

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

INDEPENDENT REDISTRICTING COMMISSION

PUBLIC HEARING

HON DAH, ARIZONA

JUNE 18, 2001

PREPARED FOR:	TAYLOR REPORTING, INC.
Redistricting Commission	Court Reporting
	P. O. Box 1354
(Original)	Pinetop, Arizona 85935

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

P R O C E E D I N G S

MR. HALL: Ladies and gentlemen, it is a pleasure to be with you here this evening. Again, we would like to ask those who are just coming in, we welcome you to come in and sit with us. I assume there is sufficient seating.

I would like to welcome you to the Independent Redistricting Commission meeting here in Hon Dah, Arizona. We appreciate your patience and we appreciate the opportunity to be with you.

It would be impossible for me to recognize all of the important people here, but your presence is noted and we are grateful for it.

We are here to discuss a very important matter. Before though, we need to do just a little bit of housekeeping, if we can.

Adolfo, can you make a statement, please?  
(Adolfo Echeveste spoke to the audience in Spanish at this point.)

MR. HALL: Thank you. Is there anyone in the audience that did not understand what either he or I have said? How would they know?

Therefore, what we would like to do is those of you that have a copy of the agenda in front

HONDAH1.TXT

1 of you, basically, we will proceed and I will make  
2 the introduction and Power Point Presentation and  
3 discuss the importance of redistricting which we  
4 then will allow public comment and we welcome your  
5 comments.

6 I think it is important to note this is  
7 a public meeting. Therefore, we, as you can see to  
8 my right we have a stenographer taking down all of  
9 your input and the proceedings of this meeting.  
10 Therefore, after we proceed with the presentation  
11 and receive public comment, we can respond to some  
12 general questions relative to this process.

13 And so without further ado, we will  
14 proceed.

15 As we have indicated, we are here today  
16 with respect to this Independent Redistricting  
17 Commission for drawing State Legislative and  
18 Congressional district lines, pursuant to the  
19 provisions of Proposition 106, which you know was  
20 passed in November of last year.

21 The difference is that the citizens are  
22 now asked to provide more input. We are not only  
23 here in a short version to educate you, but our  
24 desire is for each of you to educate us with respect  
25 to your knowledge about your community.

TAYLOR REPORTING (520) 367-5810  
HON DAH PUBLIC HEARING 6-18-2001

4

1 These hearing are being held all over the

HONDAH1.TXT

2 State of Arizona. Some of my fellow commissioners  
3 are in Pima County. We have been far and wide.

4 To disclose my roots a little bit, our  
5 horses have been saddled and we have been riding  
6 hard and we have made an effort to reach the far  
7 corners of this state.

8 Tomorrow we will be in Flagstaff.  
9 Wednesday we will be in Apache Junction. Thursday  
10 I'll be in Prescott and there is another team  
11 simultaneously working in another area of the state  
12 as we try to reach out to each of the citizens to  
13 receive their input.

14 Our desire is to make this process as  
15 fair as possible in an effort to achieve results as  
16 anonymously and impatiently and as fairly as we  
17 can.

18 In the past some have said that  
19 redistricting has raised some confusion and even  
20 some divisiveness because there are those that have  
21 felt there are power partisan, power employment,  
22 incumbent protection and racial discrimination.  
23 This term that has been coined has been  
24 gerrymandering, depending on your particular  
25 preferential phraseology or statement with respect

TAYLOR REPORTING (520) 367-5810  
HON DAH PUBLIC HEARING 6-18-2001

5

1 to this.

2 In 1811 there was a gentleman who was the  
3 Federalist governor of Massachusetts by the name of

HONDAH1.TXT

4 Elbridge Gerry who was accused of drawing district  
5 lines in an effort to protect his own interests.  
6 The Boston Globe in 1811 drew the district in the  
7 shape of a salamander, and thrust the term was born,  
8 gerrymander, named after him.

9 I hope you will forgive me for referring  
10 to it as gerrymander. Is that all right with you?

11 Here are some of the examples of how this  
12 works. There is a dispersal of minority power  
13 voters called dilution and is in violation of  
14 federal law.

15 There is an example on the right. They  
16 have a concentration of minorities which is a term  
17 called packing which is also not allowed.

18 Here are a couple of more examples of an  
19 effort to gerrymander to obtain a political result.  
20 On the left-hand side they have created an ethnic  
21 district to help republicans, and on the right-hand  
22 side they are preserving a white democratic  
23 incumbent by diluting the Hispanic population.

24 In this example, the voters want to clean  
25 up the State's redistricting process and thus we

TAYLOR REPORTING (520) 367-5810  
HON DAH PUBLIC HEARING 6-18-2001

6

1 have proposition 106. We are the ones that are  
2 responsible for the process. This is subsequent  
3 to the census of the year 2000.

4 There are five members of this

HONDAH1.TXT

5        commission. The Chairman of our commission is a  
6        registered independent by the name of Steven Lynn.  
7        The Vice Chairman is Andrea Minkoff, a business  
8        woman in Maricopa County. She lives in Phoenix.  
9        She is a registered Democrat.

10                Daniel Elder is an architectural designer  
11        in Pima County. He is a registered Republican. I  
12        am Joshua Hall. I live in St. Johns. My office here  
13        is Premier Title in Pinetop, Show Low and Snowflake.

14                James R. Huntwork is an attorney and he is  
15        a registered Republican. I am a democrat.

16                Pursuant to the proposition and to  
17        Democrats and Republicans, the chair is a registered  
18        Independent in an effort to obtain independence.

19                I might also add that to even qualify to  
20        apply for this process, that none of us could be  
21        political candidates or lobbyists or held political  
22        office for a period of time, and in addition, not to  
23        hold political office three years subsequent to our  
24        resignation or our termination as a member of this  
25        commission.

TAYLOR REPORTING                    (520) 367-5810  
HON DAH PUBLIC HEARING                6-18-2001

7

1                I think it is also important to note  
2        that the commissioners are receiving zero pay for  
3        this opportunity and maybe more than one has  
4        suffered buyers remorse on more than one occasion.

5                In reality, in sincerity, I can assure  
6        you after having met each of these commissioners,

7 each desires, each of us, to obtain fairness,  
8 independence and impartiality.

9 Proposition 106 states, and we realize  
10 that now we must comply with that law, and any  
11 challenge, not only challenges from the federal but  
12 for the first time in the history of the state, we  
13 also could receive a challenge by reason of  
14 violation of state law.

15 Therefore, it is imperative we follow  
16 strictly the language, and our counsel is ensuring  
17 that we do so, but it says that we shall establish  
18 congressional and legislative districts. The  
19 commencement of the mapping process for both the  
20 congressional and legislative districts shall be the  
21 creation of districts of equal population in a  
22 grid-like pattern across the state.

23 Subsequent to that initial phase then, the  
24 following considerations must be made to respect to  
25 the redistricting process.

TAYLOR REPORTING (520) 367-5810  
HON DAH PUBLIC HEARING 6-18-2001

8

1 The districts shall comply with the  
2 United States Voting Rights Act.

3 Congressional districts shall have equal  
4 population to the extent practicable, and state  
5 legislative districts shall have equal population to  
6 the extent practicable.

7 Districts shall be geographically compact

8 and contiguous to the extent practicable.

9 District boundaries shall respect  
10 communities of interest to the extent practicable.

11 To the extent practicable, district  
12 lines shall use visible geographic features, city,  
13 town and county boundaries, and undivided census  
14 tracts.

15 To the extent practicable, competitive  
16 districts should be favored where to do so would  
17 create no significant detriment of the other  
18 goals.

19 It is important also to note pursuant  
20 to the language of proposition 106, the party  
21 registration and voting history data shall be  
22 excluded from the initial phase of the mapping  
23 process, but may be used to test maps for compliance  
24 with the above goals.

25 The places of residence, and I would like

TAYLOR REPORTING (520) 367-5810  
HON DAH PUBLIC HEARING 6-18-2001

1 to emphasize this phase as we invite you to have an  
2 opportunity to provide public comment to each of us  
3 is that the places of residence of incumbents or  
4 candidates shall not be identified or considered.

5 We ask in your comments that you not make  
6 any attempt to identify as part of this record where  
7 any incumbent or incoming candidate is located or  
8 where they reside.

9 We have had that try to occur, and our

HONDAH1.TXT

10 attorney promptly stopped it.

11 The census indicates changing population  
12 based upon the census of 2000. There are some that  
13 are of the opinion that census does not accurately  
14 reflect the community of interest. We don't have  
15 any say with respect to those matters or numbers.  
16 All we can do is simply utilize the numbers provided  
17 to us by the census process.

18 If you'll notice, our state has grown 40  
19 percent over the last ten years. Maricopa County  
20 right now is approximately three million, which  
21 notice the state in 1990 was only two point six.  
22 Significant growth, and we can see primarily where  
23 that growth occurred.

24 There are five point one million people in  
25 the state. I think Phoenix now is the sixth largest

TAYLOR REPORTING (520) 367-5810  
HON DAH PUBLIC HEARING 6-18-2001

10

1 city in the nation.

2 Here is a sample of county growth. If you  
3 notice, Yavapai grew 65.5 percent. Mohave had 65.8.

4 As I have indicated, in Maricopa County  
5 there are now over three million people. Our task,  
6 therefore, is to develop the district in a grid-like  
7 pattern, which this district has already committed,  
8 based solely on the consideration of equal  
9 population.

