

# **EXHIBIT A**

Page 1

IN THE UNITED STATES DISTRICT COURT  
IN AND FOR THE DISTRICT OF ARIZONA

MARIA M. GONZALEZ, et al., )

Plaintiffs, )

vs. )

STATE OF ARIZONA, et al., )

Defendants. )

No. CV 06-1268-PHX-ROS

(LEAD)

CV 06-1362-PHX-ROS

CV 06-1575-PHX-ROS

(Consolidated)

DEPOSITION OF AGNES LAUGHTER

Scottsdale, Arizona

October 19, 2006

10:09 a.m.

REPORTED BY:

PAMELA A. GRIFFIN, RPR

Certified Reporter

Certificate No. 50010

PREPARED FOR:

CONDENSED/ASCII

(Copy)

NN 000747

1 INDEX

2 WITNESS Page

3 AGNES LAUGHTER

4 Examination By Mr. Cohen 8

5 Examination By Ms. Brennan 22

6 Further Examination By Mr. Cohen 26

7

8

9

10

11

12 EXHIBITS

13 Deposition

Exhibits: Description Page

14

15 No. 144 Chilchibeto Chapter General Map 11  
(1 page)

16

17 No. 145 Provisional Ballot (1 page) 18

18

19 No. 146 Provisional Ballot, Conditional 19  
(1 page)

20

21

22

23

24

25

1 ALSO PRESENT: (Continued)

2 Mr. James Laughter

3 Mr. Bellamy Begay

4 Ms. Leila Help-Tulley

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1 DEPOSITION OF AGNES LAUGHTER was taken on

2 October 19, 2006, commencing at 10:09 a.m. at the law

3 offices of Sacks Tierney, 4250 North Drinkwater Boulevard,

4 Fourth Floor, Scottsdale, Arizona, before PAMELA A.

5 GRIFFIN, a Certified Reporter in the State of Arizona.

6

7 COUNSEL APPEARING:

8

9 For the Plaintiffs Navajo Nation and Agnes Laughter:

10

11 SACKS TIERNEY

12 By: Mr. Marvin S. Cohen

13 Ms. Patricia Ferguson-Bohnee

14 4250 North Drinkwater Boulevard

15 Fourth Floor

16 Scottsdale, Arizona 85251-3693

17 For the Plaintiffs The Inter-Tribal Council

18 of Arizona, Inc.:

19

20 STEPTOE & JOHNSON

21 By: Ms. Karen J. Hartman-Tellez

22 (Telephonic)

23 201 East Washington Street

24 Suite 1600

25 Phoenix, Arizona 85004-2382

OFFICE OF THE ATTORNEY GENERAL

STATE OF ARIZONA

By: Ms. Carrie J. Brennan

Mr. Peter A. Silverman

1275 West Washington Street

Phoenix, Arizona 85007-2997

ALSO PRESENT:

Mr. Craig Onuschak

Legal Video Specialists

Video Technician

1 THE VIDEO TECHNICIAN: This is the

2 videotaped deposition of Agnes Laughter taken by the

3 plaintiffs in Cause No. CV 06-1268, CV 06-1362, and

4 CV 06-1575-PHX-ROS, styled Maria M. Gonzalez, et al.,

5 versus State of Arizona, et al., filed in United States

6 District Court, District of Arizona.

7 Today is October 19th, 2006, at 10:09 a.m.

8 Our location is 4252 North Drinkwater

9 Boulevard, Scottsdale, Arizona.

10 Pam Griffin is the shorthand reporter with

11 Griffin & Associates, 3030 North Central Avenue, Phoenix,

12 Arizona.

13 And Craig Onuschak is the certified legal

14 video specialist with Legal Video Specialists, 1850 North

15 Central Avenue, Phoenix, Arizona.

16 Counsel may state their name, firm, and whom

17 they represent, beginning with plaintiff's counsel,

18 please.

19 MR. COHEN: It's Marvin Cohen with the firm

20 of Sacks Tierney, representing the plaintiffs Navajo

21 Nation and Agnes Laughter. With me is Patty Ferguson,

22 co-counsel, from the same firm.

23 MS. BRENNAN: Carrie Brennan of the Attorney

24 General's Office representing the State defendants, along

25 with Peter Silverman of the Attorney General's Office.

NN 000748

Page 6

1 THE VIDEO TECHNICIAN: You may swear the  
2 witness.

3  
4 ALFRED YAZZIE  
5 was sworn as interpreter to translate from Navajo into  
6 English and from English into Navajo the examination and  
7 testimony of the witness.

8  
9 AGNES LAUGHTER  
10 called as a witness herein, having been sworn, testified  
11 through the interpreter as follows:

12 (All the statements of the witness are  
13 through the interpreter unless so  
14 indicated.)

15 MR. COHEN: I think for the record -- Karen,  
16 do you want to go on the record?

17 MS. HARTMAN-TELLEZ: Sure. This is -- by  
18 telephone is Karen Hartman-Tellez representing the  
19 Inter-Tribal Council plaintiffs.

20 MR. COHEN: And -- okay. And can we put on  
21 record the other people who are in the room, the names?

22 James Laughter is Agnes Laughter's husband,  
23 and Bellamy Begay is Agnes Laughter's grandson.

24 And Leila Help-Tulley is representing the  
25 Navajo Nation, plaintiff.

Page 7

1 MS. BRENNAN: Marv, I'm sorry to interrupt,  
2 but I think we're going to have a problem with Leila in  
3 the room.

4 MR. COHEN: She's not representing the  
5 Navajo Nation as a plaintiff.

6 MS. BRENNAN: I understand that, but she's a  
7 witness in this -- you know, she's given an affidavit in  
8 this matter, and I think it's highly likely that we are  
9 going to depose her at some point and, therefore, I'd --  
10 I'd rather she wasn't in the room.

11 MR. COHEN: She's entitled to be here. The  
12 Navajo Nation is entitled to be here. Her presence  
13 doesn't make any difference as to whether she'll be a  
14 witness or not. Parties are often witnesses.

15 MS. BRENNAN: Okay. So is she now the  
16 designated representative of the Navajo Nation?

17 MR. COHEN: She is here today, and she will  
18 remain.

19 MS. BRENNAN: And so at some point, you  
20 know, we may have other representatives cycling through?  
21 Is that what you're saying?

22 MR. COHEN: Depending on their availability.

23 MS. BRENNAN: Okay.

24 MR. COHEN: Mr. Yazzie, you are the  
25 interpreter here for this deposition; is that correct?

Page 8

1 MR. YAZZIE: Yes, it is.

2 MR. COHEN: Could you please state for the  
3 record your qualifications as an interpreter of Navajo  
4 language into English.

5 MR. YAZZIE: I am currently certified for  
6 the State of Arizona and New Mexico to be a court  
7 interpreter.

8 I have taught Navajo language as a course at  
9 Arizona State University for a period of nine years.

10 I have been interpreting for the courts, the  
11 federal, the state, and other counties here in the State  
12 of Arizona for approximately 10 years.

13 MR. COHEN: And I assume you've acted as an  
14 interpreter from Navajo into English and English to Navajo  
15 in a number of court trials?

16 MR. YAZZIE: Yes.

17 MR. COHEN: And in depositions?

18 MR. YAZZIE: Yes.

19 MR. COHEN: Okay. We'll begin the  
20 deposition, then.

EXAMINATION

23 BY MR. COHEN:

24 Q. State your name, please.

25 A. Agnes. My name is Agnes. Agnes Laughter.

Page 9

1 Q. And, Ms. Laughter, where were you born?

2 A. In Chilchinbeto.

3 Q. And in -- in -- in what structure? In what  
4 building? What type of building were you born?

5 A. In a -- in a female hogan.

6 Q. And how old are you, Ms. Laughter?

7 A. 74.

8 Q. And what was your name at birth when you were  
9 born?

10 A. Back then it was Jane Begay.

11 Q. And how did your first name change from Jane to  
12 Agnes?

13 A. After I got together -- after I got together with  
14 my husband, one of my aunts told me that my name would be  
15 Agnes, and after that it was Agnes Laughter.

16 Q. And when did you and Mr. Laughter get married?  
17 How long ago?

18 A. We got together at 14, when I was 14.

19 Q. And where were you married? Where? Where? In  
20 what place were you married?

21 A. At home in Chilchinbeto.

22 Q. And was that in a hogan, also?

23 A. Yes, in a female hogan.

24 Q. And have you lived in Chilchin- -- near  
25 Chilchinbeto all your life?

NN 000749

1 A. Yes. I've -- I've lived there. I have not moved  
 2 anywhere else.  
 3 Q. And when you were first married and for the early  
 4 part of your marriage, did you and your husband live in a  
 5 hogan?  
 6 A. Yes. We did live in a female hogan.  
 7 Q. And then when did you move from a hogan to a  
 8 house?  
 9 A. It was a while back. The man that I'm with built  
 10 it.  
 11 Q. So your husband, Mr. Laughter, built the house  
 12 for you, and you now live in that house; is that right?  
 13 A. Yes. He's the one that made it, and we live  
 14 there.  
 15 Q. Uh-huh. Ms. Laughter, have you ever gone to  
 16 school?  
 17 A. No. I didn't go to school.  
 18 MR. COHEN: Mark this as -- how do we want  
 19 to mark exhibits? We have all these different numbers.  
 20 MR. SILVERMAN: Maybe just Exhibit 1.  
 21 MS. BRENNAN: Well, I was going to say, I --  
 22 you know, we're going to be taking more depositions, and  
 23 it looks like we will be.  
 24 MR. COHEN: We might.  
 25 MS. BRENNAN: We might.

1 Q. It shows to the right side?  
 2 A. To the right side of Chilchinbeto.  
 3 Q. And how many miles from Chilchinbeto to your  
 4 house?  
 5 A. From Chilchinbeto to my house is 5 miles.  
 6 Q. And is your house located off of Highway 59?  
 7 A. Yes.  
 8 Q. And how do -- how do you get from Highway 59 to  
 9 your house?  
 10 A. The road to my house, I believe it's about 3  
 11 miles to my house.  
 12 Q. And when it rains, can you use that dirt road to  
 13 go from your house to the highway?  
 14 A. There is no route to the highway when it -- when  
 15 it rains, because the water run throughs it, and there's  
 16 no vehicles that can get through there.  
 17 Q. Is there a -- a wash or an arroyo that blocks the  
 18 traffic going -- that blocks the car going from your house  
 19 to the highway?  
 20 A. There is a big arroyo.  
 21 Q. Uh-huh. Do you have electricity at your house?  
 22 A. No. No, there is not.  
 23 Q. What do you use for -- what fuel do you use for  
 24 cooking?  
 25 A. Usually I would chop wood and use that to build a

1 I -- is this the first depo? Okay.  
 2 MR. COHEN: In our case.  
 3 MS. BRENNAN: In -- in this case.  
 4 MR. COHEN: Although there were other  
 5 depositions in the other cases before we were  
 6 consolidated, yeah.  
 7 MS. BRENNAN: What do you think?  
 8 MR. COHEN: I think it might be simpler if  
 9 we use the numbers that we've been using for exhibits in  
 10 the trial and start with -- our latest one was 143, I  
 11 believe.  
 12 MS. FERGUSON: Uh-huh.  
 13 MR. COHEN: So we can start with 144.  
 14 MS. BRENNAN: Yeah, I agree.  
 15 MR. COHEN: Is that agreeable?  
 16 MS. BRENNAN: Uh-huh.  
 17 MS. FERGUSON: Yeah.  
 18 (Deposition Exhibit No. 144 marked for  
 19 identification.)  
 20 BY MR. COHEN:  
 21 Q. Ms. Laughter, we have a map of Chilchin- --  
 22 Chilchinbeto in Kayenta, which is Exhibit 144.  
 23 Could you describe where your house is in  
 24 relation to Chilchinbeto. Chilchinbeto.  
 25 A. To this side.

1 fire to cook on, and we also have a little barrel that is  
 2 attached to another stove that we turn on to cook on.  
 3 Q. And what fuel do you use for heating the house?  
 4 A. Just by building a fire. That's what keeps it  
 5 warm.  
 6 Q. Where do you receive your mail, Ms. Laughter?  
 7 A. In Kayenta.  
 8 Q. And how often do you go to Kayenta to get your  
 9 mail?  
 10 A. It takes a while. Like I mentioned before, when  
 11 the water is going through, it's not very -- so it's not  
 12 very often, and we have an older vehicle, and so it's only  
 13 mainly used around where we live.  
 14 Q. Do you go to Kayenta to get your mail every day?  
 15 A. No. No, not every day.  
 16 Q. Would -- would you say, Ms. Laughter, that it was  
 17 once a week or once every two weeks or once every three  
 18 weeks? Could you give us some idea of how often you get  
 19 your mail?  
 20 A. Yes. Two, three weeks. Maybe four weeks,  
 21 depending on if there's mud.  
 22 Q. Have you made any efforts to get identification,  
 23 an identification card, Ms. Laughter?  
 24 A. Yes.  
 25 Q. And what -- what have you done?

