

NAVAJO LEGAL OVERVIEW

I. HOOZDOH HAHOODZOH BIBEE HAZ' !ANII

A. Bee Haz' lanii 106

N7[ch' its' Os7 2000, Hoozdoh Hahoodzoh Bee Haz' lanii 106 yee 13 da' as[99' , b7la' ashdlá' ii ada' iiznilgo bee Hoozdoh Hahoodzoh biBee Haz' lanii [a' yii nly77zoh. \$7 congressional d00 state legislative district state legislature bits' 33d66' nahg00 hly77zoh d00 IRC bi[haz' 32go lyiilaa.

II. Ninlhldzoh B1 Sinil7g77

A. Ninlhldzoh Sinil7g77 Binaanish

Hoozdoh Hahoodzoh biNaaltsoos Sln7 biyi' d00, IRC 47 congressional d00 legislative bi[hadahidiyoodzoh biniiy4. Naaltsoos Sln7 ln7igo 47 naaki t' 11 [a' an7da' iini[yee dah dei7klahgo d00 doo bill1hg00 47 IRC yl danahlazt32 doolee[d00 ashdlá' g0ne' dah sidlh7g77 47 IRC dah nahlaztln7g77 yee dah dei7klh7g77 doo t' 11 h1lj7 da atah yi[danil98 da doolee[. D77 IRC bl dah nij7iztln7g77 47 na' adlo' t' 11g44d hanaanish ldaji['98 doolee[, t' ladoop t' 11 hl7ida bich' ij7 7dl7n7 d00 d77 ninlhldzohj7 47 yl' 1t' 4ehgo honaanish 1j7['98 doolee[.

IRC bee daho' d0j7h7g77 47 t' 11' 1j7[tsoh Hoozdoh Hahoodzohj7 an7da' jii' ni[go hlhada' d4t' 4e doolee[d00 t11' n1lhaig00 d00 bi' aan bighahgo 47 t' 11[lh7g77 bee atah daj7l98 doolee[.

B. Congressional d00 Legislative Hadahasdzoh 1dadooln77[

IRC Hoozdoh Hahoodzoh bik11' g00 b7la' ashdlá' ii 1dan4elt' e' 7g77 bik' ehgo k4yah hadahizhdooni[. Naaltsoos bik1a' gi k4yah naashch' 22' 7g77 bik1a' gi 47, IRC hast32go haz' 3 bik' ehgo nahasdzoh hasht' e dazhdool77[.

- H0tsaa Hadahasdzoo7g77 47 Asdladiin K4yah Hahoodzoh d00 An7' da' iini[7g77 biBee Haz' lanii bik' eh hoj7['98 doolee[;
- Congressional Hahoodzoo7g77 47 b7la' ashdlá' ii 1dan4elt' e' 7g77 binahj8' d00 Hoozdoh Hahoodzoh legislative bi[hadahwiisdzoo7g77 47 d0' b7la' ashdlá' ii 1dan4elt' e' 7g77 binahj8' nizh0n7go a[ts' ldaasdzoh doolee[;
- Hadahwiisdzoo7g77 47 ahanab7da' askaad d00 boh0n4edzln7gi' 1t' 4ego a[ta' sinil doolee[;
- Hadahwiisdzoo7g77 47 b7la' asdla' ii dah naazhjaa' go d00 k4yah bee 44dah0zinii yid7sin doolee[;
- Bidah0n4edz33g00 47, k4yah bik11' g00 bee 44dah0zinii bee dahoodzoh doolee[, kin hadaas' 1lg00, kin tahg00 doo H0tsaago t' 11' 77d33' dahoodzoo7g00; d00
- Bidah0n4edz33g00 47, hoodzoh biyi' yl' 1t' 4ehgo lhodoon7i[go a[d0' t' 11 bich' ij7 azt32 doolee[.

J0 d77 al32j8' naakigo bee nida' doonish7g77 ldaat' 4, IRC 47 b7la' ashdlá' ii an7da' iini[7g77 d00 n1t' 33' n1n4l' 98 doolee[7g77 47 dooda...a[k44' hon7' 32go k4yah bik11'

nidahodiidzoh, nidi d77 daats' 7 a[d0' choo' 98go k4yah a[ts' 1 n7dadoodzoh. J0 naaki a[k44' hon7' 32go a[tsoh llyaaago 47, IRC t11' g0ne' 7g77 yinidaalnishgo yaat88h n1ldookah, lkohgo 47 congressional d00 legislative hahoodzoo7g77 tldiin yisk32j8' k4yah naaltsoos k4yah bik11' naashch' 22' 7g77 nihich' 8' yi' doo[nih d00 b7la' ashdla' ii yaa n7n1l1daat' 98 doolee[biniiy4.

D77 baa n7n1ldajit' 9 bin1, legislature t' 11' 1[ah doodaii' t' 11[1' 7go da 47 IRC d7igi' 1t' 4ego 1' dooln77[daan7igo yich' 8' hadadoodzih 47 "bits' 1n1' nilgo k4yah ninldeizoo7g77" yich' 8' k0deidool77[. T' 11 a[tso hasht' eelyaadi, IRC k4yah bik11' ninldahasdzoo7g77 a[tso haididool77[, 47 d99' g0ne' oonish7g77 bee w0j7igo bee [a' dooln77[.

C. G00ldi N11sg00 !dahodoo77[7g77 N1n41' 9

2005g00 yihah y65d33' , Hoozdoh Hahoodzoh biG00ldij7 IRC ninldahazoo7g77 binahj8' b7ho' dineest33' . G00ldi IRC 1' 1[7n7g77 47 yaa yil32go ninldahazoh. D00 g00ldi 47 bee haz' lanii ldei[7n7g77 yee t' 11 sahdii 1t' 4h7g77 yee ylhls' 3, lko g00ldi 47 t' 11 sahdii at' 4ego IRC ninldahazoo7g77 yi[naalnish.

