

**ARIZONA INDEPENDENT REDISTRICTING COMMISSION**

October 14, 2011  
1:18 p.m. (MDT)

**Location**

Navajo Nation Museum  
Highway 264 and Loop Road  
Window Rock, Arizona 86515

**Attending**

Colleen C. Mathis, Chair  
Linda C. McNulty, Commissioner

Kristina Gomez, Deputy Executive Director  
Buck Forst, Information Technology Specialist  
Joe Kanefield, Counsel, Ballard Spahr

**PREPARED BY:**

AZ Litigation Support, LLC  
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Certified Reporter  
CR No. 50637

1 Window Rock, Arizona  
2 October 14, 2011  
3 1:18 p.m. (MDT)

4 CHAIRPERSON MATHIS: Good afternoon.

5 This meeting of the Arizona Independent  
6 Redistricting Commission will now come to order.

7 Today is Friday, October 14th, and the  
8 time is, let's see, 1:18 p.m. Mountain Standard --  
9 no, sorry, Navajo Nation time and 12:18 Mountain  
10 Standard Time.

11 Let's begin with the Pledge of  
12 Allegiance.

13 (Pledge of Allegiance was recited.)

14 CHAIRPERSON MATHIS: Well, it's wonderful  
15 to be here in Navajo country at the Navajo Nation  
16 Museum. I've never been to this building before.  
17 It's quite beautiful, and we appreciate you all  
18 hosting us here.

19 The purpose of today's hearing is for you  
20 to provide input to us on the draft maps.

21 We have a draft legislative and a draft  
22 congressional map. And today we're hoping that  
23 you'll tell us the error of our ways or if you like  
24 what we did, it's always good to hear that, too.

25 So please feel free to fill out a request

1 to speak form. You should see that on your way in.  
2 And at the time that we get to the public comment  
3 portion of the meeting, I'll be calling names and  
4 you can come up and tell us your comments.

5 So let's first start with roll call and  
6 also introduce the other people at the table.

7 Commissioner McNulty.

8 COMMISSIONER MCNULTY: Here.

9 CHAIRPERSON MATHIS: Commissioner Stertz,  
10 Commissioner Herrera and Commissioner Freeman are  
11 all, I'm sure, watching this via the Internet today.

12 Not all of the commissioners attend every  
13 one of the meetings. We're all taking turns in  
14 going to different places around the state.

15 This is, I think, our fourth hearing now.  
16 Yes, fourth out of about 26. So it's early in the  
17 process and we'll be going throughout the state for  
18 the next three weeks or so.

19 So if you want to check our website and  
20 see where -- other places we're going, please feel  
21 free to come to those hearings as well.

22 So other folks at the table are our  
23 mapping consultant, Andrew Drechsler, and legal  
24 counsel, Joe Kanefield.

25 Our chief technology officer is Buck

1 Forst. He's ensuring that this is going out over  
2 the Internet.

3 We have a court reporter taking an  
4 accurate transcript of today's proceedings,  
5 Michelle.

6 And other people from our staff include  
7 Kristina Gomez, our deputy executive director, Lisa  
8 Schmelling and Kristy Olson, both public outreach  
9 coordinators who are here.

10 And please feel free to contact -- talk  
11 to any of our staff if you have any questions or  
12 comments or need any assistance.

13 Federal law requires us to translate  
14 these proceedings. And with us today we have a  
15 couple of translators. We have a Hopi translator,  
16 Jennifer Joseph, and we also have Gerlit Buffington,  
17 who is our Spanish translator, and Ralph Scott, our  
18 Navajo translator.

19 And I thought it would be helpful if each  
20 of you would make a few opening remarks now to find  
21 out if anyone requires any translation services.

22 So if Jennifer Joseph would like to come  
23 up.

24 JENNIFER JOSEPH: Good morning, ladies  
25 and gentlemen. My name is Jennifer, and I am the

1 Hopi translator for this meeting here. So I will be  
2 glad to assist anyone who is needing translation in  
3 Hopi to the best of my skills.

4 It can be pretty difficult and our  
5 language doesn't have words for a lot of issues with  
6 such.

7 And so if I may, (speaking in native  
8 tongue).

9 Thank you.

10 CHAIRPERSON MATHIS: Thank you very much.

11 Our next translator is -- will be  
12 Spanish, Gerlit Buffington.

13 GERLIT BUFFINGTON: Good afternoon. My  
14 name is Gerlit Buffington, and I'm very pleased to  
15 be here to help to assist any person who needs my  
16 service in Spanish.

17 (Speaking in native tongue.)

18 Thank you very much.

19 CHAIRPERSON MATHIS: Thank you,  
20 Ms. Buffington.

21 And our last translator is Ralph Scott  
22 for Navajo.

23 RALPH SCOTT: Good afternoon, ladies and  
24 gentlemen. My name is Ralph Scott. I'm the Navajo  
25 translator. Glad to be here.

1 (Speaking in native tongue.)

2 Thank you.

3 CHAIRPERSON MATHIS: Thank you very much.

4 Well, I think we've covered all of the  
5 housekeeping items.

6 I do want to also mention if you would  
7 prefer not to speak today to us in terms of giving  
8 us testimony, you can do that also in written form  
9 using a blue sheet, which you also should have seen  
10 on the way in.

11 So feel free to fill out a blue form if  
12 you would just like to give us some input but not  
13 come up to the podium.

14 So with that, I think we can move on to  
15 the next item on our agenda, which is a presentation  
16 from our mapping consultant, Mr. Drechsler about the  
17 redistricting process.

18 ANDREW DRECHSLER: Thank you very much.

19 Good afternoon. We're here today to  
20 discuss the draft maps presented by the Arizona  
21 Independent Redistricting Commission.

22 The draft maps are currently under a  
23 30-day review period, which means -- which is one of  
24 the main reasons we're here today to hear your  
25 opinions on the maps.

1           Before we display the maps we wanted to  
2 give a quick overview of the process in general.

3           Arizona's redistricting process is  
4 governed by the state Constitution as amended by  
5 voters in 2000 with the passage of Proposition 106.

6           It stipulates that the Arizona  
7 Independent Redistricting Commission redraw  
8 Arizona's congressional and legislative districts to  
9 reflect results of the most recent census.

10           Due to the 2010 census, Arizona gained a  
11 congressional seat. So we are going from eight  
12 seats to nine congressional seats.

13           What are the guidelines of Proposition  
14 106?

15           A, it must comply with the U.S.  
16 Constitution of the Voting Rights Act.

17           B, must be equal population. Criteria A  
18 and B are federally mandated.

19           The other four criteria are, to the  
20 extent practicable, C, compact and contiguous; D,  
21 respect communities of interest; E, use visible  
22 geographic features, city, town, and county  
23 boundaries, and undivided census tracts; and F,  
24 favor competitive districts where no significant  
25 detriment to other goals.

1           We wanted to do a quick overview of the  
2 Voting Rights Act.

3           Arizona's congressional and legislative  
4 districts must receive preclearance or approval from  
5 the Department of Justice or a federal court under  
6 Section 5 of the Voting Rights Act before they can  
7 take effect.

8           To get preclearance, Arizona must  
9 demonstrate that the new districts do not  
10 discriminate against minority voters in purpose or  
11 effect, which means there can be no intentional or  
12 accidental discrimination.

13           Under Section 5, Arizona's redistricting  
14 plans cannot be retrogressive. The plans cannot  
15 weaken or reduce minority voters' rights.

16           The presence of discrimination can be  
17 determined by analyzing population data and election  
18 results.

19           We wanted to give a quick overview of the  
20 six steps that we see as the process and the  
21 timeline for the Commission as a whole.

22           The Commission was set up earlier this  
23 year. The commissioners were appointed following a  
24 thorough screening process and serve in a voluntary  
25 role.

1           The five commissioners are Scott Freeman,  
2 Vice Chair; Jose Herrera, Vice Chair; Colleen  
3 Mathis, Chair, and with us today; Linda McNulty, who  
4 is with us today; and Richard Stertz.

5           After the Commission was set up, they had  
6 the first round of hearings. Before a single line  
7 was drawn, the Commission held 23 public hearings  
8 around the state in July and August to get input  
9 from members of the public about issues relevant to  
10 redistricting such as geography, communities of  
11 interest, minority voting rights, and  
12 competitiveness.

13           Step 3 was the mapping.

14           After the second -- after the first round  
15 of hearings, the Commission adopted a grid map,  
16 which was approved on August 18th.

17           Per Proposition 106, we had to start with  
18 the grid map which took into account two of the six  
19 criteria, equal population and compactness.

20           Since adopting the grid maps, the  
21 Commission has met more than 25 times to consider  
22 adjustments to the grid, to accommodate all of the  
23 state constitutional criteria.

24           During this time they received additional  
25 public comment and draft maps.

1           Approval of draft maps.

2           On October 3rd, the Commission approved  
3 the draft congressional map that incorporated  
4 changes based off the constitutional criteria. It  
5 also approved the draft legislative map on  
6 October 10th.

7           Step 4 is the second round of hearings,  
8 which you are currently participating in today.

9           We are -- during the month of October, we  
10 are visiting 25 towns and cities to share the draft  
11 maps and receive additional public opinion and input  
12 during the second round.

13           Step 5 is the final maps.

14           Upon completion of public comment period,  
15 the Arizona Independent Redistricting Commission  
16 will document final maps.

17           Step 6 is the preclearance.

18           As we mentioned before, Arizona is  
19 subject to Section 5 of the Voting Rights Act. The  
20 district maps must be approved by the federal  
21 Department of Justice or the federal court in  
22 Washington D.C. before they can be used for  
23 Arizona's elections.

24           Before we show the congressional map, we  
25 just wanted to go through the process of how we got

1 there.

2 This is the last map -- this was the  
3 congressional map approved by the last Commission  
4 and most recently used in the 2010 elections.

5 Per Proposition 106, we needed to start  
6 with a blank slate. Also per Proposition 106, as I  
7 mentioned before, on August 18th we had to  
8 approve -- we approved the grid map, which then got  
9 us to October 3rd, the approval of the draft map.

10 The draft map -- the draft constitutional  
11 districts include two predominantly rural districts,  
12 three border districts, two districts in the city of  
13 Tucson, five districts that are entirely in Maricopa  
14 County that avoid splitting Arizona's Indian  
15 reservations, and it has two districts where  
16 minority voters have the opportunity to elect the  
17 candidate of their choice.

18 The legislative map followed a very  
19 similar process. This was a draft map that was  
20 approved by the Commission -- the last Commission  
21 and most recently used in the 2010 elections.

22 Like the congressional map, the  
23 legislative map started with a blank slate and we  
24 come up with a grid map that was approved in August.  
25 And finally leads us to the draft map that was

1 approved just earlier this week.

2 The draft map -- the draft legislative  
3 districts include -- the old districts under the map  
4 that was used in 2010, the population ranged from  
5 155,000 to 378,000. In the current draft map, the  
6 population ranges from 207,000 to 215,000.

7 To comply with the Voting Rights Act, the  
8 draft map includes ten districts in which minority  
9 voters should have the opportunity to elect the  
10 candidate of their choice.

11 The draft includes three districts wholly  
12 within Pima County and three additional Southern  
13 Arizona districts. It has seventeen districts  
14 primarily within Maricopa County and nine districts  
15 primarily rural.

16 As the Chair stated at the start of this  
17 meeting, one of the big reasons we're here today is  
18 we want to hear your opinions on the draft map.

19 You can fill out a request to speak form  
20 at a public hearing and provide your thoughts to the  
21 Commission.

22 Examples of such input that we are  
23 looking for is anything regarding the constitutional  
24 criteria, any thoughts on the congressional map, or  
25 any thoughts on the draft legislative map.

1           You can also submit your opinion -- you  
2 can submit your input by, of course, speaking at one  
3 of the public hearings, filling out one of the blue  
4 sheets, or going to the Arizona Redistricting  
5 website and filling out public input there.

6           You can visit us at  
7 [www.azredistricting.org](http://www.azredistricting.org) or call us at 602-542-5231  
8 or toll free at 855 redistrict.

9           This is just a screenshot of a home page.  
10 Just wanted to highlight a couple of different  
11 things that we feel that the public has found  
12 useful.

13           As you see, there's two ways to review  
14 the maps. Up on the left that's a number of  
15 different menu options. You can view the maps there  
16 or you can go to the bottom under the picture and  
17 see either the legislative or the congressional map.

18           If you want to find any -- if you wanted  
19 to watch all of the deliberation that took place to  
20 come up with the draft maps, all of the past  
21 meetings are available to stream on the website and  
22 details about future meetings.

23           And also you have the opportunity to  
24 provide input based on any of your thoughts on the  
25 draft maps. If you click on the public input form,

1 you will get -- you'll come to a page where you can  
2 submit that input.

3 If you click on the draft maps at the  
4 bottom of this page, you come to a page that looks  
5 like this and it gives you the opportunity to review  
6 the maps in greater detail.

7 One feature that the public has liked is  
8 the Google maps. And if you click -- you see the  
9 Google map circled in red, click on one of those on  
10 your screen that looks like this.

11 One of the nice features about the Google  
12 maps is you can scroll in and really see the  
13 boundaries of your district and it will give the  
14 exact streets of the borders of your district.

15 And finally, we want to make sure that  
16 you stay connected, to know what's going on with the  
17 redistricting process.

18 You can visit us at our website and you  
19 can have the opportunity to draw your own maps,  
20 watch current -- or current meetings or past  
21 meetings, get updates on future meetings.

22 You can follow us at Twitter at #AIRC or  
23 friend us on Facebook.

24 Thank you very much.

25 CHAIRPERSON MATHIS: Thank you,

1 Mr. Drechsler.

2           So our next item on the agenda is to hear  
3 from you, and we hope that you will come up and tell  
4 us your thoughts. And please feel free to be as  
5 detailed as you would like to be in terms of  
6 specific modifications you think we need to make on  
7 these maps or, again, if you are happy with the maps  
8 as they currently stand, please tell us that, too.  
9 It's all very helpful information to us.

10           Just a few reminders. When you do come  
11 up to speak, please speak directly into the  
12 microphone, and you'll have to get pretty close to  
13 the microphone in order for everyone to be able to  
14 hear well and over the Internet as well.

15           Please state your name and spell it for  
16 the court reporter so that Michelle can get an  
17 accurate transcript.

18           And I think that's it. I think those are  
19 the only guidelines.

20           So please feel free to come up when your  
21 name is called, and our first speaker is Heather  
22 Anderson, representing President Shelly from the  
23 Navajo Nation.

24           HEATHER ANDERSON: Good afternoon.

25           My name is Heather Anderson,

1 H-e-a-t-h-e-r, A-n-d-e-r-s-o-n.

2 I'm the legal counsel for President Ben  
3 Shelly, here for the Navajo Nation.

4 I would like to go ahead and read a  
5 letter -- statement from Mr. Ben Shelly.

6 Good day.

7 Dear Commissioners, good day. This  
8 letter serves as an official support for the Navajo  
9 Nation office of the president for the draft  
10 congressional district 1 map entitled Commission  
11 Approved Congressional Draft Map, and Legislative  
12 District 7 map entitled Legislative Merged Map as of  
13 10/19/11.

14 The Navajo Nation Human Rights Commission  
15 worked with your organization on behalf of the  
16 Navajo Nation to protect Native American voting  
17 power by participating in the state of Arizona's  
18 redistricting plans.

19 Redistricting -- Arizona must abide by  
20 the Voting Rights Act because it has a history of  
21 discriminatory treatment against Native American.

22 Prior to 1948, Arizona largely excluded  
23 Indigenous peoples from the electoral process, even  
24 though Indigenous peoples had the right to vote  
25 since 1924.

