and counties whole when it comes to representatives, but when you divide the cities, you know, you have one side against the other. Again, the same concept of divide and conquer. You know. It would be nice to have St. Michaels -- all the issues addressed in St. Michaels and Window Rock as a whole, you know, be represented, and be represented by one individual, instead of two representatives, and one issue be nondetrimental to the other.

Again reiterating, community interests.
You know. The interest is here on Navajo sometimes on different things. Interest is off Navajo, off the Navajo Nation.

So again, I think, you know, that would be something that would be strongly important to consider. And I'm pretty sure our representatives from the State or from our Tribal Council will be able to reiterate some of those interests that are due to the Navajo Nation and the other Native American tribes.

And again, considering independent voters, I know I've been an independent voter since I was eighteen, but, you know, we are not as strongly represented in Washington or in the states like the Democrats and the Republicans, but we do appreciate our voice being heard.

So thank you, Commission members.

CHAIRPERSON MATHIS: Thank you very much.

Our next speaker -- and forgive me if I mispronounce your name, and you can correct me when you come to the microphone -- is Leonard Tsosie, Council Delegate, and representing Navajo Nation.

And you will have to say what the "C" stands for.

From Window Rock.

DELEGATE TSOSIE: Thank you, members of the
Commission. Ya'ate'e'h.

CHAIRPERSON MATHIS: Ya'ate'e'h!

If you could spell your name for us, too, because I probably mispronounced it. I'm sorry.

DELEGATE TSOSIE: No. You got it right.

CHAIRPERSON MATHIS: Oh. Good.

DELEGATE TSOSIE: T-s-o-s-i-e.

CHAIRPERSON MATHIS: OK. Thank you.

DELEGATE TSOSIE: Thank you.

My name is Leonard Tsosie. I am a member of the Navajo Nation Council. The capital of the Navajo Nation is in Window Rock.

Welcome to Window Rock!

Thank you for bringing this Commission here, and out here.

The Navajo Nation Council is very much interested in the redistricting process.

Unfortunately, your hearing is at the same time as our Committee meeting. So many of the Arizona ones cannot make it up here to say a few things. Also, some of them might be coming in.

And then we also have, I noticed, Mr. "Chili" Yazzie here. And the office he represents, the Human Rights Commission, I think have some maps to present for the record later on.
But I wanted to tell you a few things.

In yesterday's discussion within the Council, the Council wanted to take a position. And this will probably be formalized in a written resolution that will be sent to the Commission. But it's to give us a chance to elect a member, or someone, to congress. We have never had a member elected to congress.

And this is where, when we draw it, I think we believe that you could create a district that is over twenty percent Native American, and also maybe over twenty percent Hispanic and other minority groups. And often, when you do that, the interests of the minorities begin to coalesce and they begin to see similarities in issues. Medicaid is an example. And other issues.

And so we coalesce along a common issue that brings us together and, hence, sometimes the minority and majority districts working together. And so we strongly ask the Commission to seriously look at that.

Arizona has grown on us, without our permission. And it's because the weather is good and other things. And so the other population across the United States migrates to Arizona, causing a swell in
22 population, and diminishing our voice and diminishing
our representation. We can't help that.

But a good thing the U.S. Constitution
has this, so that we could make our presentation to you
and ask you to consider that side, and that is the
diminishment of Navajo Nation voice because of the high
population growth. And I will strongly ask that you
consider the interests of the Navajo Nation.

And then the other thing, too, is: We
have communities of interest we talked about. I
strongly ask that you also include what we call a
"tribal interest". And the reason why is that not only
do we live out here, and not only are we citizens, but
the U.S. Constitution recognizes Indians. And it's the
only ethnic group that's in the Constitution that's
recognized. And it's recognized along the sense of the
government-to-government and nation-to-nation. And
it's in Article 6.

Unfortunately, federal judges and state
judges do not uphold their oath to the U.S. Consti-
tution when they rule that we are a social club. You
know. And most of the judges, most of the federal
judges, if not all the federal judges, in the state of
Arizona are of not Indian descent. And these judges
make decisions. And who's the one that has some
control over that, and some voice? Congress. And yet we have no one in congress to make a pitch for us, for representation.

Because of this lack of foresight by federal judges, there is an attack on our religious structures, like San Francisco Peaks. This all has to do with representation. And so that we are very concerned about and we ask, when you draw the line, give us a chance. The United States Constitution would like to see you give us a chance.

Indians and Navajos are no exceptions. We've always fought for representation through the courts and through the halls of legislature. Always. And it started ever since when U.S. law did not recognize us as citizens, even though we were the first Americans, and it had to take a statute to say that "Oh, yeah. These first Americans should be able to vote." And that's wrong. And that somewhat has been rectified. But it will be further corrected if you allow Navajo Indians and Navajo citizenship, Navajo citizens to elect the representative of their choice and include the tribal interests of Navajo Nation and the economic interests.

As you go throughout the district, you will probably hear that Holbrook does not want to be
with Navajo, Winslow does not want to be with Navajo.

And so -- You know. And those are the economic differences we have.

We want to do economic development.

