

**STATE OF NEW MEXICO  
COUNTY OF SANTA FE  
FIRST JUDICIAL DISTRICT COURT**

BRIAN F. EGOLF, JR, HAKIM BELLAMY,  
MEL HOLGUIN, MAURILIO CASTRO,  
and ROXANNE SPRUCE BLY,

Plaintiffs,

**NO. D-101-CV-2011-02942**

v.

DIANNA J. DURAN, in her official capacity as  
New Mexico Secretary of State, SUSANA  
MARTINEZ, in her official capacity as New  
Mexico Governor, JOHN A. SANCHEZ, in his  
official capacity as New Mexico Lieutenant  
Governor and presiding officer of the New Mexico  
Senate, TIMOTHY Z. JENNINGS, in his official  
capacity as President Pro-Tempore of the New  
Mexico Senate, and BEN LUJAN, SR., in his  
official capacity as Speaker of the New Mexico  
House of Representatives,

CONSOLIDATED WITH  
**D-101-CV-2011-02944**  
**D-101-CV-2011-02945**  
**D-101-CV-2011-03016**  
**D-101-CV-2011-03099**  
**D-101-CV-2011-03107**  
**D-202-CV-2011-09600**  
**D-506-CV-2011-00913**

Defendants.

**MULTI-TRIBAL PLAINTIFFS'<sup>1</sup> COMMENTS TO JUDGE HALL'S  
PRELIMINARY REDISTRICTING PLANS FOR THE STATE HOUSE OF  
REPRESENTATIVES ON REMAND**

The Multi-Tribal Plaintiffs have reviewed the two preliminary redistricting plans proposed by Judge Hall upon remand and offer the following comments, as provided in the Court's Order

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<sup>1</sup>These comments are respectfully submitted, through their undersigned counsel, by the Pueblo of Laguna, Pueblo of Acoma, Jicarilla Apache Nation, Pueblo of Zuni, Pueblo of Santa Ana, Pueblo of Isleta, Governor Richard Luarkie, Lt. Governor Harry A. Antonio, Jr., Lt. Governor David F. Garcia, President Levi Pesata, and Leon Reval, who are the named plaintiffs in Case No. D-0101-CV-2011-03016 of these consolidated cases. These plaintiffs will be referred to collectively herein as the "Multi-Tribal Plaintiffs" for convenience.

Establishing Deadlines on Remand From the New Mexico Supreme Court, Feb. 13, 2012.

The Multi-Tribal Plaintiffs take no position regarding partisan impact or performance of either option proposed by the Court. In addition, the comments of the Multi-Tribal Plaintiffs are limited to the areas that are included in the Multi-Tribal/Navajo Nation partial plan and districts encompassing the Pueblos of Ohkay Owingeh, San Ildefonso, Pojoaque, and Nambe. Santa Clara Pueblo remains in District 41 in both options.

The Multi-Tribal Plaintiffs prefer to avoid a pairing of Representative Salazar for the benefit of his constituents in Ohkay Owingeh. *See, Maestas v. Martinez*, No. 33,386 [consolidated with No. 33,387], slip op. at 27 (NM S. Ct. Feb. 21, 2012) (“[I]ncumbency protection cannot be justified if it is simply for the benefit of the officeholder and not in the interests of the constituents.”) (citation omitted). Governor Lovato of Ohkay Owingeh testified about the strong relationship between the Pueblo and Representative Salazar and his responsiveness to the issues facing the Pueblo. Test. of Lovato, Trial Tr. 222:23-226:18 Dec. 20, 2011. Mr. Conroy Chino, as Chair of the All Indian Pueblo Legislative Committee, testified about the important role that Representative Salazar plays in supporting tribal issues in the Legislature. Test. of Chino, Trial Tr. 155:20-156:6 Dec. 19, 2011.

To the extent that a pairing of Representative Salazar is necessary, the Multi-Tribal Plaintiffs strongly prefer the option that pairs incumbent Representatives Salazar and Garcia, and which keeps Ohkay Owingeh in District 40, which is Option 1. Governor Lovato testified that Ohkay Owingeh’s concern is to preserve, as much as possible, the core of current District 40, which includes the area

in and around northern Espanola. Test. of Lovato, Trial Tr. 227:18-21; 229:19-25 Dec. 20, 2011.