1 A. I went with my daughter to Page.  
 2 Q. At -- did you get identification then at Page?  
 3 A. No. Because they asked me for a birth  
 4 certificate, and I don't know anything about that.  
 5 Q. Okay. Did you go anywhere else besides Page to  
 6 try to get identification?  
 7 A. No. Then I went to Tuba City, and the same thing  
 8 happened again.  
 9 Q. So did you -- did you get identification at -- at  
 10 Tuba City?  
 11 A. No. But later I went to Chinle. There, they  
 12 gave me a paper as a form of identification, but nothing  
 13 to indicate -- with a picture on it, that -- to indicate  
 14 that it was me.  
 15 Q. Uh-huh. Ms. Laughter, where do you vote when  
 16 there's an election?  
 17 A. That is in Chilchibeto. That's where I would  
 18 usually vote.  
 19 Q. And do you -- can you remember when you first  
 20 started to vote in state elections?  
 21 A. I believe it was back during the time when Nakai  
 22 was the chairman or Bilison. That was back then when I  
 23 started to vote. Usually it was like this with my  
 24 thumbprint. That's how I voted.  
 25 Q. And do you vote or have you voted in every state

1 election since those days when Chairman Nakai was the  
 2 chairman of the tribe, of the nation?  
 3 A. Yes.  
 4 Q. And in those elections that you voted at before  
 5 this year, you were always allowed to cast your ballot and  
 6 prove your identity with your thumbprint; is that correct?  
 7 A. Yes. I used that to vote.  
 8 Q. And at the polls when you voted before this year,  
 9 did you receive help from a translator or interpreter with  
 10 a ballot?  
 11 A. Yes. There was one that helped me. That's how I  
 12 voted.  
 13 Q. Ms. Laughter, do you speak or read any English?  
 14 A. No. I didn't go to school.  
 15 Q. Uh-huh.  
 16 A. If I had gone to school, I would have known it  
 17 all.  
 18 THE INTERPRETER: I didn't catch that.  
 19 Sorry.  
 20 BY MR. COHEN:  
 21 Q. Do you want to repeat what she said?  
 22 A. If I would have gone to school, I would be  
 23 sitting among you guys reading the same thing that you  
 24 are.  
 25 Q. Ms. Laughter, I assume you and your husband go to

1 vote together usually; is that correct?  
 2 A. Yes. I go with him.  
 3 Q. And would you describe what you have to do, what  
 4 arrangements you have to make at your house in order to go  
 5 to vote on -- on the voting day?  
 6 A. We have sheep that we take care of, so we have to  
 7 give them hay. We have a calf that doesn't have a mother,  
 8 so we have to give him hay, also.  
 9 Q. Do you have to put the sheep and the calf in a  
 10 corral while you're gone?  
 11 A. Yes, that's correct.  
 12 Q. Uh-huh.  
 13 Now, I'm going to ask you questions about  
 14 what happened at the primary election last month in  
 15 Chilchibeto.  
 16 Did you and your husband go to the polls  
 17 that day?  
 18 A. Yes.  
 19 Q. And was Leila Help-Tulley with you? Did she  
 20 provide transportation for you?  
 21 A. Yes.  
 22 MS. BRENNAN: Object to the form. I'm  
 23 sorry. Belatedly. There were kind of two questions  
 24 there. I mean, did she -- was she with you? Did she  
 25 provide transportation? I don't know which the yes is to.

1 MR. COHEN: Okay. I'll rephrase.  
 2 BY MR. COHEN:  
 3 Q. Ms. Laughter, did Leila Help-Tulley provide  
 4 transportation for you and your husband to the polls?  
 5 A. Yes. She drove us there.  
 6 Q. Uh-huh. Now, before you went into the polling  
 7 place, what happened outside?  
 8 A. When we were walking in, two people came up, and  
 9 they asked us what are we going in for? And I told them  
 10 to vote.  
 11 And then they said, "Do you have an ID."  
 12 And I said, "No. It was just my thumbprint.  
 13 That is how I vote, because I don't know my name."  
 14 Q. Did those two people speak to you in English or  
 15 in Navajo?  
 16 A. In Navajo. While we were standing there, one of  
 17 them said, let -- let me see what they say inside and  
 18 went -- he went inside.  
 19 THE INTERPRETER: I'm sorry. No gender  
 20 marker. The person went inside.  
 21 BY MR. COHEN:  
 22 Q. And when the person came out again, what  
 23 happened?  
 24 A. And when the person came back out, we were told  
 25 to come walk inside.

1 Q. Okay. When you walked inside, did you stop at  
 2 the first table and talk to someone?  
 3 A. When I walked in, I saw the person I knew as my  
 4 younger sister. Her name is Mary Yazzie, and she said,  
 5 "What are you here for?"  
 6 And I said, "I came to vote."  
 7 And she said, "Well, we'll have somebody  
 8 look for your name."  
 9 So I went -- she gave me a paper. I went to  
 10 the next -- next person. She produced a white paper and  
 11 told -- and said, "Here's your name and put your  
 12 thumbprint here."  
 13 And I did that, and she gave me another  
 14 piece of paper and told me to take it to the next person.  
 15 Q. Was there a registration roll with your name on  
 16 it?  
 17 A. Yes.  
 18 Q. And did you put your thumbprint on the  
 19 registration roll?  
 20 (Question not interpreted.)  
 21 A. They told me my -- that this is where your name  
 22 is -- is marked, so that's where I -- I touched it.  
 23 MR. COHEN: Okay. Next exhibit.  
 24 (Deposition Exhibit No. 145 marked for  
 25 identification.)

1 Is that your thumbprint on that exhibit?  
 2 A. Yes. It looks like it. It looks big, but it  
 3 looks about the same one, yes.  
 4 Q. Ms. Laughter, when you put your thumbprint on,  
 5 was there any -- was the writing, the handwriting, on here  
 6 or was this in blank?  
 7 A. No. There was no writing on it. But usually  
 8 if -- if somebody's helping me, they usually say that,  
 9 okay, this is where you punch holes or mark for that's how  
 10 I know I voted.  
 11 Q. Did you receive a ballot to vote while you were  
 12 there?  
 13 A. No.  
 14 Q. Did anyone tell you -- translate this Exhibit 146  
 15 for you, or tell you what it said?  
 16 A. No, it was not explained to me.  
 17 Q. Did anyone show you a ballot and tell you what  
 18 the ballot said, what -- who the candidates were and how  
 19 to vote?  
 20 A. No. No.  
 21 Q. After you put your thumbprint on Exhibit 146,  
 22 what did they tell you to do?  
 23 A. Like that's what I was talking, telling you  
 24 about. They told me to come back in three days with --  
 25 with a form with a picture on it.

1 BY MR. COHEN:  
 2 Q. Show you Exhibit No. 145.  
 3 Is that the paper that they gave you to take  
 4 to the next table?  
 5 A. Yes.  
 6 Q. Okay. Now, at the next table, did anyone ever  
 7 ask you for your identification, Ms. Laughter?  
 8 A. Yes. They asked me for a picture ID, and I told  
 9 them I don't have one. So they told me that I -- I should  
 10 go to Kayenta to the Indian hospital there, and they would  
 11 be able to help me, and to come back in three days.  
 12 But I had no -- no transportation. We also  
 13 have no gas, also. Those are the reasons -- those are the  
 14 reasons that I couldn't go, plus I don't drive.  
 15 Q. When you took the yellow piece of paper to the  
 16 desk, did they -- did someone ask you to put your  
 17 thumbprint on another form, another piece of paper?  
 18 A. Yes. I did touch one, and they said something  
 19 about that it was for voting, and I had nobody to  
 20 translate for me, so I don't know. I don't know. I guess  
 21 they filled it out.  
 22 (Deposition Exhibit No. 146 marked for  
 23 identification.)  
 24 BY MR. COHEN:  
 25 Q. I show you Exhibit 146.

1 Q. And were they speaking to you in Navajo?  
 2 A. No. They just told me to go ahead and leave now.  
 3 Q. But were they speaking English or speaking Navajo  
 4 to you?  
 5 A. Yes.  
 6 Q. Yes, Navajo, or, yes, English?  
 7 (Question not interpreted.)  
 8 A. Yes, Navajo.  
 9 Q. Okay. Did you return with identification after  
 10 you were at the polling place within the next three days?  
 11 A. No. I did not return with any.  
 12 Q. Do you remember, Ms. Laughter, anything else that  
 13 you told the people at the polling place that day?  
 14 A. No. I didn't say anything. I -- I said, "I -- I  
 15 don't have any gas, so I have no way to go over there."  
 16 MR. COHEN: I think that's all the questions  
 17 I have.  
 18 MS. BRENNAN: Okay. Ms. Laughter, do you  
 19 need a break before we go on?  
 20 THE WITNESS: Yes.  
 21 MS. BRENNAN: Okay. We'll take a few  
 22 minutes.  
 23 MR. COHEN: Yes. Let's take 10 minutes.  
 24 THE VIDEO TECHNICIAN: The time is 10:54  
 25 a.m. We're now going off record.

1 (Recess taken, 10:54 - 11:04.)  
 2 THE VIDEO TECHNICIAN: The time is 10:04 --  
 3 I'm sorry -- 11:04 a.m. We're now back on record.  
 4  
 5 EXAMINATION  
 6 BY MS. BRENNAN:  
 7 Q. Ms. Laughter, how many miles is it from your  
 8 house to Kayenta?  
 9 A. 300. 3-, 300.  
 10 Q. All right. Let me ask you this: How long does  
 11 it take you to go from your house to Kayenta?  
 12 A. It takes a while. About an hour.  
 13 Q. About an hour? And -- and how do you go?  
 14 A. We go out to the highway and then we go this way.  
 15 Q. Highway 59?  
 16 A. Yes.  
 17 Q. Do you go by car?  
 18 A. No. In a truck.  
 19 Q. Truck. And is that the truck you were speaking  
 20 about earlier, the older vehicle?  
 21 A. Yes. Yes. That's the only one.  
 22 Q. And does your husband drive?  
 23 A. Yes.  
 24 Q. You mentioned that Leila Help-Tulley drove you to  
 25 the polls on September 12th, 2006; correct?

1 before?  
 2 A. Yes.  
 3 Q. Ms. Laughter, did you receive a sample ballot in  
 4 the mail before the September 12th, 2006, election?  
 5 A. I don't know. I don't know paperwork, and I  
 6 don't read, so I don't know.  
 7 Q. Do you go to chapter meetings at Chilchinbeto?  
 8 A. Yes.  
 9 Q. How often do you go to chapter meetings?  
 10 A. Well, sometimes a while, but usual- -- but we try  
 11 to go to every meeting. If my husband goes, I usually go  
 12 with him, and we sit in on it.  
 13 Q. How often are those meetings? Once a month?  
 14 Once a week?  
 15 A. Sometimes a month. Sometimes a week.  
 16 Q. At any of those meetings, did anyone ever give  
 17 you any information about the voter ID requirements for  
 18 the election?  
 19 A. No.  
 20 Q. So did you know before the September 12th primary  
 21 that you needed identification at the polls on election  
 22 day?  
 23 A. Yes. And they -- they said a birth certificate,  
 24 and I didn't know.  
 25 Q. Who told you a birth certificate would be needed

1 A. No. It was my daughter that took me over  
 2 there --  
 3 Q. Were you --  
 4 A. -- that took us over there.  
 5 Q. Let me see if I get this correct.  
 6 Agnes, your daughter drove you to the polls  
 7 on September 12th, 2006?  
 8 A. Yes. My daughter, the one that we're with right  
 9 now.  
 10 Q. Is Leila your daughter?  
 11 A. Yes.  
 12 Q. That clears that up.  
 13 Before September 12th, 2006, had Leila ever  
 14 driven you to the polls before?  
 15 (Mr. Laughter and Mr. Begay left the  
 16 deposition room at this time.)  
 17 THE WITNESS: No. Usually we went  
 18 ourselves.  
 19 BY MR. COHEN:  
 20 Q. And when you say "we," you mean your husband and  
 21 you?  
 22 A. Yes.  
 23 Q. And did you go by truck?  
 24 A. Yes.  
 25 Q. And is that the same truck you have spoken of

1 at the polls?  
 2 A. No. I didn't use the birth certificate. I -- I  
 3 don't vote like that. I usually vote Democrat, and that's  
 4 all I know.  
 5 Q. Let's back up.  
 6 When was the first time you found out that  
 7 you needed identification to vote on September 12th?  
 8 A. About a year ago, and I -- I tried to get an  
 9 identification, but I couldn't. And I said, "Well, I've  
 10 always voted with my thumb, and that's all I know." And  
 11 that's what I said. I know that's how people know me.  
 12 MR. COHEN: Let's take a break for a moment,  
 13 so we can fix the microphone.  
 14 (Discussion off the record.)  
 15 MR. COHEN: Are we back on the record?  
 16 MS. BRENNAN: Sure.  
 17 MR. COHEN: Okay.  
 18 BY MS. BRENNAN:  
 19 Q. Ms. Laughter, did you file a complaint with the  
 20 Secretary of State over what happened when you tried to  
 21 vote on September 12th?  
 22 A. Yes.  
 23 Q. Where do you get medical treatment?  
 24 A. In Chilchinbeto, and also in Kayenta.  
 25 MS. BRENNAN: I think we're done.