T' 11 hlida ninldahazoo7g77 doo lk0t' 44g00 1' iilaa n7igo 47 g00ldi d7igi' 1t' 4ego nab7d7d0o[ki[da' ninldahazoh yl dah danahlaztln7g77sh binahat' a' yiih deiz0ohgo t' 11b7ighah n7t' 44' . Nahat' 1 ts' 7d1 bee[t' 4i [a' n1lh0dl=-go 47 k' ad nahat' 1 47 doo yl' 1t' 4eh da 47 doo dadii' n7i da. J0 g00ldi 47 IRC naaki haz' 32go yid7n0o[88[(1) IRC daats'7 Bee Haz' lanii a[k44' daaszoh7g77 yik' ehgo 7' iilaa d00 (2) IRC bee haz' lanii sln7 yik' ehgo 7' iilaa.

IRC bee haz' lanii bik' ehgo hast33' a[k44' hon7' 1n7g77 doo yik' ehgo binaanish lyiilaag00go, 47 saad hoj7[0n7g77 IRC doo yaa n7ylsti' g00 bee 77shjln7 lzhdool77[. IRC t' 11 lk0t' 4ego naashnishgo d77 baa saad h010n7g77 47 baa niylzti' n7igo d00 bee 77shjln7 ldooln7i[ii yinahj8' 1n7igo 47 g00ldi doo yaa n7n1ld00t' 88[da.

Ninldahasdzoo7g77 [ahgo bee haz' lanii doo ye' iilaag00 47 g00ldi h0tsaago d00 y4ego naanish llyaa7g77 nidoolkah n7igo yee hwiidoo[aa[. Bee haz' lanii 47 d7kw77sh99 a[aan ldaat' 4 47 daats' 7 [a' bi[oodz77' .

Hoozdoh Hahoodzoh Bii' Ay1lh7go Naaldeeh Yee Da' ah0t2' 7g77, 47 Hoozdoh Hahoodzoh biG00ldi 1n7igo 47 IRC naaltsoos bikla' gi k4yah naaszoo7g77 47 t' 11' 1t' 4 t' 11 hast32go daaszoh7g77 bik' ehgo 4' 4lyaa doolee[47 d77 1(14)(A) d00 (F)j8' , lkondi ak4edi7g77 hast33 bee bik' e' eshch7n7g77 47 b7la' ashdla' ii k4yah naaltsoos bik11' sinil yaa yldaa[ti' bik44d00 7nda, t' 11 IRC 2002 yihah y65d33' 1da' iilaa y65gi' 1t' 4ego.

III. Hoozdoh Hahoodzoh Nin1h1dzoh D99' ![k44' Hon7' 3

A. K4yah Hahaast' 3 – K4yah ninldeizoo7g77 47 1[ts4 d77 ldeidool77["bila' ashdla' ii t' 11 a[heedan4elt' e' go bi[hadahwiisdzohgo ldazhdool77[Hoozdoh Hahoodzoh

t' 11' 1t' 4 bik11' g00." "B7la' ashdla' ii ' i' ii' n77[yee atah danil7n7g77 d00 n1t' 33' d66' ada' iisnil nln4l' 9" 47 t' 1lg44d "al32j8' k4yah naaltsoos bik11' nii' nil7g77."

B. K4yah Hahaast' 3 Hasht' en1ln44h – N11' 1k0ne' , ninldahazoh biniy4 sinil7g77 47 k4yah hahast' 1n7g77 hasht' 44dazhdoodl77["boh0n4edzln7gi 1t' 4ego" hast33 a[k44' hon7' 3 daaszoh y65 bik' ehgo.

- 1. Ashdladiin K4yah biNaaltsoos Sln7 d00 Bila' Ashdla' ii An7' da' iini[7g77 biBee Haz' lanii** – "H0tsaago Hadahwiisdzoo7g77 47 Ashdladiin K4yah biNaaltsoos Sln7 d00 Bila' Ashdla' ii bibee haz' lanii yik' eh h0[' 98 doolee[;]"
- 2. B7la' Ashdla' ii A[heedan4elt' e'** – "Congressional districts bee daaw0j7h7g77 47 b7la' ashdla' ii bii' t' 11 a[hee dan4elt' e' doolee[, d00 Hoozdoh Hahoodzoh legislative districts d0' t' 11 1k0t' 4e doolee[;]"
- 3. A[hanab7' 7kaad d00 Nahadzoh B7d44t' i'** – "H0tsaa Hadahwiisdzohg00 k4yah hahaasnil d00 yl' 1t4ego binidahast' 32 doolee[;]"
- 4. K4yah Bik11' g00 Bee \$4dah0zinii** – "H0tsaa Hadahwiisdzoh 47 k4yah bik11' g00 bee' 44dah0zinii b7la' ashdla' ii yl' yid7sin doolee[;]"
- 5. K4yah Bik11' g00 !dahoot' 4h7g77, Dahoodzoh, Kin Dah Naazhjaa' B7la' Ashdla' ii Day44lta' 7g00** – "Boh0n4edz32j8' , h0tsaa hadahasdzoh ninldahadzoh 47 k4yah bee 44dah0zin7g77, kin dah naazhjaa' 7g77, d00 t' 11' 77d33' dahoodzoo7g77 d00 b7la' ashdla' ii day44lta' 7g77 binahj8' ninldahadzoh doolee[;]"
- 6. Atisdi Yl' 1t' 4ehii** – "K4yah Hadahwiisdzoh 47 atisdi yl' ldaat' 4ehii biniy4 1h1t' 98go b7la' ashdla' ii yee nllsdookahgo 47 bee ah00t' i' .

