

SJ clerk to appeal Grayeyes decision

BY CINDY YURTH
TSEYI' BUREAU

WINDOW ROCK — San Juan County (Utah) Clerk/Auditor John David Nielson Monday filed a notice of appeal against a decision by the U.S. Tenth Circuit to allow Navajo county commission candidate Willie Grayeyes to remain on the ballot pending the resolution of his residency case.

Grayeyes and Nielson have been in a pitched court battle over Grayeyes' candidacy, which, if successful, would for the first time tip the balance of the three-member county commission toward the county's Navajo majority.

Kenneth Maryboy, another Navajo candidate, is running unopposed for the District 3 seat after defeating incumbent Rebecca Benally in the primary.

A hearing on the case is scheduled next Monday in Salt Lake City.

Nielson had disqualified Grayeyes, the Democratic candidate for commissioner in the newly redrawn District 2, saying an investigation initiated by Grayeyes' Republican opponent, Wendy Black, had determined Grayeyes does not live in the county.

Grayeyes had argued he does live in the county, and that Nielson had deliberately backdated Black's objection to his candidacy to make sure it fell within the deadline for objections — which, according to Grayeyes' attorneys, Nielson actually admitted during deposition.

U.S. Judge David Nuffer agreed that Black's objection was untimely, but did not address the question of Grayeyes' residency, which is still unresolved.

Meanwhile, the Navajo Nation Human Rights Commission has investigated issues on the county's voter registration rolls and determined that 85

to 90 percent of Navajo voters in San Juan County who do not have street addresses are listed in incorrect locations.

"If you look at the county's map of GIS locations of Navajo homes," said HRC Executive Director Leonard Gorman, "some are at locations where there is no structure, some are on top of a rock mesa, some are in a wash —"

"Even in the middle of the (San Juan) River!" interjected HRC policy analyst Lauren Bernally.

Of the 580 people who visited the commission's recent voter verification clinics, 21 to 22 percent were registered in the wrong precinct, Bernally said, which means their votes could be thrown out if challenged.

In explaining the situation to Navajo elders, Gorman uses the old coyote story of scattering the stars.

"When the Holy People were placing the stars," explained Gorman, "Coyote came along and grabbed a handful and just threw them up there randomly. That's basically what the county has done with the Navajo voters' homes."

The HRC is frantically working to correct the errors with the help of the tribe's Rural Addressing Program.

"In essence, we're doing the county's work for them," said Gorman. "There are probably some liability issues, but I'm not going to just stand by and watch this happen."

Bernally says the objection to Grayeyes' candidacy and the carelessly kept voter rolls are just two of many tactics the county is using to try to ensure the commission and school board retain a white, Republican majority in spite of new voting districts imposed by a federal judge last year that for the first time favor Native Americans, who hold a slight majority in the county.

The county is appealing the new districts.

"We've been calling it 'slowballing,'" Bernally said. "They're taking their time, throwing one little thing after another in front of us."

"Since the court told them they have to redistrict, they've been using these administrative details to disrupt the process," added Gorman. "To give them the benefit of the doubt, they haven't experienced redistricting since 1984, so maybe they really don't know how to do a lot of these things."

The HRC has met several times with the Utah Lt. governor's office, which is in charge of the state's elections, to submit evidence of the botched system, and gotten a sympathetic ear and even some funding to advertise the voter verification clinics.

"But they can't legally take over the county election, which is what we would really like to see happen," Gorman said.

The office has, however, turned the complaints about Nielson over to the state attorney general's office for a possible criminal investigation, according to Gorman.

Meanwhile, the HRC and the Rural Utah Project, which helped host the clinics, are planning a "Community Celebration and Voter Empowerment Event" this Saturday at the Monument Valley Welcome Center, with food, games, bingo and a raffle as well as speakers, entertainment, voter registration and education.

Gorman likes the empowerment portion but thinks the celebration aspect is premature.

"Everything's still really up in the air," he said. "It's way too early to celebrate."

Nielson deferred comments to the county's attorney in the case, Blake Hamilton. Hamilton did not return a phone call by press time.

Walking the Healing Path focuses on murdered, missing women

BY CINDY YURTH
TSEYI' BUREAU

WINDOW ROCK — In recent years, Walking the Healing Path, John L. Tsosie's annual walk against domestic violence, has gone to Whiteriver, Hopi, even as far as Phoenix and Denver.

This year, it stays home. Walkers will traverse nearly the entire length of the Navajo Nation, from Window Rock to Shiprock — a distance of 112 miles — in eight days.

The focus is both local and universal. The walk will commemorate the life of Ashlynn Mike, the 11-year-old who was found bludgeoned to death near the Shiprock pinnacle in May of 2016, and "all of our missing and murdered indigenous women and girls," according to a poster for the event.