1 MR. COHEN: Karen?  
 2 MS. HARTMAN-TELLEZ: Yes.  
 3 MR. COHEN: You're still with us.  
 4 Did you have any questions?  
 5 MS. HARTMAN-TELLEZ: I do not.  
 6  
 7 FURTHER EXAMINATION  
 8 BY MR. COHEN:  
 9 Q. I think just to clarify something, Ms. Laughter,  
 10 when you referred to Leila as your daughter, were you  
 11 talking about a clan relationship?  
 12 A. Yes.  
 13 Q. And with Mary Yazzie who is the person at the  
 14 polls who was, I think, your little sister, was that a  
 15 clan relationship also?  
 16 A. Her -- her mother's and my mother grew up  
 17 together, so that's how that -- that works.  
 18 Q. On the distance from Kayenta to Chilchinbeto, you  
 19 held up three fingers and made a 0 when you were asked  
 20 that question.  
 21 Did you mean 30 miles instead of 300 miles?  
 22 A. 30 miles.  
 23 MR. COHEN: No other questions.  
 24 Thank you, Ms. Laughter, for being with us  
 25 this morning.

1 STATE OF ARIZONA )  
 ) ss.  
 2 COUNTY OF MARICOPA )  
 3 BE IT KNOWN that the foregoing deposition  
 4 was taken by me pursuant to stipulation of counsel; that  
 5 I, Pamela A. Griffin, a Certified Reporter in the State of  
 6 Arizona, and by virtue thereof authorized to administer an  
 7 oath; that the witness before testifying was duly sworn by  
 8 me to testify to the whole truth; that the questions  
 9 propounded by counsel and the answers of the witness  
 10 thereto were taken down by me in shorthand and thereafter  
 11 reduced to print by computer-aided transcription under my  
 12 direction; that the foregoing 27 pages are a full, true  
 13 and accurate transcript of all proceedings and testimony  
 14 had and adduced upon the taking of said deposition, all to  
 15 the best of my skill and ability.  
 16 I FURTHER CERTIFY that I am in no way  
 17 related to nor employed by any of the parties hereto nor  
 18 am I in any way interested in the outcome hereof.  
 19 DATED at Phoenix, Arizona, this 26th day  
 20 of October, 2006.  
 21  
 22  
 23 PAMELA A. GRIFFIN, RPR  
 Certified Reporter  
 Certificate No. 50010  
 24  
 25

1 THE VIDEO TECHNICIAN: The time is 11:20  
 2 a.m. This concludes the deposition with Tape No. 1.  
 3 MR. COHEN: We will read and sign with a  
 4 thumbprint.  
 5 (The deposition concluded at 11:20 a.m.)  
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 8 AGNES LAUGHTER  
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<p><b>A</b></p> <p>ability 28:15 able 19:11 about 12:10 14:4 16:13 19:19 20:3 20:24 22:12,13 22:20 24:17 25:8 26:11 accurate 28:13 acted 8:13 adduced 28:14 administer 28:6 affidavit 7:7 after 9:13,13,15 20:21 21:9 again 14:8 17:22 agnes 1:13 2:3 3:1 3:8 5:2,21 6:9,22 6:23 8:25,25,25 9:12,15,15 23:6 27:7 ago 9:17 25:8 agree 11:14 agreeable 11:15 ahead 21:2 al 1:4,7 5:4,5 ALFRED 6:4 allowed 15:5 along 5:24 Although 11:4 always 15:5 25:10 among 15:23 another 13:2 18:13 19:17,17 answers 28:9 anyone 19:6 20:14 20:17 24:16 anything 14:4 21:12,14 anywhere 10:2 14:5 APPEARING 3:7 approximately 8:12 arizona 1:2,7,17 3:4,5,12,13,17,18 3:19,21 5:5,6,9 5:12,15 8:6,9,12 28:1,6,19 around 13:13 arrangements 16:4 arroyo 12:17,20 asked 14:3 17:9 19:8 26:19 Associates 5:11 assume 8:13 15:25</p>	<p>attached 13:2 attorney 3:19 5:23 5:25 aunts 9:14 authorized 28:6 availability 7:22 Avenue 5:11,15 a.m 1:18 3:2 5:7 21:25 22:3 27:2 27:5</p> <hr/> <p><b>B</b></p> <p>B 2:12 back 9:10 10:9 14:21,22 17:24 19:11 20:24 22:3 25:5,15 ballot 2:16,17 15:5 15:10 20:11,17 20:18 24:3 barrel 13:1 before 3:4 11:5 13:10 15:4,8 17:6 21:19 23:13 23:14 24:1,4,20 28:7 Begay 4:2 6:23 9:10 23:15 begin 8:19 beginning 5:17 being 26:24 Belatedly 16:23 believe 11:11 12:10 14:21 Bellamy 4:2 6:23 besides 14:5 best 28:15 big 12:20 20:2 Bilison 14:22 birth 9:8 14:3 24:23,25 25:2 blank 20:6 blocks 12:17,18 born 9:1,4,9 Boulevard 3:3,11 5:9 break 21:19 25:12 brennan 2:5 3:20 5:23,23 7:1,6,15 7:19,23 10:21,25 11:3,7,14,16 16:22 21:18,21 22:6 25:16,18,25</p> <hr/> <p>build 12:25 building 9:4,4 13:4 built 10:9,11</p>	<p><b>C</b></p> <p>calf 16:7,9 called 6:10 came 17:8,22,24 18:6 candidates 20:18 car 12:18 22:17 card 13:23 care 16:6 Carrie 3:20 5:23 case 11:2,3 cases 11:5 cast 15:5 catch 15:18 Cause 5:3 Central 5:11,15 certificate 1:22 14:4 24:23,25 25:2 28:23 certified 1:21 3:5 5:13 8:5 28:5,23 CERTIFY 28:16 chairman 14:22 15:1,2 change 9:11 chapter 2:15 24:7 24:9 Chilehin 9:24 11:21 Chilchinbeto 2:15 9:2,21,25 11:22 11:24,24 12:2,3,5 14:17 16:15 24:7 25:24 26:18 Chinle 14:11 chop 12:25 City 14:7,10 clan 26:11,15 clarify 26:9 clears 23:12 cohen 2:4,6 3:10 5:19,19 6:15,20 7:4,11,17,22,24 8:2,13,17,19,23 10:18,24 11:2,4,8 11:13,15,20 15:20 17:1,2,21 18:23 19:1,24 21:16,23 23:19 25:12,15,17 26:1 26:3,8,23 27:3 come 17:25 19:11 20:24 commencing 3:2 complaint 25:19 computer-aided 28:11</p>	<p>concluded 27:5 concludes 27:2 CONDENSED/A... 1:23 Conditional 2:17 consolidated 1:7 11:6 Continued 4:1 cook 13:1,2 cooking 12:24 Copy 1:25 corral 16:10 correct 7:25 15:6 16:1,11 22:25 23:5 Council 3:13 6:19 counsel 3:7 5:16 5:17 28:4,9 counties 8:11 COUNTY 28:2 course 8:8 court 1:1 5:6 8:6 8:15 courts 8:10 co-counsel 5:22 Craig 3:23 5:13 currently 8:5 CV 1:5,6,7 5:3,3,4 cycling 7:20</p> <hr/> <p><b>D</b></p> <p>D 2:1 DATED 28:19 daughter 14:1 23:1,6,8,10 26:10 day 13:14,15 16:5 16:17 21:13 24:22 28:19 days 15:1 19:11 20:24 21:10 defendants 1:8 3:18 5:24 Democrat 25:3 depending 7:22 13:21 depo 11:1 depose 7:9 deposition 1:13 2:13 3:1 5:2 7:25 8:20 11:18 18:24 19:22 23:16 27:2 27:5 28:3,14 depositions 8:17 10:22 11:5 describe 11:23 16:3 Description 2:13</p>	<p>designated 7:16 desk 19:16 difference 7:13 different 10:19 direction 28:12 dirt 12:12 Discussion 25:14 distance 26:18 district 1:1,2 5:6,6 done 13:25 25:25 down 28:10 Drinkwater 3:3,11 5:8 drive 19:14 22:22 driven 23:14 drove 17:5 22:24 23:6 duly 28:7 during 14:21</p> <hr/> <p><b>E</b></p> <p>E 2:1,12 earlier 22:20 early 10:3 East 3:16 efforts 13:22 election 14:16 15:1 16:14 24:4 24:18,21 elections 14:20 15:4 electricity 12:21 employed 28:17 English 6:6,6 8:4 8:14,14 15:13 17:14 21:3,6 entitled 7:11,12 et 1:4,7 5:4,5 ever 10:15 19:6 23:13 24:16 every 13:14,15,17 13:17 14:25 24:11 examination 2:4,5 2:6 6:6 8:22 22:5 26:7 exhibit 10:20 11:18,22 18:23 18:24 19:2,22,25 20:1,14,21 exhibits 2:13 10:19 11:9 explained 20:16</p> <hr/> <p><b>F</b></p> <p>federal 8:11 female 9:5,23 10:6</p>	<p>ferguson 5:21 11:12,17 Ferguson-Bohnee 3:10 few 21:21 file 25:19 filed 5:5 filled 19:21 fingers 26:19 fire 13:1,4 firm 5:16,19,22 first 9:11 10:3 11:1 14:19 18:2 25:6 fix 25:13 Floor 3:4,11 follows 6:11 foregoing 28:3,12 form 14:12 16:22 19:17 20:25 found 25:6 four 13:20 Fourth 3:4,11 from 5:22 6:5,6 8:14 9:11 10:7 12:3,5,8,13,18 15:9 22:7,11 26:18 fuel 12:23 13:3 full 28:12 further 2:6 26:7 28:16</p> <hr/> <p><b>G</b></p> <p>gas 19:13 21:15 gave 14:12 18:9 18:13 19:3 gender 17:19 general 2:15 3:19 General's 5:24,25 give 13:18 16:7,8 24:16 given 7:7 go 6:16 10:17 12:13 13:8,14 14:5 15:14,25 16:2,4,16 19:10 19:14 21:2,15,19 22:11,13,14,14 22:17 23:23 24:7 24:9,11,11 goes 24:11 going 7:2,9 10:21 10:22 12:18,18 13:11 16:13 17:9 21:25 gone 10:15 15:16</p>
---	---	---	--	---	--