C. K4yah Naaltsoos Bikla' go &7shjln7 !ln44h – H0dahgo daaszoh7g77 a[tso 1lyaa d00 bik' ij8' , n7nlhadzoh yl' sinil7g77 47 "k4yah naaltsoos bik11' sinil7g77 77shjln7" 1dooln77[congressional d00 legislative hahoodzoo7g77 tldiin yisk32j8' b7la' ashdla' ii nayik' 7 yldaa[ti' doolee[. Legislatured66' t' 11' 1[ah yik' 7 yld7[t4ehgo a[d0' ninlhldzoh yl' sinil7g77 yich' 8' ch' 7idoo' 11[.

D. K4yah Nidahasdzoh A[tsoh Hadin4ehdi – B7la' ashdla' ii altsoh yaa niylsti' bik4edi, Ninlhldzoh Yl' Dah Nahlaztln7g77 "h0tsaa hadahasdzoh a[tsoh 7714ehdi." !niid hanlldahwiisdzoo7g77 47 Secretary of State bich' 8' k0dooln77[.

IV. B7la' Ashdla' ii T' 11[1' 7, T' 11[1' 7 A' doo' a[

Congressional hahoodzoh 47 d77 "b7la' ashdla' ii t' 11[1' 7 t' 11[1' 7 a' doo' a[' Article I, biyaad00 2 g0ne' Ashdladiin K4yah Hahoodzoh biNaaltsoos Sln7 bik' ehgo [a' dooln77[. Legislative hadahasdzoh biyi' din4 ln4elt' e' 7g77 t' 11 a[hee dan4elt' e' doolee[n7igo Fourteenth Amendment Naaltsoos Sln7 biyi' yisdzoh, 47 Congressional hadahasdzoo7j7go 47 t' 11 naadlo' . T' 11 1[ch' 9d7go t' 11[1' 7 doot[' izh b7ighahgo daats7 t' 11 bich' 8' [ahgo ln11' n77[. J0 Hoozdoh Hahoodzoh b7la' ashdla' ii ln4elt' e' 7g77 2000 yihah y65d00 h0shd66' deigo k0dzaa lko legislative hadahasdzoh y65 doo 7il88d da.

V. Bila' Ashdla' ii An7da' ii' ni[7g77 biBee Haz' lanii

An7da' iini[7g77 biBee Haz' lanii 47 b7la' ashdla' ii t' 1l aylh7go naaldeeh7g77 bik' 4sti' go binahj8' atah ada' iin77[go naat' lanii atah n7nldayiidlal. E7 1965 yihah y65d33' bee 13 azl99' d00 d7kw7idi sh99 lniid7 lnllayaago k0n7z1ldg00 yihah. Ninldahadzoh Y1 Sinil7g77 47 naakigo t' 1ly0 bi' dii[1 47 Section 2 d00 5. Ninldahadzoh Y1 Sinil7g77 a[d0 saad biyi' daasdzh7g77 hazh0' 0 baa lkodazn7zin d00lee[.

A. Section 5

1. Hoozdoh Hahoodzoh Nahat' 1 Bits4edi Bee L3 Doolee[ii. Section 5 U. S. biAttorney General doodaii' G00ldi haash99 daat' 44 sh99 yee bih0ln77h 1k0daat' 4h7g77 47 b7 13 n7igo t' 4iy1 i' ii' n77[b7d44t' i' j7 [ahgo ln7daalne' doolee[. Hoozdoh Hahoodzoh Section 5 biyaad00 "bik' 4sti' " lko IRC 47 bich' 8' l3go t' 4iy1 ninlhldzoh 7idool77[. Wllshindoonj7 District of Columbia bin7k11 g0ne' [a' yee 13 ni' ii[eeh nidi, H0tsaa Hadahasdzoh 47 Department of Justiced66' bich' 8' 13 ni' ii[eeh.

2. IRC biBurden of Proof Section 5 Biyaad00. Hoozdoh Hahoodzoh biyi' j9 ninldahazoo7g77 doo t' 1l' 1k0n4ehgo "b7la' ashdla' ii anl' 1' a' 7g77 yits' 33' yidoo[ch--[da a[aan dine' 4 j7l7n7g77 biniinaa, din4 biklg7 lt' 4h7g77 biniinaa, doodaii' hazaad bee ylj7[ti' 7g77 biniinaa." Ninlhadzoh 47 doo d77 biyi' yisdzoh da doolee[, "b7la' ashdla' ii [a' bee nahg00 k0dooln77[ld0one' 4 nil7n7g77 biniinaa, biklg7 1lt' eel biniinaa, bizaad [ahgo lt' 4ego yee y1[ti' biniinaa doodaii' haash77 yit' 4ego i' 77' ah7g77 biniinaa."

a. B7la' Ashdla' ii Nahg00 K01' 9

i. Doo N1t' 33' An7' doolt' ee[da. Section 5 biyaad00 47 t' ladoo le' 4 [ahgo 1l' 88hgo doo yl' lt' 4eh da "d77 hoot' 1l[bee b7la' ashdla' ii biklg7 daasht[izh7g77 d00 bizaad [ahgo lt' 4h7g77 [a' bee nlt' 33' an7doo' ni[47 doo biniiy4 da (i.e., b7la' ashdla' ii ldaat' 4h65 t' ah billh7go bich' 8' anlh00t' i' go ldooln77[47 dooda)."

ii. N1t' 33' An7' doolt' ee[Bee \$4h0zinii. D77 ninlhadzoh lniid7i daats' 7 b7la' ashdla' ii bee nlt' 33' an7doolt' ee[7g77 lt' 4, [a' "bee haz' lanii b7d44t' i' go nahat' 1 llyaa7g77" bi[a[h22h nidoo' ni[.

