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**FEDERAL COURT FINDS UTAH SAN JUAN COUNTY
COMMISSION DISTRICTS UNCONSTITUTIONAL**

WINDOW ROCK, NAVAJO NATION — On February 19, 2016 the United States District Court for the Central Division of Utah issued an Order finding the Commission Districts of San Juan County unconstitutional because the three single-member election districts were drawn based on racial considerations in violation of the Equal Protection Clause, and the County lacked a compelling governmental interest in making those decisions.

The County's current Commission districts were created in 1984 in response to litigation by the U.S. Department of Justice challenging the County's denial of an equal opportunity for Native Americans to participate in the County's political process.

The County placed 3/5ths of its total Native American population in District Three, and left District One and Two with a White majority. So even though Native Americans make up over half of the County's population, only District Three has ever elected a Native American Commissioner. These three single-member districts remained unaltered for over 25 years until the County modified District One and Two in 2011 but intentionally left District Three untouched.

The Navajo Nation challenged this redistricting in federal court on the basis that the election districts were drawn based on an unlawful racial classification, which resulted in Native Americans being again denied an equal opportunity to participate in the County's political process. The Nation's evidence included admissions by County officials that District Three was intentionally created by the Commission to have a heavy concentration of Native Americans.

The County argued that maintaining the lines of District Three was necessary to comply with the USDOJ Consent Decree.

The District Court disagreed and additionally found that District Three was drawn based on impermissible racial considerations. As noted in the opinion, "Keeping an election district in place for decades without regular reconsideration is unusual in any context. But when the asserted justification for this inertia is a racial classification, it offends basic democratic principles." The District Court thus ordered the County to redraw the Commission District boundary lines.

Navajo Nation Attorney General Ethel Branch noted that "The leadership of Leonard Gorman and the Navajo Nation Human Rights Commission was critical in initiating and pursuing this claim to ensure the fair and equal treatment of the Navajo residents of San Juan County. Their work should be commended."

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