15:22 16:10 gonzalez 1:4 5:4 grandson 6:23 grew 26:16 griffin 1:21 3:5 5:10,11 28:5,22 guess 19:20 guys 15:23	identification 11:19 13:22,23 14:2,6,9,12 18:25 19:7,23 21:9 24:21 25:7,9 identity 15:6 Inc 3:13 Indian 19:10 indicate 14:13,13 indicated 6:14 information 24:17 inside 17:17,18,20 17:25 18:1 instead 26:21 interested 28:18 interpreted 18:20 21:7 interpreter 6:5,11 6:13 7:25 8:3,7 8:14 15:9,18 17:19 interpreting 8:10 interrupt 7:1 Inter-Tribal 3:13 6:19	3:1,8 4:2 5:2,21 6:9,22 8:25 9:1,6 9:15,16 10:11,15 11:21 13:6,16,23 14:15 15:13,25 17:3 19:7 20:4 21:12,18 22:7 23:15 24:3 25:19 26:9,24 27:7 Laughter's 6:22 6:23 law 3:2 LEAD 1:6 leave 21:2 left 23:15 legal 3:24 5:13,14 Leila 4:3 6:24 7:2 16:19 17:3 22:24 23:10,13 26:10 let 17:17,17 22:10 23:5 Let's 21:23 25:5 25:12 life 9:25 like 10:23 13:10 14:23 20:2,23 25:3 likely 7:8 little 13:1 26:14 live 10:4,6,12,13 13:13 lived 9:24 10:1 located 12:6 location 5:8 long 9:17 22:10 look 18:8 looks 10:23 20:2,2 20:3	marriage 10:4 married 9:16,19 9:20 10:3 Marv 7:1 Marvin 3:10 5:19 Mary 18:4 26:13 matter 7:8 may 5:16 6:1 7:20 Maybe 10:20 13:20 mean 16:24 23:20 26:21 medical 25:23 meeting 24:11 meetings 24:7,9 24:13,16 mentioned 13:10 22:24 Mexico 8:6 microphone 25:13 might 10:24,25 11:8 miles 12:3,5,11 22:7 26:21,21,22 minutes 21:22,23 moment 25:12 month 16:14 24:13,15 more 10:22 morning 26:25 mother 16:7 26:16 mother's 26:16 move 10:7 moved 10:1 mud 13:21	18:23 19:4,6 21:10 nine 8:9 nobody 19:19 North 3:3,11 5:8 5:11,14 nothing 14:12 number 8:15 numbers 10:19 11:9	paper 14:12 18:9 18:10,14 19:3,15 19:17 paperwork 24:5 part 10:4 parties 7:14 28:17 Patricia 3:10 Patty 5:21 people 6:21 17:8 17:14 21:13 25:11 period 8:9 person 17:20,22 17:24 18:3,10,14 26:13 Peter 3:20 5:25 Phoenix 3:17,21 5:11,15 28:19 picture 14:13 19:8 20:25 piece 18:14 19:15 19:17 place 9:20 17:7 21:10,13 plaintiff 6:25 7:5 plaintiffs 1:5 3:8 3:13 5:3,20 6:19 plaintiff's 5:17 please 5:18 8:2,24 plus 19:14 point 7:9,19 polling 17:6 21:10 21:13 polls 15:8 16:16 17:4 22:25 23:6 23:14 24:21 25:1 26:14 PREPARED 1:23 presence 7:12 PRESENT 3:22 4:1 primary 16:14 24:20 print 28:11 problem 7:2 proceedings 28:13 produced 18:10 propounded 28:9 prove 15:6 provide 16:20,25 17:3 Provisional 2:16 2:17 punch 20:9 pursuant 28:4 put 6:20 16:9 18:11,18 19:16
<b>H</b> H 2:12 handwriting 20:5 happened 14:8 16:14 17:7,23 25:20 hartman-tellez 3:15 6:17,18 26:2,5 having 6:10 hay 16:7,8 heating 13:3 held 26:19 help 15:9 19:11 helped 15:11 helping 20:8 Help-Tulley 4:3 6:24 16:19 17:3 22:24 her 7:9,12 18:4 26:16,16 hereof 28:18 hereto 28:17 highly 7:8 highway 12:6,8,13 12:14,19 22:14 22:15 him 16:2,8 24:12 hogan 9:5,22,23 10:5,6,7 holes 20:9 home 9:21 hospital 19:10 hour 22:12,13 house 10:8,11,12 11:23 12:4,5,6,9 12:10,11,13,18 12:21 13:3 16:4 22:8,11 husband 6:22 9:14 10:4,11 15:25 16:16 17:4 22:22 23:20 24:11	<b>J</b> J 3:15,20 James 4:2 6:22 Jane 9:10,11 JOHNSON 3:14 just 10:20 13:4 17:12 21:2 26:9	<b>K</b> Karen 3:15 6:15 6:18 26:1 Kayenta 11:22 13:7,8,14 19:10 22:8,11 25:24 26:18 keeps 13:4 kind 16:23 knew 18:3 know 7:7,20 10:22 14:4 16:25 17:13 19:20,20 20:10 24:5,5,6,20,24 25:4,10,11,11 known 15:16 28:3	<b>M</b> M 1:4 5:4 made 10:13 13:22 26:19 mail 13:6,9,14,19 24:4 mainly 13:13 make 7:13 16:4 man 10:9 many 12:3 22:7 map 2:15 11:21 maria 1:4 5:4 MARICOPA 28:2 mark 10:18,19 20:9 marked 11:18 18:22,24 19:22 marker 17:20	<b>N</b> N 2:1 Nakai 14:21 15:1 name 5:16 8:24,25 9:8,11,14 17:13 18:4,8,11,15,21 names 6:21 nation 3:8 5:21 6:25 7:5,12,16 15:2 Navajo 3:8 5:20 6:5,6,25 7:5,12 7:16 8:3,8,14,14 17:15,16 21:1,3,6 21:8 near 9:24 need 21:19 needed 24:21,25 25:7 New 8:6 next 18:10,10,14	<b>O</b> oath 28:7 Object 16:22 October 1:17 3:2 5:7 28:20 off 12:6 21:25 25:14 office 3:19 5:24,25 offices 3:3 often 7:14 13:8,12 13:18 24:9,13 okay 6:20 7:15,23 8:19 11:1 14:5 17:1 18:1,23 19:6 20:9 21:9 21:18,21 25:17 old 9:6 older 13:12 22:20 once 13:17,17,17 24:13,14 one 9:14 10:13 11:10 15:11 17:16 19:9,18 20:3 22:21 23:8 only 13:12 22:21 Onuschak 3:23 5:13 order 16:4 other 6:21 7:20 8:11 11:4,5 26:23 ourselves 23:18 out 17:22,24 19:21 22:14 25:6 outcome 28:18 outside 17:7 over 21:15 23:1,4 25:20
<b>I</b> ID 17:11 19:8 24:17 idea 13:18	<b>L</b> language 8:4,8 last 16:14 later 14:11 latest 11:10 laughter 1:13 2:3			<b>P</b> page 2:2,13,15,16 2:18 14:1,2,5 pages 28:12 Pam 5:10 pamela 1:21 3:4 28:5,22	

20:4,21	run 12:15	started 14:20,23	three 13:17,20	united 1:1 5:5	went 14:1,7,11
<b>Q</b>	<b>S</b>	state 1:7 3:5,18,19	19:11 20:24	University 8:9	17:6,18,18,20
qualifications 8:3	S 2:12 3:10	5:5,16,24 8:2,6,9	21:10 26:19	unless 6:13	18:9,9 23:17
question 18:20	sacks 3:3,9 5:20	8:11,11,24 14:20	through 6:11,13	use 11:9 12:12,23	were 9:1,4,8,19,20
21:7 26:20	same 5:22 14:7	14:25 25:20 28:1	7:20 12:16 13:11	12:23,25 13:3	10:3 11:4,5 15:5
questions 16:13,23	15:23 20:3 23:25	28:5	throughs 12:15	25:2	16:23 17:8,16,24
21:16 26:4,23	sample 24:3	statements 6:12	thumb 25:10	used 13:13 15:7	20:11,18 21:1,3
28:8	saw 18:3	states 1:1 5:5	thumbprint 14:24	using 11:9	21:10 22:19 23:3
<b>R</b>	saying 7:21	STEPTOE 3:14	15:6 17:12 18:12	usual 24:10	26:10,19 28:10
rains 12:12,15	school 10:16,17	still 26:3	18:18 19:17 20:1	usually 12:25	West 3:21
rather 7:10	15:14,16,22	stipulation 28:4	20:4,21 27:4	14:18,23 16:1	we'll 8:19 18:7
read 15:13 24:6	Scottsdale 1:17	stop 18:1	tierney 3:3,9 5:20	20:7,8 23:17	21:21
27:3	3:4,12 5:9	stove 13:2	time 14:21 21:24	24:11 25:3	we're 7:2 10:22
reading 15:23	Secretary 25:20	Street 3:16,21	22:2 23:16 25:6		21:25 22:3 23:8
reasons 19:13,14	see 17:17 23:5	structure 9:3	27:1	<b>V</b>	25:25
receive 13:6 15:9	September 22:25	styled 5:4	today 5:7 7:17	vehicle 13:12	we've 11:9
20:11 24:3	23:7,13 24:4,20	Suite 3:16	together 9:13,13	22:20	while 10:9 13:10
Recess 22:1	25:7,21	Sure 6:17 25:16	9:18 16:1 26:17	vehicles 12:16	16:10 17:16
record 6:15,16,21	sheep 16:6,9	swear 6:1	18:11,14,21 19:8	versus 5:5	20:11 22:12
8:3 21:25 22:3	she'll 7:13	sworn 6:5,10 28:7	19:9 20:24 21:2	very 13:11,12	24:10
25:14,15	shorthand 5:10		21:13 24:25	video 3:24,24 5:1	white 18:10
reduced 28:11	28:10	<b>T</b>	touch 19:18	5:14,14 6:1	whole 28:8
referred 26:10	show 19:2,25	T 2:12	touched 18:22	21:24 22:2 27:1	witness 2:2 6:2,7
registration 18:15	20:17	table 18:2 19:4,6	traffic 12:18	videotaped 5:2	6:10,12 7:7,14
18:19	shows 12:1	take 16:6 18:14	transcript 28:13	virtue 28:6	21:20 23:17 28:7
related 28:17	side 11:25 12:1,2	19:3 21:21,23	transcription	vote 14:15,18,20	28:9
relation 11:24	sign 27:3	22:11 25:12	28:11	14:23,25 15:7	witnesses 7:14
relationship 26:11	silverman 3:20	taken 3:1 5:2 22:1	translate 6:5	16:1,5 17:10,13	wood 12:25
26:15	5:25 10:20	28:4,10	19:20 20:14	18:6 20:11,19	works 26:17
remain 7:18	simpler 11:8	takes 13:10 22:12	translator 15:9	25:3,3,7,21	writing 20:5,7
remember 14:19	since 15:1	taking 10:22	transportation	voted 14:24,25	
21:12	sister 18:4 26:14	28:14	16:20,25 17:4	15:4,8,12 20:10	<b>X</b>
repeat 15:21	sit 24:12	talk 18:2	19:12	25:10	X 2:1,12
rephrase 17:1	sitting 15:23	talking 20:23	treatment 25:23	voter 24:17	
REPORTED 1:20	skill 28:15	26:11	trial 11:10	voting 16:5 19:19	<b>Y</b>
reporter 1:21 3:5	some 7:9,19 13:18	Tape 27:2	trials 8:15	vs 1:6	yazzie 6:4 7:24 8:1
5:10 28:5,23	somebody 18:7	taught 8:8	tribe 15:2		8:5,16,18 18:4
represent 5:17	somebody's 20:8	technician 3:24	tried 25:8,20	<b>W</b>	26:13
representative	someone 18:2	5:1 6:1 21:24	truck 22:18,19,19	walk 17:25	yeah 11:6,14,17
7:16	19:16	22:2 27:1	23:23,25	walked 18:1,3	year 15:5,8 25:8
representatives	something 19:18	telephone 6:18	true 28:12	walking 17:8	years 8:9,12
7:20	26:9	Telephonic 3:15	truth 28:8	want 6:16 10:18	yellow 19:15
representing 5:20	sometimes 24:10	tell 20:14,15,17,22	try 14:6 24:10	15:21	younger 18:4
5:24 6:18,24 7:4	24:15,15	telling 20:23	Tuba 14:7,10	warm 13:5	
requirements	sorry 7:1 15:19	testified 6:10	turn 13:2	wash 12:17	<b>0</b>
24:17	16:23 17:19 22:3	testify 28:8	two 13:17,20	Washington 3:16	0 26:19
return 21:9,11	17:14	testifying 28:7	16:23 17:8,14	3:21	06-1268 5:3
right 10:12 12:1,2	22:19	testimony 6:7	type 9:4	wasn't 7:10	06-1268-PHX-ROS
22:10 23:8	speaking 21:1,3,3	28:13		water 12:15 13:11	1:5
road 12:10,12	22:19	Thank 26:24	<b>U</b>	way 21:15 22:14	06-1362 5:3
roll 18:15,19	specialist 5:14	their 5:16 7:22	Uh-huh 10:15	28:16,18	06-1362-PHX-ROS
room 6:21 7:3,10	Specialists 3:24	thereof 28:6	11:12,16 12:21	week 13:17 24:14	1:6
23:16	5:14	thereto 28:10	14:15 15:15	24:15	06-1575-PHX-ROS
route 12:14	spoken 23:25	thing 14:7 15:23	16:12 17:6	weeks 13:17,18,20	1:7 5:4
RPR 1:21 28:22	ss 28:1	think 6:15 7:2,8	under 28:11	13:20	
	standing 17:16	11:7,8 21:16	understand 7:6	Well 10:21 18:7	<b>1</b>
	start 11:10,13	25:25 26:9,14		24:10 25:9	1 2:15,16,18 10:20

27:2  
 10 8:12 21:23  
 10:04 22:2  
 10:09 1:18 3:2 5:7  
 10:54 21:24 22:1  
 11 2:15  
 11:04 22:1,3  
 11:20 27:1,5  
 12th 22:25 23:7,13  
 24:4,20 25:7,21  
 1275 3:21  
 14 9:18,18  
 143 11:10  
 144 2:15 11:13,18  
 11:22  
 145 2:16 18:24  
 19:2  
 146 2:17 19:22,25  
 20:14,21  
 1600 3:16  
 18 2:16  
 1850 5:14  
 19 1:17 2:17 3:2  
 19th 5:7

85251-3693 3:12

2

2006 1:17 3:2 5:7  
 22:25 23:7,13  
 24:4 28:20  
 201 3:16  
 22 2:5  
 26 2:6  
 26th 28:19  
 27 28:12

3

3 12:10 22:9  
 30 26:21,22  
 300 22:9,9 26:21  
 3030 5:11

4

4250 3:3,11  
 4252 5:8

5

5 12:5  
 50010 1:22 28:23  
 59 12:6,8 22:15

7

74 9:7

8

8 2:4  
 85004-2382 3:17  
 85007-2997 3:21

NN 000758

# **EXHIBIT B**

1  
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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

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MARIA M. GONZALEZ, et al.,	)	
	)	
Plaintiffs,	)	CV 06-1268 PHX-ROS
	)	CV 06-1362 PHS-ROS
vs.	)	CV 06-1575 PHX-ROS
	)	
STATE OF ARIZONA, et al.,	)	Phoenix, Arizona
	)	August 30, 2006
Defendant.	)	9:25 a.m.