We realize that we may not have enough in population to equalize it; and so therefore, we need to go into Holbrook, we need to go into Winslow, we need to go into Flagstaff. And for congressional districts, we realize that we need to go further south, down south towards or maybe even around Tucson, to pick up enough voters to equalize the district so that the other requirement is satisfied. But when you hear that, though, recognize the fact that the differences are great at times because of the color of our skin and because we grow up differently and because some political people just outright say that "I don't want to be represented by an Indian". And hence, they inflame the differences between us.

We've never said we don't want Holbrook, we've never said we don't want Winslow, we've never said we don't want Flagstaff. We've always done commerce with them. But the reverse is somewhat not true.

Finally, I'd like to ask that you refrain from Hopi gerrymandering. You have a map that's
similar to the district that was in North Carolina that
was declared unconstitutional. And I call this the
"Hopi gerrymandering", where you try to pick up
Republicans in the Hopi area and then take them out.
All you're doing when you do that is division among
tribal groups.

The federal government, if it continues
to do this and this Commission, if it endorses it, have
not learned the lesson of the Navajo-Hopi land dispute
and the many things, the bad things, that came with it.
And that's all you're going to promote with further
Hopi gerrymandering.

I wish you well, I wish you luck, and I
pray that you will hear us, and my people, so that you
could be fair to us.

Thank you very much for this opportunity.

CHAIRPERSON MATHIS: Thank you.

DELEGATE TSOSIE: And if I could be excused, I
need to go back to my Committee meeting.

CHAIRPERSON MATHIS: To the other meeting!

Thank you for coming.

Just a reminder to everyone. If you
would like to address us today, be sure to fill out a
Request To Speak form (indicating). This is the third
one, and the last one that I have currently.
Albert Hale, Representative from the Arizona House of Representatives, from LD, Legislative District, 2.

Is Representative Hale here?

Yes. Representative Hale.

REPRESENTATIVE HALE: Good afternoon.

CHAIRPERSON MATHIS: Good afternoon.

MR. HALE: Ya'ate'e'h. Welcome to the Navajo Nation.

CHAIRPERSON MATHIS: Thank you.

REPRESENTATIVE HALE: The Navajo Nation capital, as was stated here, is just down the road, in Window Rock. Window Rock, Arizona.

And I welcome the Commission to the Navajo Nation. I'm Albert Hale, aka Ahe'he'e'. I am the former President of Navajo Nation. I've been so for a number of years. I'm also former Chairman of Navajo Nation Water Rights Commission. And those are interests that I will be touching upon, because water seems to be an issue where the communities, the nations, the Indian nations and non-Indian nation communities have a vast difference, in terms of addressing those issues.

And I have also served in the Arizona State Senate, and got turned out this last election
cycle. So I ran for the House of Representatives, and that's where I'm serving today. And this is my first term in the House of Representatives.

(At this point, Mr. Hale addressed the audience briefly in the Navajo language.)

REPRESENTATIVE HALE: These are the four clans that I'm affiliated with. We are told by our elders that we have to introduce ourselves this way, and that way we will always have relatives, wherever we go, wherever we speak. And so it is today I am surrounded by my relatives. In fact my brother, Tilly Yazzie, who introduced me, and said "Hello" to me. And that's the way it is with Navajos.

And secondly is that we are told to introduce ourselves this way because in that way, regardless of where we are, the sacred mountains that define our boundaries, traditional boundaries, if we go beyond those points, the Holy People will always recognize who we are and render us aid, in terms of what we are about to say.

And so I call upon the Holy People to help me address you at this hour and at this day on a very important issue.

You have the task of trying to come out with redistricting lines that meet certain criteria.
And those criteria we are very familiar with -- the competitiveness and the commonality and all those things.

Unfortunately, and particularly in the state of Arizona, there is diversity, not only among people, but also geographically. And the diversity that I want to talk about is diversity in terms of the origin of self-governments, or self-governance.

For Indian nations, you have a whole array of federal laws, state laws that have stated consistently throughout United States history that Indian nations predate the Constitution, that Indian nations are inherently sovereign, which means that Indian nation government and Indian people have the right to self-government and can make their own laws and be ruled by them. And that proposition has been upheld, from day one, from the forming of the United States. And unfortunately, as was stated by Delegate Tsosie, throughout the course of history, that has been diluted and removed at the federal level, especially in the court system, towards minimizing the inherent sovereignty of Indian nations and going towards more of a delegation of sovereignty.

And the question that arises in argument that whether that be in the federal court or in state
courts is the judges will say -- This is just to illustrate what I mean by "inherent sovereign" and "delegated sovereign", "inherent sovereignty" and "delegated sovereignty". The judges will sometimes ask, "Point me to the federal law or a state law" -- particularly the federal law, because all of Indian affairs is regulated by federal law, for the most part, and the state laws do not apply on an Indian reservation unless it is expressly allowed for by the United States government. And such is the case with the Indian Gaming Compact.

So the judge in many cases will ask, "Point me to the statute, the federal statute, that gives you this authority, that gives you the authority to impose, for example, the Navajo Nation Hospitality Occupancy taxation on a private enterprise, a private restaurant and hotel that is located right in the middle of the Navajo Nation over in Cameron, owned by a non-Indian, but advertising that "Come to this place so you'll be right in the middle of Navajo people and Navajo country". Yet, when it came down to imposing that tax, there was an objection by that individual. And that went all the way to the Supreme Court.