iii. Hoozdoh Hahoodzoh Ninlhldzoh biBee &da' neel' 22h7. Section 5 bik' izh doot3' lgi lt' 4ego llyaa, ninlhldzoh bibee 7da' neel' 22h7 47 47 legislative d00 congressional hadahwiisdzoo7g77 G00ldi yich' 8' k0yiilaa d00 yee 13 as[99' ak4e' di b7la' ashdla' ii y44lta' y65d33' . Congressional hadahasdzoh yee 13 as[9' 7g77 47 2002 yihah y65d33' chooz' 88d, legislative hadahasdzoh yee 13 as[99' y65 47 2004 yihah y65d00 h0shd66' chooz' 88d.

b. B7la' ashdla' ii nahg00 k01' 9. T' 1l ha' lt' 4ego da b7la' ashdla' ii nahg00 k01' 7n7g77 47 Section 5 biyaad00 doo bee haz' 32 da. G00ldi 47 *Village of*

Arlington Heights v. Metropolitan Housing Development Corp., 429 U.S. 252 (1977)
nidahodiist' lanii choyoo[' 9:

- \$' 4lyaa7g77 daats' 7 [a' d0one' 4 t' 11 at77s7go bik' ij8' hod7n4e' 32go lyiilaa;
- Bee nihoot' 1n7g77 h11d66' haz199' ;
- A[k44' 1dah00t' 88d7g77 binahj8' nihoot' 3;
- A[k44' hon7' 32go 4' 4l' 7n7g77 daats' 7 doo be' elyaa da;
- \$' 4l' 9 daats' 7 doo bit' 1h1j8' g00 4' 4lyaa;
- Legislative doodaii' administrative 1dahoot' 88dii, daats' 7 binahj8' nidahodiist' 3.

c. U.S. Attorney yinahj8' nidahodii' aahii Section 5 biyaad00.

i. {ahgo 1n7daalyaa Section 5 b7dad44t' i' 7g77:

- {ahgo an7' dooln7[7g77 boh0n4edz3;
- A[k44' hon7' 32go daasdzh7g77 bee a[haanits1hlkeesgo hadilyaa;
- B7la' asdla' ii t' 11 ayl1h7go naaldeeh7g77 [ahd00 bi[44lta' ;
- Hodahgo daasdzh7g77 daats' 7 [a' doo bee haz' lanii bik' ehgo 1lyaa da.

ii. Ninlh1dzoh [a' b7dad44t' i' 7g77

- Hadahwiisdzoo7g77 daats' 7 bee b7la' ashdla' ii t' 11 aylh7go adaat' 4h7g77 bee nahg00 k0lyaa ada' iin7i[gi;
- B7la' ashdla' ii t' 11 ayl1h7go naaldeehii daats' 7 ninlh1dzoh bee bibee adziil yaa 1lyaa.
- B7la' ashdla' ii t' 11 ayl1h7go naaldeehii daats' 7 bee 1[ts' 7s7go sahdii dah naazjaa' go 1lyaa (hidiilt1h);
- B7la' ashdla' ii t' 11 ayl1h7go naaldeehii daats' 7 bee t' 11[1h7gi ats' 1' nilgo dah shijaa' (t'11[1h7 g0ne' h44[1ln44h);
- T' 11 [ahg00 nahat' 1 da daats' 7 [a' h4est98go 1daalyaa;
- Ninlh1dzoh bihoot' 11[daats' 7 doo bik' ehgo 4' 4lyaa da 47 a[hanib7' 7kaad d00 ninlh1dzoh t' 4iy1 b7d44t' 8' 7g77 daats' 7 doo 1k0t' 4e da;
- Ninlh1dzoh bibee haz' lanii daats' 7 t' 11 b7 bee b0h0ln7h7g77 t' 4iy1 bee n7[tsoghgo naashnish.

iii. T' 11 Aylh7go Naaldeeh7-Atis !n4elt' e' 7g77

Bin7dahasdzoh !dan4elt' e' Doolee[7g77 Doo Bee Nihodiist' 32 Da. "T' 11 aylh7go naaldeeh7-

atis 1n4elt' e' 7g77 bin7dahasdzoh bii' din4 1dan4elt' e' doolee[7g77 47 h0tsaa hadahwiisdzoh doo yee nihodin7' 32 da."

d. Na' anish T' 11 B7ts4edi Hasht' ezhdee' n44h

i. H0tsaa Hahoodzoh Yee !deehadoodz7i' ii. Al32j8' 47 naaltsoos Voting Section of the Civil Rights Division bich' 8' 1zhdool99[preclearance j0keedgo 47 bibee haz' lanii 47 bik' ehgo nizhdoolnish. Bee haz' lanii 47 1dahodoo7[7g77 naaltsoos dabikla' go 47 H0tsaa Hahoodzoh hadeidile' . D77 naaltsoos biklagi 47 "t' 11 ayl1h7go b7la' ashdlal' ii naaldeeh7g77 d00 dabizaad t' 11 ayl1h7go bee yl daati' 7g77 47 hait' 4ego bidahodiit' i' "

ii. Ninlhldzoh Bee !hodoon7i[ii. B7la' ashdlal' ii 1dan4elt' e' 7g77 d00 naaltsoos bikla' gi k4yah nidaashch' 22' 7g77 47 t' 11' 7iyis77 atisdi bee na' anish7 lt' 4 ninlhldzoh biniiy4go. ![ts4 d00 nitsaago ak44d00 an7da' iini[7g77 a[d0' d7kw77 ada' iiznil7g77 1n4elt' e' b7din h0y44' .