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REPORTER'S TRANSCRIPT OF PROCEEDINGS  
(Preliminary Injunction Hearing - Day One)  
BEFORE THE HONORABLE ROSLYN O. SILVER

Court Reporter: David M. Lee, CSR 9543, RMR, CRR  
Sandra Day O'Connor U.S. Courthouse  
401 W. Washington Street  
Phoenix, Arizona 85003  
(602) 322-7245

Proceedings taken by stenographic court reporter  
Transcript prepared by computer-aided transcription

1 called as a witness herein, after having been first duly  
2 sworn by the clerk, was examined and testified as follows:

3 DIRECT EXAMINATION

4 BY MR. COHEN:

10:57:17

5 Q. State your name, please.

10:57:17

6 A. Leonard Gorman.

10:57:20

7 Q. Mr. Gorman, would you introduce yourself in the  
8 Navajo way, please.

10:57:22

10:57:27

9 A. (Witness speaking Navajo.)

10:57:39

10 Q. Mr. Gorman, are you a translator?

10:57:57

11 A. Yes, I am.

10:57:59

12 Q. Are you certified?

10:58:00

13 A. Yes, I am a certified court interpreter.

10:58:01

14 Q. Could you interpret what you just said for us,  
15 please.

10:58:04

10:58:07

16 A. Okay. Let me just preface my formal introduction in  
17 the Navajo way. Whenever we meet someone in the community  
18 or a setting such as this, we always introduce ourselves in  
19 a formal manner, in which we point out maternal clan,  
20 paternal clan, and then who are our paternal grandparents,  
21 and maternal grandparents.

10:58:08

10:58:16

10:58:20

10:58:23

10:58:30

10:58:36

22 So what I mentioned is that I am of the

10:58:40

23 Kinnaazt'inii clan, which is the meandering string of

10:58:43

24 houses, literally translated. But my relatives are also

10:58:47

25 Desalt (phonetic) clan, Black Sheep clan, and then that's

10:58:55

1	on my maternal side.	10:58:57
2	On my paternal side, my fathers are Deschinii,	10:58:58
3	which I think means a red streak.	10:59:06
4	On my paternal grandparents are Siidnicotnii	10:59:08
5	tochiidnii (phonetic), meaning that they are the bitter	10:59:15
6	water with a plant in it.	10:59:17
7	My -- I get confused. My paternal -- my maternal	10:59:22
8	grandparents are also Bitter Water, but are of the Deer	10:59:27
9	Water Clan. So that's the system of our formal	10:59:37
10	introduction.	10:59:40
11	Q. Mr. Gorman, you are a member of the Navajo Nation?	10:59:41
12	A. Yes, I am.	10:59:44
13	Q. Where do you live, sir?	10:59:44
14	A. I presently live in Window Rock, Arizona.	10:59:46
15	Q. Where were you born?	10:59:48
16	A. I was born in Fort Defiance, Arizona.	10:59:49
17	Q. And where were you raised and educated before	10:59:51
18	college?	10:59:54
19	A. I was raised in my parents' home at Nazlini,	10:59:54
20	Arizona, but I grew up and went to school at Mini Farms	11:00:00
21	High School, Chinle Boarding School, and that's in the	11:00:03
22	Chinle area.	11:00:06
23	Q. And did you have post high school education?	11:00:07
24	A. Yes, I have.	11:00:09
25	Q. And where?	11:00:10

1 A. I went to the University of Arizona and have a 11:00:11  
2 bachelor's degree from there. 11:00:15

3 Q. In what field? 11:00:16

4 A. In the field of political science, with an emphasis 11:00:18  
5 on Indian policies. 11:00:21

6 Q. And how are you employed, Mr. Gorman? 11:00:23

7 A. I am presently employed by the Navajo Nation as the 11:00:25  
8 legislative chief of staff in the office of the speaker of 11:00:30  
9 the legislative branch of the Navajo government. 11:00:33

10 Q. And how long have you held that position? 11:00:35

11 A. I have held the legislative chief of staff position 11:00:37  
12 -- I believe I'm in my eighth year. 11:00:40

13 Q. And how many years have you been employed by the 11:00:44  
14 Navajo Nation? 11:00:45

15 A. Over 15 years of employment with the Navajo Nation. 11:00:46

16 Q. You mentioned that you are a certified court 11:00:49  
17 interpreter. Can you tell us or describe the Navajo 11:00:55  
18 language? Is this a written, oral language? What's the 11:00:58  
19 history of it, briefly? 11:01:01

20 A. The Navajo Nation is an oral language. The Navajo 11:01:05  
21 people have never written their language in any text form. 11:01:08  
22 Until just recently, there is effort, I believe in the 19th 11:01:15  
23 century by non-Navajos that have attempted to write the 11:01:19  
24 Navajo language, and have actually produced a dictionary of 11:01:22  
25 the Navajo language. 11:01:25

1 Q. Is the Navajo language the written version of that, 11:01:26  
2 are the Navajos commonly fluent in that? 11:01:32

3 A. No. To my knowledge, Navajos are not fluent in 11:01:34  
4 reading or writing of the Navajo language. 11:01:38

5 Q. Could you describe just briefly the -- the 11:01:40  
6 character -- the government of the Navajo Nation, how it's 11:01:48  
7 governed. 11:01:51

8 A. The Navajo Nation, when the development occurred in 11:01:54  
9 the early 1900s, it was essentially a one-branch 11:02:01  
10 government, so to speak, in comparison to let's say the 11:02:07  
11 State of Arizona governmental structure. We had a 11:02:12  
12 legislature, the Navajo Tribal Council, and in the 1970s, 11:02:14  
13 there was a separation between the Tribal Council and the 11:02:21  
14 establishment of the judicial branch. 11:02:24

15 More recently, in the 1980s, the Navajo Nation 11:02:26  
16 Council established the position of the president of the 11:02:30  
17 Navajo Nation, so presently there are three branches in the 11:02:33  
18 Navajo government, the executive branch, which is headed by 11:02:37  
19 the president of the Navajo Nation, the legislative branch, 11:02:40  
20 of which I am employed, headed by the speaker of the Navajo 11:02:44  
21 Nation Council and where the legislature is housed, and the 11:02:47  
22 third branch is the judicial branch, which is headed by the 11:02:50  
23 chief justice of the Navajo Nation. 11:02:54

24 Q. Could you describe very briefly the geography of the 11:02:56  
25 Navajo Nation, and you might turn to Exhibit 116, which I 11:02:59

1 believe should be right there in front of you, the first 11:03:03  
2 page of that. 11:03:20

3 A. The Navajo Nation goes into three states of the 11:03:22  
4 United States. The first one is the state of Utah, on the 11:03:27  
5 southeast corner of the state of Utah, and then on the 11:03:33  
6 Arizona portion, the northeast corner of the State of 11:03:39  
7 Arizona, and then also into New Mexico, in the northwest 11:03:42  
8 portion in the state of New Mexico, and then a small strip 11:03:49  
9 in the state of Colorado. 11:03:52

10 Q. And the second page of Exhibit 116 shows the Navajo 11:03:54  
11 Nation territory in Arizona in relation to the state as a 11:04:01  
12 whole; is that right? 11:04:04

13 A. Yes, that's correct. 11:04:05

14 Q. And approximately how many acres are in the Navajo 11:04:06  
15 Nation? 11:04:11

16 A. All together, which includes the trust lands, the 11:04:11  
17 fee lands, over 16 million acres. 11:04:17

18 Q. Okay. Back to the government, you spoke about the 11:04:21  
19 three branches of government. What's the role of the 11:04:24  
20 chapter in the Navajo government? 11:04:27

21 A. The role of the chapter is -- in relationship to the 11:04:29  
22 central government of the Navajo Nation. There are 110 11:04:36  
23 local chapters on the Navajo Nation. Their role is to 11:04:39  
24 govern the local affairs within their particular 11:04:47  
25 boundaries. They issue ordinances, they appropriate monies 11:04:49

1 that they generate at the local level. 11:04:52

2 Q. And do they have elected officers? 11:04:53

3 A. Yes, they do. 11:04:55

4 Q. And what are those officers? 11:04:56

5 A. They have the chapter president, the chapter vice 11:04:58

6 president, the chapter secretary treasurer. Those are the 11:05:04

7 local government. They also have other elected officials 11:05:11

8 such as the grazing officer, the local school board 11:05:15

9 members. 11:05:18

10 Q. And they have an employee who acts as a manager, a 11:05:18

11 community services coordinator. Some of our affidavits and 11:05:29

12 declarations that have been filed as exhibits here are from 11:05:33

13 community service coordinators at specific chapters on the 11:05:35

14 Navajo Nation. What is the function of this community 11:05:38

15 services coordinator? 11:05:42

16 A. Every chapter hires a community services 11:05:44

17 coordinator. There are 110 chapters, and the role of the 11:05:49

18 community services coordinator is to similarly, as a City 11:05:52

19 Manager, or a city -- principal city figure that manages 11:05:57

20 and implements the policies that are made by the -- perhaps 11:06:03

21 the city counsel, so its community services coordinator has 11:06:07

22 the responsibility to implement those policy decisions that 11:06:10

23 are made by the people in those meetings and assist the 11:06:14

24 implementation of those policies through the chapter 11:06:17

25 officers. 11:06:20

1 Q. And these chapter offices, are they often the 11:06:21  
2 polling places for the state and federal elections on the 11:06:26  
3 reservation? 11:06:33

4 A. Could you repeat that question? 11:06:33

5 Q. You know, the chapter offices or the facilities 11:06:35  
6 housing the chapter are often used as a polling place for 11:06:39  
7 the state and federal elections? 11:06:42

8 A. Yes. Oftentimes there are two different structures. 11:06:44  
9 For example, the chapter I vote in, which is the Nazlini 11:06:49  
10 chapter in Arizona, the chapter house, which only houses 11:06:54  
11 about maybe a hundred people in a meeting, that's where we 11:07:01  
12 have the Navajo Nation elections. The administration 11:07:04  
13 building, which is adjacent to the chapter house, is where 11:07:09  
14 the state election would be housed. 11:07:12

15 Q. I see. 11:07:15

16 Has the Navajo Nation been involved in matters 11:07:17  
17 relating to the voting rights of its members in State and 11:07:21  
18 federal elections? 11:07:25

19 A. Yes. 11:07:26

20 Q. What type of involvement has the nation had? 11:07:26

21 A. The Navajo Nation has advocated on behalf of its 11:07:30  
22 people, for example, during the redistricting activities. 11:07:35  
23 I was involved in the -- in the redistricting for the year 11:07:40  
24 2000 census count, so we've made a lot of advocacy in that 11:07:44  
25 area for the rights of the Navajo people. 11:07:49

1 Q. Did you also approve the Navajo language 11:07:51  
2 translations for the three counties in which the nation is 11:07:57  
3 situated? 11:08:00

4 A. Yes. The Navajo Nation has challenged a number of 11:08:00  
5 times for the counties in which Navajo people vote. For 11:08:04  
6 example, in the Apache County, the Navajo Nation has 11:08:10  
7 entered into a decree in which there would be specific 11:08:15  
8 Navajo language interpreters provided at the polls, and 11:08:18  
9 have been very successful in implementing such programs 11:08:24  
10 with the counties, and we participate in also tri-state 11:08:27  
11 meetings, meaning the State of Arizona, State of New Mexico 11:08:32  
12 and Utah, to do likewise in those various counties where 11:08:35  
13 Navajos -- Navajos vote. 11:08:39

14 Q. And at least to some degree, as a result of your 11:08:41  
15 efforts, under Section 203 of the Voting Rights Act, are 11:08:44  
16 language -- Navajo translators provided at polling places 11:08:48  
17 in all three counties then on the Navajo Nation? 11:08:52

18 A. Yes. Yes. 11:08:55

19 Q. Okay. As a result of your work with the nation, 11:08:56  
20 having grown up on the -- and been educated on the 11:09:01  
21 reservation, and your duties and your current office, have 11:09:04  
22 you become familiar, particularly in your work on the 11:09:10  
23 redistricting case, have you become familiar with census 11:09:13  
24 information concerning the Navajo Nation and its people? 11:09:16  
25 A. Yes, I have. 11:09:19

UNITED STATES DISTRICT COURT

NN 000866

1 Q. Tell us generally how people reside within the 11:09:20  
2 reservation. For instance, in the economic -- economically 11:09:29  
3 concentrated communities like Window Rock and Tuba City, 11:09:36  
4 Kayenta and Fort Defiance, how many of the Navajo people 11:09:39  
5 would live in communities of that size? 11:09:43  
6 A. Approximately 30 percent. I don't go around and 11:09:45  
7 count people, how many live in those communities, but 11:09:50  
8 approximately of the total population of the Navajo Nation, 11:09:53  
9 about 30 percent of them live in those growth areas. We 11:09:55  
10 call them growth areas. 11:09:58  
11 Q. And what about the smaller communities, like Leupp 11:09:59  
12 -- that's L-E-U-P-P -- Pinon or Ganado and small 11:10:05  
13 communities like that, how many of your Navajo people live 11:10:12  
14 in those communities? 11:10:15  
15 A. My estimation is approximately 10 percent live in 11:10:16  
16 those smaller communities. 11:10:25  
17 Q. And backing up just a moment, we have put in 11:10:26  
18 exhibits indicating that some 61 -- there are some 61,000 11:10:33  
19 adult Navajos on the -- on the reservation in Arizona. Is 11:10:37  
20 that figure consistent with your understanding? 11:10:43  
21 A. Yes. 11:10:45  
22 Q. And then of that 61,000 adults, how many of them 11:10:45  
23 live in remote areas on the reservation? 11:10:51  
24 A. That figure would be between 60 to 70 percent of 11:10:53  
25 those people of the 61,000 would be living in remote areas, 11:10:59