I was there, listening to the Supreme Court arguments. And one of the Supreme Court justices
asked a question to, I believe it was, the United States solicitor who was arguing on behalf of and in support of the Navajo Nation's position, that this tax applies to that operation since it's within the Navajo Nation land.

And the judge asked, "Point me to the federal law that gives you this authority."

So that's what I mean by the federal government, particularly judges, moving away from inherent sovereignty, where case laws have been, for generations have been, that Indian nations are inherently sovereign; and therefore, that means that they don't need to point to a law in the federal code, or in the state law, that gives them the authority to enact these laws.

These are major differences that you have to take into consideration when you consider that one element, that one element, that you are required to take a look at and accommodate and provide for, which is the community of interest requirement.

If you look at Indian nation history and the relationship of Indian nations with non-Indian, you will see and you will conclude that that community of interest is very difficult to accomplish and accommodate. And the reason why I say that is because
the community, or the interest of Indian nation communities is the fulfillment of United States treaties with those Indian nations.

The Navajo Nation has a treaty that was approved by the United States congress pursuant to authority in the United States Constitution. And that was approved in 1868. In there, in that treaty, is spelled out what the relationship is going to be between the Navajo Nation and the United States government and what the United States government is going to provide to Indian nations and Indian people. Things such as agricultural benefits, education. Those are all spelled out in these treaties, not only with Navajo Nation, but all Indian nations that have treaties with the United States government.

And on top of that, if you look at the United States Constitution, the United States Constitution is very specific when it says that treaties are supreme law of the land. So what that means is that treaties with the Navajo Nation, the Treaty of 1868 is supreme law of the land. That means that this law that is enumerated and all the benefits that are enumerated in the 1868 treaty of the Navajo people has to be abided by and accommodated and provided for.
That's where we come from. That's our interest as a community.

As a community of Indian nations, we want those treaty obligations to be fulfilled by the United States government and the people of the United States, including the people of the state of Arizona, and other states. We expect that, and we demand that.

And we have support from the United States Constitution that says treaties are supreme law of the land. So that has to be accommodated for.

That's our interest. And that is a unique interest that sets us apart from all other communities. All other communities off the Navajo Nation and off Indian reservations in the state of Arizona don't have this interest that arises from a treaty. In many cases the interest that non-Indian communities have -- for instance, Holbrook, Winslow, whoever we get tied in with -- they will not have as their primary interest fulfillment of a federal treaty. They will not. And it's going to be hard to meet that.

I think in some ways we have reached some sort of an appeasement type arrangement when the Navajo Nation and other Indian nations, the five Indian nations that are part of LD 2, which I represent, got connected with the City of Flag'. Because the City of
Flag', as you know, is predominantly Democrat, and more independent now as we are moving forward. So they understand, to a large extent, what we talk about in terms of fulfillment of treaty obligations.

But when you move away from that community and go to other communities -- Holbrook, Winslow, and I've seen maps that are proposed that take us down into Eagar, St. Johns -- they don't have that interest, they don't have the interest of making sure that Indian nation treaties are fulfilled. They don't have that interest. In fact, in many cases, in many cases, those communities and the people of those communities always question, always raise the question why are Indian people being treated differently.

Because another part of the Constitution says all the people in the United States are equal under law.

And the people who do not understand the nature of Indian nation government and the treaties that the United States have with Indian nations cannot reconcile that difference; that when it comes to Indian people, Indian nations, they are in fact different. They are in fact unique.

And the bigger thing on that is that they are different, they are unique, and they are that way
under law. Under the United States Constitution they are different. And historically they are different. Because these Indian nations, these Indian people, predate the Constitution, predate the formation of these United States, predate the formation of ANY of the states, and as a result are different. Our community of interest and the community of interest of Indian nations is entirely different and unique.

Where else outside the Indian reservation will somebody stand up and say, "I want the treaty of 1868 with the Navajo Nation and the Navajo People to be fulfilled"? Nobody is going to say that off the Indian reservation. But we on Indian reservations that are leaders, including myself, we always stand up and say that.

Like I said earlier in my introduction, I've spent now close to ten years down in the state legislature in Arizona. And every time I say, "I need some help for my people on the Navajo Nation. They are citizens of the United States, and they are citizens of these states" -- And just as a footnote here, we were not recognized -- and when I say "we", Indian people were not recognized as citizens of these United States until 1922. Just imagine that.

And just to give you an aside to that
footnote, there was this bill that was introduced when I was down at the Arizona State legislature, and that bill said, "OK. If one of your parents is illegally here in the state, you will be declared illegal, as a child of that parentage."

And I stood up and said -- in effect, I issued a personal statement, and I said, "OK. If that's what the law is going to say, that means I and a large number of my people here are illegal citizens."

And the reason why is because my mother was born in 1915, my father was born in 1912. So if you look at it in terms of the Citizenship Act coming into being in 1922, they were not citizens. Or 1924. So that makes me -- If this law passes, that makes me an illegal citizen. Go figure! A child of the people who have been here for centuries declared to be an illegal citizen. It doesn't make sense. And that's another part of this community of interests that is presenting difficulties.

And as I started to say, the community of interests is entirely different between these non-Indian communities and Indian nation communities.

But you have to find some solution. That's your job.

And our job here is to urge you not to
lose the voice of Indian people, because they are also citizens of these United States, and these states.

