RESOLUTION OF THE
NAVAJO NATION HUMAN RIGHTS COMMISSION

Recommending the Arizona Independent Redistricting Commission to Amend the Draft
Legislative Districts Plan to Provide for a Robust Native American Majority Minority
District and Continues to Support a Congressional Plan that Provides a Significant Native
American Population

WHEREAS:

1. Pursuant to 2 N.N.C. §§ 920 and 921, the Navajo Nation Human Rights Commission
   (herein referred to as “Commission”) is established in the Legislative Branch as an entity
   of the Navajo Nation government and organized to operate as a clearinghouse entity to
   administratively address discriminatory actions against citizens of the Navajo Nation; and
   to interface with the local, state, federal governments, and with national and international
   human rights organizations in accordance with the Commission’s plan of operation
   (Navajo Nation Council Resolution CJN-15-08) and applicable laws and regulations of the
   Navajo Nation; and

2. By Resolution NABJN-15-21, the Naabik’iyat’i Committee of the Navajo Nation Council
   designated the Commission and its office to take the lead in participating in redistricting
   activities in Arizona, New Mexico and Utah. In November 2000, the people in Arizona
   passed Proposition 106 that amended the constitution of Arizona by replacing the
   legislature with the Arizona Independent Redistricting Commission (“AIRC”) to adopt
   congressional and legislative redistricting plans; and

3. Section 2 of the Voting Rights Act of 1965 (“VRA”) provides that when redistricting
   occurs, minority districts cannot be diluted to where minority communities in the district
   lose their voting strength. In addition, the protected minority populations do not retrogress
   in their voting strength so they lose the opportunity to elect candidates of their choice. In
   Arizona, there are thirty legislative districts from which the senators and representatives
   are elected. Each district is referred to as multi-member districts. The current Legislative
   Districts 7 is the only majority Native American district in Arizona; and

4. The Office of Navajo Nation Human Rights Commission (herein referred to as “Office”)
   and the Commission have submitted proposed legislative and congressional plans to the
   AIRC. In addition, the Office was provided legal consultation by the law firm of Sacks
   Tierney, which also submitted a “white paper” providing a legal analysis on why the AIRC
   needs to consider a negative deviation which exceeds the traditional maximum negative
   deviation of 5%. The redistricting plans submitted by the Navajo Nation did not advance
   to the approved draft maps produced by AIRC and the shape of the district approved by
   the AIRC, referred to as LD 6, does not have a Native American Voting Age Population
   (“NAVAP”) that approximates the current 63%; and

5. As an effort to work with the AIRC, the Office developed an alternative LD 6 redistricting
   plan that accommodates the other interests identified in northern Arizona. In addition to
adjusting the proposed LD 6, the Nation proposed revisions to LD 7 and 19. The Navajo Nation repeatedly requested that AIRC exceed the -5% deviation in order to increase the NAVAP for the only majority Native American legislative district in Arizona. However, the draft legislative plan demonstrates that the AIRC was prepared to under-populate areas of the State that do not have the protections of the Voting Rights Act of 1965 intended to protect Hispanics, Blacks, Asians and Native Americans in Arizona. Instead, the proposed maps include a dominant Non-Hispanic White population with deviations that are nearly -5% and that would clearly allow that majority Non-Hispanic White population to elect candidates of their choice. For example, the AIRC proposed legislative districts for draft legislative districts 19 and 28 are significantly majority Non-Hispanic White and they have -4.23% deviation and -4.95% deviation, respectively; and

6. In December 2011, the AIRC through their legal counsel offered to the Navajo Nation the opportunity to have a deviation that exceeded -5%. However, the Navajo Nation at the time found that 63% NAVAP was sufficient to have Native Americans in Legislative District 7 elect candidates of their choice; and

7. There is justification for the majority-minority Native American legislative district to have a deviation which exceeds -5% in order to bring the NAVAP closer to 63%. Native Americans face special circumstances that require the AIRC to favorably consider adjusting the deviation requirements to strengthen the Native American voter participation and turnout. The special circumstances include the depressed socioeconomic condition, the 2020 census undercount, reduced Native American voter participation, and the COVID-19 pandemic; and

8. With respect to the 2020 Census, while the AIRC is required to use the census numbers, the AIRC can adopt a policy that acknowledges the reality of the undercount by providing for a greater under-population of the majority Native American district. It can do that, while staying within the presumptively valid 10% deviation by limiting overpopulation in other districts by significantly less than +5% or by adopting a policy that allows for greater than 10% specifically articulating the bases for that policy adoption; and

9. In anticipation that the AIRC is unwilling to consider deviations that exceed the -5% deviation, the Navajo Nation provides a plan that stays within the -5% deviation, sacrificing the percentage of NAVAP further below the current 63%; and

10. The Commission is well aware of the comments made by non-indigenous White Arizona citizens that they do not have any commonality with indigenous communities. This is far from reality. Native Americans citizens who reside within their reservation boundaries live in rural community conditions that are similar to non-indigenous White citizens; the indigenous Arizona citizens contribute monetarily to the Non-Hispanic White communities that neighbor the reservations, including but not limited to, contributions to the tax base and to their economic survival. The neighboring cities include, but are not limited to, Winslow, Holbrook, Showlow, Snowflake, Pinetop and St. Johns. In addition, indigenous reservation communities substantially depend on these neighboring rural cities for goods and services.
NOW THEREFORE BE IT RESOLVED THAT:

1. The Navajo Nation Human Rights Commission hereby recommends that the Arizona Independent Redistricting Commission increase deviations for Legislative Districts 19 and 28, reduce deviations for Legislative Districts 11 and 21, and adopt the new Navajo plan that meets the Voting Rights Act of 1965 by reconsidering its proposed Legislative District 6 that at a minimum has a -5% deviation similar to the plan provided for in the attached Exhibit “A” plan.