iii. B7la' ashdlal' ii 11 hait' 4ego ahii' naaldeeh d00 ha' 1t' 77 yaa naakai. "Daall yit' 4ego [ahgo 1nlhoo' n77[, " bee 44dah0zinii "b7la' ashdlal' ii bich' 8' hane' 11' 9, bits' 33d00 hodidoots' 99[, d00 binahat' a' [ahd00 diits' a' go nahat' 1 hasht' e dadoolnii[, b7la' ashdlal' ii t' 11 ayl1h7go naaldeeh7g77 ts7k' eh." D7igi l daat' 4h7g77 47 yee hane' 1dei[98 doolee[, naaltsoos aseetz, 1[ah n7da' adleehg00, 1[ah azl99' baa da' 77n0[ta' , hada' iidziih bi[n7dahoot' aahg00, d00 yl da' ati' g00.

iv. T' 11 ayl1h7go naaldeeh7g77 bi[ahi[hane' . H0tsaa Hadahwiisdzoh biyi' b7la' ashdlal' ii t' 11 ayl1h7go naaldeeh7g77 dah dadit33g00 47 din4 dab7zhi' d00 hait' 4ego 47 bi[ahi[hodoonih7g77 da, ha' 1t' 77 d0one' 4 nil7n7g77 da, d00 bizaad hait' 4h7g77 yee yl[ti' 7g77 da 47 naaltsoos bee nijis' 32 doolee[. "bidahw4et' aahii bi[b44 h0zin doolee[doodaii' [ahd00 yaa niyl[ti' doolee[."

a. Bee 44dah0zinii. Bee 44dah0zinii 47 b7la' ashdlal' ii bich' 8' k0dadooln88[47 1dahoon7[7g77, binidahat' 1h7g77 da, d00 1[ah aleeh yaa dahalne' go nidanideeh doolee[.

v. B7dad44t' i' ii b44 h0zingo l da' dilne' . T' 11 h17sh99 din4 doodaii' dah oon4e[go da b7d44t' i' go 47 Department of Justice yich' 8' hane' 7idool99[.

vi. Bee 44h0zinii n77n7[tsoozgo hait' 4ego nich' 8' 4nlh0dzin doolee[. 60 yisk32j8' nich' 8' 44h0zin doolee[.

a. Supplemental Information W0keed. Supplemental information 47 60j9 naaltsoos yah ad77ni[n7n7g77 t' 11 n1 n1ls k0dooln7i[go bee ah00t' i' . T' 11 haz44' d66' bee j0keedgo 47 yoolkl[7g77 doo n1ls h1 k0daalne' da. !niid7go 60 yisk3 haa n1ldidoot' 11[Attorney General naaltsoos yee bich' 8' llyaa go n4idiiltsoozgo.

- b. **Dooniidz99’ da.** Section 5 biniinaa doo n1 niidz99’ g00 naaltsoos nich’ 8’ ldooln77[. Ts’ 7dl biniinaa doo niidz9’ 7g77 47 ni[77shjln7 ldooln77[.
- c. **N7naan0akeed.** Attorney General bin7k11 g0ne’ naaltsoos bee n7n1lnlokeed7 lzhdool77[.

B. Section 2

1. Section 2’s Protections. I’ ii’ n77[doo 1k0t’ 44g00 ldooln77[yich’ 33h “b7la’ ashdla’ ii i’ iin77[bits’ 22 k01’ 9…ld0one’ 4 nil7n7g77 biniinaa doodaii’ biklg7 1lt’ ee[biniinaa, doodaii’ bizaad yee yl[ti’ 7g77 biniinaa.”

2. Totality of Circumstances Analysis. Section 2 47 bi[oodz77’ , “totality of circumstances binahj8’ …H0tsaa Hahoodzoh biyi’ j7 i’ iin77[bee a[haahon7n4 t’ 1l[1h7j8’ go d7n4et98go” d00 b7la’ ashdla’ ii t’ 1l ayl1h7go naaldeeh7g77 doodaii’ atis ln4elt’ e’ bee w0j7h7g77 t’ 1l b7 binaat’ lanii n7deididoo[t44[doo bl boh0n4edz33g00.

3. History of Elected Members of Protected Class. B7la’ ashdla’ ii t’ 1l ayl1h7go naaldeeh7g77 naat’ lanii yl deijeeh7g77 bl allda’ niid4ehgo 47 Section 2 bee n4l’ 9, nidi “dine’ 4 ln4elt’ e’ 7g77 doo nlt’ lanii ln4elt’ 4’ 7g77 doo bi[ahee[t’ 4e da.”

4. Adei7 Hooghan Totality of Circumstances Yee Nei[kaah7g77. Section 2 biyaad00 totality of circumstances chojoo[’ 88hgo 47 g00ldi d77 binahj8’ ldoon77[;

- B7la’ ashdla’ ii t’ 1l ayl1h7go naaldeeh7g77 nlt’ 32’ di bik’ ij8’ na’ azhnish;
- B7la’ ashdla’ ii biklg7 1lt’ ee[bik’ ehgo i’ iisnil;
- T’ 1l’ 7iyis77 h0tsaa hahoodzogo ada’ iisnil, allahgo ada’ iin7[7g77 bik’ ehgo, doodaii’ i’ ii’ n77[t’ 1l na’ adlo’ d00 ak’ ij8’ na’ anish bi[a[tahgo llyaa;
- De7jeeh7g77 bl ada’ iisnil7g77 a[k44’ an77dee’ 7g77 doo ho[77shjln7 1ln4eh da;
- B7la’ ashdla’ ii t’ 1l ayl1h7go naaldeeh7g77 j7l98go d00 t’ 1l hak’ ij8’ hod7n4e’ 32go doo y4ego aj77[ta’ g00 da, naanish doo bidziilg00 j0t2’ go da, d00 hats’ 77s bich’ 8’ anlh00t’ i’ go da biniinaa aj7tah doolee[doo hl boh0n4edz33g00;
- Naat’ lanii yl de7jeeh7g77 haklg7 1lt’ ee[di yee hak’ i danil7igo da;
- B7la’ ashdla’ ii t’ 1l ayl1h7go danil7n7g77 bl all da’ neezdee’ ;
- Naat’ lanii bl allda’ neezdee’ ii n1ln1 [a’ b7la’ ashdla’ ii bee bich’ 8’ an7dahazt’ i’ ii doo yl yein7t’ 99g00; d00
- \$7 doodago i’ ii’ n77[bibeehaz’ lanii daats’ 7 t’ 1l’ 7iyis77 biyah0y44’ .