You have to draw those lines so that there is still representation down in Phoenix from Indian nations.

Unfortunately, in the years past, the past twenty years, the voice of Indian nations in the state legislatures has come from the Navajo Nation, for the most part. Now I've seen maps where it's looking towards diluting that vote. But you also have a requirement that you should not dilute the vote of minority groups. And if you move in that direction, I think you're going to run into some issues.

Now I can't just leave you with this problem that I see. So I will offer a suggestion.

When I was President of the Navajo Nation, the first thing that I did in terms of Indian nation relationship with the federal government, I wrote a letter to then President, President Clinton, because when I came into office in -- it's been quite a while back I can't think back that far. I'm getting old! -- 1996.

In 1995, which was election time, and after the general election, or thereabouts, there was a conference or a gathering of Indian nation leaders with
President Clinton on what has been referred to as the "White House lawn conference of Indian leaders".

And out of that came this proclamation or executive order by President Clinton that any federal agency dealing with Indian issues, they must consult with Indian nations before they implement or develop that policy.

And whether that has been complied with or not, that's another story.

But what I did after I came into office is -- And I noticed that there was at that time huge budget cuts that were on the table. And the first thing I noticed is that the Bureau of Indian Affairs, that has the authority to oversee the execution of trust responsibility to Indian nations, they were getting disproportionately high cuts in their agency. And they're within the Interior Department. The Bureau of Indian Affairs is within the Interior Department. The Bureau of Land Management is in there too, National Forest is in there too. So Indian people are classified with wild animals in treaties, et cetera, by virtue of where they're at now in that structure.

So when I sent this letter to President Clinton, I told him, "Look. Everything that I read about what transpired and what you said to Indian
leaders I've heard before, all my life. And it's to
the point where it's just rhetoric." Every time a
state leader comes to the Navajo Nation or a federal
leader comes to the Navajo Nation to have a meeting
with Indian people, what do they say? "I'll respect
you. I'll deal with you on a government-to-government
basis. I will respect your treaty, I will abide by
that treaty." They say that all the time. But yet to
do something that actually does that hardly happens.

So what I said was: "There are a number
of things, twelve recommendations. Here are a number
of things to bring life to what you say. Don't just
let that be empty words again."

Here's one. "Get that Bureau of Indian
Affairs out of that Interior Department. Make it a
presidential cabinet level office. That's one thing.
But in terms of what we're talking about here, why not
do as you are doing with the United States terri-
tories?"

And you know the territories that I'm
talking about. Guam, Puerto Rico. You know what?
Those are territories. Those are not states. Those
are not Indian nations. They are territories. But yet
they are provided for, their representation in congress
is provided for. I don't think they are voting
members, but they have a voice in congress because there are representatives being elected from those territories that go to congress.

"So why don't you do that for the first people of this nation? Why don't you set it up so that there is a representative from these Indian nations, just like you have for Guam, just like you have for Puerto Rico. Why not do it that way? That way, at least Indian people, Indian nations, have a voice."

And they have a voice when things are being discussed such as water rights, which I mentioned earlier. Because these water rights settlements have to be approved by the United States congress.

In 1932, by case law, the Winters Doctrine, United States Supreme Court, Indian nations water rights were declared to -- Well, let me digress a minute. Indian nations were declared to have water rights from the day reservations were created.

And yet from 1932 to the present they have not been quantified. And when we move for quantification of water rights, you know what? All the non-Indian communities off Indian reservations, they join up and they file opposition to our efforts to establish our water rights. And the states jump in there and say, "We support the non-Indians. We don't
want you to have all these water rights."

So again, an example of a lack of commonality of interest.

So that was my recommendation.

Unfortunately, and I'm sad to say, I never got a response from President Clinton. The only response I got was: "We received your letter" -- This was maybe a year later. I got a letter from the office there. And the letter said to me: "We received your letter, and we referred it to the Office of Presidential Personnel".

And what in the heck is my letter doing in the Office of Presidential Personnel? Because that office, to my understanding, is where people who are considered for appointment to presidential offices are vetted. And my letter had nothing to do, nothing to do with myself getting appointed to a federal office. It had to do with some major issues faced by Indian people and what I thought would be a solution, a solution that would begin to solve these issues that I just alluded to.

The gerrymandering, it was already mentioned, that the Hopi gerrymandering is a real problem for us. It's a divide-and-conquer tactic that we are so familiar with, and historically that's what
we've been subjected to. "Divide the Indians. Let them fight among themselves, and then we'll just come and do whatever we want to do with them." That's always been the case, and it continues to be the case.

So here is the other proposal. And I said -- I laid out the problem. Here's one suggestion, here's another one.

Why not, if you're going to be gerrymandering, and I've seen you gerrymander, the Commission gerrymander this last redistricting, gerrymandering Hopi Nation to be connected with CD 1, I think. Or CD 2. Why not do that for all Indian nations. Because our interest, as stated by Council Delegate Tsosie, was: We want to see a move in the direction where we have the possibility of finally, finally voting into congress a true Native son or daughter. We want to see that in our lifetime. And one way to accomplish that is: Why don't you connect all the Indian reservations. There are twenty-two Indian nations in the state. And I don't know if collectively they will meet the population threshold.