1           The people were prohibited from voting  
2 until they cast a meaningful ballot, which meant  
3 Native American were required to pass a literary  
4 test in order to vote, which was later banned  
5 because they were unconstitutional.

6           Section 2 and Section 5 of the Voting  
7 Rights Act are of particular importance for the  
8 Navajo Nation and Navajo voters because the two  
9 sessions prohibit discrimination.

10          Section 2 applies to all jurisdictions  
11 and prohibits the imposition of a voting  
12 qualification or prerequisite to voting or standard  
13 practices or procedures to deny or abridge the right  
14 to vote on account of race or color.

15          This section also protects the language  
16 minorities, which Native American language  
17 populations qualify.

18          Section 5 applies to certain  
19 jurisdictions that have a previous history of  
20 discrimination.

21          Arizona is covered -- is a covered  
22 jurisdiction under Section 5 because the State's  
23 past history of discriminatory practices with  
24 regards to voting.

25          Arizona must submit redistricting plans

1 and any changes to electoral laws, practice, or  
2 procedures for preclearance to the United States  
3 Department of Justice or the United States District  
4 Court for the District of Columbia.

5 Arizona must abide by its own  
6 Constitution which provides that all districts  
7 should be compact and contiguous, must respect  
8 communities of interest, and competitive where the  
9 competitiveness does not take away from the other  
10 factors.

11 The Navajo Nation Human Rights Commission  
12 with the participation from other tribes proposed  
13 maps to Arizona Independent Redistricting Commission  
14 which complies with the federal and state standards.

15 The Navajo Nation interest.

16 The Navajo Nation government and the  
17 Navajo people share common concerns regarding the  
18 state and federal policy.

19 First, Indigenous nations are often  
20 confronted with issues regarding economic  
21 development, protection, and the use of natural  
22 resources such as water, minerals, wind, energy, and  
23 coal.

24 Second, Indigenous nations and the people  
25 consistently face challenges to our inherent

1 sovereignty and the right to self-determination.

2           Finally, as governments and as citizens  
3 of an Indigenous nation, we share common issues of  
4 protecting our lands, based -- regarding protections  
5 of sacred sites, the right to use land and minerals,  
6 right to free prior and informed consent before  
7 development of additional lands and the right to  
8 practice religion and culture.

9           The Navajo Nation supports the map. The  
10 importance of the congressional and legislative maps  
11 proposed by the NNHRC is that the maps provide for  
12 the opportunity for more Native American  
13 representatives to become elected officials.

14           Specifically, the congressional map  
15 provides for the opportunity for a Native American  
16 to be elected to the U.S. Congress for the first  
17 time.

18           The congressional maps include the Navajo  
19 Nation, Hopi Tribe, Hualapai, Havasupai, San Carlos  
20 Apache Tribe, White Mountain Apache Tribe, Kaibab,  
21 Gila River Indian Community, Ak-Chin Indian  
22 Community.

23           This map demonstrates a 25.5 Native  
24 American voting-age population, which is well beyond  
25 other maps proposed to the Arizona Independent

1 Redistricting Commission.

2           The legislative maps provide for the  
3 opportunity for Navajos and other Native Americans  
4 to be in a largely Native American district where 62  
5 percent of the voting-age population is Native  
6 American.

7           Prior to the last redistricting efforts  
8 in 2000, Navajo Nation legislative districts had a  
9 Native American voting-age population of over  
10 70 percent.

11           In 2000, the Native American voting-age  
12 population decreased to 62.2 percent.

13           Currently, the draft legislation (sic)  
14 map meets the 62 percent threshold.

15           So on behalf of Ben Shelly, that's the  
16 statement that he would like to go ahead and have  
17 the Commission to take into consideration.

18           Thank you.

19           CHAIRPERSON MATHIS: Thank you very much.

20           Our next speaker is former State Senator  
21 Jack Jackson, Sr., representing self from Apache  
22 County.

23           JACK C. JACKSON, SR.: Thank you.

24           How much time do I have?

25           CHAIRPERSON MATHIS: As much as you would

1 like.

2 JACK C. JACKSON, SR.: Thank you.

3 Name is Jack C. Jackson, Sr. I live here  
4 in Window Rock.

5 Pleasure to come before you. Very  
6 important body here.

7 I was down in the state for almost 20  
8 years, first as a House of Representative and then  
9 senator. I would have still been there if it wasn't  
10 for the health reason. I resigned and came home.

11 When I first got down there, I met a man  
12 by the name of Burton Barr, the late Burton Barr.  
13 You probably know him. And he was very powerful  
14 man, leadership of the Republican party.

15 So he called me to his office and he  
16 asked me, "Mr. Jackson, what are you here for?"

17 I said, "I really don't know."

18 He sent me down here.

19 So he said, "We have one issue -- very,  
20 very important issue I would like for you to help me  
21 on."

22 "What is that?"

23 Well, he said, "We have a very poor  
24 relationship with the Native American people in this  
25 state. They don't come here. They don't come here

1 because they don't trust us. This distrust based on  
2 the mistreatment, abuses that the state -- to Indian  
3 people. How can we build a better relationship?"

4 So I came home and thought about it, what  
5 can we do to initiate some kind of action to bring  
6 the people back together.

7 Well, I thought about -- before I came  
8 home, the state fair was going on. I went over  
9 there and they had Indian day. It was on Tuesday  
10 and Thursdays. Hardly anybody was there. And the  
11 rodeo also, few contestants.

12 So what's going on? How come they are  
13 not interested in this event? Maybe we can build it  
14 up. Maybe we can use this event.

15 So I went back to Mr. Barr and I told  
16 him, "Here is an opportunity, I think. Let's work  
17 on it."

18 It. He said, "Okay. What do we need?"

19 We need to move those two days toward  
20 weekend because that's the middle of the week.  
21 Everybody is working. I don't know whose idea was  
22 this. And we need to put more money into awards so  
23 it would be worth coming here for.

24 And we need to invite tribal leaders here  
25 and the tribal council members and who they want to

1 and we need to invite the legislation members to  
2 come and join us here. And this is what we are  
3 trying to do with this. It will be education.

4 So he went to the fair board and  
5 requested additional funding. He requested to move  
6 the dates up toward weekends and we got all of that.  
7 They gave it to us. They said go ahead.

8 So that first year that place was packed  
9 and we were very happy with the turnout.

10 The Indian leadership were introduced and  
11 they gave them a chance to talk who they are, where  
12 they are located, and how many members they have,  
13 and what the tribe and what are some of the basic  
14 problems they have. So dialog took place right  
15 there.

16 And then later, later I came home  
17 again -- this is I forgot what year it was, in the  
18 '80s, I had -- my wife's brother, the late Leo  
19 Watchman who was the member of the Arizona -- New  
20 Mexico state legislature, a house member, so he  
21 invited me to go to the Indian day -- Indian tribal  
22 day in Santa Fe.

23 I was so impressed with all of these  
24 tribal members participated in the committee  
25 meetings. He said how come you don't do that over

1 there?

2           So I went back and told Mr. Barr, "Hey, I  
3 went and saw this event over there. Why don't we do  
4 that?"

5           He said "Okay. I'll start working on  
6 it."

7           So we introduced a legislation to  
8 initiate a Native American legislative day. That  
9 brought the people in also. From that point on, the  
10 relationship got a lot better. It's not all there  
11 yet.

12           So that's about 20-some years ago that I  
13 came home. And they want me to come back this year  
14 to the Indian rodeo and tell the people the real  
15 purpose of that rodeo. So I'm thinking about going.

16           So that's one. There was mistrust.

17           And since then, there's several  
18 controversial issue that popped up. One is San  
19 Francisco Peak. We are over and over going to court  
20 and all of that and other issue also, the casino.

21           Casino issue in downtown Glendale and the  
22 people in Tucson area still have an issue with the  
23 state line.

24           When Arizona drew its map -- when Arizona  
25 became a state, they drew a line right in the middle

1 of this tribe of land. The people on the other side  
2 became illegal immigrants. So that's a big issue to  
3 them now. So that's what happened.

4 I just want to share that with you.

5 Another issue that I got involved in is  
6 education. Governor Hull was the governor then and  
7 she was the one that was here with the Navajo Nation  
8 back -- as a teacher, her husband was working over  
9 at Indian Health Service. So they know -- they know  
10 about the situation here.

11 So the legislation that she introduced  
12 calls for increase in tax, one cent on each dollar,  
13 a sales tax. So it became a very controversial  
14 issue.

15 The Republicans didn't want it. Only a  
16 few of them wanted it. The Democrats, my caucus,  
17 said no way. No way, John. We won't have any of  
18 this.

19 So Governor Hull called me and said,  
20 Jack, I know your situation over there. I know your  
21 schools. They are rundown. Some of them don't even  
22 have a restroom or water running. In the  
23 wintertime, some of them don't have any heat. In  
24 the summertime some of them don't have air  
25 conditioner.

1           So what are you going to do about it?

2           Here is a chance -- if we get this money,  
3 we can work on that.

4           I said, "Okay. I know what you mean.  
5 I'll help you."

6           So that night, she read it in the House,  
7 the bill in the house and she only came up with 30  
8 votes. You have to have 31 votes. So she called me  
9 again and we run this thing one more time in the  
10 house. Are you still with us?

11           I said, "Yes, I am."

12           So all I did was report what I'm doing to  
13 my caucus. This is why I'm doing.

14           So they understood. You come up here and  
15 look at our schools, our school facilities, very,  
16 very poor. The same way all over the state. Same  
17 with other Indian tribes.

18           So that night, that bill was voted on.  
19 With my vote at 31, it passed the house. I was a  
20 very popular Democrat for a few days by the  
21 Republican party. My caucus gave me glares and what  
22 did you do that for?

23           I said, "I did this for my people, the  
24 constituents. They wanted it."

25           So that sales tax went up and start

1 bringing in money.

2           Then she had to work with a group called  
3 Standard Committee, like your group here. How will  
4 we use that money? Who is going to get the money?  
5 How do we determine who is qualified? All of that.

6           And I know right down here -- Indian  
7 Wells, one of my cousin was a school board member at  
8 Holbrook school district.

9           You know how the Apache -- the counties  
10 are set up narrow, narrow strip, way up and down  
11 south all the way up to the north.

12           The school districts were like that, too.  
13 So every day Holbrook ran a bus back and forth, back  
14 and forth hauling those kids. Some of these kids  
15 were on the bus four hours a day and that -- I went  
16 to the Standard Committee and told them about what  
17 was going on up here.

18           They didn't believe me at first. So I  
19 went back again several times. So they had a  
20 manager, CEO that was -- I forgot his name. They  
21 said, "You go up there with him."

22           So we had a hearing at Indian Wells and  
23 there were a lot of people there that night at the  
24 hearing. Mothers came before this gentleman and  
25 some of them shed tears. This is how my little kid

1 is being treated.

2           So when do they have time to visit their  
3 parents? They get up at 4 o'clock in the morning,  
4 get on a bus by 5 o'clock and be -- try to be over  
5 in Holbrook by 8 o'clock.

6           When they get there, they are already  
7 tired, sleepy, hungry. That was a process that was  
8 going on.

9           So I said to them, to the Standard  
10 Committee, these schools are denying my people the  
11 rights to a decent education by doing this.

12           Why are they doing that?

13           Because each kid has a dollar attached to  
14 them. It comes from the federal government. That's  
15 what they are after.

16           And also what they are after is the  
17 parent to come there, down to Holbrook or Winslow or  
18 Flagstaff, so they can do their business there.

19           See, this was used as mechanism, control.

20           So finally, when we met in Indian Wells,  
21 this gentleman said to them, "I heard enough.  
22 You're going to get a new school here, elementary  
23 school."

24           If you go down the Holbrook Road, there's  
25 a new school right there in the corner, Indian

1 Wells. A beautiful school. That's how it came  
2 about.

3 And if you go down to Flagstaff in that  
4 area, there's several new school facilities. That  
5 came about -- there's another high school, White  
6 Cone, it's a charter school, that was built with  
7 that money.

8 And then we barely got a school over here  
9 at Red Valley. They had sent their kids -- sneaked  
10 their kids into New Mexico.

11 So with that -- with that, the Standard  
12 Committee came up with a policy that said no kids  
13 should be riding the bus for more than 45 minutes  
14 one way. No kids should be riding the bus for what  
15 was it -- the time that they set.

16 And if a community has a hundred or more  
17 kids in their category, they classify it as a  
18 geographic exception. So they are entitled to a new  
19 school. So some of our community got their new  
20 school through that.

21 So that way we went to the Standards  
22 Committee and they took action on it. They took a  
23 stand on it, which was very good.

24 So I'm telling you because now that we  
25 have this Flagstaff situation, I'm in favor of both

1 proposal, the congressional district --

2 CHAIRPERSON MATHIS: Draft map.

3 JACK C. JACKSON, SR.: Yes, number 7 and  
4 number 1.

5 What I hear is -- the only thing is with  
6 the number 1 proposal, that San Francisco Peak is  
7 going to be in the Navajo district.

8 I understand that the people, Flagstaff  
9 business people are opposing that and they are going  
10 to try every way to change that line. And why is  
11 that mountain so important to us?

12 I have to explain this to my own kids.

13 I do a ceremony called Windway, and I  
14 brought some paraphernalia for you to see.

15 This is nothing new. These were built  
16 way back -- there was a mountain way back there  
17 before European people came here. And on several  
18 occasion we were criticized.

19 What you have here, your story, your  
20 history is not valid because it doesn't have  
21 background, history, document, certification. These  
22 didn't happen.

23 Our ceremonies, our healing ceremonies  
24 that's what it is, they tell us.

25 So you tell me the story, what day did it

1 happen? We don't have no dates on it because we  
2 don't have it. We don't have a written history.

3 But I hope I don't take too much time.

4 I think I'm showing you this because I  
5 want you to know to us, it's very, very important.  
6 So is other tribes.

7 So if the land is moved and San Francisco  
8 Peak ends up on the other side, then that work that  
9 we put in by the late Burton Barr and myself and  
10 other people, that's going to throw that out.

11 Mistrust will be there again and our  
12 young people will be upset and then there may be  
13 some trouble over the Flagstaff because we already  
14 have it happen.

15 My grandfather was a medicine man for  
16 several years when I was a little boy. And after he  
17 passed away, my father was using it.

18 This is just a couple items we show you.

19 And this is Windway. There's a black  
20 one, there's a blue one, that's an orange, yellow,  
21 and white.

22 What they say is four wind, wind to the  
23 east, four direction. One to the east, the black  
24 one is a boy.

25 And over here west, blue one is a young

1 lady. Turquoise. Turquoise lady.

2 And then over to west, it's a yellow,  
3 it's a boy, too.

4 And over here is white.

5 So there's four of them. They are the  
6 one holding the whole universe up, keep in balance.

7 At one time it was a perfect balance.  
8 Since mankind start disturbing it, it's -- the  
9 balance is not there anymore.

10 That's why we have all of these problems.

11 The other day I was watching TV, the  
12 tornado in Mexico, that part of the ocean. Look  
13 what happened back East? Looked what happened over  
14 in Louisiana, that area, and look what happened all  
15 of fire that we are getting, coming from lightning.  
16 What happened to all of these flood that we have  
17 back there?

18 So those problems are created because  
19 when the Europeans came here, they said you do as I  
20 say.

21 So at one time when I was a little boy  
22 over in Teesto area, my brother and I used to herd  
23 sheep. We must have been around 10. We sit there  
24 and we see airplane every once in a while.

25 We didn't see these big ones, it was

1 small ones. We said, oh, my gosh, look at there?  
2 Look at there those white people? They must be  
3 very, very intelligent and smart. We want to be  
4 like them. And even my parents said that.