5. I’ii’n77[n7d44’ 441 naalkaah.

Section 2 biyaad00 i’ ii’ n77[n7d44’ 441, g00ldi d77 neidoo[kah (1) b7la’ ashdla’ ii t’ 1l ayl1h7go naaldeeh7g77 daats’ 7 t’ 1l l2’ 7 yilt’ 4ego h0tsaa hahoodzoh yii’ k44hat’ 9; (2) b7la’ ashdla’ ii daats’ 7 t’ 1l[1h7gi dashijaa’ go k44hat’ 9; d00 (3) special circumstances t’11g44dgo, Bilaglana 47 b7la’ ashdla’ ii t’ 1l ayl1h7go naaldeeh7g77 t’ 1l yitigso ada’ iiznil.

VI. Ylti’ Bee !k1 An1’ lwo’

Wllshindoon biBee Haz' lanii 47 "b7la' ashdla' ii an7da' iini[7g77 naaltsoos i' ii' n77[yaa dahalne' 7g77, naaltsoos 11j7 b7dad44t' i' 7g77 d00 bee i' ii' n7[7 da 47 t' 11 anl' 1' a' 7g77 bizaad bee bik' e' eshch98 doolee[...Bilaglana k' ehj7 a[d0' ."

"Bizaad yee a' oh neel' 3 47 Bits8' Yisht[izhii, Bin11' !daa[ts' Oz7, Bee Hai, d00 Naakaii[blh7 da." Naakigo 47 d77 b7la' ashdla' ii bizaad b7d44t' i' , Section 4(f)(4)(42 U.S.C. 1973b(f)(4) d00 203(c)(42 U.S.C. 1973aa) I'iin77[bi Bee Haz' lanii. Section 4(f)(4) a[d0' b7d44t' i' .

Biniiy4 lhlt' 7inii 47 "b7la' ashdla' ii t' 11 ayl1h7go naaldeeh7g77 boh0n4edz32go i' ii' n77[[ahd00 yee atah nil98 doolee[." D77 ldoon7i[go, "t' 11 n7[t44l n7t' 44' i' ii' n77[bik' 4sti' doolee[i' ii' n77[, i' ii' n77[biniiy4 hada' dilne' g00 d00 t' 11 i' ii' n77[bij98j8' ..." Naaki haz' 32go 47 K4yah Ashdladiingo Hahoodzoh biG00ldi yee has' 3 (1) "i' ii' n77[b7la' ashdla' ii a[' aan 1t' 4ego bizaad yee yldaa[ti' 7g77 t' 11' a[tsoh b1 idah0n4edz32 doolee[; d00 (2) "t' 11' a[tsoh hadawiisdzoo7g77 47 boh0n4edz32go lda' dool77[." " !k0t' 4ego 47 bee haz' lanii be' alyaa doolee[...47 ho[haz' 33d00 b7la' ashdla' ii yl' 1t' 4ehgo bl 1' jiilaa doolee[."

Hoozdoh Hahoodzoh 47 t' 11 n7[t44l n7t' 44' Naakaii[blh7 [a' hoodzaa. Greenlee, Maricopa, Pima, Santa Cruz, d00 Yuma biyi' j7 d00 Bits8' Yisht[izhii a[d0' [ahgo bl [a' dahoodzaa.

28 C.F.R. Pt. 55, App. Hoozdoh Hahoodzoh biNaaltsoos Sln7 biyaad00, Bilaglana bizaad 47 h0zh= bee ylti' doolee[State, Ariz. Const., art. XXVIII, 2, nidi nihiNaaltsoos Sln7 47 din4 t' 11b7 bizaad choyoo[' 98go hazh0' 0 i' ii' n77[atah 7idool7i[go t' 11b7 bizaad choyoo[' 98doogo yl hls' 3 lko bee haz' lanii doo ldihodidoolt' ih da. Hoozdoh Hahoodzoh 47 Bilaglana bizaad chooidoo' 88[go yee hoo[' a' . Wllshindoon bibeehaz' lanii [a' doo bik' 7daasti' da (*Id. at 1(2)(b)*, Bits8' Yisht[izhii bizaad (*id. at 1(2)(g)*, [a' dahane' (*id. at 1(2)(h)*, d00 "bee ni' dooltsosgo baa hwiin7t' 98 doolee[" (*id. at 1(2)(i)*). H0tsaa Hadahasdzohg00 47 Ninlhadzoh yl dah nahlaztln7g77 1[ah nida' adleehg00 b7la' ashdla' ii t' 11 b7 bizaad bee bl ata' hane' doolee[.

VII. GERRYMANDERING

A. Partisan Gerrymandering

!lhyi[n7inii: "k4yah hadahasdzoh a[ts' 1 dziiz0ohgo naat' lanii n7n7dahadlahg00, doo bee[t' 44g00 nahasdzohgo, [a' day7jeeh7g77 t' 00y0 bich' ij7 7d198go [a' bik' ij8' de7jeeh7g77 bidziilgo 0olzingo."

J0 ninlhldzohgo 47 naat' lanii bl ada' iisnil7g77 l2' 7 nidaha' 1, gerrymandering daats' 7 Equal Protection Clause Fourth Amendment biyaad00 daats' 7 bee haz' lanii k' 4ti' .