But even if they don't, when you run Navajo Reservation connected to Whiteriver, for example, you can pick up population along the way. And you extend that on to San Carlos, extend that on into Fort McDowell, Ak-Chin,
and beyond, to Keyoh, why not do that? You already have precedents for gerrymandering. You've done it with Hopi.

So I see that possibility as a way to finally achieve what we're talking about, what our interest is, to finally get a true Native American voice in the body that has taken on this responsibility to a development of law. And that responsibility says that congress has "primary authority" over Indian people.

What that means is that congress has absolute power over Indian people, Indian nations. That's "primary authority". What that means is that Indian people exist at the whim of the federal government, especially the legislature.

Today that federal government, that congress, can pass a law and say, "Navajo Nation, we no longer recognize you as a sovereign, semi-sovereign Indian nation." It has done that in the past, in the Termination Act of the '50s. It has done that to Indian nations, Indian people, Indian reservations. It has done that through this power that the courts, the federal courts, just grabbed out of nowhere and said, "Well, Indian nations are not part of this federalism, state and federal government, because under American
government there's only two sovereigns. It's the state
government and the federal government. Nowhere in
there is there a mention of Indian nations as another
viable sovereign entity."

We don't teach that to our kids. And for
that reason I introduced legislation when I first went
down to the state legislature to do that, to
incorporate a study in studying Indian nation
government in the state's education curriculum.

And here's an example again of what
happened from people who don't understand, that I serve
with in the state legislature, and their interest is
entirely different.

When I started pushing that legislation,
I got all kinds of comments about "We shouldn't treat
the Indians differently"; "Indian nations, you're not
really sovereign". I don't need to revisit that issue,
but I stated a while ago that Indian nations are
sovereign because they predate everybody else.

And then even when I look at state law in
the position where I'm at, ever since I got to the
state legislature I introduced a bill to amend the
Transaction Privilege tax, which is a tax on sales
transactions from which the state gets a huge amount of
revenue down to the state legislature. And then that's
divided up according to law. And the law says about
twenty-five percent of that money, that's generated all
over the place, including Indian Nation, because that
tax is applied to transactions involving non-Indian
owned businesses operating on Indian land. And the
mines up here, they pay state transaction privilege
taxes. And that goes down to the State Treasury. On
the average, fourteen million dollars a year in Navajo
money goes to the state legislature, or the State
Treasury.

But the law -- In giving up that money, the law says twenty-five percent of that will go to
municipalities in those counties where that money comes
from -- Just a minute.

Forty-one percent will go to the counties
where it came from, and the balance will stay with the
state.

Nowhere in there is a mention of Indian
countries getting back that money that it paid down to
the treasurer, or the State Treasury.

What does that remind you of?

It reminds me of colonialism. Because
colonialism is taking resources from a land, taking it
somewhere else, and not returning that money in terms
of service or money to that community or that land
base.

That's what's happening here.

And every dollar that comes off the Navajo Nation, twenty-five cents of that is supporting -- If it comes out of Apache County, there are three incorporated municipalities in Apache County: Eagar, St. Johns and Springerville. So every dollar that comes off a Navajo, twenty-five cents of that is going over there to support whatever that municipality does with it.

And when we came upon the crisis in Arizona, there was a huge uprising from the municipalities and the counties saying, "Don't touch our revenue share of the TPT, because we use this money to pay for the recreation department, to pay for city equipment, to pay for city offices, to pay for recreation centers" -- the very things that my people, Indian nations, want and need. But yet, no money coming from the state to finance those types of things.

And when I asked for an amendment down there, I heard all of these comments: "Indian people, Indian nations, they're supposed to be sovereign. Indian nations, Indian people, you are imposing your own taxes. So why don't you use your tax money for those purposes. Indian nations, Indian people, you are
making tons and tons of money from gaming. So why don't you use that money". I heard that. And I constantly hear that.

And I push this legislation every session, and I'm going to push it again.

And that's what we have to deal with. That's what I mean by not having a commonality of interest between Indian nation community and non-Indian nation community.

And how do you deal with that?

I gave you a couple of options.

And what do you do with that?

That's your choice and your decision.

But this is what I wanted to talk to you about, wanted to present to you, and I appreciate the opportunity to do so.

And may the Holy People be with you in this undertaking of a difficult task.

Thank you very much. Have a wonderful day. Cha'a'.

CHAIRPERSON MATHIS: Thank you, Representative Hale.

OK. We have a couple more Request To Speak forms.

Our next speaker is Dr. Pauline Begay,
Apache County School Superintendent. Her office is in St. Johns, Arizona. Apache County.

SUPERINTENDENT BEGAY: Thank you. Thank you for allowing me to speak here.

I'm the Apache County School Superintendent. And from what I see from that standpoint is that our Navajo people here are in various districts. Starting with the appropriate school districts, we have our boundaries, and there are eleven unified school districts in Apache County. And then we have, our Navajo Nation have one hundred and ten chapters in Arizona. About half of them. And from those chapters, it is their district where voters vote.

From Apache County, St. Johns, we have three boards of supervisors. They also have districts: District 1, District 2, District 3. And most recently, our board of supervisors did the redistricting based on the voters. They had to go through a process like you all are doing, giving public hearings here and there, and they also had some choices on geographical maps. And they've seen -- They have shown that to the people.

