

Contact: Karen Francis, Public Information Officer
Navajo Nation Council Office of the Speaker
(928) 871-7160
karenfrancis@navajo.org
www.navajonationcouncil.org

FOR IMMEDIATE RELEASE
DATE: Friday, January 06, 2006

NAVAJO NATION RESPONDS TO ARIZONA SUPREME COURT DECISION

On Wednesday, January 4, 2006, the Arizona Supreme Court declined to consider the multiple appeals of the October 18, 2005 decision by Division One of the Arizona Court of Appeals. The Navajo Nation was among those requesting review of the Court of Appeals decision. The denial of review leaves the electorate of the Navajo Nation in two separate congressional districts for the next three congressional elections. While most of the Nation's voters are in Congressional District 1, some voters are in Congressional District 2 which includes most of western Arizona. It is the only Arizona Indian tribe whose electorate is required to vote in two separate districts. This portion of the Navajo Nation is connected to Congressional District 2 through a 103-mile narrow corridor that connects to western Arizona through the Grand Canyon.

“The Navajo Nation is disappointed that the highest court in the State of Arizona, the Arizona Supreme Court, has refused the opportunity to review the constitutional redistricting provisions implemented by Proposition 106,” Speaker of the Navajo Nation Council Lawrence T. Morgan said.

Proposition 106 approved in 2000, provides new constitutional criteria by which congressional and legislative districts must be drawn following the decennial census. Pursuant to Proposition 106, a five-member commission, rather than the state legislature is charged with drawing congressional and legislative districts.

“The information disseminated in support of Proposition 106 advised that adoption of Proposition 106 would have the effect of removing politics from the redistricting process,” the speaker said. “Unfortunately, this served to be untrue as the trial court supported the Arizona Independent Redistricting Commission's decision to exclude forty-two Navajo voters from Congressional District 1. The trial court found that the Commission could use a political reason to divide the Nation's community of interest, divide census tracts, and create noncompact and noncontiguous districts in drawing the congressional districts.”

In affirming the trial court, the Arizona Court of Appeals held that the 103-mile serpentine corridor that connects to western Arizona through the unnavigable Colorado River was compact and contiguous to the extent practicable to satisfy the Commission's political reasons for utilizing such a carve-out. In so finding, neither the Court nor the Commission respected the Navajo Nation voters' community of interest.

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