5 The Navajo people said this. Put this  
6 away. That's the thinking that came over us until  
7 very recently when we were told that throughout the  
8 world, the Indigenous people are going back to  
9 traditional way because what we are told wasn't so  
10 true.

11 Look at our problem we have now? All of  
12 those experts, financial expert, economic expert.  
13 Look the kind of problems we're having, our economy.

14 So they were not that smart. They  
15 created all of those problems for ourselves, for us.

16 So let's go back to our traditional way  
17 and begin learning what has happened? The education  
18 on Navajo Nation that force our young people to  
19 forget about this?

20 And this is the air that we breath in  
21 every day, all of us breath in air. So we ask -- we  
22 talk to the air, holy people say just give us the  
23 clean air and take out the one that's no good. If  
24 we breathing clean air, we be healthy. Goes up to  
25 our mind, all the way up there and makes us think.

1           So this was created.

2           Here is a chart that I brought with me  
3 for your -- it's a corn stalk. These are the four  
4 worlds that we went through.

5           Down here is a dark world, blue, yellow,  
6 and then white.

7           Down here there's a woman and a man  
8 sitting here. They pointing up like this  
9 (indicating). It's the first man and first woman.

10           What they are talking about there is  
11 where are we going? As a leader, where are we  
12 taking our people?

13           This is the philosophy (speaking in  
14 native tongue) is our philosophy. And let's follow  
15 that.

16           It has two parts to that concept,  
17 beautiful concept, which is so beautiful right here  
18 in front of us.

19           So that college is using that concept  
20 now. Not very many people know about this, what it  
21 is, the definition.

22           So when this universe is being put  
23 together, the holy people put them in there, all of  
24 the element, the sky, the water, the air, the  
25 mountain, the sun, the moon, this concept was put in

1 there.

2           And as we come up here, they ran into a  
3 lot of problems here.

4           Right here when they left this area,  
5 there's a hope on being built and this is around a  
6 around -- a around, around, around thing with the  
7 facing east door with east and open up here. And  
8 this sweat house, too.

9           So I think that the way I interpret this  
10 is the mountain that we have, the four main  
11 mountains that we have now is already down here.

12           As they came up, they came up all the way  
13 up here, somewhere right here the fourth world.  
14 They came up again to the next world but there was  
15 some beings living there, a water being.

16           So when they say, hey, where are you  
17 coming from? Where are you going? Go back to where  
18 you came from.

19           He said, no, I'm looking for a place to  
20 live. Please help us.

21           So they negotiated and there was a very,  
22 very intelligent being -- one of them, you negotiate  
23 for us.

24           So he negotiated with these people, and  
25 he won.

1           So at that point, we won our sovereignty.  
2 Our sovereignty was created. We have the right to  
3 live in this world.

4           So from that point on -- this, what I  
5 have here and -- it's a crystal. This is still  
6 pretty common. They have this. That's why I call  
7 it talking stick, spiritual talking stick.

8           We have people here, some young people  
9 that learned a song, the prayer and they look into  
10 this with this at the future, what the future going  
11 to look like. What is there? What is causing the  
12 problem, our problem?

13           So we still have that, and he brought it  
14 up here, all the way up here. And right here they  
15 used that to reestablish the mountains, the four  
16 mountains. (Speaking in native tongue) In a round  
17 circle like this and two more as the doorway way up  
18 there.

19           So one of the holy people would call a  
20 (speaking in native tongue) when the monster that  
21 were born here created a problem, they were  
22 eliminated.

23           So he went and made his round around  
24 those four mountains -- six mountains, really. So  
25 he was singing a song. He was singing a song.

1           This is just an example of the San  
2 Francisco Mountain. It goes like this.

3           (Singing in native tongue.)

4           That's the way it goes. Not the same for  
5 all four. They have different names.

6           So that's a very popular. Our kids sing  
7 them. This is a how you going to get there. This  
8 is how you're going to get educated. There's  
9 knowledge in these mountains. There's hope, there's  
10 hope in there. There's a hope and then there's a  
11 thinking, how they think. There is a plan and then  
12 finally putting the action. You can make a living,  
13 a decent living.

14           That's how I teach my kids, how I talk  
15 with them.

16           So this is nothing new. It was created.  
17 It was here when the white people came here,  
18 Europeans came here, and is still here. Looks like  
19 it's going to be here for quite some time.

20           And if anybody that -- trying to take the  
21 San Francisco Peak away from us, we're not going to  
22 allow that.

23           So we need your help. So eliminate a lot  
24 of those problems which may come with it.

25           So I hope this was a short, short

1 education. Would be beneficial to you to why we're  
2 wanting to keep -- San Francisco Peak is so  
3 important to us now and in the future. We want to  
4 keep it that way.

5 If a change is made, there's going to be  
6 an uproar by Indian people, not only in Arizona but  
7 other tribes throughout the country. Okay?

8 Thank you very much.

9 CHAIRPERSON MATHIS: Thank you very much.  
10 You have a beautiful singing voice.

11 Do you have any questions?

12 Any questions?

13 Commissioner McNulty.

14 No?

15 Thank you, though.

16 Our next speaker is Rose Graham, director  
17 Navajo Nation scholarship -- I can't read the last  
18 word -- from Apache County.

19 ROSE GRAHAM: Madame Chair Mathis and  
20 distinguished members of the Commission and staff  
21 and audience, yá'át'éeéh.

22 I'm Rose Graham. I'm with the Navajo  
23 Nation scholarship office.

24 Thank you very much for holding this  
25 important hearing on the redistricting process in

1 the state of Arizona. I appreciate the opportunity  
2 to provide this information.

3 Each year the Navajo Nation scholarship  
4 office serves more than 20,000 Navajo students  
5 pursuing postsecondary education in colleges and  
6 universities throughout the United States, providing  
7 scholarship and financial assistance.

8 A majority of these students we serve  
9 remain close to home and attend colleges and  
10 universities in the Four Corners area. For the  
11 Navajo students, Northern Arizona University and  
12 Coconino Community College in Flagstaff, Arizona,  
13 are popular choices as institutions are  
14 well-regarded and near the Navajo Nation boundaries.

15 The graph below is -- shows that over the  
16 past eight years, the Navajo Nation has provided  
17 \$13,066,317 in funding to more than 6,000 Navajo  
18 students attending NAU and the Coconino Community  
19 College.

20 And each year in -- from 2011 and dating  
21 back to 2005, the funding to students at NAU number  
22 in excess of -- or average about \$1.5 million a year  
23 with more than 700 students attending NAU; and then  
24 also at Coconino Community College, more than  
25 \$135,000 with over 100 students attending the

1 community college there.

2           Therefore, the Navajo Nation -- the  
3 Navajo Nation scholarship office supports the  
4 redistricting maps draft legislative map and the  
5 draft congressional map as provided by and supported  
6 by the Navajo Nation legislature and the Navajo  
7 Nation Human Rights commission.

8           The map maintains communities of interest  
9 most aligned with the Navajo Nation and provides  
10 fair electoral opportunities for Navajo students and  
11 Navajo families within the region.

12           Thank you very much.

13           CHAIRPERSON MATHIS: Thank you.

14           Our next speaker is Ferlin Clark, vice  
15 president from the Office of Navajo Nation.

16           FERLIN CLARK: Good afternoon. I'm  
17 Ferlin Clark. I representing the Office of the  
18 Navajo Nation vice president's office. Rex Lee Jim  
19 is the vice president and so I'm representing his  
20 office today.

21           Good afternoon, and welcome to Navajo  
22 land.

23           The Independent Redistricting Commission,  
24 Madame Chair, the Office of the Navajo Nation vice  
25 president represents over 300,000 people on Navajo

1 land.

2 Many of our citizens are role members of  
3 the Navajo Nation, the state of Arizona, the United  
4 States, and, of course, our representatives and  
5 citizens of the world.

6 And so a lot of our residents and  
7 citizens reside in isolated rural parts of the  
8 Navajo Nation, which are on, you know, the northeast  
9 portion of the state of Arizona.

10 We're -- many of our communities, our  
11 parents, our elders, our children continue to  
12 practice our traditional Navajo language, culture,  
13 history, and philosophy.

14 As you heard from our esteemed elder  
15 here, former Senator Jack Jackson, Sr., we concur  
16 with that. We endorse that. We support that  
17 eloquent presentation.

18 We have Navajos who participate in the  
19 local governing initiatives at the chapter level  
20 within the counties as well as with the state.

21 We recognize the value of our voting  
22 rights and the protections afforded to us, all of  
23 us, as citizens of the United States under the 1965  
24 Voters' Rights Act.

25 The Office of the Navajo Nation vice

1 president supports vehemently the drafted Arizona  
2 congressional and legislative maps that we are here  
3 in support of.

4 We find it necessary and prudent that the  
5 office of the vice president express its support of  
6 these draft maps.

7 Both the congressional and legislative  
8 maps meet the current Native American voting-age  
9 population thresholds established by the prior  
10 Arizona Independent Redistricting Commission.

11 The proposed legislative maps establish a  
12 62 percent Native American voter-age population,  
13 which is reflective of the communities, the land,  
14 the population, the geographic which is comports  
15 with our natural, traditional, and customary laws,  
16 which really has no boundaries.

17 This provides the Navajos and other  
18 Indian people in our district the opportunity to  
19 elect our own candidates to congress.

20 Additionally, it provides an opportunity  
21 for Navajos and our other neighboring tribal leaders  
22 to exercise a basic fundamental right established  
23 under the United States Constitution, the ability  
24 and the right to vote.

25 The right to have our votes counted

1 equally and equitably, the right to be free from any  
2 discriminatory voting practices, and the right to  
3 speak and exercise our way of life, which some  
4 construe as religion. But the Navajo culture,  
5 language is our way of life and this will comport  
6 with that.

7           Additionally, the Navajo Nation as a  
8 government and the Navajo people share common  
9 concerns with the state and federal leaders,  
10 policies, and this proposed map is able to create  
11 common concerns, common efforts to unify our votes,  
12 our leadership, our vision as we aim to protect our  
13 natural resources, our water, our minerals, the  
14 wind, the air, the coal, some of our renewable and  
15 sustainable energy, including wind, resources  
16 development.

17           We also find that this is consistent with  
18 our exercise to operate our governments as  
19 sovereigns -- as sovereigns within the state of  
20 Arizona as well as the United States.

21           And just as important as Senator Jackson  
22 here conveyed, I think where the sacred mountains,  
23 the San Francisco Peak, is going to be restored back  
24 to the Indian people in the state of Arizona for  
25 kind of like -- it kind of creates a balance. It

1 restores a political, geographic balance, the  
2 exercise of that political right, but also it makes  
3 it more authentic that we can go to these mountains  
4 and express our prayers, exercise our ceremonies,  
5 exercise some of our sacred words.

6           And some of these words, like the Navajo  
7 language is used in the World War II in the victory  
8 for the United States. And so through the exercise  
9 of our religion, exercise to free speech, this  
10 mountain and the ranks that are part of the Navajo  
11 Nation would be under one legislative district and  
12 congressional district, and we support that.

13           Madame Chair and members of this  
14 Commission, the Navajo Nation Office of the vice  
15 president supports the current map configurations  
16 for Congressional District 1 and Legislative  
17 District 7.

18           Respectfully request the Native American  
19 voting-age populations in the these two maps remain  
20 intact, and where possible, exceed the population of  
21 the Navajos.

22           I know Navajos contribute to the state of  
23 Arizona in very different ways, and I think one of  
24 the important things is our cultural vitality.

25           So members of the Commission, thank you

1 for your visit to Navajo land, and we concur and  
2 echo the sentiments from our President, Ben Shelly,  
3 and also former Senator, still Senator and leader,  
4 also one of our cultural practitioners, Jack  
5 Jackson, Sr.

6 So thank you very much.

7 CHAIRPERSON MATHIS: Thank you.

8 Our next speaker is Ben Bennett, from  
9 Fort Defiance Apache.

10 BEN BENNETT: Good afternoon,  
11 commissioners, Chair. I'm glad to be here.

12 And my name is Ben Bennett, B-e-n,  
13 B-e-n-n-e-t-t, and I do represent Fort Defiance  
14 chapter as their chapter president.

15 And I, too, wish to echo a lot of the  
16 sentiments that Senator Jackson expressed.

17 I think that we as Navajos are finally  
18 making a headway in a lot of our strives that we've  
19 been working hard to achieve through education,  
20 competing in rodeos, as Mr. Jackson said, competing  
21 in legislatures, competing in education, sports, and  
22 I think that we will continue to strive.

23 I think that some of the concerns that we  
24 do have with the state of Arizona and how things are  
25 handled during election day are -- for instance,

1 number one, a few years ago I think it was Elvin Tom  
2 who lost an election because he was told that the  
3 people that voted for him did not have rural  
4 addresses and they used post office boxes.

5 Well, out here in this community, we  
6 still use post office boxes as our way of  
7 communication. There are no rural addresses out  
8 here in our communities. That has yet to happen.

9 So that is one of the issues that we do  
10 want to address.

11 The other one is that when we go to vote,  
12 the driving distances that we have to go to are very  
13 far, and I think that there's only a certain time  
14 that we can do that. And it's very hard for our  
15 voting population to have to drive across the  
16 country to get from the tribal election to a state  
17 election.

18 The other one is, you know, when there's  
19 bad weather, that's hard to do.

20 The other thing is that I think it would  
21 be very positive for the state of Arizona and the  
22 Commission here to recommend that a lot of the  
23 polling places that we do have out there should be  
24 in the same location.

25 We do have places of government. They

1 are called chapter houses. We need to make sure  
2 that our polling places for the state and the county  
3 and the chapters all coexist within that facility  
4 during the same day so we could all get a better  
5 voter turnout.

6 I think that the Navajo Nation does --  
7 Navajo Nation as well as a lot of the other Indian  
8 tribes contribute a lot to the state of Arizona.

9 One of those things is through the  
10 transaction privilege tax. That's money taken off  
11 the reservation, taken down to Phoenix and is  
12 disbursed among the municipalities located down  
13 there. None of those monies come up.

14 Hopefully through our elections and our  
15 legislatures, those things will change in the near  
16 future.

17 Based on that, I, too, support both maps  
18 that are being presented, the legislature and the  
19 congressional maps.

20 I hope that they do remain intact. I do  
21 feel that they can do a little better by increasing  
22 the percentages from perhaps maybe 63 to 64 percent.

23 So that is my input.

24 Thank you very much.

25 CHAIRPERSON MATHIS: Thank you.

1           Our next speaker is Shaun Deschene, from  
2 Apache County.

3           SHAUN DESCHENE: Hi. My name is Shaun  
4 Deschene, and I am speaking as a citizen of the  
5 county.

6           First, I just wanted to say I appreciate  
7 the consideration of our input here in Window Rock  
8 and in this region by holding a meeting here, and I  
9 certainly don't mean to upset all of the work and  
10 thinking that has gone into the division of these  
11 maps to date, but I just wanted to ensure that we  
12 are considering -- that we are not omitting an  
13 important point. And that is --

14           Let me begin by saying that I am well  
15 aware of all of the criteria that needs to be  
16 addressed in the process and all of the issues  
17 associated with it and the deliberations to date.  
18 And I'm also well aware of what it takes to be  
19 selected as a representative.

20           And I just believe these districts that  
21 are purporting to -- that will purport to represent  
22 so many different tribes, yet due to the size and  
23 diversity of these districts, that it will offer  
24 little, if any, opportunity for a person from one of  
25 these tribes to be actually selected and as a

1 representative.

2           So I think the issues are -- you know,  
3 are in covering the cost of covering these districts  
4 during a campaign, which would be -- you know, the  
5 number of signs -- I mean, this is half of the  
6 state, is the Congressional District 1. Much it's  
7 just -- you're throwing in border communities with  
8 rural communities with a city -- one of three cities  
9 out of the state. It's just such a huge mix of  
10 people to cover.