Option 1 preserves more of the core of current District 40 than Option 2.

Under Option 1, the Pueblos of Tesuque, San Ildefonso, Pojoaque, and Nambe remain in District 46. Option 1 moves fewer tribes from their current districts and comes closest to the plan that the Native American Redistricting Workgroup helped develop and endorsed during the Special Legislative Session for redistricting.

During the House redistricting trial, the Multi-Tribal Plaintiffs established that respect for tribal self-determination and the preservation of tribal communities of interest, among others, were important guiding principles that should be followed in the redistricting process. *See* Findings of Fact and Conclusions of Law (NM House of Representatives Trial), Findings 48 and 60, Jan. 3, 2012. The New Mexico Supreme Court opinion acknowledged Findings 42 through 60 supported the adoption of the Multi-Tribal/Navajo Nation Partial Plan, and were not challenged on appeal. Slip op. at 12-13. The Multi-Tribal Plaintiffs', therefore, believe that it is important to consider the preferences of the affected Pueblos regarding the options proposed by Judge Hall.

During the House Trial, several witnesses testified about the preferences of the affected Pueblos regarding their placement in the various House districts. Mr. Alvin Warren, who is the former state Secretary of Indian Affairs, testified that after careful consideration Santa Clara Pueblo decided that it was in the Pueblo's best interest to remain in District 41, even if it is the sole Pueblo in that district, in order to increase the number of legislators focused on tribal issues. Test. of Warren,

Trial Tr. 86:21-87:18; 93:11-94:18 Dec. 19, 2011. Mr. Warren also testified that it is important not to disrupt the relationships that the various tribes have developed within their current districts. *Id.* at 94:9-18. Mr. Conroy Chino also emphasized the role of the relationships that the Pueblos in current Districts 40, 41 and 46 have developed and the impact of those relationships when tribal issues arise in the Legislature. Test. of Chino, Trial Tr. 155: 20-156:6 Dec. 19, 2011. Option 1 provides more districts whose Representative will need to focus on tribal issues, thereby helping to increase the tribes' voice in the Legislature.

Mr. Charles Dorame, who is the Vice President of the All Indian Pueblo Council and the Governmental Affairs Liaison for Tesuque Pueblo, testified that Tesuque Pueblo is currently, and prefers to remain, undivided in District 46. Test. of Dorame, Trial Tr. 117:10-12; 118:13-119:2 Dec. 19, 2011. Mr. Dorame also testified that he was authorized by San Ildefonso Pueblo to inform the Court of San Ildefonso's preference. *Id.* at 127:3-6. He testified that San Ildefonso preferred to remain undivided in District 46. *Id.* at 127:7-17.

Based on this evidence, the Multi-Tribal Plaintiffs believe that it is important to maintain, as much as possible, the core of current districts and the relationships that the various Pueblos have developed within their current districts. The Multi-Tribal Plaintiffs believe that, of the two options presented, Option 1 comes closest to achieving their goals.

Counsel for the Multi-Tribal Plaintiffs understands that the Court does not want to consider evidence that is not in the trial record. However, counsel wants to assure the Court that she has

confirmed the Multi-Tribal Plaintiffs' and impacted Pueblos' preference for Option 1. In addition, the witnesses have reconfirmed their testimony remains applicable to their preference for Option 1.

Finally, the Multi-Tribal Plaintiffs appreciate and support the Court's inclusion of the Multi-Tribal/Navajo Plan in both options.

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## CERTIFICATE OF SERVICE

I hereby certify that on February 23, 2012, a true and correct copy of the foregoing **MULTI-TRIBAL PLAINTIFFS' COMMENTS TO JUDGE HALL'S PRELIMINARY REDISTRICTING PLANS FOR THE STATE HOUSE OF REPRESENTATIVES ON REMAND** was electronically mailed and electronically filed and served through the court's e-filing system to the Honorable James A. Hall and the counsel listed below.

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