10 Here are a couple of example grids.

11 Since we have done the grid, I'm going to move these  
12 examples rather rapidly since the relevance is  
13 minimal.

14 As you recall the Arizona Republic cited  
15 some examples of possible equal population grids.  
16 Here is one that was cited that was proposed by a  
17 gentleman by the name of Mark Asterlof who was one  
18 of the original drafters and provided language for  
19 this process.

20 The Republic cited a 5-2-1 and then cited  
21 significant problems with or disadvantages with that  
22 particular plan.

23 There was the Urban Power Plan that was  
24 provided. Major drawbacks were also cited,  
25 specifically that it suppressed minority

TAYLOR REPORTING (520) 367-5810  
HON DAH PUBLIC HEARING 6-18-2001

11

1 representation.

2 There was the Minority Power Plan and  
3 there were others that cited disadvantages with  
4 respect to that plan.

5 Again, we have already developed an  
6 equal population grid, which I think all of you have  
7 before you, and I think it is important to note that  
8 this grid is merely a starting point so that we  
9 properly comply with the terms of this proposition.

10 The second step then is to hold public  
11 hearings, which we are here today for. The  
12 Independent Redistricting Commission shall advertise

HONDAH1.TXT

13 draft map comments to these hearings of  
14 congressional and the legislative districts to the  
15 public for comment, which comment shall be taken for  
16 at least 30 days. Either or both bodies may act  
17 within this period to make recommendations to the  
18 Independent Redistricting Commission by memorial or  
19 by minority report which recommendation shall be  
20 considered by the Redistricting Commission.

21 The Independent Redistricting Commission  
22 shall then establish final district boundaries. So  
23 in essence, the process is like this.

24 We have created an equal population grid  
25 as a starting point. We are holding public

TAYLOR REPORTING (520) 367-5810  
HON DAH PUBLIC HEARING 6-18-2001

12

1 hearings, meetings, so we can receive your input via  
2 this form that we will discuss in more detail in  
3 just a minute, and then we are going to prepare  
4 draft maps based upon input from all representatives  
5 of the state.

6 Those draft maps then will be placed  
7 again for review as stated in the proposition for at  
8 least 30 days. Subsequent, to the addition in that  
9 process, we'll also have a second round of public  
10 hearings, receive additional input, and then we then  
11 will do a final map which we will prepare then to  
12 submit to the Department of Justice.

13 This citizen input form you should have

14 before you, and it is imperative and critical that  
15 you provide information to us so that we know what  
16 your desires are with respect to the community of  
17 interest we are now in.

18 The first line asks for specific  
19 information about you. Then your major concerns  
20 that you may have with respect to this process.  
21 What boundary lines you would like to see used in  
22 your area. What areas, groups, or neighborhoods do  
23 you think should absolutely not be divided by new  
24 district boundaries. What information would you  
25 like us to take into account in drawing boundary

TAYLOR REPORTING (520) 367-5810  
HON DAH PUBLIC HEARING 6-18-2001

13

1 lines. Please rank order all that you think apply,  
2 one being the most important, and etc.

3 For example, keeping the community intact  
4 or bringing particular groups together, using a  
5 manmade or natural boundary, drawing congressional  
6 and legislative districts that include whole cities  
7 or as much of a city as equal population permits,  
8 using local government boundaries when drawing  
9 congressional and legislative district lines,  
10 keeping census tracts from being split, using  
11 freeways and major transportation routes for  
12 district boundaries wherever possible, drawing  
13 compact and contiguous shapes for districts.

14 If you could please complete these, in  
15 addition to whatever comment you may have, and

HONDAH1.TXT

16 provide those to us, I might also add, you can mail  
17 input to us, and we have a web site at  
18 WWWAZREDISTRICING.ORG.

19 The maps that you have are provided on  
20 the Web site. In addition, there is frequently  
21 asked questions there and you can also learn about  
22 each of the commissioners and you can provide input  
23 via this form over the Web site. We welcome you and  
24 invite you to do that.

25 These kits that you have, if you need any

TAYLOR REPORTING (520) 367-5810  
HON DAH PUBLIC HEARING 6-18-2001

14

1 additional ones, our consultant or staff would be  
2 happy to help you.

3 In review, the criteria for the maps we  
4 must comply with are mandated by the federal  
5 Constitution and the Voting Rights Act and we must  
6 ensure that they are equal in population of the one  
7 and five million. For the Legislature, the magic  
8 number is approximately 171,000. From a  
9 congressional standpoint, that number is 641,329.

10 For rural Arizona, their initial challenge  
11 is to have sufficient population to ensure that we  
12 have a legislative or congressional district.

13 For proposition 106, the requirements,  
14 then, as stated earlier, also must be complied with.  
15 One is considering communities of interest, and  
16 there are several represented here today.

HONDAH1.TXT

17 As I have indicated, we have already done  
18 the grid and I would like to talk a little bit about  
19 the development of that grid, which essentially is  
20 the starting point for this process.

21 The commission's desire and felt that the  
22 best intent was to do so in a most arbitrary and  
23 impartial fashion. Therefore, we wanted to utilize  
24 a basic building block.

25 For those of us that deal with legal

TAYLOR REPORTING (520) 367-5810  
HON DAH PUBLIC HEARING 6-18-2001

15

1 descriptions relatively regularly, the township is a  
2 fundamental building block throughout the state of  
3 Arizona. All of the townships start at the point of  
4 the Gila-Salt River Basin Meridian and that point  
5 then is the place for the geographical survey for  
6 the whole state has occurred.

7 Our desire then was to utilized these  
8 townships as building blocks in an effort to create  
9 an equal population grid that could do nothing but  
10 consider population.

11 Therefore, we aggregated townships and  
12 one township, as you know, is how many sections?  
13 Thirty-six sections. Six square miles, isn't it?  
14 And there we aggregate townships in a township grid,  
15 and from there we aggregate them into super township  
16 grids.

17 I think it is important to note that in  
18 connection with the grid, though, you must consider

HONDAH1.TXT

19 population which is represented by census tracts,  
20 and census tracts are not square like township  
21 grids. Therefore, the question could be asked,  
22 looking at the map before me, how in the world did  
23 you ever use square boxes and come up with these  
24 shapes, because you have to take into account the  
25 census tracts which is the basis for accounting for

TAYLOR REPORTING (520) 367-5810  
HON DAH PUBLIC HEARING 6-18-2001

16

1 population and then develop rules in an effort to be  
2 fair in the aggregation process.

3 The commission wanted to be as fair and  
4 arbitrary as possible. Of the four quadrants which  
5 are indicated by a vertical line and horizontal line  
6 through that point, we then drew out of a hat which  
7 quadrant would be the best place, and we started in  
8 the northwest quadrant by simply the draw.

9 And then we also decided or wanted to  
10 make a decision whether we wanted to be clockwise or  
11 counter-clockwise and we flipped a coin and the  
12 determination was made that we should start in the  
13 counter-clockwise pattern in the northwest as  
14 represented by the starting point of the townships.

15 The consultant then, via software and  
16 developing rules as they have encountered problems,  
17 aggregated the townships, utilizing the overlay of  
18 the census geography in an effort to create equal  
19 population, legislature and congressional grid.

HONDAH1.TXT

20 That is the map that you have had an  
21 opportunity to see.

22 In review, then, our schedule is public  
23 hearings, develop a plan, more public hearings, do a  
24 final plan, and submit that final plan to the  
25 department of Justice.

TAYLOR REPORTING (520) 367-5810  
HON DAH PUBLIC HEARING 6-18-2001

17

1 I think it is important to note, folks,  
2 that one of the key factors and one of the reasons  
3 that we are required to have pre-clearance by the  
4 Department of Justice is because we are a section  
5 five State, meaning that specifically, minority  
6 interests and specifically reference Hispanic and  
7 Native American interests, have not been diluted nor  
8 have they been disenfranchised by whatever plan is  
9 proposed.

10 It is critical that we do all that we can  
11 via this process and whatever means necessary to  
12 ensure that the minority interests of our great  
13 state are fairly represented.

14 That is in case you missed the cue, I  
15 would like now, then, if I can, to turn the meeting  
16 over for public comment.

17 I have before me a number of speaker  
18 slips, and for those of you who may want to be  
19 provided a speaker slip, Amy Rezzonico will provide  
20 that to you. We would like to have that before us.  
21 Amy, if you could come up for just a minute and

HONDAH1.TXT

22 Marion, could you come up? Before I turn the  
23 meeting over to public comments, I would like to  
24 introduce you to the representatives of our staff  
25 who are here.

TAYLOR REPORTING (520) 367-5810  
HON DAH PUBLIC HEARING 6-18-2001

18

1 Marion who is walking is with National  
2 Demographics who is our hired consultant working  
3 with Dr. Heslop.

4 Dr. Heslop is our consultant in helping to  
5 develop and design these maps.

6 Amy Rezzonico is our Public Information  
7 Officer, and Adolfo Echeveste is our Public Out  
8 Reach Coordinator in an effort to do so.

9 And certainly last, but not least, is Jose  
10 Rivera is our legal counsel, former U. S. Attorney,  
11 and we are grateful to have you here.

12 If there is anyone else here who wishes  
13 to speak, you need to fill out a speaker slip. I'm  
14 going to call them out arbitrarily.

15 We welcome your input, but in the  
16 interest of time, we ask that you limit your time  
17 to two or three minutes, and then we'll take time to  
18 hopefully answer any questions that you have.