11           And again, the cost of traversing that  
12 area in gas, number of newspapers to cover versus a  
13 small -- you know, and I understand the population  
14 reasons for choosing such small districts in  
15 Maricopa County, say, or anywhere else, but -- and  
16 then the most costly resource, that of time.

17           For someone to take the time that it's  
18 going to take to cover that immense region, I just  
19 don't know where any native out of, you know, the  
20 canyons of Havasupai have a fair chance of actually  
21 getting to know each of these communities and having  
22 a viable presence through their parades, through  
23 their meetings and city council meetings. I mean,  
24 there's just so many events that they would need to  
25 attend. I just find it very unlikely that they

1 would ever be elected.

2 And again, just to hone in on the  
3 different cultures that we are throwing together in  
4 this huge district, the culture of many different  
5 tribes.

6 I mean, yes, they are all tribes but very  
7 different cultures, very different groups of people,  
8 entirely different communities.

9 Border communities, urban versus rural,  
10 native versus nonnative. And then again, one of  
11 three of Arizona's cities.

12 So I'm not sure what the solution is, I  
13 know it just -- 17 districts in Maricopa County, I  
14 just feel like maybe one -- if there's any way to  
15 sliver out one of those to give us an extra  
16 district. A little bit more representation for this  
17 very diverse group of people that -- certainly folks  
18 in Greenlee deserve to be represented.

19 And the other point would be just really  
20 looking closely at, you know, voting-age population  
21 versus registered voters versus actual voters and  
22 that those numbers are very different.

23 I bring some comments from Chris  
24 Descheeni, entirely separate. But it speaks to the  
25 population versus registered voters versus actual

1 voters issue, and I'll leave those for you.

2           And that's -- you know, the bottom line  
3 is, to speak to the gentleman's comment before me,  
4 you have young voters here that are counted because  
5 they are going to be registered where their families  
6 are registered but they actually are attending  
7 school either in, again, one of the urban areas of  
8 Arizona so they don't really make it back to vote.

9           Different primary dates. Different  
10 general election poll locations. Again, this is  
11 just restating what the gentleman before me stated.

12           State ID requirement issues, voter  
13 information dissemination. The weather and poor  
14 road conditions. And again, that's just a factor of  
15 the distance that people need to get to the polling  
16 locations and then general welfare, in terms of  
17 their ability to get to a poll and to do that on the  
18 one date that's available for folks to vote.

19           So those are issues, and I'll leave that  
20 separate, but those are just some extra facts to  
21 consider.

22           Thanks so much for taking my comments.

23           CHAIRPERSON MATHIS: Thank you.

24           Let's see. Our next speaker is Kimmeth  
25 Yazzie, representing Navajo Nation Election

1 Administration in Window Rock.

2 KIMMETH YAZZIE: Good afternoon.

3 My name is Kimmeth Yazzie, no Ken. It's  
4 K-i-m-m-e-t-h, Y-a-z-z-i-e.

5 I work for Navajo Nation Administration.  
6 I've been there for a while, 30 years. And my job  
7 is to work with -- part of my job is to work with  
8 the counties, the states, and the federal government  
9 regarding Navajo Nation elections and voter  
10 registration and that basically has to do with  
11 elections.

12 And I know Mr. Kanefield here. He used  
13 to be director at the Secretary of State's office.  
14 It's good to see you again.

15 I just want to thank you guys for coming  
16 up here to Navajo Nation to give us an opportunity  
17 to present testimony on behalf of the Navajo people.

18 And I gave a copy of the testimony which  
19 I gave to her, so I would like to go ahead and  
20 read from this.

21 My testimony is going to be regarding  
22 elections, voter registration, community of  
23 interest.

24 The congressional districts voting-age  
25 threshold of 16 percent, that's what's required but

1   ours is beyond that for Native American at  
2   20 percent.

3                   Then also the legislative district  
4   voting-age threshold of 59 percent but Native  
5   Americans are at 62 percent.

6                   Okay. And the reasons why I think that  
7   we should keep the threshold levels above the state  
8   averages are --

9                   Okay. Native American were not granted  
10  the right to citizenship until 1924 and they weren't  
11  granted the right to vote until 1948. But this  
12  doesn't mean that there's no challenges.

13                   There are still disparities regarding  
14  Native American's ability to fully exercise the  
15  right to vote.

16                   Native Americans still receive inadequate  
17  services from county, state, and federal government  
18  because they are poorly represented at all levels of  
19  government.

20                   New issues that reach the Navajo  
21  reservation are old issues in urban America. We had  
22  everything too late because of communication gap,  
23  technology gap.

24                   Tribal leaders and tribal elders, they  
25  work relentlessly to keep up with the rest of the

1 world, but because of lack of services and lack of  
2 communication from other levels, they are still  
3 living in substandard conditions. Redistricting is  
4 one tool that we can use to keep Native American  
5 close in the race.

6           The Voting Rights Act was renewed in 2006  
7 and yet the Arizona Attorney General is challenging  
8 the validity of preclearance provisions, Section 5.  
9 It's ironic how his action -- like his is what  
10 placed Section 5 in the books in the first place for  
11 the state of Arizona. It's like he's fighting the  
12 same issue that put the whole Section 5 into effect.

13           Voter identification issues targeting  
14 Native Americans.

15           The state of Arizona has been diligently  
16 pursuing the full coverage of the voter  
17 identification issues on its constituents. The main  
18 intent of this legislation is to deter voting fraud  
19 and to stop election participation of illegal  
20 immigrants.

21           There has never been evidence of  
22 extensive voter fraud in the state or the Nation.  
23 The legislation only places an extra burden on  
24 Native American voters in particular.

25           Voter identification is a threatening

1 issue to the Native Americans. This legislation  
2 changed the way Native American votes at the poll.  
3 They are required to show additional specific types  
4 of identity to vote and this law only serves to  
5 increase voter frustrations among Native American.

6 Why is there an identification process at  
7 every turn? Identification is already provided at  
8 the voter registration process. Why have it again  
9 at the voting process? Why don't we just use the  
10 voter registration process and that be sufficient?  
11 And here you tell us that we need to identify  
12 ourselves again at the polls.

13 Native Americans in Arizona have become  
14 the unintended casualties as they struggle to find a  
15 way to comply with requirements intended for illegal  
16 immigration. In rural Arizona, where voter  
17 registration -- voter identification was not  
18 necessary on the Navajo Nation.

19 Native Americans should not be held  
20 accountable for someone else's problems. In Navajo,  
21 Certificate of Indian Blood, CIB and Family Cards  
22 are more valuable as a source of identification. A  
23 government issued census number is used as much as a  
24 Social Security card.

25 Locations to obtain voter identifications

1 are not readily available on the reservation as it  
2 is in urban areas. We can't just go down the street  
3 and get a voter ID because of the ruralness of our  
4 area.

5           Locations to obtain voter identification  
6 are not readily available. Other than -- other  
7 documents present the same problems of lack of  
8 proper identification. Extended family members  
9 reside in one household. And they often share a  
10 post office box. Only one person is usually the  
11 person that signs the contract for the post office  
12 boxes, but extended family members use it.

13           And when voter IDs is required, one of  
14 the things they ask for is proof of mailing address.  
15 But because you have six, seven people living in the  
16 same post office box, only one person is really the  
17 holder of that box. So it's really not a good idea  
18 to use that as an identification.

19           This is the same scenario with utility  
20 bills, too. The utility bills are not issued in all  
21 of the people that live at that one household. It's  
22 only issued to one person, the one paying the  
23 electricity bills.

24           So these lack of documents -- proper  
25 documentation for identification verification causes

1 eligible people to lose their voice in the election  
2 process.

3           The Navajo Nation lacks the process to  
4 produce these type of documents for people to  
5 register and to vote in the state of Arizona --  
6 could use to vote in the state of Arizona.

7           For obvious reasons, Navajos do not have  
8 passports, which is one of the documents used for  
9 voter identification. Most of us don't leave the  
10 reservation.

11           And then eligible Navajos lose interest  
12 in the voting process when additional mandates are  
13 applied. In the end, the Navajos are not properly  
14 represented at the county, state, and federal  
15 government and illegal immigrants come to work in  
16 America, they don't come to vote.

17           And then another issue that I want to  
18 talk about is vote by mail, which is not a good  
19 option.

20           Voting by mail has become a popular trend  
21 in elections and this trend is not suitable for  
22 Native Americans. Most Native Americans who reside  
23 in rural locations receive mail only through post  
24 office boxes. Many Navajos don't check their mail  
25 on a daily or weekly basis. Many Navajos do not

1 even update their registration -- voter registration  
2 periodically and they still have old mailing  
3 addresses. They update their information only when  
4 they are told that their information is old.

5 Many correspondence from the county and  
6 the state and federal government are discarded upon  
7 receipt because traditional Navajos distrust the  
8 government.

9 And then also during this time the postal  
10 service and the post offices are facing cutbacks  
11 that drastically reduce the postal services,  
12 especially in rural America. Vote by mail is not a  
13 good option for Navajo Nation.

14 And then voting locations for Navajo  
15 Nation at county, state, and federal locations.

16 Sometime back the Navajo Nation changed  
17 its laws to have their election on the same day as  
18 the counties and the states, and that's the general  
19 election. We all vote on the same day in New  
20 Mexico, Arizona, Utah, Navajo Nation all vote on the  
21 same day in the general election. This has reduced  
22 some positive results because what we were going  
23 after was higher voter turnout, higher  
24 participation. And it has, for Navajo Nation, it  
25 has for the state, the county, the federal

1 elections.

2 But some polling locations, they have to  
3 visit two or more polling locations on the same day,  
4 which frustrates the voters.

5 For example, we have chapter houses. The  
6 local governments where chapter houses, Navajos  
7 register with chapter houses. But in the state  
8 election, the state or the county determines where  
9 Navajos vote, based on where they live. So if they  
10 describe the residence on a voter residence card,  
11 the county looks at it and they say, okay, this  
12 person will be voting in this district or this  
13 person will be voting in this district, based on  
14 where they live.

15 So a lot of times when a Navajo goes to  
16 vote at Fort Defiance to vote in the tribal  
17 elections, they do, but for state or county  
18 elections, they are sent somewhere else because the  
19 county says they have to vote somewhere else.

20 So a lot of times it's easier for  
21 counties and states to consider tribal boundaries  
22 rather than just saying, okay, you go here, you go  
23 there.

24 We have situations where people even vote  
25 in the wrong places. Voters vote at locations where

1 they are not represented, by school districts or by  
2 county precincts or anything.

3 I know situations where people vote in  
4 certain districts but that location is not  
5 representative to that person. They are represented  
6 by other people.

7 So these are some issues that we're  
8 facing on the reservation.

9 So a lot of times I think tribal  
10 boundaries makes it more convenient for a voter at  
11 the local level. So voting boundaries need to be  
12 reviewed and set according to tribal precincts.

13 Language assistance at poll locations.

14 A large percent of the Navajo Nation  
15 still converse in the Navajo language. As you are  
16 aware, the Navajo language was used proficiently in  
17 World War II and the Navajo language is still mostly  
18 unwritten.

19 There is limited literature in the Navajo  
20 language and it's hard to read to the average  
21 person. A lot of times people must take courses to  
22 read and write Navajo.

23 Many Navajos are also still unable to  
24 read and write the English language and lot of times  
25 they are provided with documents and they agree to

1 documents that are contrary to what is orally  
2 presented to them.

3           So a lot of time they sign away whatever,  
4 to vehicle dealers, this and that, when somebody  
5 tells them this is what you're signing. And because  
6 of that, there's distrust to the governments.

7           Proper language assistance is necessary  
8 at all levels of the government, both in Navajo and  
9 in English. The media is what we depend on but they  
10 cost a lot as well as far as communicating in our  
11 Native American. All of this plays a role in the  
12 Native Americans historically being the lowest rate  
13 of electoral participants.

14           Another thing that is a problem is a lot  
15 of Native American refuse to register to vote  
16 because they don't trust the services of our  
17 government. So something needs to happen there.  
18 And then of those that do register, only a small  
19 percentage of them vote. Not all of them.

20           Provisional balloting in state elections  
21 reduce the voter's participation even lower because  
22 of the stringent requirements.

23           Three counties in Arizona have  
24 significant number of Native Americans residing in  
25 them. These three counties are Apache, Navajo, and

1 Coconino have voting rights coordinators, they are  
2 called voting outreach coordinators and they provide  
3 language assistance.

4           The voting outreach program was  
5 established by consent decree. Although commendable  
6 efforts are being made by these voter outreach  
7 coordinators, the vast Navajo Nation still lacks  
8 sufficient services for voter registration and  
9 election matters.

10           The Navajo Nation has been requesting a  
11 state level Native American voting outreach  
12 coordinator to provide some state level services for  
13 our Native Americans.

14           In the end, a lot of the services that  
15 the government provides, whether they be at the  
16 county level or whether it be the state level or  
17 national level, it shouldn't be a problem because  
18 it's something that we are supposed to do in the  
19 first place any way.

20           And through my job with the Navajo  
21 Nation, I'm always stepping on somebody's toes  
22 because they think I'm looking over their shoulder,  
23 which is what basically it is. But to me, if a  
24 person is doing their job, why would I be looking  
25 over their shoulder?

1 I work with 11 counties in three states,  
2 and to tell you the truth, I got it cleared out a  
3 couple of times out of these offices because I get  
4 on their case and because I step on their toes. But  
5 I always tell them if you guys do your job in the  
6 first place and do it right, why would I be here?

7 So any way, that fight continues.

8 So Native American need these numbers and  
9 sufficient voting blocks in the legislative and  
10 congressional districts and also local districts to  
11 elect Native Americans into office to fairly  
12 represent us to continue thriving in the county at  
13 the state and national level.

14 Thank you.

15 CHAIRPERSON MATHIS: Thank you.

16 I just would like to check on our court  
17 reporter and see if you need a little break.

18 You're okay?

19 Okay. We have four more request to speak  
20 forms, and we'll keep going, then.

21 And the next speaker is Michelle Begay,  
22 representing self from Navajo Nation.

23 MICHELLE BEGAY: Good afternoon.

24 My name is Michelle Begay, and that's  
25 M-i-c-h-e-l-l-e, B-e-g-a-y.

1 I work as an attorney at the Navajo  
2 Nation Department of Justice, and I'm also an  
3 Arizona voter and have been registered in Navajo  
4 County.

5 First of all, I would like to thank the  
6 Arizona Independent Redistricting Commission on all  
7 of its hard work in creating these maps, especially  
8 with all of the difficult standards that you have to  
9 comply with in creating the Arizona congressional  
10 and legislative district maps.

11 The redistricting is very important to  
12 the Navajo Nation so that it be properly represented  
13 by its elected officials.

14 And in order for Native American to be  
15 able to elect a representative of their choice, it's  
16 also very important within this legislative  
17 district, it's important that there be a Native  
18 American voting-age population of at least  
19 62 percent where the Navajo Nation is located.

20 The current draft map, the Navajo Nation  
21 is located within LD 7 and this draft map recognizes  
22 the importance of maintaining a majority-minority  
23 district. And this is in compliance with the Voting  
24 Rights Act, Section 5.

25 In addition, the congressional draft map

1 does include a large population of Arizona; however,  
2 while the tribes may have very diverse cultural and  
3 -- diverse cultural beliefs, they also have common  
4 interests in regard to their economic and natural  
5 resources development.

6 I believe that the congressional draft  
7 map is an improvement from the current map because  
8 it does increase the Native American voting-age  
9 population from 16 to 20.5 percent, and this ensures  
10 -- protects the Navajo Nation's voting rights in  
11 Arizona.