1 meaning that they don't live in small communities or the 11:11:02  
2 growth areas that you just mentioned. 11:11:07

3 Q. Uh-huh. And what's the unemployment rate, 11:11:08  
4 approximately, in the Navajo -- 11:11:12

5 A. It's over -- I know it's over 50 percent. 11:11:14  
6 Unemployment rate on the Navajo Nation is about 55 percent. 11:11:17

7 Q. And what percentage of the -- the incomes of what 11:11:21  
8 percentage of Navajo people would be below the poverty 11:11:26  
9 line, Mr. Gorman? 11:11:31

10 A. It's well over 40 percent. 11:11:32

11 Q. And approximately how many of the Navajo homes would 11:11:33  
12 lack complete plumbing, sir? 11:11:36

13 A. My estimate is going to be about 30 percent. 11:11:38

14 Q. And telephone service? 11:11:44

15 A. Telephone service, that's a higher figure. It's 11:11:47  
16 over 60 percent. 11:11:53

17 Q. And then the census indicates the figures that we've 11:11:56  
18 put in and exhibits indicate that 20 percent of the Navajo 11:12:03  
19 people lack access to motor vehicles. Is that consistent 11:12:08  
20 with your understanding? 11:12:11

21 A. Yes. 11:12:12

22 Q. And do these -- do these people who lack the access 11:12:12  
23 tend to be the older people? 11:12:15

24 A. Yes, they tend to be the older people in the 11:12:16  
25 communities. 11:12:19

1 Q. With regard to mail deliveries, do Navajos get mail 11:12:20  
2 delivered to their home by the U.S. postal service? 11:12:26  
3 A. No. I don't -- to my knowledge -- 11:12:28  
4 Q. Where is the mail delivered, Mr. Gorman? 11:12:32  
5 A. It's mail delivered to the actual post offices. 11:12:34  
6 There are structures in various communities. 11:12:39  
7 Q. Now, in order to have a post office box, do you have 11:12:41  
8 to pay money? 11:12:44  
9 A. Yes, you have to pay a fee. I believe it's on an 11:12:44  
10 annual basis. 11:12:49  
11 Q. And then if the fee is not paid for a post office 11:12:49  
12 box, is the mail just sent for general delivery somewhere? 11:12:58  
13 A. Generally, as I understand from the post office, 11:13:01  
14 that once your postal box is closed, that they would be 11:13:04  
15 collected and then after that, they would notify -- 11:13:08  
16 continue to notify you that you have mail that's collected. 11:13:12  
17 I would suppose at some point in time, they would just send 11:13:16  
18 it back, because of noncollection. When those type of 11:13:18  
19 circumstances occur, I know a number of Navajos have 11:13:23  
20 general delivery services either directly to the post 11:13:28  
21 office, or the post -- or, I mean, the trading posts 11:13:33  
22 throughout the Navajo Nation. 11:13:37  
23 Q. To your knowledge and with your -- in your 11:13:38  
24 experience with some 40-plus percent of the Navajos living 11:13:41  
25 below the poverty line, is it common for some Navajos to 11:13:46

1 let their post office box lapse for failure to pay that 11:13:51  
2 annual fee when it comes due? 11:13:55

3 A. Yes. The cost of the fee, depending upon the box, 11:13:57  
4 the size of the box you use, yeah, the fee could be \$40, 11:14:03  
5 and Navajos have to make a judgment. \$40 for food, or for 11:14:09  
6 the box. Oftentimes it's for food. 11:14:13

7 Q. And if they then go back and later decide to get a 11:14:16  
8 box again, is that a different post office box number then? 11:14:20

9 A. Yes. Yes. The post office is in business to make 11:14:22  
10 money. 11:14:26

11 Q. How about the traveling for the 60 percent of the 11:14:26  
12 Navajo population that lives in remote areas, what kind of 11:14:33  
13 distances do they have to travel in order to get their 11:14:36  
14 mail? 11:14:38

15 A. It ranges primarily from ten miles to 60, 70 miles 11:14:38  
16 in one-way distance to the location of the polling place. 11:14:48

17 Q. In terms of political activity and voting, is there 11:14:53  
18 any group -- particular group in the Navajo Nation that 11:15:01  
19 appears to be more involved in casting their ballots and 11:15:04  
20 being active politically on election day? 11:15:08

21 A. The more active citizenry of the Navajo are those 11:15:19  
22 that are elders. The 40, 50, 60 and above participate or 11:15:23  
23 are higher than those that are 18 years old. 11:15:27

24 Q. Why is it that the elder population is more active 11:15:29  
25 in casting ballots? 11:15:34

1 A. I think there has been an experience by the Navajo 11:15:38  
2 people back in the 1900s, and it stems back from the 1800s 11:15:41  
3 experience, but I believe when the Navajo people were asked 11:15:49  
4 to vote on the lifestyle, reduction of federal legislation, 11:15:52  
5 and also the restructuring of its government, the Indian 11:15:59  
6 Reorganization Act, we Navajos had an opportunity to vote 11:16:04  
7 on it, and based on my experience with my parents and their 11:16:07  
8 parents, they thought that that was the most wonderful 11:16:13  
9 experience to have had in casting their vote in such a 11:16:18  
10 measure, those two measures, was a wonderful experience. 11:16:21  
11 They defeated both measures, and to this day, Navajo, 11:16:24  
12 particularly the elders, talk about that experience. 11:16:27  
13 Q. We have put in evidence a Department of Labor report 11:16:35  
14 indicating that 17 percent of adult Navajo people either 11:16:37  
15 are unable to speak English, or speak it not well. With 11:16:42  
16 61,000 adult Navajos, how many people would that encompass? 11:16:49  
17 A. That's approximately 10,000. I believe the -- 11:16:54  
18 Apache County has estimated over 11,000 based on, I 11:17:02  
19 believe, its deposition or some document that they 11:17:09  
20 submitted. 11:17:11  
21 Q. Uh-huh. And these people who are unable to speak 11:17:12  
22 English or speak it not well at all, do they tend to be the 11:17:14  
23 older members of the Navajo Nation who live in remote 11:17:19  
24 areas? 11:17:22  
25 A. Yes, that's correct. 11:17:22

1 Q. And when they live in these remote areas, are they 11:17:23  
2 generally engaged in raising livestock? 11:17:29

3 A. Yes. 11:17:32

4 Q. Just as an example of what's involved for these 11:17:32  
5 older people who are very interested in voting and want to 11:17:44  
6 vote, and are living in remote areas, what do they have to 11:17:46  
7 do, Mr. Gorman, in order to arrange to be at the polls on 11:17:49  
8 election day to cast their ballot? 11:17:54

9 A. Not only on election day, but in planning, I think, 11:17:56  
10 for those Navajos that live in the remote areas that tend 11:18:04  
11 to their livestock, they're ranchers. Their livelihood 11:18:07  
12 surrounds or revolves around the raising of those 11:18:13  
13 livestock. 11:18:17

14 I remember my parents telling me their feelings 11:18:18  
15 about their livestock. They considered their sheep as 11:18:20  
16 their mother and father, and that it requires a tremendous 11:18:23  
17 amount of care. So in a situation in which there is an 11:18:28  
18 election, it requires advance planning. Sheep, they have 11:18:30  
19 to be out in the pastures to graze every day. For an 11:18:37  
20 election time event, they would have to gather their sheep 11:18:41  
21 and put them in a corral, so that they could be protected 11:18:45  
22 and then travel the distance that they need to travel to 11:18:51  
23 cast their ballot. 11:18:54

24 So in order to travel to a polling place of an 11:18:55  
25 event or an election, they would have to buy feed for their 11:18:58

1 animal in advance. Then they would use that feed when 11:19:02  
2 their livestock are corralled, so that their livestock are 11:19:08  
3 fed in their absence, when they're casting their vote. 11:19:13  
4           So it takes planning and purchasing of such 11:19:17  
5 livestock feed, in order to tend to voting activities. 11:19:21  
6 Q.       And with 20 percent of the Navajo people not having 11:19:26  
7 access to motor vehicles, do many of these people -- 11:19:28  
8 elderly people in remote areas have to also arrange for 11:19:32  
9 transportation? 11:19:36  
10 A.       Yes. 11:19:36  
11 Q.       As a practical matter, Mr. Gorman, if these voters 11:19:37  
12 don't have adequate identification at the polls, and their 11:19:44  
13 vote, then, is rejected or their effort to vote is 11:19:50  
14 rejected, or they have to cast additional provisional 11:19:59  
15 ballots and return within three days or five days, as a 11:20:01  
16 practical matter are they able to return within three to 11:20:04  
17 five days to bring identification? 11:20:08  
18 A.       My -- my estimate is that it's going to be very, 11:20:10  
19 very difficult for grandparents on the Navajo Nation to 11:20:13  
20 satisfy such a requirement. When I mentioned preparation 11:20:17  
21 that occurs for election day, I guess that means not only 11:20:27  
22 to secure the proper amount of feed for their livestock, 11:20:30  
23 but also to secure transportation. Oftentimes that 11:20:34  
24 transportation is either provided by neighbors or 11:20:38  
25 relatives, and oftentimes those are not as readily 11:20:41

1 available, so they have to go through that same process 11:20:44  
2 again if the requirement was to return. 11:20:46

3 Q. The evidence that we have put in from Coconino 11:20:56  
4 County, and I think the statewide evidence shows that most 11:20:58  
5 Native American people, and with the Navajo Nation, most 11:21:03  
6 Navajos vote at the polls. I think only nine percent voted 11:21:08  
7 by early ballot, while off the reservation in Coconino 11:21:14  
8 County, 36 percent voted by early ballot. Is that 11:21:17  
9 consistent with your understanding of what happens at the 11:21:20  
10 polling and in the voting process? 11:21:23

11 A. Yes, I'm not surprised with that data. 11:21:25

12 Q. And can you tell us the reasons that you know of for 11:21:27  
13 that? 11:21:29

14 A. As I mentioned earlier, the experience the Navajo 11:21:30  
15 people have had in the 1900s, when there was a Navajo 11:21:35  
16 Nation election, I think there is a lot of our Navajo 11:21:38  
17 people have gained the knowledge that participating in an 11:21:43  
18 election process does make a difference, and that personal 11:21:48  
19 appearance is the most -- best way to exemplify your 11:21:53  
20 genuine participation in the process. 11:22:06

21 Q. With those 10,000 or so Navajo people who don't 11:22:08  
22 speak, read or write English, or don't speak it well at 11:22:11  
23 all, or not well, do they have translation services 11:22:19  
24 available at the polling place when they go to vote? 11:22:24

25 A. Yes, they do. 11:22:26

1 Q. And are there any official translation services 11:22:28  
2 provided for early voting? 11:22:35  
3 A. To my knowledge, none. 11:22:36  
4 Q. So is that another factor in your thinking as to why 11:22:37  
5 so many of the Navajo voters vote at the polls, rather than 11:22:45  
6 early voting? 11:22:51  
7 A. Yes. 11:22:52  
8 Q. Does the Navajo Nation issue identification cards, 11:22:52  
9 Mr. Gorman? 11:22:56  
10 A. The Navajo government does issue identification 11:22:59  
11 cards, like, for example, for my employment, when I use the 11:23:01  
12 Navajo government vehicle, yes, it does. 11:23:05  
13 Q. Oh, for its employees, you mean? 11:23:08  
14 A. Yes, for its employees. 11:23:17  
15 Q. But for the Navajo people as a whole? 11:23:18  
16 A. No, there is no services in the Navajo government 11:23:20  
17 that provides ID cards to all members of the Navajo people, 11:23:23  
18 no. 11:23:27  
19 Q. And are you aware of such a thing as a treaty card 11:23:27  
20 or a census card on the Navajo Nation? 11:23:31  
21 A. I have never heard of a treaty card. I have never 11:23:35  
22 seen a census card. 11:23:37  
23 Q. Now the nation does issue something called a 11:23:40  
24 certificate of Navajo Indian blood; is that correct? 11:23:43  
25 A. Yes. 11:23:47

1 MR. COHEN: Your Honor, an example of that is 11:23:53  
2 Exhibit 5 to the Johnson deposition, if, at sometime later, 11:23:55  
3 you wanted to look at one, your Honor. 11:24:01

4 THE COURT: Thank you. 11:24:02

5 Q. BY MR. COHEN: Mr. Gorman, what is the function of 11:24:05  
6 the certificate of Navajo Indian blood? 11:24:07

7 A. The function of the certificate of Navajo Indian 11:24:09  
8 blood is to verify that either I am a full-blood Navajo, 11:24:13  
9 some quantum of my blood is non-Navajo, so to verify that 11:24:24  
10 yes, I am Navajo by blood. The Navajo Nation has a law 11:24:29  
11 that says in order to be a member of the Navajo Tribe, you 11:24:34  
12 have to have at least a quarter of your blood to be Navajo. 11:24:37

13 Q. Is this an 8 and a half by 11 sheet of paper with a 11:24:41  
14 seal on it? 11:24:45

15 A. Yes. 11:24:46

16 Q. And how is -- how is that treated by you, by Navajo 11:24:46  
17 people in terms of documents that you have? 11:24:51