When I came in, I wanted to see a map. And I didn't see a map. So that was my question. So there are other districts that you are
working on, legislative districts and congressional
districts. We are all districts out.

    And in our Navajo people, I bet about
seventy-five percent do not understand what they are,
except for the local chapter.

    Every time there is a public hearing of
any kind, I don't see very many people, very many
Navajo people, attending hearings. So when it comes to
making decisions, only a few make the decisions. And
the time when they confront with these new laws that
come into place from the state during election time,
that's when we, some of us, have to explain to our
elders what they are. If it's on the ballot, then we
have to tell them what they are. And they try to
understand. But they just go ahead and vote yes or no.

    There are a lot of things, to me, our
people need. Education, they need education. Even our
students need education at the public schools and all
the other education schools, and BIA schools. There
are different schools on the Navajo Reservation. Grant
schools as well.

    So, talking about districts, we know that
we have eight districts now. We are talking about the
ninth district. So I was wondering where you're going
to put it. Are you going to put it at the Hopi
Reservation, are you going to put it at the Tohono O'odham Reservation? Who has more population, who has more voters, here and there, in the state of Arizona? That's what I wanted to know.

Every time there's a decision being made at the state level, there are more focus on urban issues. There is a difference between urban and rural, where these people live, and we just happen to be in the rural area. And in the rural areas we are always neglected. I tell you we are neglected, because we don't have the many resources like the urban locations.

And so I don't know where the ninth district will be, but hopefully that it will be more considered.

And that's all I have to share today.

Thank you.

CHAIRPERSON MATHIS: Thank you.

Our next speaker is Chris Deschene, member of the Navajo Nation, representing self, from Window Rock, Arizona.

MR. DESCHENE: Thank you.

Good afternoon. Ya'at'e'e'h.

CHAIRPERSON MATHIS: Good afternoon.

MR. DESCHENE: My name is Chris Deschene, and I'm a member of the Navajo Nation; also, a former State
Representative.

If you will allow me, in our way I just want to say thanks to the Commission and the Chair and also the leaders that are here as well.

(Mr. Deschene addresses those assembled in the Navajo language.)

MR. DESCHENE: I just want to share a few words, and hopefully it will be brief.

First of all, I do support the concerns that you will get from the Navajo Nation, especially the Chair of the Human Rights Commission, who mentioned some comments regarding community of interests and the like. And I'm sure you're going to get some literature to that effect.

I also support Senator and Representative Hale's comments regarding the background, the issues, as well as the challenges that tribal communities have faced with regards to being involved politically. And I know I've walked that battle with him as well.

My comments are to the point of competitiveness of the districts.

I am a member of a number of institutes who are active, with just looking at preserving equal rights and preserving our voting strength.

And what I see, I need your comments, and
hopefully the Commission will take this into effect, is
that when we look at the state of Arizona and we look
at the districts and we look at the past ten years, and
we see there are definitely trends that are moving in
one particular direction.

And we come, from our people, from a
standpoint of what we call balance, or hozho', finding
a balance to a number of things. And this has been a
principal point that I've been conveying in a lot of
the work that I've done, not only at the state, but in
the communities.

And in that regard, if we look at the
state, and I know there are folks on both sides and I
know that there are extremists on both sides, and the
like, but what we're trying to do is find a balance
that will preserve not only our state and our
communities.

And I am saying this with all respect to
my people because I do support their concerns of
preserving community of interests, no fracking, no
dilution, protecting the Nation's voting rights. But I
also am a citizen of the state of Arizona, and I care
what's happening to my state.

So if we look at the state and we look at
the voter registration, we see roughly one-third D,
one-third R, and one-third independent. And yet we have super-majorities that are a result of the redistricting process that occurred ten years ago. And to me, that's creating a disproportional balance that is, I think, skewed slightly, and we are getting off track.

And so I'm reminded of a comment or a quote that one of my favorite scientists, Einstein, said. Basically, he said: "Look. The significant problems that we face cannot be solved by the same level of thinking that created them."

So when we are now looking at this process again, redistricting 2.0, we should take a look at the competitive nature of the districts and ensure that while we are protecting fundamental core issues for our respective communities throughout the state, that we are looking to see if we can find that balance and bring in competitive districts so that we have strong leaders who are being equally representative of all of Arizona's diverse communities.

And so I trust that the Commission, I trust that your decisions, and I trust that you have the ability to not only incorporate the concerns of our communities, but also find the right mix that will allow us to have not only a state that works in the
future, but has equal representation, finds balance. And I think, you know, I'm not out of line, because this is consistent with what our teaching is, which is, again, the teaching or concept of hozho', which means balance.

And so those are my comments. I thank you for coming and traveling. It's a long way from Phoenix, but I hope you enjoy your drive. And I know it's much cooler than what you guys are dealing with down there. So, thank you. Atch'a'ha.

CHAIRPERSON MATHIS: It's beautiful.

Mr. Deschene, do you mind spelling your name for the record? Sorry.

MR. DESCHENE: It's Chris Deschene. And it's spelled D-e-s-c-h-e-n-e.

CHAIRPERSON MATHIS: Great. Thank you.

I think we will take a ten-minute recess, a short recess. The time is now 2:46, so if we could be back in ten minutes, then we will continue the hearing. Thank you.