12 These maps not only comply with the  
13 Voting Rights Act of 1965 but also with the United  
14 States Constitution and the Arizona Constitution.  
15 And therefore, I support the draft maps that the  
16 Arizona Independent Redistricting Commission has  
17 worked hard to produce.

18 Thank you.

19 CHAIRPERSON MATHIS: Thank you very much.

20 Our next speaker is Ivan Becenti, you can  
21 correct me when you come up, representing Navajo  
22 Nation Tribal Ranches.

23 IVAN BECENTI: Good afternoon. My name  
24 is Ivan Becenti, spelled I-v-a-n, B-e-c-e-n-t-i.

25 And welcome to Window Rock. And usually

1 we identify ourselves in Navajo. (Speaking in  
2 native tongue). So that's who I am.

3 And I do work for the Navajo Nation  
4 Department of Agriculture as acting ranch manager --  
5 tribal ranch manager.

6 Under the Department of Agriculture, we  
7 oversee -- the majority of the agriculture here on  
8 the Navajo reservation, whether it's farms or  
9 ranches, and we have various programs under our  
10 department and we have the grazing management, the  
11 veterinarian program, and a lot of the extension  
12 agents we have throughout our Navajo Nation at all  
13 five different agencies and then also the tribal  
14 ranch program, which I manage at this time.

15 And in light of the population growth on  
16 the Navajo land and the efforts between -- by the  
17 Navajo government to reclaim lands that were,  
18 unfortunately, lost, Navajo Nation made a deliberate  
19 effort to purchase lands on and off the Navajo  
20 reservation.

21 Navajo Nation has three major ranches  
22 adjacent to an -- in the northern region of Arizona,  
23 and one being the Big Boquillas Ranch, which is the  
24 largest ranch in Arizona. And we do own Big  
25 Boquillas and it's commonly know as Big Boq, which

1 is located north of Seligman and it butts up right  
2 against the city limits there and is adjacent to the  
3 Hualapai nation and borders the Havasupai nation on  
4 the north side.

5 And Big Boquillas is about 790,000 acres.  
6 It's a big piece of property and we definitely use  
7 that primarily for grazing, for cattle. And that  
8 was purchased early in the 1990s.

9 And the second ranch, which is the  
10 Winslow tract, again, also butts up against the city  
11 of Winslow and covers the area north, northeast, and  
12 east of the city of Winslow.

13 Hopi Ranch Lands is also located to the  
14 south, southwest, and west of Winslow. And the  
15 acreage on Winslow tract is 173,457 acres. And then  
16 again, that is also used for cattle grazing.

17 And the third ranch that we have is  
18 called the Espil Ranch, also known as the peaks  
19 range allotment, and that's an allotment that we do  
20 graze on. And we do have properties within that  
21 allotment which gives us full rights to go ahead and  
22 use the U.S. Forest Services grazing allotment.

23 And it also envelops the Navajo and other  
24 Indigenous people's sacred site, which is the San  
25 Francisco Peak, which had been presented to you

1 earlier.

2 The grazing allotment is about  
3 153,000 acres and primarily used for grazing.

4 In addition, the Navajo Nation owns  
5 private land on that south side of the San Francisco  
6 Peak, which is in the Schultz area. And on this  
7 map, I don't know if you guys can see it, but the  
8 northwest corner of this map, you'll see various  
9 colors, those are the pastures that we currently  
10 utilize.

11 And we do have a cattle association  
12 that's on there right now to graze their cattle.  
13 And it varies from year to year, depending on the  
14 range assessments that are done on how many head of  
15 cattle can go there.

16 Now, the allotment does include all of  
17 the yellow areas, all the way down to the south  
18 bordering right up into town there, then onto the  
19 east and west side of it. Snowbowl is within that.  
20 Then up along Highway 89 and up in this far right  
21 corner, upper-right hand corner is Dove Tanks.

22 So within that whole yellow area, we can  
23 utilize that. But we can't at this point because of  
24 the infrastructure, such as the fencing and the  
25 water development, is one of the biggest issues. In

1 order to graze cattle on those yellow properties, we  
2 definitely got to develop some water resources on  
3 there, whether it be windmills, well drilling,  
4 extensions of water lines.

5 So -- but that does include -- that is  
6 included within our whole peaks allotment.

7 Okay. But in conclusion, when I review  
8 the Arizona congressional and legislative  
9 redistricting maps, the Independent Redistricting  
10 Commission did include Navajo's ranch land in the  
11 district that the Navajo trust land is located. It  
12 is important that as fee landowners, Navajo, we as a  
13 program, do pay taxes to the counties and to the  
14 State.

15 And in light of the state regulations  
16 applying to fee lands, it is proper and important  
17 that Navajo ranch lands be in both the congressional  
18 district and the Legislative District 1.

19 Thank you.

20 COMMISSIONER MCNULTY: Mr. Becenti, could  
21 you just put that map in context for us? Where is  
22 that in relationship to the peaks? And is that all  
23 forest service allotment or is that private land?  
24 Just generally.

25 IVAN BECENTI: Okay. I don't know if you

1 need me to talk in the mic, but right here is the  
2 top of the peaks.

3 COMMISSIONER MCNULTY: He's going to give  
4 you a mic.

5 IVAN BECENTI: Okay. If you see here  
6 right in this area that I'm pointing to, that's the  
7 very top of -- near the top of the peaks and the  
8 surrounding areas of the peak itself.

9 But properties that we have, the Navajo  
10 fee land, is right off of Highway 89 right here and  
11 also within this area here.

12 And there's another map on this side but  
13 it doesn't show where the ranch house is and also  
14 the portion that we do own. But it's within that  
15 allotment, which gives us -- we have a permit with  
16 the U.S. Forest Service to graze that property.

17 And the majority, like I said earlier,  
18 these colored areas are where the cattle graze right  
19 now, and that is what the agreement is between us  
20 and the forest service, until all of these areas  
21 have been developed for water infrastructure and  
22 fencing improvement. And after that is done, then  
23 we have to go through an (inaudible) study and to  
24 make sure that we can go forward and design a  
25 grazing rotation within those pastures.

1           So if you just see this map, they are  
2 district -- there are boundaries to each of these  
3 pastures and they do have their own pasture names.  
4 Okay?

5           COMMISSIONER MCNULTY: Thank you.

6           CHAIRPERSON MATHIS: And can we get a  
7 copy of the peaks grazing allotment map?

8           IVAN BECENTI: Sure.

9           CHAIRPERSON MATHIS: Thank you.

10          Our next speaker is Wava White,  
11 representing Navajo Nation Division of Economic  
12 Development, Window Rock.

13          WAVA WHITE: My name is Wava White,  
14 W-a-v-a, W-h-i-t-e.

15          I am an economic development specialist  
16 here with the Navajo Nation Division of Economic  
17 Development.

18          I would -- I am going to speak to the  
19 economic impact and how we collaborate and work  
20 together with some of the border towns as far as  
21 developing the Navajo Nation as well as helping them  
22 to assist us in developing some of the lands that we  
23 have purchased and the Navajo fee lands,  
24 particularly in the Winslow area.

25          One of the issues that I wanted to make a

1 point and bring out is overall, these border towns  
2 use Navajo Nation data for funding for services,  
3 whether it be federal, state, local types of  
4 recruitment and securing funds. So it's not  
5 separated.

6           The bottom line is that the Navajo people  
7 are a Navajo consumer of each of these bordering  
8 towns, Winslow, Holbrook, and Flagstaff, and also  
9 Gallup.

10           We have a working relationship with the  
11 city of Winslow, just as my colleague spoke before,  
12 on the rank lands. There is different areas --  
13 there's seven particular sites that have been  
14 purchased by the Navajo Nation in the Winslow area.  
15 Most recently was the Turquoise Ranch, which is over  
16 300 acres that was purchased west of the city of  
17 Winslow.

18           Economically, we are trying to attract  
19 some industrial and commercial development. That is  
20 our primary emphasis as far as working with the city  
21 of Winslow to attract potential prospects to take  
22 advantage of these lands that are available.

23           Most of these lands were traded or they  
24 were purchased to accommodate to the Navajo/Hopi  
25 relocation relocatees, residents that were impacted

1 by relocation and were sent to the cities.

2           The Navajo Nation Division of Economic  
3 Development is collaborating with different programs  
4 within the Navajo Nation as well as the city of  
5 Winslow and the office of Navajo/Hopi Line  
6 Commission to develop these sites.

7           Therefore, there is potential for  
8 housing, community development, economic  
9 development, industrial, and commercial development  
10 within these border towns. That's why we -- it is  
11 attractive to us to how the Commission approved the  
12 congressional draft map to include these particular  
13 border town of Holbrook, Winslow, and Flagstaff.

14           Also, I just wanted to point out that the  
15 overall data used in -- even with the small business  
16 administration, other examples are with the Northern  
17 Pioneer College, different colleges and  
18 universities, they use Navajo data as far as getting  
19 information together for their services and  
20 recruitment. That's why the bottom line is that the  
21 Navajo people are the ultimate consumer of these  
22 border towns, and we appreciate the attractiveness  
23 of how the congressional and legislative maps were  
24 developed so that we could collaborate and work  
25 together.

1           We are not going away. We are not -- the  
2 Navajo people has the interest of even buy  
3 additional fee lands to develop in these areas.

4           Recently we are in the process of  
5 developing the Twin Arrows Casino between Winslow  
6 and Flagstaff with a major economic impact that will  
7 help the growth of Flagstaff, Winslow, and Holbrook.

8           Overall, economically -- the  
9 attractiveness of the congressional and legislative  
10 map provides opportunity to continue to collaborate  
11 with these three towns as far as Flagstaff, Winslow,  
12 and Holbrook are concerned and to recruit and  
13 provide the data and the necessary information to  
14 continue to provide the necessary services to secure  
15 development for industrial, commercial, small  
16 business, and energy-related prospects.

17           With that, I thank you for having your  
18 meeting here in Window Rock and we look forward to  
19 the next step in your work.

20           Thank you.

21           CHAIRPERSON MATHIS: Thank you.

22           Our next speaker is Nami or Naomi White,  
23 representing self from Navajo Nation.

24           You can tell us which.

25           NAOMI WHITE: Thank you, Madame Chair.

1 It's Naomi, N-a-o-m-i, last name is White,  
2 W-h-i-t-e, and I am -- my statement is going to  
3 represent myself and also the Human Rights  
4 Commission.

5 First of all, the Navajo Nation Human  
6 Rights Commission provides the following comments  
7 regarding the legislative districts proposed by  
8 Flagstaff and the statements made by Kevin Burke,  
9 the Flagstaff city manager at the redistricting  
10 public hearing held on Thursday, October 13th, 2011.

11 First of all, I would like to note one  
12 error on the document he provided regarding south of  
13 Payson. And in there, there's a note that the  
14 population, 2,170 supposed to go to LD 7 is an  
15 error. The map shows that the population shift was  
16 supposed to be put into LD 23.

17 Secondly, the census blocks that he  
18 referenced gave the example of the population as  
19 1,616, 668, and 353. On the map that's titled  
20 Timberline area, however, those populations are not  
21 reflective of actual census block. I think they are  
22 populations that are within the census block. Our  
23 data shows that the population is actually  
24 significantly higher within those areas. So I would  
25 just like to point that out.

1           Third, there is a proposal to move  
2 populations out of the Show Low area into  
3 Legislative District 6 from Legislative District 7.

4           If that occurs, then the population shift  
5 will reduce the Native American voting-age  
6 population below 58 percent, which that's not going  
7 to be acceptable. We want to maintain the  
8 Legislative District 7 Native American voting-age  
9 population as is or even exceed that where possible,  
10 maybe even up to, like, the previous gentleman said,  
11 up to 64 percent.

12           And also the Navajo Human Rights  
13 Commission has not been able to evaluate the request  
14 of moving the Timberline and the Fernwood area  
15 because we don't have the shape files to do so.

16           As for myself, I would just like to speak  
17 to the topics that impact Navajo Nation and Navajo  
18 Nation voters and also regarding the similar  
19 policies that the Indigenous nations within our  
20 congressional and our legislative district and  
21 throughout the state that we face -- that are  
22 similar to each other. And also I would like to  
23 speak with regard to the voter identification  
24 requirement.

25           First of all, some of the factors that

1 contribute to voter performance and also turnout of  
2 the public is similar to the circumstances that we  
3 face here.

4           There's not a significant public turnout  
5 here primarily due to the fact of the lack of  
6 technology.

7           While the redistricting updates are great  
8 that they are online, a lot of the population of the  
9 Navajo Nation does not have access to Internet.  
10 You're in Window Rock right now, which is the hub of  
11 the Navajo Nation and I would guess that a lot of  
12 people here don't have access to Internet either.

13           There's few places that have free  
14 Internet access. There's basically no coffee shops  
15 that provide Internet access or book stores or any  
16 gathering spots similar where you would find in a  
17 bigger city such as Flagstaff or Phoenix or even in  
18 Winslow or Holbrook. That just doesn't exist.

19           We have one newspaper, which is the  
20 Navajo Times, and that's only published weekly. And  
21 for those people who are able to buy the newspaper,  
22 the information is slow to alert the public on  
23 fast-moving issues such as this.

24           And also a lot of our people are not able  
25 to read English or speak English. Navajo Nation in

1 the isolated areas, we predominantly -- excuse me,  
2 the Navajo people in the isolated areas speak  
3 predominantly Navajo. And that is a problem for the  
4 newspapers because newspapers, for the large part,  
5 are not published in Navajo.

6           Similar to the voting pamphlets that are  
7 held -- that are distributed, the brochures, the  
8 campaign signs, a lot of those materials are not  
9 provided in Navajo to the voters who live in the  
10 isolated areas.

11           Also with regard to the photo  
12 identification requirement, as it relates to  
13 discrimination, in effect requiring voter  
14 identification -- photo identification has a  
15 discriminatory impact on the elders of the Navajo  
16 and also on the Indigenous people who may have not  
17 been born at a hospital, who may not have a current  
18 utility bill or phone bill because they don't have  
19 electricity at their home and they don't have water  
20 at their home and they don't have phones at their  
21 home.

22           And frankly, I'm speaking on behalf of my  
23 grandparents. They live in White Cone, Arizona, and  
24 they don't have running water and they don't have  
25 access to phones all the time and they got

1 electricity only a few years ago. And that's in the  
2 current age in the 2000s.

3           So I know a lot of elders and people who  
4 are not -- who are not -- who don't live in the  
5 cities and who don't live in larger communities,  
6 there is only, you know, one house or two houses  
7 within a community and they are spread miles apart.  
8 And those are the voters that we are concerned about  
9 and also we're concerned about the native voting-age  
10 population overall.

11           And additionally, there's another  
12 example. When I was a student at ASU law school,  
13 our Indian legal clinic helped an elderly  
14 grandmother who lived here in Navajo Nation. Her  
15 name was Agnes Lefter (phonetic) and she was denied  
16 the right to vote because she did not have a photo  
17 identification.

18           And that's only one example of  
19 discrimination. And that occurred around two  
20 thousand -- around the year of 2010 or prior to  
21 that. I think around 2008. So that was only five  
22 years ago.

23           So discrimination still does exist in  
24 Arizona. It may not exist in the form of literary  
25 test, it may not exist in the form of having an

1 overt demonstration of the understanding of English  
2 from our voters, but it does exist in other forms.  
3 And also -- it also exists probably in new forms  
4 that we're unaware of at this point.

5 Third, I would like to talk about the  
6 similar policies that tribes face.

7 While it's true that a lot of Indian  
8 nations are adverse to each other on some issues  
9 with regard to things like water or energy, while  
10 we're adverse and take different positions because  
11 each tribe is different, overall, we're within the  
12 federal structure of a relationship with the United  
13 States.