18 A. I treat it as an important document, of course. 11:24:55  
19 Take, for example, on the Navajo Nation, my wife and I 11:25:02  
20 recently applied to get land leased to us. One of the 11:25:06  
21 requirements is that I have to verify that I am Navajo, so 11:25:13  
22 that document, the certificate of Navajo Indian blood, was 11:25:16  
23 very instrumental in verifying that yes, I am Navajo, 11:25:20  
24 therefore, I can apply for lease of land. 11:25:25

25 Q. Is that document considered to be an identification 11:25:27

1 document? 11:25:31

2 A. No. I don't carry it around every day to show that 11:25:32

3 yes, this is Leonard Gorman, here I am with a Certificate 11:25:39

4 of Indian Blood. No, I don't. 11:25:43

5 Q. So its function is to establish that you're a 11:25:44

6 Navajo, it's not to establish what your -- what your 11:25:47

7 identity is; is that what you're saying? 11:25:50

8 A. No -- yes, it is to establish that I am Navajo by 11:25:52

9 blood quantum, but it's not to identify myself with it. 11:25:57

10 Q. Is this the type of document that you -- that is 11:26:00

11 retained like with marriage licenses and birth certificates 11:26:03

12 and those types of papers? 11:26:06

13 A. Yeah, generally in our house hold, we keep them with 11:26:07

14 those important documents, and nobody touches it except my 11:26:12

15 wife and I. 11:26:16

16 Q. Does the Navajo Nation, in its elections, require 11:26:17

17 voter identification at the polls? 11:26:23

18 A. No, we don't. 11:26:25

19 Q. Why not? 11:26:27

20 A. The Navajo Nation has never required that by law, as 11:26:28

21 an identification to vote at polling places at Navajo 11:26:34

22 Nation elections. As I introduced myself earlier, I think 11:26:47

23 there are two Navajos in this courtroom. They would know 11:26:48

24 by now, based on my introduction, how they are related to 11:26:51

25 me, whether they are my brother, my sister, they're my 11:26:55

1 father, my mother, my grandparents. They would know right 11:26:59  
2 now how they are related to me, or they may not be related 11:27:02  
3 to me. 11:27:05

4 I grew up in a community that's called Nazlini. 11:27:07  
5 From birth, my parents told me who lives where. Who our 11:27:13  
6 neighbors are. What their clans are. So I know who lives 11:27:17  
7 to the east of where my parents used to live. The top 11:27:23  
8 lines. I know who lives in the valley, which clan lives in 11:27:29  
9 the valley where my parents live. My Deschiniis. 11:27:32

10 I know where the Dodges live and what their clans 11:27:38  
11 are. It's a clanship, that's the form of identification in 11:27:45  
12 a community. You establish that clanship as you live in 11:27:49  
13 the community and identify individuals in that fashion. 11:27:54

14 Q. Do the polling -- pole workers it at the polling 11:27:57  
15 places on the Navajo Nation know the voters who come and 11:28:03  
16 vote at that polling place? 11:28:08

17 A. The poll officials on the Navajo Nation, the 11:28:12  
18 chapters select them from among the communities. Like, for 11:28:16  
19 example, in my community, the Nazlini community, those 11:28:19  
20 polling officials have to know all of the registered voters 11:28:24  
21 in that community. It is not one individual. Usually 11:28:30  
22 there is a team of four or five poll officials that man the 11:28:33  
23 polling place. 11:28:38

24 Take, for example, I just participated in the 11:28:42  
25 Navajo Nation election on August 8th. When I walked in, 11:28:45

1 the first person recognized me and said good morning. I 11:28:48  
2 opened the polling book, found my name, and said sign here, 11:28:53  
3 without asking me for an identification card. Without 11:29:00  
4 asking me who I am. 11:29:03  
5 Q. Mr. Gorman, with regard -- that's the Navajo 11:29:07  
6 election, now? 11:29:10  
7 A. Yes. 11:29:10  
8 Q. With regard to the State and federal election, are 11:29:11  
9 the poll workers at the Navajo polling places voters -- 11:29:15  
10 Navajo voters in that particular precinct? 11:29:19  
11 A. Uh-huh. Yes, they are Navajos. 11:29:22  
12 Q. And do they know the people -- do those polling 11:29:25  
13 workers also know the people who -- 11:29:27  
14 A. To my knowledge -- 11:29:29  
15 Q. -- that vote? 11:29:30  
16 A. -- by the same experience I had in the last state 11:29:32  
17 election, I have never showed my -- any identification 11:29:35  
18 card, and they just know me when I walk into the polling 11:29:38  
19 place. They find my name on the register, and they ask me 11:29:41  
20 to sign the document without having to ask me to produce an 11:29:45  
21 identification card. 11:29:49  
22 Q. Given the clanship relationships and the social 11:29:50  
23 structure on the Navajo Nation, would there be any problem 11:29:53  
24 with poll workers in any of the polling places for State 11:29:58  
25 and federal elections with identifying, by their own sight 11:30:05

1 and knowledge, the voters who come to the polling place? 11:30:12

2 A. I don't -- I don't find any problem at all. The 11:30:15

3 point was raised earlier that the issue is trust and 11:30:21

4 verify. The Navajo people have had trust. They have 11:30:25

5 trusted the system of the clan for centuries. They have 11:30:32

6 verified. They verify every day in their households who 11:30:38

7 their relatives are. So it's ongoing. It happens every 11:30:47

8 day in a household. That's part of the teaching of the 11:30:53

9 Navajo people, not only in the polling place; it happens 11:30:55

10 every day. 11:31:02

11 Q. And that Navajo culture system, what is it called? 11:31:03

12 A. It's called. Ketzah (phonetic.) Ketzah. It is 11:31:05

13 essentially -- it is the foundation of the Navajo society 11:31:11

14 as a people in this world. It's the foundation -- it 11:31:16

15 defines not only who I am as a person in this world, but 11:31:22

16 also what my relationship would be with the person, the 11:31:29

17 Navajo individual that I meet. It would establish if that 11:31:35

18 individual is my sister, is my brother, is my grandparent 11:31:39

19 and whatnot. It already is systematized to verify that 11:31:45

20 existence, that network that exists in the Navajo society. 11:31:52

21 MR. COHEN: Thank you, Mr. Gorman. 11:31:59

22 Those are my questions, your Honor. 11:32:00

23 THE COURT: Mr. Sparks. 11:32:06

24 MR. SPARKS: Thank you, Judge. 11:32:07

25 // 11:32:12

## CROSS-EXAMINATION

1  
2 BY MR. SPARKS: 11:32:15  
3 Q. Yah-a-teh, Mr. Gorman. I'm tribal counsel for the 11:32:15  
4 Intertribal Council of Arizona, and thank you for being 11:32:18  
5 here. There is a few questions I wanted to follow up with. 11:32:20  
6 One is with the elder Navajos, were many of the 11:32:22  
7 elders born at home in the -- in the older times? 11:32:26  
8 A. Yes. 11:32:32  
9 Q. And would those older Navajos lack a birth 11:32:33  
10 certificate? 11:32:36  
11 A. Yes. 11:32:38  
12 Q. They would not have one, would they? 11:32:38  
13 A. Yes. 11:32:40  
14 Q. And the identification of the Navajo way -- inkeh 11:32:41  
15 (phonetic) -- I apologize, because I have an Apache accent, 11:32:48  
16 but the -- that manner of identification is shared by other 11:32:50  
17 people who speak a related language to Navajo, and the 11:32:57  
18 non-Indians have called the root language Athabaskan; is 11:33:04  
19 that correct? 11:33:07  
20 A. Yes. 11:33:08  
21 Q. And what other tribes in Arizona speak Athabaskan? 11:33:08  
22 A. To my recollection, those are the Apaches, the 11:33:14  
23 Yavapai, Tonto, San Carlos, White Mountain Apaches. 11:33:22  
24 Q. They have a similar identification method within 11:33:30  
25 their clan structure; isn't that correct? 11:33:32

1 A. I wouldn't be able to make that verification. 11:33:34  
2 Q. In terms of the certificate that Mr. Cohen brought 11:33:37  
3 up and you testified to about your -- about the Navajo 11:33:42  
4 issuing a certificate of blood quantum, that certificate of 11:33:46  
5 blood quantum wouldn't state what -- wouldn't present 11:33:49  
6 information about what state in the union, like New Mexico, 11:33:55  
7 or Utah or Arizona, that your blood quantum was from, would 11:34:00  
8 it? 11:34:07  
9 A. It would not state if I'm in Arizona, New Mexico or 11:34:07  
10 Utah. It just says Navajo Nation. 11:34:10  
11 Q. And I think you currently dwell in Window Rock, 11:34:12  
12 although that's not the place of your home clan; is it? 11:34:17  
13 A. No, it's not. 11:34:20  
14 Q. And to journey from -- do you vote, personally, at 11:34:22  
15 the place of your mother's clan, or do you vote in Window 11:34:27  
16 Rock? 11:34:31  
17 A. I vote in the precinct of -- where my parents lived, 11:34:31  
18 and that's Nazlini. I live in Window Rock. 11:34:38  
19 Q. Okay. And then the precinct where your parents 11:34:41  
20 live, does it have a corresponding county in Arizona? 11:34:44  
21 A. Yes. 11:34:47  
22 Q. What county is that? 11:34:47  
23 A. Apache. 11:34:48  
24 Q. Now, compared to where your precinct is, where your 11:34:49  
25 parents live, how far is the Apache seat, county seat from 11:34:55

1 where your parents live? 11:34:59

2 A. Are you asking me how far it is to St. John's? 11:35:00

3 Q. Well, I'm asking you -- I guess the first question 11:35:07

4 should have been where is the county seat, and that is 11:35:09

5 St. John's, isn't it? 11:35:16

6 A. Yes. 11:35:17

7 Q. And how far is that from the polling place? 11:35:17

8 A. Without having a map, my estimate would be about 90 11:35:19

9 miles, a hundred miles away. 11:35:28

10 Q. Do you think if, even though the polling workers 11:35:30

11 know you as a voter and know all the Navajos by their 11:35:35

12 system of clanship, that you were required to produce a 11:35:41

13 birth certificate or some identification such as that, and 11:35:47

14 were denied the right to vote, would going to St. John's 11:35:49

15 present a difficulty for Navajo voters? 11:35:55

16 A. It's going to be very, very difficult. 11:36:01

17 Q. Do you think that the people at the county seat who 11:36:05

18 work with voting in Apache County -- it's Apache County, 11:36:09

19 isn't it? 11:36:20

20 A. Yes. 11:36:20

21 Q. Do you think they would understand the system of keh 11:36:23

22 (phonetic) that the Navajo used to identify themselves? 11:36:26

23 A. I doubt it. 11:36:31

24 Q. So if they didn't accept that as your 11:36:33

25 identification, you would have to go into some other form 11:36:35

UNITED STATES DISTRICT COURT

NN 000883

1 of voting ballot under this new procedure, under 11:36:40  
2 Proposition 200, wouldn't you? 11:36:44  
3 A. Yes. 11:36:46  
4 Q. And if you were unable to bring that information 11:36:47  
5 with you and had to return and come back to the county 11:36:50  
6 seat, are there people who simply could not do that because 11:36:56  
7 that information doesn't exist? 11:37:00  
8 A. There is going to be a very good number of Navajos, 11:37:02  
9 particularly among the elders, that simply would not even 11:37:09  
10 first have the opportunity to travel to St. John's from 11:37:13  
11 Nazlini, because they wouldn't have any transportation at 11:37:17  
12 all. If they were to arrive at St. John's and were asked 11:37:20  
13 to return again, I've -- from our office we tried to inform 11:37:26  
14 the Navajo people, and when we went to luncheon programs 11:37:33  
15 for senior citizens, they were appalled that this 11:37:40  
16 requirement is going to come down, and some of them have 11:37:44  
17 actually pointed out to us that they would not participate 11:37:48  
18 in the state election. 11:37:52  
19 Q. Is -- is -- as a cultural matter, it would be quite 11:37:53  
20 offensive for an elder to be required to explain their 11:38:01  
21 kinship and matter of identification to nonIndians in 11:38:04  
22 St. John's, wouldn't it? 11:38:09  
23 A. Yes. 11:38:11  
24 Q. And one other question I had, just a practical one 11:38:14  
25 about tending to the sheep, but when your parents have and 11:38:19

1 grandparents have to bring the sheep into a corral, they 11:38:26  
2 not only have to provide for the food for the sheep during 11:38:31  
3 that period when they're gone, but they frequently have to 11:38:34  
4 haul water for miles to water the sheep while they are 11:38:38  
5 gone, don't they? 11:38:42  
6 A. Yes, in those times of drought, yes. 11:38:43  
7 Q. Do you find the provisions and identification 11:39:00  
8 requirements of Proposition 200 very burdensome for the 11:39:03  
9 Navajo people? 11:39:08  
10 A. It's very burdensome for the elders of the Navajo 11:39:08  
11 Nation. It's very burdensome because a lot of them don't 11:39:20  
12 have the identification card at the present time. 11:39:26  
13 Q. And at that time in approximately 1934 that you 11:39:34  
14 mentioned that the Navajo Nation got together to vote 11:39:37  
15 whether to adopt the constitution under the 1934 Indian 11:39:40  
16 Organization Act, that was a very large event in the 11:39:48  
17 nation's history, wasn't it? 11:39:50  
18 A. Yes. 11:39:51  
19 Q. And one of the treaties of the Navajo Nation is the 11:39:52  
20 Treaty of 1868, isn't it? 11:39:57  
21 A. Yes. 11:40:03  
22 Q. And I think Mr. Cohen mentioned and asked you, and 11:40:03  
23 you said you didn't have a treaty card, even though your 11:40:07  
24 nation has treaties with the United States? 11:40:10  
25 A. Yes, I don't have a treaty card. 11:40:12