19 I'm going to place this microphone at the  
20 podium here.

21 ADOLF0: If anybody else has a form, just  
22 hold your hand up with it and I'll pick it up.

23 MR. HALL: David Osterfeld. When you come  
24 up, Mr. Osterfeld, if you could please spell your  
25 last name and who you represent for the benefit of

TAYLOR REPORTING (520) 367-5810  
HON DAH PUBLIC HEARING 6-18-2001

19

1 the reporter.

2 MR. OSTERFELD: Good evening. My name is  
3 David M last name 0-s-t-e-r-f-e-l-d. I'm Assistant  
4 Tribal attorney for the White Mountain Apache Tribe,  
5 and I'm appearing on behalf of Chairman Dallas  
6 Massey, Sr., White Mountain Apache Tribe, to provide  
7 comments to the commission, and basically express  
8 his gratitude for coming and hearing comments of the  
9 community.

10 Honorable Commissioner Hall and members  
11 of the Arizona Redistricting Commission. Thank you  
12 for providing my nation the opportunity to comment  
13 at one of your many public hearings for discussion  
14 of the vitally important work you are doing on  
15 behalf of every Arizona citizen to fairly draw the  
16 legislative districts across Arizona.

17 As you know, our current congressional  
18 representative has consistently advocated for our  
19 interests, providing us a voice we feel comfortable  
20 with at this time. This point brings to light a  
21 central and valid reason for our concern about the  
22 redistricting efforts, the fact that our  
23 representatives may change, and that they may focus  
24 their efforts on non-Indian communities which may

HONDAH1.TXT

25 compose more of their constituency in a new

TAYLOR REPORTING (520) 367-5810  
HON DAH PUBLIC HEARING 6-18-2001

20

1 I, along with the Tribal Council, the  
2 Tribe's Legal Department and my advisors have  
3 reviewed some of the proposed redistricting proposal  
4 maps which are identical to those presented to all  
5 in attendance tonight, and we have great concerns  
6 with them.

7 For example, in all of the proposed maps  
8 made available to the public to this date, the Fort  
9 Apache Indian Reservation is cut into separate  
10 districts, which will fail to unify our voice as a  
11 people to the United States Congress and will split  
12 our efforts in the Arizona House and Senate.

13 We believe that we should be kept in one  
14 voting district for both federal and state  
15 legislative districts to ensure our unified voice is  
16 heard and acknowledged.

17 Perhaps more important, though, is that if  
18 the Fort Apache Indian Reservation is split into two  
19 or more legislative districts, the cultural impact  
20 of legislation on our people and our voice will be  
21 stifled by the concerns of non-Indian communities,  
22 creating a situation where our interests may be  
23 placed at a lower priority than other communities  
24 which do not suffer the same economic and social  
25 problems as we.

HONDAH1.TXT

TAYLOR REPORTING (520) 367-5810  
HON DAH PUBLIC HEARING 6-18-2001

21

1           These vaique conditions include our 60  
2 percent unemployment rate, our 1,000 plus waiting  
3 list for housing, our great need for increased  
4 infrastructure, our vital need for continued funding  
5 of Human Resource and Social Service provisions to  
6 our people, and our many other needs essential to  
7 meet the vital building blocks of any  
8 community.

9           If our Reservation is split into more than  
10 one legislative district, our legislators will not  
11 receive an accurate picture of the conditions on the  
12 Reservation. Our average income, our high  
13 unemployment rates and many other important facts  
14 which help sustain federal and state funding  
15 resources for improving the Reservation will be  
16 skewed in a way which likely will harm our future  
17 success in improving the lives of our tribal  
18 members.

19           We are not alone in our request that you  
20 compose new districts which fully contain the  
21 exterior boundaries of Indian communities. All of  
22 Arizona's Indian communities want to ensure a strong  
23 Indian voice and representation in our federal and  
24 state legislative bodies.

25           We believe that uniting the voice of as

TAYLOR REPORTING (520) 367-5810

1 many Indian nations across Arizona through their  
2 elected representatives will help protect the core  
3 values and culture unique to our communities and our  
4 people.

5 It is without question that Indian culture  
6 and tradition is uniquely different from non-Indian  
7 culture, and sometimes our interests compete with  
8 those of non-Indians simply because of our cultural  
9 differences.

10 While we have and always will seek to  
11 form friendships and lasting bonds with neighbors in  
12 non-Indian communities, our cultural and  
13 traditional beliefs often transform what may seem  
14 like normal, universal issues for all communities  
15 into special needs for our people in ways for which  
16 non-Indian cultures perhaps would not advocate or do  
17 not understand.

18 It is for this reason that we advocate for  
19 legislative districts for both federal and state  
20 representation to include, as exclusively as  
21 possible, as many Indian nations as reasonable in  
22 this and surrounding areas.

23 As an example, we advocate for a  
24 legislative district that include the Navajo Nation,  
25 the San Carlos Apache Tribe, the White Mountain

HONDAH1.TXT

1 Apache Tribe and the Gila River Indian Reservation,  
2 if possible.

3 That concludes the remarks of Chairman  
4 Dallas Massey.

5 I would like to read a resolution of the  
6 Tribal Council, White Mountain Apache Tribe. This  
7 is resolution number 06-2001-167 and it reads:

8 "Resolution of the White Mountain Apache  
9 Tribe of the Fort Apache Indian Reservation.

10 WHEREAS, the State of Arizona is gaining  
11 two congressional districts, due to population  
12 growth within the State, and for that reason, the  
13 congressional district boundaries are being redrawn;  
14 and

15 WHEREAS, the Fort Apache Indian  
16 Reservation is within the Sixth Congressional  
17 District and represented by the Honorable J. D.  
18 Hayworth; and

19 WHEREAS, it is anticipated that the areas  
20 of northern and eastern Arizona will be incorporated  
21 into a new district, composed primarily of rural  
22 areas and Native American lands; and

23 WHEREAS, the White Mountain Apache Tribe,  
24 through its elected Council, expects to see that the  
25 new district will fully comport with federal

TAYLOR REPORTING (520) 367-5810  
HON DAH PUBLIC HEARING 6-18-2001

24

HONDAH1.TXT

1 election law standards and will effectively  
2 represent the rural and particularly Native American  
3 interests in the region; and

4 WHEREAS, the Tribal Council expects that  
5 the new districts will unify rather than divide  
6 Native American interests, as district boundaries  
7 have done in the past; and

8 WHEREAS, the Tribal Council is advised  
9 that the preliminary proposals for the new  
10 congressional districts in northern and eastern  
11 Arizona will divide the Tribe's lands into two  
12 separate voting districts, and similarly sever the  
13 lands of other Indian tribes; and

14 WHEREAS, these proposed boundaries would  
15 perpetuate division among and within Indian tribes  
16 and seriously compromise the White Mountain Apache  
17 Tribe's ability to secure necessary federal  
18 representation and support for its Tribal members  
19 and governmental programs; and

20 WHEREAS, the many decades of underfunded  
21 and inadequate federal programs for tribal  
22 communities should be addressed through more  
23 responsive congressional districts which respect and  
24 are responsive to the geographic integrity of tribal  
25 governments.

TAYLOR REPORTING (520) 367-5810  
HON DAH PUBLIC HEARING 6-18-2001

25

1 BE IT RESOLVED by the Tribal Council of

HONDAH1.TXT

2 the White Mountain Apache Tribe that it hereby  
3 supports the development of congressional districts  
4 in Arizona which will represent the character and  
5 needs of Arizona's rural areas, and in particular,  
6 the needs of the Indian tribes in eastern and  
7 northern Arizona, so that tribal concerns and voting  
8 power are unified rather than fragmented, for the  
9 purpose of assuring better representation and  
10 effective legislation in congressional matters.

11 BE IF FURTHER RESOLVED by the Tribal  
12 Council of the White Mountain Apache Tribe that for  
13 the reasons set forth above, it hereby opposes in  
14 the strongest terms the creation of congressional  
15 boundaries which would divide or sever any portion  
16 of the lands of the Fort Apache Indian Reservation  
17 of the White Mountain Apache Tribe, for that reason,  
18 the preliminary congressional district boundaries be  
19 modified to respect and uphold the geographic  
20 integrity of tribal governments. "

21 This resolution was passed on June 12,  
22 2001 by a vote of five for and zero against.

23 Thank you.

24 MR. HALL: Thank you. Chuck Haynie. Did  
25 I pronounce that correctly?

TAYLOR REPORTING (520) 367-5810  
HON DAH PUBLIC HEARING 6-18-2001

26

1 MR. HAYNIE: Yes. Good evening. My name  
2 is Chuck last name H-a-y-n-i-e. I am a citizen of  
3 Navajo County and I thank the commission for being

HONDAH1.TXT

4 here and for hearing our comments here this  
5 evening.

6 It is my opinion that this district  
7 should be left intact with the following exceptions:  
8 that we pick up all of Gila County. This would pick  
9 up Pine, Strawberry and Gila County. We need to  
10 pick up all of Pinal County. This would pick up  
11 Safford and part of Thatcher, all of Greenlee  
12 County, which would involve areas such as Morenci  
13 and Clifton and Greenlee County.

14 We would give up Pinal County which  
15 probably has enough population to be its own  
16 district. I feel that this comes close, within 700,  
17 probably, of the 191,000, whatever it is, and the  
18 population requirement for this district.

19 It is also my concern that the voice of  
20 rural and northeast Arizona not be diluted. I am  
21 very comfortable with our representation of this  
22 meeting and that is my comment. Thank you.