14 We have a relationship with the state  
15 that's distinct from other populations within the  
16 state due to the fact that Indian nations are  
17 sovereign entities and we have sovereign  
18 governments. And we are not cookie-cutter  
19 government that operate at the long arm of the  
20 federal government.

21 Each tribal council is different. They  
22 vote on their issues differently. They have  
23 different interests.

24 But that's not to say that because we  
25 have different interests we should not have a strong

1 Native American voting-age population within the  
2 same district.

3 The voters will -- the voters should be  
4 able to have a chance to vote on a candidate of  
5 their choice, regardless of how the governments are  
6 structured and regardless of how different tribal  
7 councils treat separate interests.

8 We're working on behalf of the people,  
9 and the people have the right to select a candidate  
10 who they choose. And we do not want the voting-age  
11 population to be reduced below 62 percent, because  
12 in the year 2000 at the last redistricting  
13 occurrence, the voting-age population for Navajos --  
14 or for Native American was around 70 percent and now  
15 it's at 62 percent. We just don't want that to go  
16 lower.

17 And as a voter in Arizona, I don't want  
18 that to go lower. I want to be part of a district  
19 where the voting-age population is such that I am  
20 able to elect a candidate of my choice. And I would  
21 like the same in the years to come for my son.

22 Lastly, I would like to talk about the  
23 border towns, Winslow, Holbrook, and Flagstaff.

24 The Navajo Nation has had a history of  
25 Human Rights violations with regard to sacred sites,

1 with regard to water, with regard to energy, and  
2 also with regard to forestry location, and this has  
3 happened throughout the history of the Navajo  
4 Nation, and it's happened most currently with the  
5 Navajo/Hopi land dispute where Navajo people were  
6 displaced from where their families have always  
7 lived and has always grazed and where people have  
8 lived upon generations.

9           They were relocated to border town such  
10 as Winslow and around the Holbrook area and also  
11 around the Flagstaff area where they now have to  
12 uproot and create a new life for their children and  
13 for their grandchildren.

14           And our concern is to also protect those  
15 voters as well because for all of their lives and  
16 all of their generations, they lived on the Navajo  
17 Nation and now they are off Navajo Nation and we  
18 would like them to have a say in the state process  
19 as well and in the federal process.

20           Thank you.

21           CHAIRPERSON MATHIS: Thank you.

22           So that's 3:15 p.m., and I'm wondering if  
23 Michelle would like a little break.

24           How about we take a ten-minute recess and  
25 we'll come back in a few minutes.

1 Thank you.

2 (A recess was taken from 3:15 p.m. to  
3 3:32 p.)

4 CHAIRPERSON MATHIS: Okay. Recess is  
5 over. We'll enter back into public session. The  
6 time is 3:32 Window Rock time, 2:32 Mountain  
7 Standard Time, and we are in the midst of public  
8 comment, receiving input on our draft maps for both  
9 congressional and legislative districts.

10 Our next speaker is Margie Begay,  
11 representing Tsaile/Wheatfields.

12 Am I saying that right?

13 We'll come back if she just stepped out.

14 How about Lauren Bernally, representing  
15 self from Apache County.

16 LAUREN BERNALLY: Good afternoon,  
17 commissioners, Madame Chair and Commissioner  
18 McNulty.

19 I just want to thank you guys. You've  
20 done an admirable job with respect to bringing this  
21 process as far as it has come.

22 I'm speaking from -- on behalf of myself.  
23 I come from an area -- my family comes from an area  
24 in Chinle, Black Mountain area, very isolated area.  
25 And I wanted to talk a little bit with respect to my

1 experience when I decided to change residency from  
2 New Mexico to Arizona and the problems that I had  
3 with my -- with getting myself registered as a  
4 voter.

5 Gallup, New Mexico, is a border town that  
6 serves our area in this region. It's a huge border  
7 town. It's commonly known as the Indian capital of  
8 the world.

9 And in Gallup there is also a huge, what  
10 we call flea market there. And the back of ten  
11 years ago in the election I had gone over to  
12 register. I was there walking and I was accosted by  
13 two individuals who were -- had a booth there and  
14 they said they were registering people.

15 And I said I'm a resident of Arizona and  
16 they said, no, we're doing Arizona and New Mexico.

17 And yes, indeed, they pulled out forms  
18 from Arizona and I registered as a Democrat.

19 I kept waiting for my voting card to come  
20 in and it never did come in. So I followed up with  
21 Apache County and they said they didn't have any  
22 information. And I explained to them where I had  
23 registered and they told me that that site was not a  
24 legitimate site and that there were a lot of  
25 complaints that had come from Navajo borders who

1 frequent the flea market there, that people had  
2 registered and they never got their cards.

3 I subsequently also registered again --  
4 and I didn't indicate, my name is Lauren Bernally.  
5 It's B-e-r-n-a-l-l-y.

6 There are many Benallys on the Navajo  
7 Nation. And my father, bless his heart, he had a  
8 Navajo name. And when he served in World War II,  
9 they changed his name to Bernally. It's an Italian  
10 name.

11 So when anyone says I'm a Bernally, I  
12 say, oh, you might be one of my family members. But  
13 our name is unique.

14 And so subsequently, my voting card came  
15 back as Lauren Benally and I was denied my vote.  
16 When I came to vote, I was told I couldn't vote  
17 because of that error in my card.

18 And I knew it was wrong. I said this is  
19 not right and I need to change it but I didn't have  
20 the time to change it. So I was, again, denied my  
21 right to vote.

22 Subsequently, now I am back in New  
23 Mexico. I live right on the border and I still have  
24 a post office box. 3,000 Window Rock, Arizona. And  
25 I was going back and forth and finally New Mexico

1 said why don't you just register on this side. So I  
2 did, but I still have an Arizona address.

3 I just want the Commission to be aware of  
4 these types of situations that many of our Navajo  
5 people are confronted with and many will not be  
6 persistent as they are as I was.

7 With respect to our maps, I share in the  
8 support, as many have spoken, about CD 1. And as I  
9 indicated, I still have a great interest in Arizona.  
10 I do believe that CD 1 offers a community of  
11 interest.

12 And I want to echo some of the things  
13 that we have heard in the past or through the  
14 hearings, is that Indian nation, Indigenous peoples,  
15 have a lifeway that is very common.

16 Contrary to what was said earlier, there  
17 are differences, we are distinct in our languages,  
18 yes, but we do have beliefs that tie us to this  
19 earth, that tie us to the skies, that tie us to the  
20 metaphysics of this world, contrary to some other  
21 peoples.

22 We also have a common bound, a common  
23 interest that bounds us with our natural resources.

24 Moreover, we heard that many of our  
25 peoples intermarry. We have many Navajos that have

1 married into the Hopi Nation, into the San Carlos  
2 and White Mountain Apache Nation. And they all seem  
3 to have a same relationship that we have.

4 We also are affected by common social,  
5 political, and economic barriers that I believe that  
6 in terms of electing a candidate of my choice, this  
7 individual would be able to recognize these barriers  
8 that confront Indian people.

9 I remember -- I recall when I was down at  
10 Tucson, I heard an individual talking about the  
11 vastness of this CD 1 covering three borderlines,  
12 the northern, the eastern, and the southern  
13 borderline. And this individual made the comment  
14 that whoever is going to serve in this district is  
15 going to travel 45,000 miles a year.

16 I chuckled and I thought that's nothing  
17 to a Navajo citizen. We cover 65 to 70,000 miles a  
18 year on our vehicles. And we have trucks, big  
19 trucks that we have to carry, haul water, we have  
20 livestock, and I thought that's nothing.

21 Well, it's about time. Maybe a candidate  
22 is going to realize what it is to live in a real  
23 rural area. Those are the barriers that our people  
24 face.

25 With respect to LD 7, I really like the

1 62 percent voting-age population. I also want to  
2 just comment a little bit that again, in previous  
3 remarks made by other individuals, I get the sense  
4 that some peoples believe that they cannot be  
5 represented by an Indigenous person. I feel  
6 offended about that.

7 I believe that native people are moving  
8 forward. We have very highly intelligent  
9 individuals that are out here on the Navajo Nation  
10 and the Apache Nation, Havasupai, that are making  
11 great strides for their people. And I deplore any  
12 comments that kind of allude to the fact that the  
13 government is dictating these maps through our  
14 people on how they are going to be drawn.

15 I support the way LD 7 is drawn at this  
16 point. And I also believe that as people have  
17 coined the term, the greater Flagstaff area, well,  
18 the Navajo Nation also has a greater Navajo Nation  
19 area. That area encompasses the peaks, Big  
20 Boquillas, and as I said, we do have a common  
21 interest that extends all the way down to San Carlos  
22 and Greenlee County.

23 We do have sacred sites in those areas.  
24 Many of our traditional Navajos many years ago  
25 worked down in that area and established -- there

1 were sites down there.

2 That concludes my presentation.

3 Thank you again.

4 CHAIRPERSON MATHIS: Thank you very much.

5 Our next speaker is Leonard Gorman,  
6 Executive Director for Navajo Nation Human Rights  
7 Commission from Window Rock.

8 LEONARD GORMAN: Good afternoon, members  
9 of the Commission. Madame Chair Mathis,  
10 Commissioner McNulty. Welcome to window rock.

11 First, I want to introduce myself to the  
12 listeners, those that are on the Internet and also  
13 those that are in the audience and then we'll talk  
14 about the Navajo Nation's principles and then the  
15 maps and provide some comments about perhaps some of  
16 the issues that continue to linger as you go  
17 throughout the state of Arizona.

18 First as my introduction (speaking in  
19 native tongue.)

20 As a Navajo person, we commonly -- as  
21 protocol, introducing ourselves in our respective  
22 language and also identify our maternal and paternal  
23 clans.

24 I'm a citizen of the Navajo Nation first  
25 and then I'm also a citizen of the state of Arizona

1 and also a citizen of the United States of America.

2 And I have the responsibility as the  
3 Executive Director of the Navajo Nation Human Rights  
4 Commission to advocate on behalf of rights of Navajo  
5 people. Rights that range from voting to rights  
6 that range from having attachments, imprints, to  
7 land, cultures that have cross-cutting effects in  
8 today's society and also cross-cutting effects in  
9 the rural community that we all live in.

10 So that's my responsibility and the team  
11 of my staff have those responsibilities along with  
12 the Commission.

13 Part of our office's responsibility has  
14 been to work with the states of Arizona, New Mexico,  
15 and Utah to develop maps that are in the best  
16 interest of Navajo voters in which it protects the  
17 rights of Navajo voters.

18 So Navajo Nation established principles  
19 in which would guide us through this whole process  
20 of ensuring that these rights are protected.

21 And as you're well aware, Navajo Nation  
22 has appeared at many of your meetings, variety of  
23 places of which you have conducted your meetings  
24 across the state of Arizona, and hopefully that we  
25 will have also the opportunity to appear before you

1 throughout the course of the next couple of weeks  
2 and plan to be a part of your discussions as you  
3 deliberate the final map that's going to be  
4 submitted for preclearance.

5 And we certainly don't hope to be a party  
6 in the last phase of what I believe has been in the  
7 past ten years ago, the litigation phase and hope  
8 that we will be able to avoid those circumstances.

9 And as a Voting Rights Act as a principle  
10 of the Navajo Nation's Human Rights Commission's  
11 effort, our intention is to ensure that you produce  
12 a map that not only satisfies the Voting Rights Act  
13 as a threshold number for both the congressional and  
14 legislative maps, but also make every effort and  
15 present all of those opportunities that come to you  
16 and requesting to have you prove those opportunities  
17 and incorporate those opportunities into the maps.

18 And we've made the effort to have people  
19 speak to you today about the challenges that the  
20 Navajo people face as a voter of the state of  
21 Arizona.

22 And I think that requires that you sit  
23 down and address the minimum threshold of the  
24 58.99 percent to be increased beyond the current  
25 61.9 percent that is in the legislative map. And

1 there are a tremendous need and justification to  
2 accomplish that.

3 That has been our number one goal and we  
4 have presented that to you numerous times, that the  
5 Navajo Nation's goal is to ensure that the Voting  
6 Rights Act is complied with.

7 The second principle is the community of  
8 interest.

9 Predominantly there are -- a significant  
10 amount of land base in the state of Arizona in which  
11 they are set aside as reservations.

12 As I understand it, a quarter of the land  
13 base in the state of Arizona are designated as trust  
14 lands for Native Americans. However, we make  
15 4.8 percent of the total population in the last 20  
16 years.

17 So we've requested of you not to split  
18 those reservations among several districts. We've  
19 requested you to ensure that those reservation lands  
20 are whole in a single district.

21 A part of the community of interest has  
22 been ranch lands. The Navajo Nation owns a variety  
23 of ranches outside the Navajo Nation and  
24 specifically in the state of Arizona.

25 It has been explained to you through the

1 course of this afternoon that there are specific  
2 intentions of the Navajo Nation government to ensure  
3 that those lands are put to better use for the  
4 betterment of the Navajo people.

5           These ranch lands are intended to ensure  
6 that Navajo cultural properties will continue to be  
7 protected, preserved from the perspective of sacred  
8 sites, to ensure that there's accommodation of  
9 land-use areas in which Navajo has continued to  
10 foster its relationship with the livestock, cattle,  
11 horses, sheep as the Navajo people is growing in  
12 numbers.

13           Part of the opportunity also is to ensure  
14 that there are economic development corridors.  
15 Interstate 40 is a very prominent artery of  
16 transportation for economic development around the  
17 Navajo Nation and southern part. Interstate 40 also  
18 goes across the Navajo Nation lands.

19           So as it was explained to you earlier,  
20 Navajo Nation is very strategically placing  
21 businesses in which there would be opportunities  
22 derived from those and Navajo people to benefit.

23           Finally, the community of interest  
24 aspect, sacred sites.

25           Sacred sites is a common thread among

1 Indigenous peoples not only in the state of Arizona  
2 but also in the United States of America and the  
3 world.

4           It is a principle and cultural integrity  
5 aspect in which it connects Indigenous peoples.  
6 Unlike other peoples of the world, the Navajo Nation  
7 has managed to ensure that the United States  
8 government supports the declaration called the  
9 Indian Declaration of Rights of Indigenous Peoples,  
10 in which there are plenty of iterations that provide  
11 for the need to recognize these rights.

12           So as has been stated before, and you  
13 will hear many more times, the Navajo people have  
14 identified specific places that are identified as  
15 sacred sites. Those need to be specifically  
16 protected.

17           And finally, the other principle has been  
18 that the first iteration that we had presented to  
19 you a couple of months ago, that -- those Indigenous  
20 nations that we indicated to be in our district at  
21 that time continue to be in the district that you  
22 adopt as a draft map plus as a map that you intend  
23 to be precleared and also to be used in the future  
24 for the next ten years. Those have been our  
25 principles.

1           You have heard many a times the  
2 competitiveness is a part of the review and a  
3 necessity to ensure that there be competitive  
4 districts in the state of Arizona congressionally  
5 and also legislatively.

6           Navajo Nation has many a times indicated  
7 to you that if there were intentions to implement  
8 competitiveness on the Navajo Nation, you would be  
9 faced to split the Navajo Nation into segments.

10           From our office, we have ran maps to  
11 determine if and ever that you were to embark upon  
12 splitting the Navajo Nation, the Navajo people would  
13 be disenfranchised. It would not have the  
14 opportunity to elect a Navajo person to represent  
15 them again.

16           You will find yourselves in a situation  
17 and we will find the Navajo voters in a situation in  
18 which the highest number of Native American voting  
19 age will be around 25 to 30 percent. That is  
20 definitely something that we will be having very,  
21 very strong concerns about.

22           In regards to the maps that have been  
23 published as draft maps, the Navajo Nation has been  
24 provided iterations, two maps for the congressional  
25 one. We labeled them as Indian 1 and also Indian 2.