1 Q. Now in that election, the Navajo Nation decided that 11:40:13  
2 it would not adopt the 1934 Act, Indian Reorganization of 11:40:21  
3 the constitution, but rather it would organize its own 11:40:28  
4 government under its own law in respect to the treaty with 11:40:32  
5 the United States; isn't that correct? 11:40:35  
6 A. Yes. 11:40:37  
7 Q. And that was an important day, because many other 11:40:37  
8 tribes on similar occasions in the United States did adopt 11:40:40  
9 the 1934 Act constitution; isn't that correct? 11:40:46  
10 A. Yes. 11:40:48  
11 Q. So Navajo stands unique in many ways as a tribe 11:40:48  
12 recognized by the United States with a treaty, and with a 11:40:55  
13 government that it created for itself with its own people 11:40:57  
14 by its own rules; isn't that correct? 11:41:02  
15 A. Yes. 11:41:04  
16 MR. SPARKS: Thank you. 11:41:05  
17 THE COURT: Anyone else from the plaintiffs? 11:41:07  
18 MR. ROSENBAUM: No, your Honor. 11:41:12  
19 MS. PERALES: No, your Honor. 11:41:14  
20 THE COURT: Mr. Skolnik. 11:41:15  
21 MR. SKOLNIK: Thank you, your Honor. 11:41:18  
22 THE COURT: Just one question, Mr. Gorman. I 11:41:20  
23 just want to make sure I understand your definition of 11:41:22  
24 elders. Did you include with that definition 40 and 50 11:41:25  
25 years old? 11:41:28

UNITED STATES DISTRICT COURT

1	to his questioning as to that page.	01:00:37
2	MR. COHEN: That's correct, your Honor. I will	01:00:41
3	restrict it to the first page.	01:00:42
4	THE COURT: Go ahead.	01:00:44
5		01:00:46
6	REDIRECT EXAMINATION	
7	BY MR. COHEN:	01:00:46
8	Q. Mr. Gorman, do you have in front of you Exhibit 3,	01:00:46
9	sir?	01:00:49
10	A. Yes, I do.	01:00:50
11	Q. Would you look at page 1, please, sir, under the	01:00:50
12	heading acceptable forms of identification with photograph,	01:00:56
13	name and address of the elector? I want to go through each	01:00:59
14	one of those items under there.	01:01:03
15	With regard to the elderly member of the Navajo	01:01:04
16	Nation living in remote areas, the type of person we	01:01:12
17	discussed that you told us about this morning, with	01:01:17
18	livestock and making arrangements to go to the polls, if	01:01:22
19	that person did not have a motor vehicle and had to arrange	01:01:28
20	for their transportation, is it likely that that person	01:01:30
21	would have a valid Arizona driver's license?	01:01:34
22	A. No.	01:01:37
23	Q. Would it -- is it likely that that person would have	01:01:38
24	a valid Arizona non-operating identification license?	01:01:43
25	A. No.	01:01:47

1 Q. Is it likely that that person would have a document 01:01:47  
2 that he or she considers to be a tribal enrollment card or 01:01:54  
3 other form of tribal identification? 01:01:59  
4 A. No. 01:02:02  
5 Q. Is it likely that that person would have a valid 01:02:05  
6 United States federal, State or local government issued 01:02:09  
7 identification? 01:02:15  
8 A. No. 01:02:16  
9 Q. Going down to the next group, without taking up the 01:02:17  
10 time of going through each one of these and reading 01:02:19  
11 them -- well, I won't read the whole thing, I'll just 01:02:22  
12 start. 01:02:24  
13 You see the first one, utility bill. Is that 01:02:24  
14 person likely to have a utility bill, sir? 01:02:29  
15 MR. SKOLNIK: Your Honor, I would object on the 01:02:35  
16 basis of relevance, unless Mr. Cohen were prepared to read 01:02:38  
17 into evidence with this witness the language that appears 01:02:47  
18 on page 4 of the same document, under the title -- under 01:02:51  
19 the heading of Identification Requirements for Native 01:02:56  
20 American Electors. 01:03:00  
21 MR. COHEN: I will be happy to go into that after 01:03:07  
22 I finish this part of it, your Honor. I have no objection 01:03:09  
23 to that. 01:03:12  
24 THE COURT: That's fine. The exhibit is in 01:03:12  
25 evidence, and I have noted that section. Go ahead. 01:03:14

UNITED STATES DISTRICT COURT

NN 000888

1 MR. COHEN: Yes. 01:03:18

2 Q. Mr. Gorman, you have seen this list of documents on 01:03:21

3 page 1 under Acceptable Forms of Identification. The 01:03:23

4 person we're talking about, the elderly person, remote on 01:03:27

5 the reservation, arranging for transportation, is he or she 01:03:31

6 likely to have any of those documents? 01:03:35

7 A. If they have utility at their residence, let's say 01:03:56

8 an electrical line, a water line, it's possible that 01:04:01

9 someone may have a utility bill, but the person that we're 01:04:06

10 talking about that lives in a hogan that doesn't have 01:04:12

11 running water, that doesn't have electricity more likely 01:04:16

12 would not have a utility bill at all, and that hauls water 01:04:20

13 to supply for his own sustenance and his lifestyle. No, no 01:04:27

14 utility bill. 01:04:32

15 Q. And would that same -- your same answer apply to the 01:04:32

16 other items on -- 01:04:36

17 A. Yes. 01:04:37

18 Q. What's that? 01:04:41

19 A. Yes. 01:04:41

20 Q. And let's turn to page 4. 01:04:42

21 Would you read to yourself the first paragraph of 01:04:49

22 that Identification Requirement for Native American 01:04:52

23 Electors? 01:04:57

24 Have you had a chance to read it, sir? 01:05:17

25 A. I have a difficult time seeing the small letters, 01:05:20

1	I'm sorry.	01:05:22
2	Okay.	01:05:49
3	Q.        I haven't asked you a question, yet. I just want to	01:05:51
4	know if you had a chance to read that paragraph.	01:05:53
5	A.        Yes.	01:05:55
6	Q.        Yes?	01:05:56
7	Mr. Gorman, do you understand that paragraph to	01:05:57
8	say that if a -- an elector who identifies himself as a	01:05:59
9	member of the Navajo Nation, for instance, who doesn't have	01:06:05
10	photo ID or two other forms of identification, if that	01:06:10
11	person presents a form of tribal identification that bears	01:06:13
12	that person's name, that that person will be allowed to	01:06:20
13	vote a provisional ballot?	01:06:24
14	A.        Yes.	01:06:26
15	Q.        And would the people that -- first of all, have you	01:06:26
16	considered that the -- well, let me back up a moment.	01:06:35
17	I think we established this morning that the	01:06:38
18	Navajo Nation does not circulate a form of tribal	01:06:40
19	identification; isn't that correct?	01:06:45
20	A.        Yes.	01:06:48
21	Q.        And the tribe, the nation, does issue something	01:06:49
22	called a Certificate of Navajo Blood, which has a person's	01:06:54
23	name on it; is that right?	01:07:00
24	A.        Yes.	01:07:01
25	Q.        And would the people that we're talking about here	01:07:02

1	who live in remote areas, elderly voters planning to come	01:07:07
2	to the polls, would they consider that Certificate of	01:07:14
3	Native American Blood to be a tribal identification	01:07:17
4	document?	01:07:22
5	MR. SKOLNIK: Objection, your Honor; irrelevant	01:07:23
6	and speculation.	01:07:29
7	THE COURT: Sustained. Speculation.	01:07:29
8	Q. BY MR. COHEN: Do you consider the Certificate of	01:07:32
9	native -- of Navajo Blood to be an identification document?	01:07:34
10	A. No, I don't.	01:07:36
11	Q. Why not?	01:07:37
12	A. It just indicates the degree of blood in my person	01:07:38
13	as a Navajo. That's all it does.	01:07:47
14	Q. And is this a document that these people living in	01:07:50
15	remote areas would carry around with them when they went to	01:07:58
16	the polls usually?	01:08:02
17	A. In my experience, I have never seen a Navajo carry a	01:08:02
18	CIB as an identification.	01:08:06
19	MR. COHEN: I think that's all I have, your	01:08:11
20	Honor. Thank you.	01:08:13
21	THE COURT: Mr. Sparks, anything else?	01:08:13
22	MR. SPARKS: No, your Honor.	01:08:16
23	THE COURT: You may step down.	01:08:17
24	Your next witness.	01:08:19
25	MR. ROSENBAUM: Thank you, your Honor. I spoke	01:08:21

# **EXHIBIT C**

AFFIDAVIT OF AGNES LAUGHTER

STATE OF ARIZONA     )  
                                  ) ss  
COUNTY OF NAVAJO    )

I, Agnes Laughter, declare and state as follows:


1. I have personal knowledge of the facts stated below.
2. I am registered and eligible to vote in Arizona Elections.
3. I did not vote on November 7, 2006, Election Day, because I was so afraid to be turned away at the polls. I did not want to be left in that embarrassing moment as I experienced on September 12, 2006. On September 12, 2006, I was not given a ballot.
4. Even before that day, November 7, 2006, my restless came in my sleep and the restlessness I am talking about is the fear of being rejected again.
5. When Election Day came, my family and relatives departed to vote in this election. As I pondered this opportunity for them, I felt so alone knowing that these opportunities are not available to me because I do not have identification to vote. It is my hope that some day the doors will open for me to experience the opportunity of voting without the fear of being rejected again.

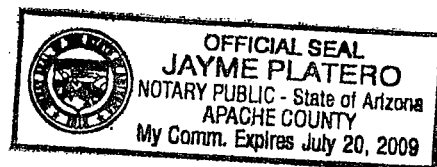
I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

By: \_\_\_\_\_

Agnes Laughter

SUBSCRIBED AND SWORN TO before me, by Agnes Laughter, this 12th day of December, 2006.

  
\_\_\_\_\_  
Notary Public  
My Commission Expires: 07/20/2009



# **EXHIBIT D**

12/12/07

DORIS,

Did Agnes Laughter  
vote in the last school  
bond election?

If so, was it regular or  
provisional?

Was/Did it count?

Yes, & she  
does have ID.

# **EXHIBIT E**

## DECLARATION OF AGNES LAUGHTER

I, Agnes Laughter, declare and state as follows:

1. I have personal knowledge of the facts stated below.
2. I am an enrolled member of the Navajo Nation. I am a natural-born citizen of the United States of America. I am 74 years old, and I am registered to vote in Arizona.
3. I am a resident of the Navajo Nation. I live seven miles northeast of the Chilchinbeto Chapter, located in Navajo County on the Navajo Nation Reservation. I have lived in Chilchinbeto since 1932.
4. I am registered to vote in Arizona. I have voted in county, state, and federal elections, and I intend to continue voting in county, state, and federal elections.
5. I speak Navajo, and I do not read or write English.
6. I do not possess any form of identification containing my name, address and photograph.
7. I do not have an Arizona driver's license or an Arizona non-operators identification card.
8. I do not have two forms of identification containing my name and current address that I will use on election day.
9. I have misplaced my voter registration card.
10. Because I live on the Navajo Reservation, I do not have a property tax statement.
11. I do not have any utilities in my name.
12. I do not have transportation. I do not have a vehicle registered in the State of Arizona, and I do not have a vehicle Insurance card.
13. I do not have a tribal identification card with my name and address.
14. I do have a bank account in my name; however, I object to using my private banking information in order to vote.
15. The nearest Department of Motor Vehicles location from my home is in Chinle, Arizona, which is approximately 50 miles from Chilchinbeto.

16. I have certain circumstances that make my obtaining identification for the purpose of voting burdensome and impractical. The only utility my household receives is a water bill. This water bill is issued in my husband's name. Because I was born at home, I do not have a birth certificate.

17. I have had problems obtaining an Arizona identification card in the past because I do not have a birth certificate.

18. The only reason I would need to obtain an Arizona non-operators identification card would be to have an identification card for voting purposes.

19. I would be required to expend funds to travel to the Department of Motor Vehicles in order to obtain an Arizona non-operators identification card.

20. I object to having to pay a fee for my right to vote.

21. I believe the new Arizona voter identification requirements unduly burden my right to participate in county, state, and federal elections.

22. I have every intention of voting in the next scheduled elections. I am concerned that election officials will not allow me to vote because I do not have and cannot obtain without substantial inconvenience and expenses the forms an identification which may now be required by Arizona law.

23. If I fail to bring the proper identification to the polls, it is improbable that I will return to a designated location with proper identification because I do not have transportation.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated May 08, 2006.



RT Agnes Laughter  
Agnes Laughter