N1k44' Hane' : Gerrymandering t' ahdoo b7zhi' bl ' 1ln44hd33' 47 t' 11 k== nihitahg00 bee na' anish j0 47 First U.S. Congress, nidi t' 11 b7ts4edi h0l=.

Boston Gazette woly4ego naaltsoos aseez7n7 ts' 7dl 1[ts4 saad "gerrymandering" chodayoos' 88d 1812 yihah y65d33' 47 Massachusetts Legislature t' ladoo 1t' 4egi 1t' 44g00 k4yah nidajizhch' 22' go, lko Governor Elbridge Gerry 47 yee 13 as[99' go 47 binahj8'

Bich99h Yee Adilohii –Dzaan44z yee dayikah7g77 bich’ ij7 ni’ n7k66z. K4yah hahoodzoo7g77 47 atsilagh1lh (salamander) nahalingo biniinaa “Gerry-mander” woosye’ . H0n11sd00 k4yah t’ ladoo lt’ 44g00 ninldahadzoo7g77 bee ini’ doodloh biniiy4 ldaalyaa7g77 t’ 11’ a[tso 1k0t’ 4ego w0j7 sil99’ .

N11sd00 47 bits8’ daasht[izhii bini’ doodloh biniiy4 nidahasdzoo7g77 a[d0 1k0t’ 4ego w0j7 sil99’ .

1. G00ldidi Gerrymandering Yah Adahat’ 4h7g77

K4yah Ashdladiin Hahoodzoh biyi’ G00lditsoh 47 t’ 11 daats’ 7 nihl yl’ lt’ 44h d77 gerrymandering [ahd00 bein7it’ 98go, doodaii’ daats’ 7 t’ ladoo h0zh= biniiy4h7g00 baa n4it’ 98 doolee[. 1986g00 yihah y65d33’ , Davis v. Bandemer, binahj8’ go 47 b44 hoozin ninlhldzoh 47 t’ 11 bee ak’ ij8’ ni’ doonishgo lt’ 44 11.

2. Gerrymandering daats’ 7 yii’ a’

Azh3 G00lditsoh 47 Gerrymandering t’ 11 baa hwiid7n0ot’ 88[go boh0n4edz3 n7inidi, n11daa[a’ g00ldi 47 ts’ 7dl hait’ 4ego baa hwiid7n0ot’ 88[7g77 doo yee a[ch’ 8’ 13 da’ a[eeh da.

Bandemer baa hwiin7t’ 7n7g77 47 nihlst’ 47 g00ldi yaa n7daat’ 9 nidi d98’ go 47 ldaan7 gerrymandering hod7n0on4e[go 47 hak’ ij8’ na’ azhnish7g77 bidziilgo 77shjln7 lzhdool99[d00 hak’ ij8’ danil9n7g77 b44 hozdoos88[.

2004g00 yihah y65d33’ Veith v. Jubelirer, G00lditsohdi gerrymandering 47 hait’ 4ego bee aahwiid7n0ot’ 88[7g77 biniiy4 nln441’ 99’ , nidi ts’ 7dl bee ni’ doonish7gi lt’ 4ego0g77 t’ ladoo hazh0’ 0 ln1lnllyaa da. Nihl1st’ 47 g00ldi d98’ go 47 ldaan7 gerrymandering binahj8’ baa hwiin7t’ 98 doolee[7g77 t’ 11 b7din h0y44’ . D98’ go g00ldi 47 t’ 11 bik’ ehgo doolee[7g77 hadeidiilaa. G00ldi 47 t’ 11’ 1t’ 4 t’ 00 ch’ 7dayiist[’ 77d.

2006g00 yihahgo G00ldi gerrymandering yaa n7n11d11st’ 88d, League of United Latin American Citizen v. Perry woly4ego. G00ldi y22h nllghaz, lkondi, n11sg00 aadahwiin7t’ 9 bek’ hgo doolee[7g77 1din.

B. B7la’ Ashdla’ ii Bik1g7 !1t’ ee[Bik’ ehgo Gerrymandering

!lhyi[n7inii: D77 47 “t’ 11 1k0j7n4ehgo hadahwiisdzoh biyi’ t’ ladoo lt’ 44g00 nahodzizohgo…din4 11klg7 bik’ ehgo. {ahg00 sh99 t’ 11 aan77 11klg7 b7dad44t’ i’ doolee[, gerrymandering 47 din4 1d11klg77g77 atisgo baa nitslhlkeesgo ninlhldzohgo 47 dooda.

N1k44’ N1h1ne’ : !1klg7 bik’ eh gerrymandering 47 ts’ 7dl 1[ts4 Fifteenth Amendment yik’ ee’ 22 k0dzaa Shldi’ 11hj7 Civil-War bik44’ d00. 1870g00 yihah y65d33’ 47 Mississippidi b7la’ ashdla’ ii t’ 11 aylh7go naaldeeh7g77 k4yah lhoo[ts’ 77s7go biyi’ k44hojit’ 99 n7t’ 44 lko honaat’ Ianii t’ 11 1din n7t’ 44’ W11shindoondi. 1960g00 yihah y65d33’ 47, gerrymanding Alabamadi chooz’ 88dgo binahj8’ Naakaii {izhinii nahg00 k0lyaa. T’ 11 lhodeezniidgo gerrymandering chooz’ 88dgo b7la’ ashdla’ ii aylh7go naaldeeh7g77 bee [32go 1lyaa.

1. G00ldi Gerrymandering Yii' Dad4ez' 99'

Shaw v. Reno, K4yah Ashdladiin Hahoodzoh biG00lditsoh 47 North Carolina t' 11 ayl1h7go b7la' ashdla' ii naaldeeh7g77 t' 11 sahdii yi[hadahazoh lko 12' 7 sil99' . G00ldi 1n7igo 47 gerrymandering naaki haz' 32go 4' 4lyaa: i' ii' n77[b7d44t' i' d00 b7la' ashdla' ii t' 11 ayl1h7go naaldeeh7g77 yee chlnah daazl99' .