23 MR. HALL: Thank you, Mr. Haynie. I  
24 appreciate that. David Brown.

25 MR. BROWN: Thank you. Good evening, and

TAYLOR REPORTING (520) 367-5810  
HON DAH PUBLIC HEARING 6-18-2001

27

1 I appreciate the members of the commission for  
2 holding these hearings throughout the state and  
3 staff for coming and participating.

4 My name is David Brown, spelling is

5 regular. I am chairman of Apache County Board of  
6 Supervisors. I am also a local attorney. I  
7 practice law with two brothers, a cousin and another  
8 associate here in the White Mountains. I have  
9 offices in Pinetop, St. Johns, Eagar and Snowflake.  
10 I'm married, have six children and I have lived in  
11 St. Johns all of my life.

12 My district is one of the largest  
13 supervisory districts in the state of Arizona. I  
14 represent Window Rock, St. Michaels and everything  
15 to the south clear to Alpine.

16 We have some other Apache County folks  
17 here this evening, including one elected official,  
18 Sue Hall, and several employees of Apache County.  
19 We appreciate being here and sharing our concerns.

20 Let me just also say that in my practice,  
21 I represent folks in water areas and water  
22 litigation, and I have represented the farmers in  
23 the Duncan, Safford, Thatcher and Fort Thomas area,  
24 and I also have represented the towns and cities of  
25 Winslow, Holbrook, Snowflake, Taylor,

TAYLOR REPORTING (520) 367-5810

HON DAH PUBLIC HEARING 6-18-2001

28

1 Pinetop-Lakeside, Show Low, Eagar and Springerville,  
2 so I have a pretty good idea of what the north  
3 eastern quadrant of the state of Arizona is about  
4 and what the citizens are interested in, so I come  
5 with that background and that information.

6 Let me speak to the legislative district

HONDAH1.TXT

7 first. We have been -- we, Apache County has been a  
8 member of Eastern Arizona County, EAC0, it is fondly  
9 referred to, and we were formed -- that organization  
10 was formed many years ago to address issues of jobs  
11 and industry which included farming, mining, what  
12 there was of the timber industry and many other  
13 concerns that affect today those five counties  
14 equally and did not concern most other areas of the  
15 state.

16 It has been a strong organization that  
17 has worked well for many, many years. We have  
18 looked at the -- I don't speak for all of the  
19 members of EAC0. I speak only for my district and  
20 Apache County, but I think that you'll hear  
21 throughout the evening and as you go to other  
22 hearings in other counties, you'll hear somewhat the  
23 same theme is that we desire a legislative district  
24 that keeps us intact and keeps us whole, which is  
25 not too far from what the previous gentleman

TAYLOR REPORTING (520) 367-5810  
HON DAH PUBLIC HEARING 6-18-2001

29

1 suggested, and not too far from the existing  
2 legislative district, but it would keep us as a  
3 community of interest better than anything else that  
4 I have studied in the short time we have had this  
5 grid to study.

6 It would also take care of the problem  
7 addressed by the White Mountain Apache Tribe and the

8 splitting of the San Carlos Apache Tribe because  
9 they would be included in this district. And we  
10 have for many years found many issues of mutual  
11 concern before the legislature with both the White  
12 Mountain Apache Tribe and the San Carlos Apache  
13 Tribe.

14 The community of interest, I mentioned a  
15 few of them, but as they come together, we are one  
16 of the few areas of the state that is not worried  
17 about too much growth. We are in need of economic  
18 development. That is one of the keys that draws us  
19 together is all of the circumstances that we talked  
20 about usually comes down to the fact we don't have  
21 enough jobs and so we are looking at timber, mining,  
22 farming, ranching, our forest's health -- we don't  
23 want to burn it all down -- recreation and water is  
24 one of the greatest challenges right now to eastern  
25 Arizona because of the various adjudications and

TAYLOR REPORTING (520) 367-5810  
HON DAH PUBLIC HEARING 6-18-2001

30

1 litigation going on.

2 We have cultural similarities. We have  
3 a pioneer heritage. We have an interest in how open  
4 spaces are maintained. We have transportation  
5 issues that don't effect anywhere else in the  
6 state. We have narrow, curving Salt River Canyon  
7 type roads. We are interested in houses being  
8 developed and maintained.

9 So, as far as the legislative district

HONDAH1.TXT

10 goes, if you take that area of southern Apache  
11 County, southern Navajo County and the other three  
12 counties in the Eastern Arizona County Organization,  
13 then you hit the target of 171,000 or close there  
14 to.

15 As a supervisor from Apache County, we  
16 enjoy the relationship that we have with two  
17 senators representing Apache County, one from the  
18 north half and one from the south half. It has been  
19 a very healthy relationship. We appreciate that  
20 opportunity and would like to continue that  
21 relationship as it addresses the legislative and  
22 congressional districts.

23 If you take the rural population in the  
24 state which is approaches almost 1.3 million and  
25 divide that into the number, the 641,000, that is

TAYLOR REPORTING (520) 367-5810  
HON DAH PUBLIC HEARING 6-18-2001

31

1 required for a congressional district, you then have  
2 two districts, two rural districts.

3 So our proposal is that the state be  
4 carved, if you will, into two rural districts, and  
5 then work the urban interests from there. But the  
6 eastern half of the state, with some adjustment,  
7 could have rural congressional districts and so  
8 could essentially the western half of the state, and  
9 still keep Indian tribes intact. Not split up the  
10 San Carlos Apaches and not split up the White

11 Mountain Apache Tribe, not split up the Navajo  
12 Nation and still continue to have the same types of  
13 communities of interest that I just named. I won't  
14 restate them all because they basically all apply  
15 with the addition of an additional one, that is  
16 health care, and the worry about Inter-species Act  
17 specifically applies to rural America and our good  
18 neighbors and the good people of Maricopa County  
19 don't understand those issues as they apply to rural  
20 Arizona.

21 With that, I would urge that the  
22 commission continue to do its job and be as fair and  
23 impartial as possible and still continue to maintain  
24 the strong rural interests that we have in this  
25 area. Thank you very much.

TAYLOR REPORTING (520) 367-5810  
HON DAH PUBLIC HEARING 6-18-2001

32

1 MR HALL: Thank you, Mr. Brown. Pursuant  
2 to recommendation of my counsel, we need to remind  
3 you that current reference to current representation  
4 is another caution in that area.

5 Frank Thorwald. How did I do?

6 MR. THORWALD: You did pretty good. Frank  
7 Thorwald, T-h-o-r-w-a-l-d. I'm the President of  
8 GAFRA which is a Governmental Alliance For Rural  
9 Arizona, and we represent about -- between half and  
10 three quarters of the rural areas of the state. And  
11 I have been there. We go there, yes. And we have  
12 represented about three quarters, half to three

HONDAH1.TXT

13 quarters of rural Arizona.

14 In the last five years we have known that  
15 there is a great deal of difference between the  
16 needs of rural Arizona and the major metropolitan  
17 areas, and I must say I agree strongly with the last  
18 two speakers.

19 The way the district needs to be drawn is  
20 in a way that rural Arizona will get the kind of  
21 representation it needs, because it is so different  
22 than the needs of metropolitan areas, and I think  
23 that needs to be a primary consideration that you  
24 need to look at, because it is very difficult when  
25 you have two masters, one a metropolitan area and

TAYLOR REPORTING (520) 367-5810  
HON DAH PUBLIC HEARING 6-18-2001

33

1 one a rural area and you have to represent them  
2 adequately. That is all that I have to say. Thank  
3 you.

4 MR. HALL: Thank you, Mr. Thorwald. Mr.  
5 Jake Flake.

6 MR. FLAKE: Thanks for the opportunity of  
7 expressing some feelings that I have on  
8 redistricting, and I want to commend the  
9 Redistricting Commission and recognize a little bit  
10 of the great job that you have to do.

11 My biggest concern is that an endangered  
12 species be respected and that endangered species is  
13 the citizens of rural Arizona. That is the basis of

14 the thought that I want to say.

15 We are fast becoming a minority group in  
16 this state, along with other minority groups is the  
17 people from rural Arizona. And as you stated at the  
18 conclusion of this presentation, some thoughts need  
19 to be put into not diluting minority groups. Rural  
20 Arizona is a minority group and I hope that is taken  
21 into strong consideration and it is getting more and  
22 more as time goes on.

23 Five years ago Maricopa County was just  
24 a little over 56 percent of the state of Arizona.  
25 When we redistrict it -- when we did the census a

TAYLOR REPORTING (520) 367-5810  
HON DAH PUBLIC HEARING 6-18-2001

34

1 year ago, Maricopa County constituted almost 60  
2 percent of the state. Almost every area of the  
3 state is growing, but Maricopa County and Pima  
4 County are growing faster than the others, and so if  
5 we are not careful, all representation is going to  
6 come from that area too.

7 So my concern is that you give a voice  
8 to an endangered species and minority group and that  
9 is the people in rural Arizona. Thank you.

10 MR. HALL: Thank you, Mr. Flake. Marker  
11 Platt.

12 MR. PLATT: I'm Marker Platt, P-l-a-t-t. I  
13 am a resident of Apache County. I was born and  
14 raised in St. Johns. Been there all of my life with  
15 the exception of time away for school, military

HONDAH1.TXT

16 service and employment.