1           In Indian 1, we had noted it to be a  
2 dream map. It is an opportunity to which there  
3 would be a majority-minority district --  
4 Congressional district in which the voting-age  
5 population in that district would predominantly be  
6 minorities.

7           Some of it was coming from Native  
8 American voting-age population and the other would  
9 be coming from the Hispanic voting-age population.

10           However, both maps, the Indian 1 and  
11 Indian 2, have been an integral part of your work.  
12 And we find that a substantial part of Congressional  
13 District 1 that you adopted as a draft map contains  
14 Navajo Nation's recommendations.

15           The Navajo Nation, both times in both  
16 maps, had made a recommendation to you to include  
17 the Gila River Indian Nation, and you have  
18 accomplished that. You included the Gila Indian  
19 River Nation.

20           And we have also made the indication in  
21 our Indian 1 to include the Cochise County. And  
22 realizing that there's a penalty of compromise to be  
23 had in the development of these maps, we appreciate  
24 the opportunity in which you have presented in a map  
25 that takes on and incorporates the Navajo Nation's

1 recommendations.

2 Thank you very much.

3 Our threshold has been 16.8 percent  
4 Native American voting-age population as we started.  
5 You've accomplished a threshold now that exceeds  
6 that 16.8 percent. The map that you have presented  
7 to us 20.5 Native American voting-age population.  
8 That is absolutely good.

9 With regards to the legislative district  
10 map, the Navajo Nation submitted a map that  
11 comprised of a number of Indigenous nations,  
12 principally the Navajo Nation, the Hopi Nation, and  
13 the White Mountain Apache Nation, the San Carlos  
14 Apache Nation, the Havasupai Nation, the Hualapai  
15 Nation, the Kaibab Nation.

16 And we have presented an iteration in  
17 which there is a substantial Native American  
18 voting-age population. And the voting-age  
19 population in which we accomplished is 62.5 percent.

20 And in development of these maps in  
21 seeking input and comments, the Navajo Nation took  
22 on presentations throughout the state of Arizona.

23 We had an opportunity to meet with  
24 numerous people from different backgrounds. We've  
25 met with Indigenous leaders, Indigenous nations, and

1 we made presentations.

2 Of all of the times we've made  
3 presentations, particularly to Indigenous leaders,  
4 we did not receive any opposition to the maps that  
5 we have shared with you.

6 Certainly we've received comments about  
7 how Navajo Nation has taken a lot of lead in a  
8 variety of issues. And Navajo tends to be a  
9 principle in pushing the issues policy-wise,  
10 politically-wise. And we have no doubt that our  
11 efforts will continue in the future in the same  
12 manner that we have done before.

13 And for the legislative district, as you  
14 know and we know, the threshold has been  
15 58.9 percent. And we have indicated to you that  
16 competitiveness is not a priority for the Navajo  
17 Nation. You have accomplished a 61.9 percent Native  
18 American voting-age population in the draft map that  
19 you have shared with the communities throughout the  
20 state of Arizona.

21 As I mentioned before, the Navajo Nation  
22 has submitted a map that illustrated 62.54 percent  
23 Native American voting-age population.

24 I think you have made significant effort  
25 and accomplished feats in which you are on the right

1 track. You're in the right direction to meet a  
2 threshold that the Navajo people believe is the  
3 proper standard, assessing the voting-performance  
4 number.

5 You are receiving multiple, multiple  
6 requests in how to tweak, which community needs to  
7 be taken or arranged in a manner and which it would  
8 be benefiting for their community of interests.

9 We have made many compromises throughout  
10 the course of the several months. The latest  
11 meeting that we have had was with the City of  
12 Flagstaff, as we talked about the CD 1 and also LD  
13 7.

14 Specifically with LD 1 -- I mean CD 1, we  
15 have both come in and presented to you, the City of  
16 Flagstaff and communities around the city of  
17 Flagstaff and the Navajo Nation share a common  
18 interest, economic-wise, transportation-wise and we  
19 share a community of interest and made the request  
20 that Flagstaff be in a congressional district that  
21 the Navajo Nation is located in. You've done that.

22 Thank you very much for providing that  
23 opportunity.

24 With the legislative district, again, we  
25 have made compromises. We have -- people have asked

1 the Navajo Nation to be flexible, to be  
2 understanding. And from my office, we believe we  
3 have done that.

4 We have been understanding and have  
5 approached parties that have expressed interests in  
6 our maps to make amendments. And we have done that.

7 We sat down again with the City of  
8 Flagstaff and we talked about having to adjust our  
9 first map, the legislative map.

10 Our proposal was to pick up areas in  
11 which in the city of Flagstaff where there are  
12 high-level, high number of Native American  
13 population.

14 We have agreed to take out the entire  
15 incorporated areas of the city of Flagstaff from the  
16 Navajo Nation. We have also agreed to take out  
17 Doney Park northeast of the city of Flagstaff. We  
18 also agreed to take out Ford Valley, northwest of  
19 the city of Flagstaff. We have compromised.

20 Furthermore, we have compromised to take  
21 out the area between Big Boquillas Ranch and the  
22 city of Flagstaff and the area that goes up to the  
23 southern part of the Grand Canyon. We have agreed  
24 to do that.

25 However, there are elements in which

1 there are concerns as has been provided to you and  
2 we repeatedly made the point that Navajo Nation and  
3 the greater areas in the state of Arizona has  
4 interests. It has interests by purchasing lands.  
5 No doubt the Navajo Nation wants those ranch lands  
6 to be in a district that the trust land is located  
7 in. And you have also accomplished that very well.

8 I think in the tweaking that you are  
9 going to be requested to make, certainly there are  
10 opportunities that still need to be had with the map  
11 that you have adopted as a draft map for the  
12 legislative -- for the legislature.

13 We look forward to having the  
14 correspondence as we have done in the past couple of  
15 months. You have listened to us very well and we  
16 have made compromises to ensure that we go forward.

17 In the tweaking that you make, we request  
18 that wherever the tweaking you make, that it would  
19 give the opportunity to raise the Native American  
20 voting-age population.

21 I think there are plenty of ways to do  
22 that, and those requests that you have heard thus  
23 far and you will continue to hear those requests.

24 Navajo people live in a condition which  
25 it's always difficult with challenges on the voting

1 day.

2           As you have heard and you will hear many  
3 more times in the future, that Indigenous peoples  
4 often distrust the government of the state of  
5 Arizona and also the United States of America. And  
6 that plays a very strong influence on Navajo voters  
7 and the conditions that exist on the grounds. As  
8 you've heard many a times, those conditions that  
9 people are facing, just to mention but a few.

10           Mail-in ballots don't work well on the  
11 Navajo Nation. While that is an opportunity that  
12 exists in which a Navajo voter does not have an  
13 opportunity -- does not have the challenge of coming  
14 up with an ID card, but voting -- mailing in your  
15 ballot is not an often relied-upon process.

16           The conditions on the roads oftentimes  
17 are very challenging. I hope that you will hear  
18 from another speaker that will talk about  
19 specifically those road conditions in which Navajos  
20 have to travel, on which Navajos have to travel in  
21 order to cast a ballot and also to carry out ---  
22 carrying on everyday life.

23           So from the Navajo Nation Human Rights  
24 Commission, in my conclusion, I believe you have an  
25 opportunity when you tweak these maps, the draft

1 maps or the legislative district, you have very,  
2 very strong opportunity to raise the 61.9 percent  
3 Native American voting age above 63 percent, based  
4 on the iteration that we have presented to you and  
5 what you incorporated into the legislative map.

6           And my final comment is in regards to  
7 some of the requests and issues that have made for  
8 the city of Flagstaff. Timberline area need to be  
9 taken out of Legislative District 7. Concerns about  
10 Schultz area.

11           The Schultz area, as you will see when  
12 you study the Espil Ranch map, is at the southern  
13 tip of Espil Ranch grazing area. And then you will  
14 also find that the Timberline area is on the east  
15 side of the Espil Ranch west of Highway 89 and that  
16 we would have interests in the lower portion of that  
17 area in which there are a significant number of  
18 population figures. I believe it's over 180 people.

19           However, there's going to be some big  
20 complications with that area, and that is the way  
21 the census block is configured.

22           If there is an opportunity to pick up  
23 those residential areas without having to draw a map  
24 that goes into the grazing area, I think those are  
25 some aspects that would work.

1           So thank you again, and the Navajo Nation  
2 has made many visits with you and also in our  
3 opinion you have incorporated a substantial portion  
4 of the recommendations that have come from the  
5 Navajo Nation.

6           Thank you very much.

7           CHAIRPERSON MATHIS: Thank you very much.

8           Our next speaker is Ray Barney, Navajo  
9 Division of Transportation from Window Rock.

10          RAY BARNEY: Good afternoon.

11          My name is Ray Barney. I'm one of the  
12 program managers under the Navajo Nation Division of  
13 Transportation.

14          I'm just going to have -- make a little  
15 insight on some of the statistics we have on the  
16 Navajo Nation in regards to roads.

17          The Navajo Nation comprises of about 1400  
18 700 road -- 14,700 roads on the Nation with  
19 90 percent of that being unpaved and unimproved  
20 roads, which makes it pretty much difficult for the  
21 Navajo people.

22          Also the road conditions can also be very  
23 rough in coming in to conduct the daily life  
24 business, which also includes, you know, going to  
25 chapter meetings, planning meetings, or any

1 activities going on in the nation.

2           The lack of sufficient funding to address  
3 these roads on Navajo has been hampering the nation  
4 for quite some time.

5           As you know, any entity or nation always  
6 puts education as a priority, but I always say that  
7 there has to be a road that leads to a school  
8 facility. And we've been trying -- well, I've been  
9 trying to tell the chapters and entities, you know,  
10 that roads should be a priority anywhere.

11           With that, there's also -- the funding to  
12 improve roads is not always adequate, especially in  
13 remote areas where some clearances, environmental  
14 and archeology clearances are mandated.

15           And with that, there's a lot of art sites  
16 that are being discovered on the main roads, which  
17 hampers the realignment, which hampers that  
18 improvement on a lot of these roads.

19           And I just wanted to give you guys an  
20 insight on those conditions, especially during the  
21 -- also during the monsoon season when there are  
22 washouts and whatnot. Where it becomes -- that  
23 safety is a priority. Not voting for or going to an  
24 activity.

25           So with that, I thank you for your

1 patience and your -- I've been pretty much here for  
2 two hours, but thank you very much.

3 CHAIRPERSON MATHIS: Thank you.

4 Our next speaker is Calvin White from  
5 Apache County, representing self.

6 KALVIN WHITE: Good afternoon.

7 My name is Calvin White, and I'm a  
8 lifetime resident of the Navajo Nation. I come from  
9 a place called White Cone, Arizona. That's one of  
10 the last refuges of Navajo Nation -- Navajo/Hopi  
11 land dispute.

12 It was a struggle and challenge for our  
13 people when I was growing up and still is today.  
14 And I'm representing myself as a righteous voter in  
15 Arizona, on the Navajo Nation, as well as in the  
16 U.S. elections.

17 And I just came to voice my concern and  
18 reiterate support for the Arizona LD 7 and CD 1 maps  
19 that you have -- are contemplating and it is  
20 proposed before you.

21 I believe that with each of these two  
22 maps, there's a -- it would maintain a high  
23 percentage of Native American voting-age population,  
24 the percentage would go up.

25 There's a point from some of my peers

1 that have lost confidence in the right for Indians  
2 to vote because of the -- I could say the lack of  
3 really understanding of how important the vote is  
4 into some of the state issues, some of the state  
5 legislations as well as the federal.

6 And I believe with these two maps it  
7 would give us a greater percentage of individuals of  
8 Native American descent to really provide and become  
9 more involved in the election process.

10 And also that these two boundaries, these  
11 two maps, they include the San Francisco Peaks,  
12 which is at our back door at White Cone, and I come  
13 from a descendent of some traditional practitioners  
14 and traditional healers. That's been the legacy of  
15 our people there to practice traditional medicine  
16 and to practice traditional teachings in our culture  
17 to our children and our young people.

18 And with the two maps, it includes the  
19 San Francisco Peaks as well as some other sacred  
20 sites that we are very concerned about. And to the  
21 effect that we want to have some of the legislature  
22 -- legislation and legislators hear our concerns,  
23 and I believe with the high percentage of the Native  
24 American vote within the boundaries of these two  
25 outlines in LD 7 and CD 1, it would capture that.

1           So I came to voice my concern in support  
2 of that, and that's all I have to say.

3           Thank you.

4           CHAIRPERSON MATHIS: Thank you very much.

5           Our next speaker is Phefelia Bradley,  
6 from Navajo Gaming Enterprise.

7           PHEFELIA BRADLEY: Good afternoon.

8           I wasn't sure if I should put my employer  
9 down or what have you, but I'm originally from Cant  
10 (phonetic), Arizona. I've been working up in the  
11 Window Rock area for the past 12 years.

12           Previous to my employment with the Navajo  
13 Nation Gaming Enterprise, I worked with the Navajo  
14 Nation counsel for a period of eight years.

15           I am a voter of the state of Arizona, the  
16 Navajo Nation, and the United States. I have been  
17 exercising my vote for the last 30 years.

18           And in reference to the hearing that is  
19 held today and comment period that is being provided  
20 and afforded, my understanding is that redistricting  
21 is technical, legal, and political.

22           And in reference to the maps that are  
23 being presented and the work and the incorporation  
24 of all of the recommendations that this body has  
25 received up to this point, I say you have done a

1 wonderful job.

2 I have seen the maps. I am in agreement.  
3 Taking a look at the maps, they serve in the best  
4 interest of our Native American population.

5 And I would just like to make that  
6 statement for the record, as an employee of the  
7 Navajo Nation Gaming Enterprise, the Navajo Nation  
8 has purchased 425 acres 25 miles east of Flagstaff,  
9 Arizona. That land has been put into trust by the  
10 Navajo Nation and has been approved by the  
11 Department of the Interior.

12 So the Navajo Nation at this point in  
13 time started moving ground two weeks ago as far as  
14 developing a casino resort operation 20 miles --  
15 25 miles east of Flagstaff. And so we are going to  
16 have a larger presence in that area of our Navajo  
17 Nation.

18 So thank you very much for your time.

19 CHAIRPERSON MATHIS: Thank you.

20 Do you mind spelling your name for the  
21 court reporter?

22 PHEFELIA BRADLEY: P, as in Paul, h, as  
23 in Henry, e, as in Ethel, f, as in Frank, e, as  
24 Ethel, l, as in Larry, i, as in Irene, and a, as in  
25 Arly.

1 CHAIRPERSON MATHIS: Thank you.

2 Our next speaker is Eric Descheenie,  
3 representing Office of the Speaker in Chinle,  
4 Arizona.

5 ERIC DESCHEENIE: Good afternoon.

6 My name is Eric Descheenie.

7 The way Mr. Gorman introduced himself,  
8 I'll do the same as customary within the Navajo  
9 people. (Speaking in native tongue).

10 What I said was for my clansmen, where I  
11 was from, Chinle.

12 I am here -- I'm here on behalf of myself  
13 and also as the speaker of the Navajo Nation  
14 Council, Johnny Naize. He wished he could be here.  
15 However, he has to be into the western side of the  
16 Navajo Nation meeting with some of the elder people  
17 at their request.

18 So he's aware that this is your second  
19 visit and he wished he could have been here to  
20 properly introduce himself and have spoken to you,  
21 but as you can imagine, Navajo Nation's demands are  
22 high, particularly with its people, the elderly.