2. Gerrymandering Naalkaah

Fourteenth Amendment 47 nihik' 4sti' d00 bine' neiid1, G00lditsoh 1n7igo 47 11k1g7 bik' ehgo ninldahasdzohgo 47 hazh0' 0 ninldoolkah.

1990 b7la' ashdla' ii day44lta' y65d00 h0shd66' 1k0daadzaa, G00lditsoh gerrymandering binahj8' 1j7n7n7g77 hasht' eyiilaa: naaltsoos yistsoozii t' 11' aan77g00 1n7i doolee[; d00 gerrymandering bee hona' azhnish doolee[; 1ld00 W1lshindoon 47 doodago nitsaa hadahwiisdzoh daats' 7 t' ladoo le' 4 yin7zinii h0l=.

United States v. Hays, G00lditsoh azl99' asdz9 b44 hodooz88[biniiy4, astsooz7g77 47: (1) astsooz7g77 daats' 7 47 at4dzaa 47 b44h0zin doolee[; (2) ah00t' 88d7g77 daats' 7 t7zhd7lyaa7g77 bi[ahee[t' 4; d00 (3) hach' ij7 ni' n7k65zgo 47 hadaa[t' 4 n7zhdoodlee[. Ni[dzilgo 47 dziz98 doolee[gerrymandering hahoodzoh biyi' k44hojit' 98go doodaii' 1j0olk1g77 biniinaa at7dziidzaago.

Gerrymandering h0l= jin7igo 77shjln7 1zhdool77[, g00ldi 47 hahoodzoh 1noolnin7g77 yid7n0o[' 88[, nlt' 33' n1h1ne' d00 nahadzoh baa dahwiin7st' 88d7g77 da yid7n0o[' 88[. G00ldi gerrymandering y4ego nayooz198' go 47 n11sg00 ni' doo[kah. G00lditsoh 47 ak' ij8' na' anish Section 2 d00 5 biyaad00 anl' 1' 1' 7 bibee haz' lanii choidoo[' 88[. Ninlhldzoh binahat' 1 47 k' asd33' bee hasht' eelyaa, nidi doo n11sg00 deetz' i' da.

VIII. Bee Haz' lanii !dei[' 7inii Yee B0h0ln7ihii

A. Bee Haz' lanii !dei[' 7inii !ch' 33h Choyoo[' 7inii

Ashdladiin K4yah Hahoodzoh biG00ldi bibee haz' lanii h0l= Speech d00 Debate Clause Naaltsoos Sln7 biyi' yisdzoh7g77 nahalin. D77 bee haz' lanii a[d0' Hoozdoh Hahoodzoh biNaaltsoos Sln7 biyi' yisdzoh.

- Ashdladiin K4yah Hahoodzoh biNaaltsoos Sln7 biyi' Speech d00 Debate: “[F] doodaii' t' 11 b0h0ln7h7g77 Speech d00 Debate t' 11 h11j7 da, [Adei7 Hooghan doodaii' Ayei7 Hooghan] 47 doo t' 11 hladi da 47 doo nab7d7d0oki[da.”
- Hoozdoh Hahoodzoh Speech d00 Debate: “Bee Haz' lanii !dei[' 7n7g77 47 debate g0ne' yee hahadziih7g77 doo bik' ij8' choidoo' 88[da.”

B. !daa hane' d00 Hane' Doo Baa Hodoonih Da

Bee Haz' lanii !dei[' 7n7g77 lch' 33h yis' 1n7g77 47 ldaahane' d00 doo baa hodoonih7g77 47 binaanish doo yaa hodoolnihg00 47 bl bee ah00t' i' d00 hait' 4ego b7ni' lyiilaa7g77 da 47 doo yaa hodoolnih da.

C. Bee Haz' lanii !dei[' 98nii Speech d00 Debate T' 11 B71lahgo A[d0' Bik' 4sti'

Bee Haz' lanii !dei[' 7n7g77 speech d00 debate billahgo nllhlst' 3 bee haz' lanii ldei[' 7n7g77 47 t' 1lb7 b7d44t' i' go t' 4iy1, lko baa ylti' ii doo doochx--[da biniinaa. Bee Haz' lanii yine' naaghlh7g77 47 honaanish lzhdool7i[gi 47 doo hach' 33h h0l=- da.

D. Hoozdoh Hahoodzoh Ninldahazohgo Y1 Sinil7g77 B7d44t' i'

1. Nidahazoo7g77 B7d44t' i' . Hoozdoh Hahoodzoh biG00ldi ln7igo 47 IRC “bee haz' lanii 77[' 9 ninlhldzoh yinaalnishgo.” \$7 biniinaa, bee haz' lanii ldei[' 7n7g77 yine' naaghlh7g77 a[d0' IRC bik' 4sti' doolee[. “nahat' 1 ninlhldzoh y4ego b7dad44t' i' 7g77.”

2. Consultants (Anaad66' !k1' an7daalwo' 7g77 B7dad44t' i' . Hoozdoh Haahoodzohj7 biG00ldi ln7igo 47 “bee haz' lanii ldei[' 7n7 47 bee haz' lanii ldei[' 7n7 yine' nidaakaa7g77 yine' g0ne' iighlahgo bl bee ah00t' i' .

3. Naaltsoos Nidanideeh H0dad44t' i' 7g77. “Bee Haz' lanii !dei[' 7n7g77 yine' naaghlh7g77 binaanish 77[' 7n7g77 yich' 33h h0l= doodaii' doo yaa hodoolnihg00 d0' bl bee 13.