17 I would like to just say that I concur  
18 with what has been said by the previous three  
19 speakers in congratulating you on your efforts thus  
20 far, but more specifically, the issues of community  
21 interests and so forth with the current  
22 redistricting maps.

23 I would like to just address very quickly  
24 some circumstance that has already been mentioned  
25 with the congressional map, just to include perhaps

TAYLOR REPORTING (520) 367-5810  
HON DAH PUBLIC HEARING 6-18-2001

35

1 some things not thought of.

2 Looking at the map, if you were to  
3 include Mohave County, Yavapai County, Coconino  
4 County, Gila County, Navajo County and Apache  
5 Counties, and the south -- I'm sorry. And the  
6 eastern portion of Pinal County which pertains to  
7 the San Carlos Indian Reservation, Graham County and  
8 Greenlee Counties, that would comprise the  
9 population of around 699,000. Those counties all  
10 share similar communities of interest and economics  
11 as well as social issues.

12 If you were to include La Paz County,  
13 Yuma County, the western portions of Pinal County,  
14 Santa Cruz County and Cochise County as a second  
15 congressional district, you would also have close to  
16 690,000 if you included some of the communities in

17 western Phoenix, Avondale, Litchfield Park and so  
18 forth.

19           The reason for that is what has been  
20 stated is representation for rural Arizona, which  
21 comprises about 1.2 million. The current  
22 congressional redistricting map, including Tucson,  
23 into that, in essence would give that area a good  
24 congressional seat by themselves. It would  
25 disregard the community of interest for rural

TAYLOR REPORTING                   (520) 367-5810  
HON DAH PUBLIC HEARING           6-18-2001

36

1 Arizona.

2           Again, I thank you for your time and for  
3 your efforts and appreciate the opportunity to  
4 express my views.

5           MR. HALL: Thank you, Mr. Platt. Mr.  
6 Mike Humphrey.

7           MR. HUMPHREY: My name is Mike Humphrey.  
8 I'm a resident of Apache County. I live in the  
9 little town of Vernon. I kind of have a foot in  
10 most camps here tonight.

11           I work for the White Mountain Apache  
12 Tribe. I'm a comptroller of the Fort Apache Timber  
13 Company, and up to this point coming tonight, I did  
14 not really know what the position of the tribe was.  
15 However, I have to agree with those comments made by  
16 David Osterfeld on behalf of the Chairman of the  
17 Tribe. It just does not make any sense to split up  
18 the tribe into these un-unified areas.

HONDAH1.TXT

19                   If there is anything, any entity that has  
20 more of a community of interest, it is the tribes  
21 and the reservations of our counties, and so I would  
22 fully support that.

23                   And then on the other side, I completely  
24 support David Brown's comments and his suggestions  
25 about the make up of the districts to include the

TAYLOR REPORTING                   (520) 367-5810  
HON DAH PUBLIC HEARING               6-18-2001

37

1                   southern part of Navajo and Apache counties and the  
2 others that he mentioned.

3                   We have in the rural part of Arizona, we  
4 have specific community interests also. And so I  
5 would you to take those interests in things into  
6 consideration. Thank you.

7                   MR. HALL: Thank you. Mr. Jack Brown.

8                   MR. BROWN: Jack Brown. Thank you, Mr.  
9 Chairman, people who are here with the commission.  
10 I think that you have a tough job, but I'm sure that  
11 you are off to a good start, working hard at it.

12                   I am an incumbent senator. I'm not going  
13 to admit where I live. I just have been in  
14 legislature a long time. I've been through three of  
15 these redistrictings and they are all tough. We  
16 have had some real out wars and some real  
17 gerrymandering. I may have even participated in some  
18 of it.

19                   Your job is a hard one, but I think that

20 the guidelines that the people gave us, we need to  
21 try to do the best we can.

22 I could serve two more years after my  
23 term ends this time, but I don't know if I'll serve  
24 or not. I'm not very concerned what district I fall  
25 into. I'm ready to quit and hang up the spurs and

TAYLOR REPORTING (520) 367-5810  
HON DAH PUBLIC HEARING 6-18-2001

38

1 let somebody else do the job.

2 But I do think that we do need to be  
3 careful and try to keep the integrity of rural  
4 counties and rural areas of our state as strong as  
5 we can make them. I think most people in Maricopa  
6 County think that, too. They realize that they are  
7 growing faster than we are, and they need to bend  
8 over backwards to help us to keep the people that we  
9 have and the strengths that we have.

10 They have got to have some place to come  
11 in the summertime, you know. We have got to keep  
12 our highways and everything going good so they come.

13 I think that the Maricopa County area is a  
14 strong example of what can happen when you work  
15 together, and I would hope that we would keep  
16 basically the same boundaries for districts for the  
17 state legislative districts to keep those boundaries  
18 intact if we possibly can.

19 I think we can make it so we keep the San  
20 Carlos and Apache Tribes together. I don't think  
21 there is any reason to divide those at all, and I

HONDAH1.TXT

22 think on the congressional district, I think that we  
23 need to make it so we put as many native Americans  
24 into one big district as we can, and then we would  
25 have to see where we have similar people to make

TAYLOR REPORTING (520) 367-5810  
HON DAH PUBLIC HEARING 6-18-2001

39

1 that be a good, solid district, and I think that can  
2 be done.

3 In closing, let me say, do all you can to  
4 make it so that rural Arizona is well represented  
5 and we don't get fractured so bad that our  
6 representation is even weaker than it is now. Thank  
7 you.

8 MR. HALL: Thank you, Mr. Brown. Mr.  
9 Lewis Tenney.

10 MR. TENNEY: My name is Lewis Tenney,  
11 T-e-n-n-e-y. I appreciate the opportunity to make a  
12 few comments this evening.

13 I serve as a Supervisor here in Navajo  
14 County, and this year I'm serving also as President  
15 of the County Supervisor Association of Arizona  
16 which represents all 15 counties in legislative  
17 issues and matters. So I have had the privilege of  
18 being involved over the last few years in  
19 legislative circumstances. I have spent a lot of  
20 time at the State Legislature, and I have dealt with  
21 large counties and small counties and seen the  
22 circumstances that they each have. I would

23 encourage you to look at county boundaries as much  
24 as possible.

25 I think your legislative ability and

TAYLOR REPORTING (520) 367-5810  
HON DAH PUBLIC HEARING 6-18-2001

40

1 mandate from the public allows you to do some things  
2 that I would suggest you consider.

3 There are voices that this commission  
4 needs to listen to. I know they are out there, but  
5 I think, basically, they fall under rural counties,  
6 urban counties, and Native American Reservations.

7 I think you'll see under the present  
8 legislative issues that minorities, other minorities  
9 within this state have received a loud voice in  
10 congress as well as within the state, and my  
11 comments to protect rural Arizona would be the same  
12 as many of the suggestions that you have been given  
13 tonight, that our issues here in rural Arizona are  
14 different than the issues that are faced by Maricopa  
15 County and Pima County, the two largest counties  
16 within the state and other mid-sized counties.

17 For us to protect our way of life, the  
18 rural way of life, the customs and cultures that  
19 mean a lot to us and have meant a lot to those that  
20 have moved to our area. We need to have a voice and  
21 so some of the suggestions that have been presented  
22 today, I could buy off on several of them. I think  
23 several of them that have been presented to you  
24 would allow you to keep rural counties together and

25 keep rural counties several votes.

TAYLOR REPORTING (520) 367-5810  
HON DAH PUBLIC HEARING 6-18-2001

41

1 One of the things that I don't want to  
2 see is regression with the Native Americans. I  
3 think this allows you to put Native American tribes  
4 together in a district. They have specific issues  
5 as wards of the Federal Government, challenges,  
6 their culture that they are trying to maintain,  
7 their sovereignty that they are trying to maintain  
8 needs specific attention in congress. And so they  
9 need to have a voice there.

10 They need to get that voice from their  
11 own people, and I think that if you combine them  
12 together in a district, you have enabled that to  
13 happen.

14 I would plead with you not to tie rural  
15 Arizona to urban areas with larger votes that dilute  
16 us from rural Arizona any voice at all. Thank you  
17 very much.

18 MR. HALL: Thank you, Mr. Tenney.

19 B. C. Irwin.

20 MR. WATSON: I think that he left.

21 MR. HALL: William Furrow.

22 MR. FURROW: Pass. No comment.

23 MR. HALL: Gerry Whipple or is it Gary?

24 MR. WHIPPLE: Based on how you said my  
25 name, I was going to pass if you said it correctly.

HONDAH1.TXT

TAYLOR REPORTING (520) 367-5810  
HON DAH PUBLIC HEARING 6-18-2001

42

1 Since you did not --

2 MR. HALL: I did that on purpose.

3 MR. WHIPPLE: My name is Gerry Whipple.

4 G-e-r-r-y and I think that you can get Whipple  
5 okay. Which I found kind of interesting that  
6 governor Gerry who kind of began that term, coined  
7 it and we have all changed it to gerrymandering, but  
8 I spelled it correctly and pronounced it correctly.  
9 I told Steve Lynn when we made this agreement, I  
10 appreciated him.

11 Clarifying what my neighbors said, I  
12 think that the comments said here today I would just  
13 kind of echo those comments and some of those I  
14 would emphasize in particular representing towns and  
15 cities is that we give strong consideration in not  
16 splitting up any of our strong cities.

17 The Casa Grande area, I know Casa Grande  
18 is split up into two or three different districts. I  
19 know that the concern that some have in particular  
20 is this grid has been presented along county lines.  
21 We have a community of Sedona in Coconino County and  
22 Yavapai County, so if we follow that, it would be a  
23 concern.