(Recess taken.)

CHAIRPERSON MATHIS: We will come back from our recess now. The time is 3:03 p.m.

Our next speaker is Leonard Gorman. He is the Executive Director of the Navajo Nation Human
Rights Commission, from Window Rock, Arizona.

EXECUTIVE DIRECTOR GORMAN: Good afternoon.
CHAIRPERSON MATHIS: Good afternoon.
EXECUTIVE DIRECTOR GORMAN: Welcome to the

Navajo Nation.

Hopefully, your journey from your homes
has been a wonderful one.

I want to share with you the maps that
the Navajo Nation is considering and will be forwarding
the formal resolution endorsing this particular plan
for the state of Arizona.

I'm sure you have heard plenty of
comments and recommendations concerning competi-
tiveness, congregating and community of interest and
those standards that pertain to the redistricting in
the state of Arizona and also nationwide.

As we have presented to you in the past
couple of meetings, we have expressed a very, very
strong concern that the Navajo Nation, through the
Human Rights Office, is exceptionally concerned about
ensuring that the Navajo Nation remains in a single
district as a whole nation in the state legislature, as
a single district.

And also, we have also expressed a very
strong concern about meeting the federal standards, the
Voting Rights Act. There is a reason why those laws are in place and why the state of Arizona is a covered jurisdiction. We all know that. And it's very, very important to the Navajo people and the state of Arizona portion that those standards be hailed to the highest in this redistricting activity again.

Ten years ago the Navajo Nation was very successful in impressing upon then the Redistricting Commission to ensure that indigenous nations in the state of Arizona are characterized as a part of community of interest, and that they must be placed in that category, and by that definition. We continue to support that definition.

Secondly, community of interest also includes a variety of other issues -- sacred site concerns, natural resource concerns -- that bond indigenous nations in the state of Arizona and throughout the country.

Navajo Nation is involved in a variety of discussions, not only redistricting issues, but also rights of indigenous peoples in the world. And those rights that are being discussed and endorsed by the United States apply to communities in the state of Arizona.

We have locations in the state of Arizona
that are considered sacred sites to the Navajo people,
to the Hopi people, that are now located off the Navajo
Nation, the demarcated area. Before the demarcations
had been imposed, those places had not been character-
ized as remote as it is today. Because of the demar-
cations, there are efforts to not have the indigenous
peoples in the state of Arizona not have full access,
unfettered access to those types of sites.

Now we are being regulated to practice
our beliefs. We have to abide by written standards in
order to fully practice our beliefs. And that's where,
from our office's perspective, which element of
redistricting is best fitting for conditions and
environment in which a people live together.

Competitiveness. That's not necessarily
fitting for the Navajo people.

Yes. The term that was used earlier in
the presentation puts them in the corner. They belong
in the corner. That's a view that's being fostered
because of a misperception. It's a disrespect type of
environment in which the main business people find us,
that we find ourselves in.

Community of interest is one of the
fundamental bedrocks of assuring that we have the
opportunity to vote for someone that we believe will
best represent us in the foreign state election system.

So community of interest is very important to the
Navajo people.

So having said that, you have three maps
that we've provided to you (indicating), and we will be
forwarding a formal resolution endorsing these maps
later on next week, as you conduct your hearings.

The first map, that's labeled as Exhibit
3, is a Congressional District 1 illustration that
encompasses the entirety of the eastern part of the
state of Arizona, going all the way down to the
southeast side in the state, southeast of Tucson, and
umbrella-ing across into the Tohono O'odham Nation, and
then picking up in Maricopa and Gila River Nations.

This is a map, a plan that demonstrates a very, very
strong opportunity for an indigenous person to become a
member of the U.S. congress from the state of Arizona.

This is a majority-minority district. As it says in
there, that there's an American Indian population
that's going to be consisting of 25.01 percent.

Hispanic population is going to be in the 23 percentile
at this time.

While we realize that there are concerns
about incumbents holding these districts at the present
time, we want to have it known and placed on the record
that there is an opportunity that exists for indigenous persons, people that are protected under the Voting Rights Act of the United States.

The second map is an illustration that is labeled as the "Navajo Nation Proposal NN2". A slightly less percentage of Native American population figures is also an opportunity the Navajo nation would like to foster through this whole process.

The final map is the Legislative District 2, the Navajo Nation proposal.

Examining the current Legislative District 2, utilizing the 2010 numbers, that brings the American Indian population percentage in that current district to 63.97 percent. For the Navajo Nation, that is our threshold in an effort to meet that percentage in the upcoming District 2 configuration.

And the question is: How do we meet that configuration?

We need about thirty-five thousand more people to incorporate into the District 2 in the future.

And how do we meet the 63.97 percent of the Native American population?

We've made the sincere effort to meet with a variety of organizations in the north, in the
northern region of the state of Arizona in the past couple of months. We had the opportunity to discuss a plan with the White Mountain Nation; San Carlos Nation; we've also had the opportunity to sit down with the Hopi Nation; and also the City of Flagstaff.

It is a cumbersome process, as I'm sure you well know, that you've embarked upon to meet the goal of October 1st, 2011.

It is also a very tedious process, even on our end, to try and muster a very, very good unified plan.

So we had an opportunity to host another meeting last week, on July 20th, to see if there could be some compromises coming from the group that attended the meeting.