23 So I do know that in my discussions with  
24 him, that he wants to reiterate the comments that  
25 Leonard Gorman, the Executive Director of the Navajo

1 Nation Human Rights Commission has said. So I  
2 wanted to bring that to your attention.

3 I'm going to pick up off of what Leonard  
4 Gorman said in a number of ways.

5 He mentioned his clans, and I'll tell you  
6 just a little bit of information about the clans  
7 because it goes directly related to the illustration  
8 I want to give to what the Navajo Nation position  
9 speaks to.

10 My first clan is (speaking in native  
11 tongue) which is the Pascua clan and there's other  
12 clans that are associated to that, one being the  
13 (speaking in native tongue).

14 And the Navajo Nation's position speaks  
15 to, as a lesser priority or a nonpriority when it  
16 comes to competitiveness. And the Nation, as  
17 Mr. Gorman said, we're definitely coming at this at  
18 an angle of community of interest.

19 And to kind of give you an idea as to  
20 what I do for a living, I've been blessed with the  
21 opportunity to advocate on behalf of the Navajo  
22 Nation Council to state matters, Arizona matters.

23 So I've been, I guess, a quasi lobbyist  
24 at the state legislature for three years now and  
25 working with the governor's office, both

1 Napolitano's and Brewer's.

2           On one of our trips, we met with one of  
3 our legislators, District 2, and it was an  
4 interesting dialog that we had on a particular issue  
5 that I won't mention, but he would have to go  
6 against the grain.

7           And I'm Republican, so -- registered  
8 voter Republican, and so I was -- it was interesting  
9 how I had kind of went through my own thoughts as we  
10 were speaking to the issue. And, of course, he was  
11 a Democrat.

12           And we joked with him. We said, we  
13 realize you're going against caucus. We realize  
14 you're going against the grain. There's  
15 consequences to that from a political standpoint.  
16 But remember this, I said, you're Navajo before  
17 you're a Democrat.

18           And he just kind of looked at us and  
19 said -- well, he didn't say anything but his eyes  
20 said a ton.

21           And another colleague of mine who was in  
22 the room who is (speaking in native tongue) in this  
23 particular legislator is (speaking in native tongue)  
24 and we're all brothers.

25           And this particular legislator is my big

1 brother, my clan. These relationships are there.

2 And so when I said, well, you're Navajo  
3 before you're Democrat and the other colleague joked  
4 and said well, you're also (speaking native tongue)  
5 before you're Navajo.

6 So here is the sequence of priority.  
7 Your kinship, who you are as (speaking in native  
8 tongue) and then whatever political affiliation you  
9 have and whatever.

10 So it really kind of illustrates the  
11 significance of where the Navajo Nation is coming  
12 from. Is -- you know, I know some of you represent  
13 the political Democratic party, some of you  
14 represent the Republican side, and, of course,  
15 there's an Independent representative as well.

16 The Navajo Nation exerts itself as one  
17 entity. And part of the Nation's priorities and  
18 positions is that we believe they we don't separate  
19 us.

20 I think we're in a unique position and an  
21 unadvantageous position that we don't have political  
22 parties because they do divide, as the case in point  
23 as to what happened on TV on C-SPAN and all of the  
24 other networks that you watch, how the vice of  
25 entity of parties are there.

1           And so by doing such would compromise who  
2 we are as a people, how we identify with one  
3 another.

4           And I hope my illustration, you take back  
5 with you as to why -- where we come from. We  
6 don't -- we know we have to play the game of  
7 politics that exists. It's very much alive and  
8 well, but when it comes to representing our people,  
9 not only just for Navajos but also for Native  
10 American people, be it Hopi, be it San Carlos, be it  
11 White Mountain Apache, these people, we have an  
12 understanding with and we don't approach matters  
13 from a political standpoint.

14           We approach them in a genuine humane way  
15 of saying this is who we are and this is how we're  
16 going to profess ourselves. And again, it's not  
17 from that competitive edge.

18           So, you know, when you begin to discuss  
19 matters with Flagstaff, of course, that's a major  
20 significant issue for us with the peaks. From an  
21 Indigenous Navajo standpoint, the peaks is part of  
22 our family. So to divide us is problematic.

23           So I hope this kind of begins to humanize  
24 and kind of give you more of a vantage point as to  
25 where we're coming from and a vantage point of where

1 the Navajo Nation as a government is coming from and  
2 also from myself as well.

3 So thank you very much.

4 CHAIRPERSON MATHIS: Thank you.

5 And do you mind spelling your name for  
6 our court reporter?

7 ERIC DESCHEENIE: First name is Eric,  
8 E-r-i-c, no k. Last name is spelled D, as in dog,  
9 e-s-c-h-e-e-n-i-e.

10 And I am not related to Chris Descheenie.

11 CHAIRPERSON MATHIS: Thank you.

12 Our next speaker is Jarvis Williams,  
13 representing the Kayenta chapter from Navajo County.

14 JARVIS WILLIAMS: Hi. Good afternoon.  
15 Yá'át'ééh.

16 My name is Jarvis Williams. As Eric  
17 mentioned before, I'll introduce myself for my  
18 friends as well. (Speaking in native tongue.)

19 And as I indicated on the paper there, I  
20 am from Kayenta, which is probably just about two  
21 hours from here. Close to the corner of the state.

22 I'm a registered voter with the Kayenta  
23 area in Navajo County. I do vote at all of the  
24 elections, the state and federal and Navajo  
25 elections as well.

1           And I want to say thank you for your  
2 second trip here. It's really neat to see you all  
3 here. We normally see you on TV or read about you  
4 in the paper. So -- and about the squabbles you're  
5 having with the governor and the Attorney General.

6           But we really appreciate you being here  
7 and we appreciate you taking the time to listen to  
8 our concerns in this portion of the state.

9           I wanted to also express my appreciation  
10 for adopting a lot of the plans that our Navajo  
11 group had presented to you all. And I wanted to  
12 really -- I wanted to provide an example of why this  
13 map -- this particular map, as it was adopted, was  
14 real important.

15           There's a bill in Congress right now  
16 that's sponsored by Congressman Gosar which is  
17 related to the San Carlos Apache sacred lands.

18           And if we were all represented in one  
19 area, the congressperson would not -- probably  
20 wouldn't do that because the communities that he  
21 represents, you know, holds those areas very sacred.

22           Just like the Navajo hold the peaks  
23 sacred, the San Carlos Apache hold those areas  
24 sacred.

25           And to have a congressman that -- I think

1 he's our congressman, for him to sponsor a bill that  
2 goes against what we believe I think proves the  
3 point that if we had a congressperson from our  
4 region that was representative of all of the Native  
5 American interests, we wouldn't have that type of  
6 bill sponsored at that level. And it's -- I think  
7 it's important to note that.

8           Only because this is a census are -- come  
9 around every ten years, so the redrawing of the  
10 lines happens every ten years and there's a lot of  
11 actions by the different governments within those  
12 ten years that affect the communities that are in  
13 those areas and the people, especially.

14           And so looking at the redistricting issue  
15 as it relates to Navajo, this is very important  
16 realizing that ten years ago we hadn't -- we had  
17 taken an active interest but the ten years prior to  
18 that, twenty years ago, we weren't really a big  
19 player in it.

20           But given twenty years now, the Navajo  
21 Nation is a very active player in the redistricting  
22 process and we want to make sure that our voice is  
23 heard and that our concerns are relayed to the  
24 people that make the decisions.

25           And so I wanted to take the time today to

1 express my appreciation for your efforts. I think  
2 you guys are all doing a great job. And that you  
3 took the time to come up here and really listen to  
4 our concerns, and I really appreciate that.

5           There are others out there that may not  
6 be comfortable in addressing a body such as yours  
7 and some of them don't speak English very well, but  
8 when you do sit in the small circles with them and  
9 you talk about these issues with them, they have  
10 their own concerns and you always hear those  
11 concerns about having the best chance for a Native  
12 American, be it whichever ones are represented here  
13 to represent our interests at the various levels of  
14 government. And realizing that redistricting is one  
15 of those tools that allows that to happen.

16           You know, they would all most likely say  
17 the same thing, that they would like to see someone  
18 that knows their background, that knows what types  
19 of issues they stand on and to have them voice those  
20 concerns at the very highest levels of government is  
21 something that they really would like to have.

22           So with that, I will, again, just say  
23 thank you for allowing me the time to speak, and I  
24 hope you enjoy your time up here in Window Rock and  
25 touring through Navajo country. And we invite you

1 all back here again.

2 So thank you very much.

3 CHAIRPERSON MATHIS: Thank you very much.

4 Our next speaker is Florina Yazzie, from  
5 McKinley.

6 How about Dawn Yazzie from Fort Defiance.

7 DAWN YAZZIE: Good afternoon.

8 Just short and sweet.

9 My name is Dawn Yazzie, and thank you for  
10 your time in being here.

11 And just really briefly, I do support  
12 both maps, legislative draft map and the  
13 congressional draft map and especially maintaining  
14 the minority-majority voting.

15 That's all of my comments.

16 Thank you.

17 CHAIRPERSON MATHIS: Do you mind spelling  
18 your name for the record?

19 DAWN YAZZIE: Dawn, D-a-w-n, Yazzie,  
20 Y-a-z-z-i-e.

21 CHAIRPERSON MATHIS: Thank you.

22 Our next speaker is Maricelyn Smith, from  
23 Navajo County.

24 MARICELYN SMITH: Hi. My name is  
25 Maricelyn Smith. I am from Keyenta, Arizona, and a

1 registered voter at the Keyenta chapter and in  
2 Navajo County. I vote both Navajo state and federal  
3 elections.

4 My concerns deals with the lack of  
5 information regarding candidates and the issues that  
6 involve the state and federal elections.

7 In prior elections I went to the polls  
8 and voted in state and federal elections and I was  
9 overwhelmed by the number of candidates and  
10 propositions listed in the ballot.

11 I didn't know most of the candidates and  
12 the issues referred by the proposition. I don't  
13 know -- there were so many candidates and I didn't  
14 know who to vote for. I didn't know who and what I  
15 was voting for.

16 And so I would rather know who I'm voting  
17 for and -- especially -- I was especially confused  
18 when reading the proposition language. I didn't  
19 know that I had to vote yes but it turned out I  
20 actually meant no.

21 There's no literature provided to me in  
22 Navajo so that I wouldn't be properly informed about  
23 who I voted and voting for. And that goes for my  
24 grandparents when I would go in there to help them.  
25 And Chris Descheenie is my cousin brother, so when I

1 helped him out, you know, during the times of his  
2 election, a lot of the elders were happy with the  
3 fact that he was native and he did come out and I  
4 think that helped out a lot to where we kind of had  
5 an idea of who he was.

6 So besides the fairs and we all come out  
7 to say hi and everything, but in actuality, we  
8 really don't know them, only from the ones that come  
9 out.

10 And I think a lot of the -- I've noticed  
11 a lot of the elders, when they do come out to say hi  
12 and they put the name with a face, that helps them  
13 out a lot.

14 That's what I want to say.

15 Thank you.

16 CHAIRPERSON MATHIS: Thank you.

17 Do you mind spelling your name for the  
18 record?

19 MARICELYN SMITH: M-a-r-i-c-e-l-y-n, last  
20 name is Smith.

21 CHAIRPERSON MATHIS: Thank you.

22 Our next speaker is Latonia Becenti,  
23 representing self from Apache County.

24 LATONIA BECENTI: Good afternoon.

25 My name is Latonia Becenti. I'm a rural

1 member of the Navajo Nation. I'm also a voter of  
2 the state of Arizona and Apache County.

3 I have reviewed both maps and find it to  
4 be in the best interest of Native American.

5 In reviewing the maps, it's important  
6 that Native Americans like myself have a candidate  
7 in which we want to represent ourselves.

8 So I thank you for the time for having --  
9 holding these hearings and for ensuring that all  
10 members -- all voters have a chance to speak and be  
11 represented.

12 Thank you.

13 CHAIRPERSON MATHIS: And please spell  
14 your name for the record, too.

15 LATONIA BECENTI: My first name is  
16 Latonia, L-a-t-o-n-i-a, Becenti, B, as in boy,  
17 e-c-e-n-t-i.

18 Thank you.

19 CHAIRPERSON MATHIS: Thank you.

20 That was my last request to speak form.  
21 There were a couple that weren't here. Margie  
22 Begay? I don't know if she's here.

23 Okay. And Florina Yazzie.

24 So I think that concludes the testimony  
25 today in Window Rock. And it's always a pleasure to

1 come to Navajo Nation. It's not hard at all. It's  
2 not a sacrifice. It's a treat to come up.

3 And we're really grateful to see all of  
4 the familiar faces that we have seen at many of our  
5 hearings across the state.

6 They have provided a lot of input during  
7 the process and participated greatly. And it's  
8 wonderful to see them as well as to see a lot of new  
9 faces today, too.

10 So thank you all for coming out.

11 And I'll see if my fellow commissioner,  
12 Ms. McNulty, has anything she would like to say.

13 COMMISSIONER MCNULTY: I would like to  
14 thank you for participating in this redistricting  
15 process.

16 Throughout the last number of months,  
17 it's been very helpful to us and very supportive of  
18 the whole process and we appreciate that.

19 It's clear that the folks of the Navajo  
20 Nation understand the importance of redistricting to  
21 participatory democracy. You really do understand  
22 that it's at the heart of it. And that helps not  
23 just the Navajo Nation but the entire state.

24 One of the reasons that I am very  
25 interested in what you and your representatives have

1 to say is that Arizona's strength, in my mind, has  
2 always been it's diversity. We have all kinds of  
3 people here.

4 And the cultural diversity that you bring  
5 to us as a state -- and one of the speakers said  
6 earlier today the cultural vitality are very  
7 important to each of us as citizens.

8 And so I appreciate that very much. I  
9 value that very much, and I thank you for helping us  
10 in this process.

11 CHAIRPERSON MATHIS: Thank you.

12 And I would like to extend our gratitude  
13 to the Navajo Nation Museum for allowing us to be in  
14 this great room today. We appreciate it very much.

15 And, again, thank you all for coming.

16 And that leaves only one item on the  
17 agenda --

18 Okay. My legal counsel has advised that  
19 I tell everyone when our next meetings are, next  
20 couple.

21 We'll be tomorrow in the town of Eagar at  
22 9 a.m. and then in Hon-Dah at 3 p.m. tomorrow  
23 afternoon.

24 And then Tuba City on Monday even- -- no,  
25 Monday morning at 10 a.m. Mountain Daylight Time --

1 Navajo Nation time, and 9 a.m. Mountain Standard  
2 Time.

3 And I'll just read also where these  
4 locations will be.

5 In Eagar, we'll be at the Town Hall  
6 council chambers. Again, that's tomorrow at 9 a.m.

7 In the afternoon, we'll be at the Hon-Dah  
8 Resort Casino at 3 p.m.

9 And then in Tuba City, we'll be at the  
10 Moenkopi Legacy Inn & Suites. And again, that's 10  
11 a.m. Navajo Nation time, 9 a.m. Mountain Stand Time.

12 So please feel free to follow us on the  
13 road and come to another hearing. We enjoy having  
14 as many as we can get, and you're welcome to testify  
15 again.

16 So with that, there's only one other  
17 thing on the agenda, and that's adjournment.

18 And the time is 4:35 p.m. Navajo Nation  
19 time, 3:35 p.m. Mountain Standard Time, and thank  
20 you very much for coming.

21 (The meeting adjourned at 4:35 p.m.  
22 (MDT).)

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I, MICHELLE D. ELAM, Certified Reporter  
No. 50637 for the State of Arizona, do hereby  
certify that the foregoing 125 printed pages  
constitute a full, true, and accurate transcript of  
the proceedings had in the foregoing matter, all  
done to the best of my skill and ability.

WITNESS my hand this 26th day of October,  
2011.

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MICHELLE D. ELAM  
Certified Reporter  
Certificate No. 50637