24 I think what I would strongly emphasize is  
25 that they not look at dividing cities, towns in that

TAYLOR REPORTING (520) 367-5810

1 area and strongly keep the communities together.

2 I agree with comments that were said  
3 earlier concerning Native American Tribes, that  
4 there needs to be -- instead of splitting up, they  
5 need to be put together.

6 I think Mr. Dave Brown indicated the  
7 importance of our area as far as the many  
8 communities we have in northeastern Arizona. I  
9 think it is important that we be together and stay  
10 together because of those reasons so that we do have  
11 representation and I appreciate this opportunity.  
12 Thank you.

13 MR. HALL: Thank you, Mr. Whipple.  
14 Mr. Richard J. Palmer, Sr. I hope I'm reading that  
15 last name right.

16 MR. PALMER: Thank you very much for  
17 hearing me. My name is Richard J. Palmer, Sr.,  
18 P-a-l-m-e-r. I'm a member of the White Mountain  
19 Apache Tribe. I'm a member of the White Mountain  
20 Apache Tribe. I concur with what our chairman has  
21 presented tonight through David Osterfeld, Tribal  
22 Attorney.

23 Listening to some of the speakers talk  
24 right now, several things have come up in front of  
25 me. "The best we can", that is something that

HONDAH1.TXT

1 applies, but we have never been the beneficiary of  
2 "the best we can" by breaking the tribes up. It has  
3 always been a "best we can" type of approach to  
4 looking at some of the problems that we face on the  
5 reservation.

6 The White Mountain Apache Tribe and other  
7 tribes, we need to experience a time when we can  
8 look at tribal issues. We are not ignorant of the  
9 other issues that rural communities face. We shop  
10 in those rural areas. We travel to those rural  
11 areas. We understand what those rural people are  
12 looking at. We are neighbors with them and we have  
13 a lot of friends in those areas, too.

14 The funding sources that we receive in  
15 reservations, it always comes at the expenses of --  
16 we are getting tailings from the larger communities  
17 and so what we have -- would like to do is we would  
18 like the commission to look at keeping those tribes  
19 and bringing them together so that we can look at  
20 and find the experience and time when we can maybe  
21 yield some. We don't want to yield it in a negative  
22 way, but looking at this tribe particularly, we have  
23 part of our tribe in Apache County, part of our  
24 tribe is in Navajo County, and then we also have  
25 part of our Tribe in Gila County.

TAYLOR REPORTING

(520) 367-5810

HON DAH PUBLIC HEARING

6-18-2001

45

HONDAH1.TXT

1                   When we go to -- when we deal with school  
2 issues, we have to deal with school issues in that  
3 manner and we have to look at the three areas for  
4 schooling monies.

5                   And so I strongly would like you guys,  
6 this commission, these people on the commission to  
7 look at the tribal issues and hear the tribal issues  
8 and again, we are neighbors with those non-tribal  
9 folks. Thank you very much.

10                  MR. HALL: Thank you very much, Mr.  
11 Palmer. Mr. Ben Nuvamsa. Is that the correct  
12 pronunciation?

13                  MR. NUVAMSA: You did quite well. My name  
14 is Ben Nuvamsa. I am with the Bureau of Indian  
15 Affairs. However, I'm only representing myself.  
16 My last name is spelled N-u-v-a-m-s-a. I'm from the  
17 Hopi Tribe. I have lived here in this area for  
18 approximately 12 or 13 years. I currently live in  
19 the Pinetop Lakes Country Club and I work down in  
20 Whiteriver. I work closely with the White Mountain  
21 Apache Tribe.

22                  There are factors that you need to  
23 consider and that is that tribes continue to depend  
24 on the developing their local communities and are  
25 major players in the area of economic development

TAYLOR REPORTING                   (520) 367-5810  
HON DAH PUBLIC HEARING             6-18-2001

46

1 through local communities, as some of you live in

2 this area are very familiar. The very facility that  
3 we are in tonight. However, they depend on State  
4 funding and federal, mostly federal funding, and I  
5 think it is important to keep them from being split  
6 up into -- well unify them into one district  
7 because they depend on their Arizona congressional  
8 delegation for support in securing federal funding.

9 While the tribes, some tribes are  
10 fortunate in having gaming or other enterprises,  
11 they still have responsibilities for other  
12 governmental obligations to their people, and for  
13 that they need to depend on their enterprises.

14 You have to consider also the increasing  
15 tribal population is about two percent annual  
16 increase in tribal populations, and because of that,  
17 there is going to be some continuing need for  
18 services.

19 You can see by the map that the Arizona  
20 tribes, the land base takes up sizable amounts of  
21 land in the state of Arizona. I'm not sure whether  
22 the proposal to put Indian tribes into one district  
23 is -- I guess it sounds good, but I'm not sure about  
24 the ramifications of that. But I do want to say  
25 that to not proceed with the splitting of the White

TAYLOR REPORTING (520) 367-5810  
HON DAH PUBLIC HEARING 6-18-2001

47

1 Mountain Apache Tribe and San Carlos Apache Tribe  
2 into different districts.

3 The other thing that I want to say is

HONDAH1.TXT

4 tribes can co-exist with rural communities and the  
5 metropolitan areas, as you can see with the Salt  
6 River Community. They have done very well with  
7 Scottsdale and the City of Phoenix and Fountain  
8 Hills. But there are some about 27,000 some tribes  
9 in the State of Arizona. To put them in one  
10 district, again, I'm not so sure that -- it does  
11 sound promising and we do need to have Indian tribes  
12 -- we do need to have a stronger voice in congress  
13 and legislature. Thank you for the opportunity.  
14 With that I say thank you for the opportunity.

15 MR. HALL: Thank you, Mr. Nuvmasa. Is  
16 there anyone else who wishes to be heard in the  
17 portion of our agenda, in the public comments?

18 At this time, we would entertain any  
19 questions that are relevant to the points of  
20 discussion that have occurred, and if anyone would  
21 have any questions, we would like to open it up for  
22 a little question and answer period, if anyone would  
23 have any desire, and if not, we'll adjourn.

24 Does anyone have any questions? Would you  
25 please identify yourself when you speak?

TAYLOR REPORTING (520) 367-5810  
HON DAH PUBLIC HEARING 6-18-2001

48

1 MR. REYNOLDS: Can I speak from here?

2 MR. HALL: That would be fine.

3 MR. REYNOLDS: I'm Lewis Reynolds from  
4 Show Low. I lived in Maricopa County for about 38

5 years and I have lived in Navajo County for 20  
6 years, and we know that there is no comparison.  
7 They can't relate to us, and we have difficulty  
8 relating to them.

9 But my question -- surely this will be a  
10 trial and error program. I don't think that the  
11 commission is going to be so blessed that they will  
12 come up with a solution for this the first time  
13 around.

14 And my question would be, is 106 unique  
15 to the whole Country? Are there other states that  
16 have propositions similar to this that we might get  
17 some input from?

18 MR. HALL: Excellent question. Can  
19 everyone hear me fine?

20 ADOLFO: You have to speak through that  
21 because of the tape.

22 MR. HALL: That is an excellent question.  
23 Are there other states that have an Independent  
24 Redistricting Commission? Dr. Heslop, do you know  
25 how many?

TAYLOR REPORTING (520) 367-5810  
HON DAH PUBLIC HEARING 6-18-2001

49

1 DR. HESLOP: Eleven states with  
2 commissions.

3 MR. HALL: Eleven states?

4 DR. HESLOP: With commissions that are  
5 similar to 106 are found in Montana and Iowa.

6 MR. HALL: Our consultant tells us those

HONDAH1.TXT

7 similar in other states are Montana and Iowa.

8 Let me just say specifically, and he can  
9 correct me if I'm wrong, but I believe that we are  
10 the only one that has language that initiates this  
11 process via the initial equal population grid.

12 This is a very unique and rather  
13 perplexing proposal that we have had to address  
14 starting with this grid that you folks have seen and  
15 then attempting to proceed from that fashion.

16 Thank you for the question.

17 MR. RIVERA: Also incumbency.

18 MR. HALL: The other issue is the issue of  
19 non-consideration of incumbency is also unique to  
20 proposition 106.

21 MR. PERU: I'm William Peru and I'll put  
22 my question in the form that it is. How in the  
23 world is the commission going to take an equal  
24 population and translate that into an equal voting  
25 population, i.e. those over 18?

TAYLOR REPORTING (520) 367-5810  
HON DAH PUBLIC HEARING 6-18-2001

50

1 MR. HALL: I love it when you ask  
2 questions I can ask my attorney.

3 MR. RIVERA: We look at God and if God  
4 shines down the light -- No. The only requirement  
5 is equal population under 106 and is the only thing  
6 that you look at. They are not required under 106  
7 to look at equal voting population.

8                   There are some adjustments that you  
9 might make under section five, the Voting Rights  
10 Act, which terms of retrogression may look in  
11 terms of who votes and who does not vote and the  
12 manner in which they vote to see whether or not  
13 there is retrogression toward minorities, Native  
14 American voters, but for all intense and purposes,  
15 you are looking at equal population.

16                   MR. GREGG: My name is Walter Gregg. I  
17 live in Vernon. I'm retired. I'm a World War II  
18 Veteran, and I'm wondering why there was a  
19 translation of only Latino or Mexican or Spanish for  
20 the general information sheet? I don't think that  
21 they are any more important than any other minority  
22 group in our state here, and if they don't have  
23 translation for all of the other minorities, maybe  
24 they shouldn't have that for them either.