"Upon receiving permission from (Ashlynn's) parents, we are honored to say that not only are we dedicating our efforts to her, we will also be

helping to raise funding for a memorial that the parents are working on," Tsosie wrote in a letter to the Times. "Collaborations with the Coalition to Stop Violence Against Native Women and Navajo Nation Missing Persons Updates are also something we are proud to have established with this year's event."

The walk will start with a kickoff event at Veterans Memorial Park in Window Rock Oct. 13 and pass through Navajo, New Mexico, Diné College, Lukachukai, Red Valley/Cove and end at the Phil L. Thomas Performing Arts Center in Shiprock.

There will be a special stop at Ashlynn's memorial and the junction of New Mexico Highway 491, where Shiprock High School will make a presentation. Other presentations along the way will be made by Diné College, Lukachukai Schools, and Red Valley/Cove High School.

Everyone is welcome to participate in all or part of the walk.

Information: facebook.com/wthptoenddv

Violence Against Women Act set to expire if not extended

BY COLLEEN KEANE
SPECIAL TO THE TIMES

ALBUQUERQUE — The Violence Against Women Act will expire if it's not voted on by the end of September.

New Mexico's Congress members, both Republican and Democratic, are fighting for its passage.

"Reauthorizing VAWA is a critical step toward addressing violence against women. I am urging my colleagues to ensure that the VAWA reauthorization includes provisions to improve the response to violence against Native American women, reaffirm tribal criminal jurisdiction over non-Indian perpetrators, and improve tribal access to federal crime information databases," said Rep. Michelle Lujan Grisham, D-N.M.

The rest of the Congressional delegation echoed her sentiments. According to a policy paper by the National Congress of American Indians:

- American Indian and Alaska Native women are at twice the risk of being raped as other women.
- Three out of five American Indian and Alaska Native women have been assaulted.
- In some areas, Native women are murdered at more than 10 times the national average.
- Nearly 70 percent of Native women survivors of rape or sexual assault describe the offender as non-Native.

"These are more than heart-breaking statistics. These numbers represent moms, sisters and daughters," stressed Rep. Ben Ray Lujan, D-N.M. "These staggering statistics reveal the severity of this crisis and add urgency to Congress's responsibility to improve and expand upon efforts like VAWA," added Grisham.

Women living near border towns, oil patches and mining areas are especially at risk, according to the Coalition to Stop Violence Against Native American Women.

Countless Native women in communities adjacent to man camps (temporary shelters for oil workers) go missing each year and are needlessly assaulted, and perpetrators, usually non-Native Americans, go unprosecuted because of an overworked tribal law enforcement, jurisdictional issues or tribal court systems not set up for these types of prosecutions because of a lack of funding," explained Deleana Other Bull, the coalition's executive director, in a recent news release.

VAWA first passed in 1994 and set up a coordinated judicial and community response to violence against women. The bill is required to be renewed every five years. The last time it was reauthorized was in 2013. VAWA almost expired at that time.

According to reports, some conservative Republicans balked at a House version of the bill in part due to provisions allowing tribal courts to prosecute non-Natives, provisions for same-sex couples and protection of battered undocumented immigrants.

But then Senate Bill 47, sponsored by Sen. Patrick Leahy, D-Vt., and co-sponsored by New Mexico's senators Martin Heinrich and Tom Udall, surfaced and gained both Republican and Democratic support. It passed and went on to be signed by President Barack Obama.

The 2018 VAWA (HR 6545) is sponsored by Rep. Sheila Jackson Lee, D-Texas.

"There is absolutely no reason to further delay action on this bill which I have previously voted in favor of authorizing and will continue to fight to help get it passed," exclaimed Rep. Steve Pearce, R-N.M.

Provisions allowing tribal courts to prosecute non-Natives remain intact in HR 6545.

While tribal courts have gained authority to prosecute non-Natives in domestic violence cases through the 2013 reauthorization, many haven't been able to yet because they have to meet several stringent and expensive requirements, like hiring prosecutors and public defenders.

As they work on building capacity, New Mexico's U.S. attorney's office has stepped up to build partnerships with tribal courts and communities.

Through a special assistant USA pilot project, tribal prosecutors have been trained in federal law, procedure and investigative techniques.

It's made a difference.

Since 2013:

- Deandre Lamont Brown, a 29-year old non-Native man, faces up to 3 years in federal prison for strangling and suffocating a Native American woman.
- Dennison Hale, 42, from Tohatchi, New Mexico, faces a potential life sentence for murdering a Navajo woman from Hogback, New Mexico.
- Gavin Yepa, 31, Jemez Pueblo, faces up to a lifetime in prison for murdering a 38-year old Diné woman.

The list of arrests and convictions, several non-Native, go on for pages in notices from the USA's office.

"We need to continue to strengthen accountability and partnerships between tribes and the U.S attorney's office in New Mexico," stressed Heinrich.

For the first time, the law calls for effective and timely response to reports on murdered and missing American Indian and Alaska Native women.

HR-6545 also improves tribal access to federal crime information databases.

As of today, Congress has less than two weeks to vote on VAWA.

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