TITLE: Urging DOJ to Increase Enforcement of the Voting Rights Act in Indian Communities

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, the National Congress of American Indians has joined the Native American Voting Rights Coalition which consists of organizations whose mission is to ensure equality for Native American at the ballot box; and

WHEREAS, Native people are U.S. citizens with the right to vote in all federal and state elections; and

WHEREAS, turnout among American Indian and Alaska Native voters in the 2012 election was a full 17 percentage points lower than white voters; and

WHEREAS, it is not uncommon for tribal voters to be assigned to polling places that are unreasonably far away and require significant travel time. For example:

- Members of the Shoshone-Paiute Tribe of the Duck Valley Indian Reservation in Nevada have to drive 200 miles roundtrip to their closest polling location and voter registration site—over 4 hours round trip.
- Citizens of the Confederated Tribes of the Goshute Indian Reservation have to travel approximately 163 miles—over 5 and a half hours round trip to vote.
- In Alaska, many Alaska Native voters have physical barriers, like rivers, between themselves and the nearest polling place, making exercising their right to vote a journey requiring multiple modes of transportation and substantial sums of money. In these instances, polling locations may become completely inaccessible on Election Day.
WHEREAS, Indian voters often encounter language barriers, animosity, and intimidation in reservation border towns that inhibit Native voting; and

WHEREAS, more and more voters are casting their ballots early at satellite voting locations or via mail-in ballots, and for many Native voters, access to early voting locations has been even more challenging than access to election day polling places. For example:

- In the Wandering Medicine case, Indian voters in three counties in Montana had to travel 189%-322% farther than their non-Native counterparts.
- Tribal voters on the Duckwater reservation must drive 273 miles round-trip to access in-person early voting.

WHEREAS, as frequently as the 2014 election, election workers in urban Alaska received as much as $12 per hour, while similar workers in rural Alaska received only .68 cents per hour; and

WHEREAS, the Voting Rights Act (VRA) was enacted to remove barriers to political participation and prohibit the denial of the right to vote on account of race or color and is considered one of the most successful civil rights laws ever enacted by Congress; and

WHEREAS, Section 2 of the VRA protects voters against voting practices and procedures that discriminate on the basis of race, color, or membership in a language minority group; and

WHEREAS, a lack of resources and access to legal assistance by Indian tribes, lax enforcement by the Department of Justice, and the debilitating legacy of years of discrimination by the federal and state governments have contributed to a lack of enforcement of the Voting Rights Act in tribal communities; and

WHEREAS, where tribes have filed Section 2 lawsuits, courts have invariably found widespread patterns of discrimination against Native voters; and

WHEREAS, the Department of Justice is charged with enforcement of the Voting Rights Act, and has not filed a Section 2 lawsuit on behalf of American Indian and Alaska Native voters in more than 15 years.

NOW THEREFORE BE IT RESOLVED, that the NCAI, in light of the history of discrimination that American Indians and Alaska Natives have experienced when voting, and the proven effectiveness of the Voting Rights Act, calls upon the Attorney General to direct the Voting Section of the Civil Rights Division to prioritize enforcement of the Voting Rights Act in American Indian and Alaska Native areas.
CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2016 Midyear Session of the National Congress of American Indians, held at the Spokane Convention Center, June 27 to June 30, 2016, with a quorum present.

ATTEST:

Brian Cladoosby, President

Aaron Payment, Recording Secretary