25                   MR. HALL: Thank you for the question.

TAYLOR REPORTING                   (520) 367-5810  
HON DAH PUBLIC HEARING               6-18-2001

51

1                   MR. RIVERA: I'm Josh's smaller and better  
2 looking brother.

3                   We are required by section five to provide  
4 translation to minority groups which may have a  
5 second language. It is not only the Hispanics. We  
6 have translation for the Native American Community,  
7 if they wish to be heard, and that was a question  
8 that was asked at the very beginning, but there is  
9 an effort with section five of the Voting Rights Act

HONDAH1.TXT

10 requires us to make sure that we look into that, and  
11 I'm sorry if we gave the impression it was only for  
12 Hi spani cs.

13           It is for any minority that has a second  
14 language. There are arrangements for Native  
15 Americans throughout the place, throughout all of  
16 these hearings that we are going through, or anybody  
17 that makes requests ahead of time.

18           Just like a disability, we can also make  
19 arrangements for a disability. If we gave that  
20 impression that we are speaking to Hi spani cs, we  
21 apologize for that. It is not just Hi spani cs.

22           MR. HALL: Any other questions, please?

23           MS. DODD: Hi. My name is Dorothy Dodd.  
24 I am an interested citizen with no axe to grind,  
25 and my question is: Can you put all of the Indian

TAYLOR REPORTING                   (520) 367-5810  
HON DAH PUBLIC HEARING           6-18-2001

52

1       reservations in one district without packing?

2           MR. HALL: As you noted in the provisions  
3 that were stated in the presentation that I made,  
4 there are a couple requirements. One was  
5 continuity. And just taking specifically that  
6 particular requirement, I maybe able to show this up  
7 on the screen. But if you look at it, we have  
8 reservations that go clear over by -- there is a  
9 reservation clear over by Yuma, the Colorado River  
10 Reservation and the Navajos are kind of at opposite

11 ends of the state.

12 There are several reservations in the  
13 southern portion and some clear up in the northwest  
14 portion of the state.

15 With respect simply to that specific  
16 requirement, geographically, it is an extreme  
17 challenge it would be to draw corridors, if you  
18 will, to accommodate all 21 reservations that are  
19 located throughout the state of Arizona.

20 Did you have anything more to add to  
21 that?

22 MR. RIVERA: Yes. Yours is a really  
23 interesting question that could probably be asked in  
24 a lot of law schools. There is a fine line, if you  
25 notice and maybe Commissioner Hall, if you could, he

TAYLOR REPORTING (520) 367-5810  
HON DAH PUBLIC HEARING 6-18-2001

53

1 could show you that one between packing and cracking  
2 at the very beginning of the power points. Let's  
3 don't do it.

4 Then Arizona is what is called a section  
5 five state, and what that means, it is a section two  
6 out of section five. Section two does not concern  
7 us at this point in time, but a section five state  
8 requires that before any plan gets approved by the  
9 commission here and before it goes into effect, it  
10 has to be what is called pre-cleared by the United  
11 States Department of Justice.

12 When it goes back, there is a hole bunch

HONDAH1.TXT

13 of legal terms and I'm trying to -- they look back  
14 to see whether there is retrogression.  
15 Retrogression means that they look at Native  
16 Americans and Hispanics because those are the two  
17 that qualified a long time ago, and you look at  
18 those two sections and see whether the new plan that  
19 the commission will come out with this time has  
20 effected those two groups of people's ability to  
21 continue to have a choice in terms of who they are  
22 representing, not that they have to elect someone of  
23 their choice, but whether or not they are better off  
24 or worse off than in 1990.

25 If they are worse off than 1990, they

TAYLOR REPORTING (520) 367-5810  
HON DAH PUBLIC HEARING 6-18-2001

54

1 look at it as an intent, in effect, and that is  
2 retrogression and they won't allow that to be  
3 passed.

4 On the other hand, the other aspects of  
5 it, it is not just in question. It is if you go too  
6 far the other way, and you put too many minorities  
7 in one district, and you have effectively  
8 dis-allowed them from -- like, take the Native  
9 Americans, the two congressional districts. If you  
10 put -- there is a fine line where you might have --  
11 Native Americans might be able to effect the  
12 election of two legislative districts, but if you  
13 put too many of them in one legislative district

14 which looks like you are helping the minorities, you  
15 are probably diluting their vote because you are  
16 packing. You are putting too many and you are  
17 diluting their vote.

18 But if you separate them too much and  
19 they don't have an effect on either one of them,  
20 then it is what Commissioner Hall says you are  
21 cracking and not allowing them to have the same  
22 voice they had the last time.

23 It is a real fine line and luckily all I  
24 have to do is give advice. They are the ones that  
25 have to make the decision. It is a fine line

TAYLOR REPORTING (520) 367-5810  
HON DAH PUBLIC HEARING 6-18-2001

55

1 between those two concepts, but your question is  
2 really an excellent question.

3 I teach at the law school. I guarantee  
4 that is going to be one of the questions I'm going  
5 to ask of my law students next semester is how you  
6 can do that in terms of if you put all of them in  
7 one district, what is the percent that you can put  
8 in to be effective, and the gentleman talking  
9 earlier in terms of voting, that is one of the  
10 things that you look at, because when you look at  
11 them, you look at minorities and Hispanics and  
12 Native Americans, how they voted in the past to see  
13 whether they are having an effect or not having an  
14 effect. That is when you can look at voting age  
15 population.

HONDAH1.TXT

16 I'm sorry for such a long answer, but it  
17 is really an excellent question.

18 MR. HALL: We don't know of any attorney  
19 that can be brief. I'm kidding.

20 Any other questions, please? Thank  
21 you.

22 MR. VAUGHN: Given the past history of  
23 Arizona here in the last 10 or 15 years, and the  
24 problems that we have had with the federal  
25 government, it is obviously very key that whatever

TAYLOR REPORTING (520) 367-5810  
HON DAH PUBLIC HEARING 6-18-2001

56

1 plan you come up with is acceptable to them in the  
2 final draft.

3 What is your target date for when you  
4 expect to present a plan to them?

5 MR. HALL: What is your name, sir?

6 MR. VAUGHN: George Vaughn.

7 MR. HALL: Once we submit a plan -- Let's  
8 kind of start backwards. Clean election says what,  
9 January or December they start taking \$5.00  
10 donations?

11 MR. RIVERA: January.

12 MR. HALL: So if you start with that date  
13 for candidates to know when they can start taking  
14 collections from whatever people in whatever  
15 district they want to run in, and you move  
16 backwards, then that is kind of our -- hopefully by

17 the end of the year we are completed.

18           Once we submit a plan to the Department  
19 of Justice, they have 60 days to respond and provide  
20 pre-clearance for that.

21           If on any plan that we submit they say,  
22 you know, what? We don't like this particular page  
23 and they kick it back, the clock starts over again.

24           MR. RIVERA: No, it does not start over.  
25 It stops for that period of time.

TAYLOR REPORTING                   (520) 367-5810  
HON DAH PUBLIC HEARING           6-18-2001

57

1           MR. HALL: It stops and then they say,  
2 "when you get back to us, we'll continue to make the  
3 clock continue."

4           So our goal is to have a final plan in to  
5 them sometime in September.

6           MR. VAUGHN: Of this year?

7           MR. HALL: Of this year. So October,  
8 November, 60 days and give us a little fudge room  
9 there and if I knock on a little wood and with  
10 minimal legal concerns, hopefully that can be the  
11 case. Hopefully that is why this schedule, of which  
12 we have been highly criticized, is aggressive,  
13 because we have gone as fast as we can through the  
14 first round of public hearings, trying to get the  
15 draft available, allow 30 days and then the second  
16 round of public hearings, and you folks who would  
17 like to have input and then have another try to get  
18 all of that done sometime in September.

HONDAH1.TXT

19 Thank you for the question. Excellent  
20 question. Any other questions?

21 MR. GREGG: My name is Walter Gregg. It  
22 sounds to me like Arizona has no sovereignty left.  
23 The federal government tells us what to do, how to  
24 do it and when to do it. They make it their way or  
25 no way.

TAYLOR REPORTING (520) 367-5810  
HON DAH PUBLIC HEARING 6-18-2001

58

1 MR. HALL: Well, there is no question that  
2 they have tremendous authority over what is approved  
3 and it is what it is and that may be something that  
4 you want to address with your new congressman,  
5 wherever he is and whenever he runs or she runs.

6 MR. HUMPHREY: I'm sorry. You may have  
7 answered this before. Is there going to be a second  
8 round of public hearings that are going to be coming  
9 up in this? That is my --

10 MR. HALL: Yes.

11 MR. HUMPHREY: The second question would  
12 be, would it be maybe possible to have one of those  
13 hearings somewhere not on the reservation, in the  
14 rural community out here, like, over in  
15 Springerville or Snowflake?

16 MR. HALL: The specific location of the  
17 second round of hearings, the times and locations  
18 have not been identified yet. Those comments are  
19 noted by the folks sitting here. You are more than

HONDAH1.TXT

20 welcome to make comments through the internet. If  
21 you have some suggestions or requests with respect  
22 to location of public hearings, realize folks, that  
23 all of these hearings statewide are an attempt to  
24 just try and accommodate the best we could.