And the proposal that we present to you represents the comments and recommendations that were offered by those folks that attended that July 20th meeting.

And just in summary, the Apache nations, the White Mountains and San Carlos are included in whole, in totality, the land base area, are included in there. And taking into consideration the community of interest concerns. And then also, bridging on into the Apache County, southern portion area; and picking up
Holbrook, just the city; Winslow; and west of Winslow.

The portion that's west of Winslow and south of the southwest side of the Navajo Nation encompasses areas that have demonstrated a strong interest for the Hopi Nation. The Hopi Nation has ranch land in that area. The Hopi Nation also has land west and very adjacent to the city of Winslow, and they have ranch lands south of Winslow, which is why you see that curve on the west and south of Winslow.

Hopi also expect to meet to ensure that their ranch land is incorporated into this proposal at the Eagar-Springerville area.

We are waiting for their response, if this map is accurate, to including their ranch area.

In addition, when we go west of Flagstaff we incorporate the Hualapai, the Havasupai Nations; and just east of the Havasupai Nation, in Coconino County, Navajo Nation has a large land area. And that's called the Big Pokies Ranch. That's included in here.

We also made the effort to ensure the Kaibab, and this is included in the northern portion of Westphal 8.

And the one significant aspect of this plan that the Apaches have expressed very strong concerns about and ensuring that that issue is
addressed in particular plan is the San Francisco Peaks. San Francisco Peaks is considered a sacred site for the indigenous peoples in the state of Arizona. Indigenous peoples have made sincere efforts to enjoy the freedom without regulations, filling out forms, their religion and beliefs. However, we have been on the trail of defeat on that issue. We've exhausted all of the domestic opportunities in the United States. Which is why the Apaches have made a strong recommendation in our meetings with them that they want assurance that the San Francisco Peaks be included in District 2.

So this plan does demonstrate that San Francisco Peaks is in District 2.

That will conclude my presentation. And this proposal that we submit to you for District 2 is 66.5 percent Native American population. This far exceeds the 63.97 percent.

Thank you.

CHAIRPERSON MATHIS: Thank you.

I am out of Request To Speak forms at this point, so I don't know if there is anyone else who would like to address the Commission right now.

(No audible response.)

CHAIRPERSON MATHIS: Hearing and seeing none, we
talked with Chairman Yazzie about maybe going into recess for a while to see if the other meeting might conclude, and then reconvene at that time, once those folks could join us.

We are open to suggestions as to what might be appropriate.

CHAIRMAN YAZZIE: They have already joined us.

CHAIRPERSON MATHIS: OK. Great. Wonderful!

Is there anyone else who would like to address the Commission?

Last call.

EXECUTIVE DIRECTOR GORMAN: Madam Chairperson?

CHAIRPERSON MATHIS: Sure. Come back.

Mr. Gorman is back,

EXECUTIVE DIRECTOR GORMAN: One particular point I didn't mention.

In the congressional plan, as you may be aware, ten years ago, when we talked about community of interest issues, our brothers and sisters from the Hopi Nation had raised concerns about what they believed at that time were issues existing were to a point in a separate district, congressional district.

We are happy to indicate that they have expressed to us, and hopefully that they would -- They have assured us that they would produce that in
writing sometime soon, that they are very comfortable in dealing with redistricting in this matter with the Navajo Nation. So that wouldn't be a concern of yours in this go-around. So I just wanted to point that out.

Thank you.

CHAIRPERSON MATHIS: Thank you.

Well, just some concluding remarks.

It was an honor to be here today and hear all of the commentary that was expressed very eloquently, I thought, and passionately. And I really appreciate hearing from you directly, all of you. It's a pleasure.

So let me see if my Vice Chair, Mr. Freeman, would like to say any words.

VICE CHAIR FREEMAN: Sure. I want to thank you all for having us. It's really a privilege to be here, in the center of the Navajo Nation, and to be up in Indian country. My parents brought me up here when I was just a young child, they brought me up to this part of the state, and I haven't been back since. And I knew, when I applied to get on this Commission, that we would be having these public comment hearings. And this is a place that I was really looking forward to come to. So thank you all for having us.

And I'd like everyone to know that
tomorrow the Commission will be conducting a hearing at Hon-Dah, but we will have satellites, public intake locations, at Holbrook and Winslow.

Ms. Mathis and I will not be there, but we will have one of our staff there, and they will be linked to Hon-Dah with video and microphone. So if there's anyone else who thinks of something and wants to address us personally, you can do that. And that hearing begins at 1:00 o'clock Mountain Standard Time tomorrow.

Thank you again.

CHAIRPERSON MATHIS: Thank you all very much.

The time is now 3:24 p.m., and this hearing will conclude.

Thank you.

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STATE OF ARIZONA            
COUNTY OF COCONINO          

BE IT KNOWN that the foregoing proceeding was held before me, John A. Dalsin, a Certified Court Reporter, CCR No. 50270, State of Arizona; that the foregoing 64 pages constitute a true and accurate transcript of all proceedings had upon the taking of said meeting, all done to the best of my skill and ability.

DATED at Flagstaff, Arizona this 11th day of August, 2011.

_________________________________________
John A. Dalsin, CCR
Certified Court Reporter
Certificate No. 50270