2. The Navajo Nation Human Rights Commission hereby continues to support and requests the AIRC to adopt the Navajo proposed congressional district plan that includes a significant representation of rural Indian tribes. The congressional redistricting plan is attached hereto as Exhibit “B”.

3. The Navajo Nation Human Rights Commission further hereby directs the Office of Navajo Nation Human Rights Commission to communicate this resolution to the Navajo Nation Council and Office of the President & Vice President.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Human Rights Commission at a duly called meeting via telecommunication, at which a quorum was present and the same was passed by a vote of _4_ in favor and _0_ opposed, this 3rd day of December 2021.

Dr. Jennifer Deneen, Ph.D, Chairperson
Navajo Nation Human Rights Commission
Please approve CD 6 map (#774963)

It represents our communities of interest and the people in this district. Thank you!

Name: Christine Hicks

Address: [redacted]
Please approve CD 6 map (#774963)
It represents our communities of interest and
the people in this district. Thank you!
Name: [Redacted]
Address: [Redacted]

Fair CD6 and CD7 plan
Please approve CD 6 map (#774963)
It represents our communities of interest and
the people in this district. Thank you!

Name: [Signature]
Address: [Redacted]

Fair CD6 and CD7 plan
Please approve CD 6 map (#774963)
It represents our communities of interest and the people in this district. Thank you!
Name: Lora Gutierrez
Address: Bisbee, AZ 85603

Fair CD6 and CD7 plan
Please approve CD 6 map (#774963)

It represents our communities of interest and the people in this district. Thank you!

Name: [Name]

Address: [Address]

Fair CD6 and CD7.plan
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Name: [Redacted]
Address: [Redacted]

Fair CD6 and CD7 plan
Please approve CD 6 map (#774963)

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Name: Steven Chance Smith

Address: [Redacted]

Postal: [Redacted] 85632

Fair CD6 and CD7 plan
Please approve CD 6 map (#774963)
It represents our communities of interest and
the people in this district. Thank you!

Name: LIZBETH HINES
Address: \[REDACTED\]

Fair CD6 and CD7 plan
Please approve CD 6 map (#774953)
It represents our communities of interest and
the people in this district. Thank you!

Name: [Redacted]
Address: [Redacted]

Fair CD6 and CD7 plan
Please approve CD 5 map (#774963)

It represents our communities of interest and the people in this district. Thank you!

Name: [Handwritten]
Address: [Handwritten]

Fair CD6 and CD7 plan
Please approve CD 6 map (#774963)

It represents our communities of interest and the people in this district. Thank you!

Name: William Colberg
Address: [Redacted]

[Map of Arizona showing districts 1 to 9]
Please approve CD 6 map (#774963)

It represents our communities of interest and the people in this district. Thank you!

Name: [Signature]

Address: [Redacted]

Fair CD6 and CD7 plan
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Name: [Redacted]
Address: [Redacted]

Fair CD6 and CD7 plan
Please approve CD 6 map (#774963)
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the people in this district. Thank you!
Name: Donald E. Barnett
Address: Bisbee, AZ 85603
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Name: [REDACTED]
Address: [REDACTED]

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Name: [Redacted]
Address: [Redacted]
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Name: Paul Laverker
Address: Hereford AZ 85615
Please approve CD 6 map (#774963)
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Name: Brenda L. Malarchik
Address: Haachusa City, AZ 85616

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Name: [Redacted]
Address: [Redacted]
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Name: William J. Stein
Address: 

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Name: R Evans
Address: (redacted)

Fair CD6 and CD7.plan
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Name: [Janet A. Evans]
Address: [Redacted] A2-85615

Fair CD6 and CD7 plan
Please approve CD 6 map (#774963)
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the people in this district. Thank you!
Name: Prisha Driggs
Addr: St. David, AZ 85630

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Name: [Redacted]
Address: [Redacted]
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Name: [Signature]
Address: [Redacted]
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Name: Adrian A. Gonzalez
Address:
Sedona, AZ 86330

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Name: [Redacted]
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Name: [Redacted]
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Name: David [redacted]

Address: [redacted]

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the people in this district. Thank you!

Name: 
Address: 

Sierra Vista, AZ 85650

Fair CD6 and CD7 plan
Please approve CD 6 map (#774963)
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Name: Carol J. Taylor
Address: Herford 43 85615

Fair CD6 and CD7.plan
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Name: Nancy James
Address: [redacted]
Signature: [redacted]

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Name: Louis C. Gaspar
Address: Hereford, AZ 85615

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Name: [Redacted]
Address: [Redacted]

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Name: [REDACTED]
Address: [REDACTED]

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Name: Cindy M. Brown
Address: [Redacted]

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Name: [Redacted]

Address: [Redacted]

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Name: Leslie A. [redacted]
Address: [redacted]

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the people in this district. Thank you!

Name: Delane McDougan
Address: Benson AZ 85602

Fair CD6 and CD7.plan