25 We held a hearing in Bullhead City and

TAYLOR REPORTING (520) 367-5810  
HON DAH PUBLIC HEARING 6-18-2001

59

1 there were other folks in Kingman that felt like  
2 that was too far to drive. There was certainly no  
3 pre-set attempt to slight any other folks.

4 Our desire is to be essentially centrally  
5 located for a variety of reasons and to encourage  
6 people to get out and participate.

7 For our area, this is outstanding, much  
8 better than most in much higher populated areas.

9 Any other questions?

10 There is also a meeting on the 27th in  
11 Holbrook. On that subject, if I may, let me just  
12 address the forthcoming meetings for those of you  
13 that may have friends who were unable to attend,  
14 and you would like to repeat this process again. In  
15 fact, I think -- have those been passed out? These  
16 are in your citizen's kit.

17 ADOLF0: They are in your citizen's kit,  
18 for those of you who are picking up one.

19 MR. HALL: Today, as you know, is the  
20 18th, Monday. Tomorrow, two meetings are going to be  
21 held in Flagstaff and in Nogales. I'll be in

HONDAH1.TXT

22 Flagstaff on Tuesday, Wednesday in Apache Junction  
23 and Pima County. I'll be in Prescott on Thursday  
24 and in the Phoenix Community College and Prescott  
25 will be in Yavapai Community College.

TAYLOR REPORTING (520) 367-5810  
HON DAH PUBLIC HEARING 6-18-2001

60

1 On Monday, at Mesa Community College and  
2 Window Rock. I'll be in Window Rock. On Tuesday  
3 Estrella Mountain Community College and  
4 Safford/Thatcher, Eastern Arizona College, and I'll  
5 be at Thatcher and Safford.

6 On Wednesday, Holbrook and Globe and I'll  
7 be in Holbrook and other members of the commission  
8 will be in Globe. And our final meeting of the  
9 first round will be at the Glendale Community  
10 College, and those are -- and we have additional  
11 copies of these kits.

12 You are more than welcome to additional  
13 attendance to any and all meetings for those who  
14 fail to have been able to voice any opinions.

15 Any other comments or questions?

16 A CITIZEN: Not a question, but is it  
17 possible there will be any kind of public -- some  
18 kind of public report based on the comments that you  
19 have heard here this evening? Is that your plan?

20 MR. HALL: If I understand the question  
21 correctly, will the comments of this meeting be  
22 published? Was that your question?

23 A CITIZEN: Your interpretation of what  
24 has been said here, what if -- we have had several  
25 people that have made some very specific points.

TAYLOR REPORTING (520) 367-5810  
HON DAH PUBLIC HEARING 6-18-2001

61

1 How do we know the commission has heard them  
2 exactly? Can they have a chance to proofread their  
3 report?

4 MR. HALL: This lady here, I think is  
5 pretty well going to ensure -- who is a court  
6 reporter -- what has been said and what I'm saying  
7 as we speak is being transcribed word for word. We  
8 receive transcripts of the proceedings in addition  
9 to supplemental notes by consultants and counsel.

10 If someone wants to review and receive a  
11 copy of the transcript, all of our meetings are  
12 public. We would be more than happy. You can  
13 contact our office. Adolfo is waiting at the copy  
14 machine in an effort to provide copies.

15 I will tell you, having read all of these  
16 various e-mails, they are rather cumbersome.

17 MR. PLATT: I'll yell. Mr. Hall, I think  
18 what his question was not so much is everything  
19 being reported, but your interpretation of what has  
20 been said. We would like some feedback that you  
21 understand what we have presented so we are all on  
22 the same wavelength here.

23 MR. RIVERA: Mr. Platt, let me kind of  
24 walk you through the process of why we ask for all

25 of this feedback. I think that Commissioner Hall

TAYLOR REPORTING (520) 367-5810  
HON DAH PUBLIC HEARING 6-18-2001

62

1 has the rural aspect. There is a message that came  
2 that we want to get rural communities here, but here  
3 is what happens. The reason they are having this  
4 meeting, this gentleman right here works for  
5 National Demographic Corporation. It is their  
6 responsibility to come up and take all of these  
7 comments and come up with a rough draft of a map,  
8 so that will be presented for the second hearing,  
9 and it is, you know, that is why we are asking that  
10 you really don't pay too much attention to the grid  
11 because the grid was required by 106.

12 The map is really what is going to  
13 happen, and the map, he has been taking copious  
14 notes that only he can read, but the court reporter  
15 has been taking these notes and they are going to go  
16 back after all of these hearings and they are going  
17 to combine all of this and look at everything that  
18 is being said and start making out areas of  
19 representation, of common interests, and they will  
20 start matching those up and start putting those  
21 together, and essentially what they hope to do is  
22 they will come up with a match.

23 We'll take around the second group, the  
24 second series and they'll come up with a match and  
25 they will explain in terms why they reached, in the

1 manner that they reached the draft maps and  
2 hopefully have been approached by the commission at  
3 that point.

4 That is when you come and say that is  
5 not what we said the first time. What we really  
6 meant -- you have to listen to us, this and this and  
7 that, and hopefully they will go back and state that  
8 is occurring, two other things are occurring.

9 All of these things are being taken down  
10 by the court reporter. When this goes to the  
11 Justice Department, the lawyers have to justify why  
12 this map not only meets section five, but it is  
13 constitutional under 106 and everything else.

14 We have to respond to all of the written  
15 stuff the Justice Department will be looking at and  
16 the court may be looking at and there will be  
17 responses from all of the lawyers to the commission  
18 saying, "Well, you did not look at this one," or  
19 "you did not look at this. This consideration you  
20 did not take," and then Justice will come back and  
21 ask why.

22 Commissioner Hall was talking about --  
23 well, Justice may come back and ask questions. They  
24 may look at the questions you are asking today and  
25 say, "you did not answer that man's question."

1                   "How did you respond to that question?"  
2 and then we have to go back and find your question,  
3 go back in to it.

4                   It is all public record, and then at the  
5 very end, hopefully the very end when all of this  
6 gets included, since this is really historic what is  
7 happening now. It is the very first time.

8                   NDC is going to present an outline of what  
9 was said, the procedure that was done, and do what  
10 is called a final report so that it will be  
11 presented to the citizens of the state of Arizona.  
12 But, you know, it is all public record. You can ask  
13 for a transcript from the court reporter. The maps  
14 are going to be coming up. Why don't I let NDC tell  
15 you what is going to happen.

16                  MR. HESLOP: What he has said is correct,  
17 except that one of the preliminary steps is to  
18 summarize these hearings, and NDC will present these  
19 summaries, and if they are approved by the I. R. C.,  
20 they will go on the web site, and at the same time,  
21 NDC will try to develop Arizona units of  
22 representation that reflect all of these questions,  
23 all of this input. So that is the next big test.

24                  In a couple of weeks time, we are going to  
25 be in the business of summarizing the hearings and

1 presenting what we refer to as Arizona Units of  
2 Representation, and the importance of those is that  
3 they allow us to amend the grid in a way that fits  
4 the public.

5 MR. HALL: Thank you very much. If it was  
6 me, and I had concerns, given all that you have  
7 heard that the interpretation of what has occurred  
8 here today would be misintepreted or misrepresented,  
9 I would provide my own summary to the commission.  
10 You are more than welcome to do so, and certainly  
11 that is welcome.

12 I can tell you, having read summaries of  
13 meetings thus far, I have read several reportings of  
14 meetings already that I did not attend, it was  
15 pretty clear what the flavor was and I might add  
16 that there wasn't necessarily an overwhelming  
17 similarity, but there appears to be some very  
18 standard themes and not necessarily all of those  
19 have agreed, but there are standard things presented  
20 today and I have confidence that the representation  
21 will be accurate, and if you are concerned in that  
22 respect, you are more than welcome to provide us  
23 additional information in writing which is less  
24 likely to be misintepreted.

25 Any other questions, please? Okay.

TAYLOR REPORTING (520) 367-5810  
HON DAH PUBLIC HEARING 6-18-2001

66

HONDAH1.TXT

1 Thank you very much. We appreciate the opportunity  
2 to be with you.

3 (Whereupon the proceedings were adjourned  
4 at 8:05 p.m.)

5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

TAYLOR REPORTING (520) 367-5810  
HON DAH PUBLIC HEARING 6-18-2001

67

1 STATE OF ARIZONA )  
 ) ss.

2 COUNTY OF NAVAJO )

3 BE IT KNOWN that the foregoing deposition  
4 was taken by me, SHERYL L. BARKER, Certified Court  
5 Reporter No. 50185 for the State of Arizona, and by  
6 virtue thereof authorized to administer an oath;  
7 that the witness, before testifying, was duly sworn  
8 by me to testify to the whole truth and nothing but  
9 the truth; that the questions propounded by counsel  
10 and the answers of the witness thereto were taken  
11 down by me in shorthand and thereafter transcribed  
12 under my direction and that the foregoing pages of  
13 printed matter contain a full, true and accurate  
14 transcript of all proceedings and testimony had and  
15 adduced upon the taking of said deposition, all to  
16 the best of my skill and ability.

17 I FURTHER CERTIFY that I am not related to  
18 nor employed by any of the parties hereto and have  
19 no interest in the outcome.

20 DATED at Pinetop, Arizona, this \_\_\_\_ day  
21 of February, 2001.

22  
23  
24  
25

\_\_\_\_\_  
Sheryl L. Barker  
CCR No. 50185