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Chairwoman Marcia L. Fudge Native American Voting Rights Act Hearing Opening Statement

Good morning. We are here today to examine barriers to Native American voting rights. This morning's hearing will shed light on the long-standing disenfranchisement faced by this Nation's first people, and potential solutions to right this wrong. The ongoing injustice of voter disenfranchisement in America is far too familiar. Throughout 2019, the Subcommittee on Elections held a series of field hearings across the country to examine the state of voting rights and election administration in America.

What we found was an alarming array of hurdles and obstacles to voting that exist for citizens across the country, especially minority groups. Suppressive tactics have existed in various forms since this Nation's founding. And they continue today. In 2013, the Supreme Court's decision in *Shelby County* gave jurisdictions with a provable legacy of discrimination a green light to discriminate at will.

What was old is new again—polling place closures and movements, cutbacks and restrictions on early voting, discriminatory voter ID laws, removing otherwise eligible voters from the rolls, modern-day poll taxes, and a failure to provide required language assistance and materials, among other barriers, all combine to continually disenfranchise millions of otherwise eligible voters.

Last year the House passed bills to strengthen voter protections and ballot access, including H.R. 1, the For the People Act, and H.R. 4, the Voting Rights Advancement Act. Both these bills now sit on the Senate Majority Leader's desk, waiting for action.

But we cannot stand still. At her founding, America claimed a commitment to equality. She has failed to live up to that claim at many turns and it is time to fix this. Protecting the rights of Native American voters is no exception. This is now the second Subcommittee hearing focusing exclusively on Native American voting rights, and our third examining the issue in detail.

One might ask why we are spending so much time on the topic. Almost 7 million people identify as American Indian or Alaska Native, millions of whom are

eligible voters, including tens of thousands serving on active military duty and thousands more veterans who bravely served this country. Apart from this Subcommittee's North Dakota field hearing, neither this Committee, nor in fact any other committee in either chamber of Congress, has held a single hearing dedicated to Native American voting rights in recent memory. It is not only appropriate but necessary to hold a few hearings and make up for lost time.

The Federal Government has consistently failed Native American communities by engaging in policies of forced removal and assimilation, failing to live up to its treaty promises and trust obligations, and denying Native Americans citizenship until 1924. The States are far from blameless. Once Native Americans acquired citizenship and the legal right to vote, States immediately erected a series of Jim Crow-style barriers to prevent Native Americans casting a ballot.

By the time this first generation of discrimination began to fade in the 1960s, the damage was done. Native Americans experienced disproportionately low rates of voter participation and steep socioeconomic challenges. Both these problems persist today. The socioeconomic challenges experienced by many Native Americans are severe and unacceptable. More than a quarter of Native Americans live in poverty, and Native Americans are unemployed at almost twice the rate of other Americans. Tribal lands are often rural and isolated, and many members lack access to transportation, residential street addresses, and reliable mail services.

All of this was underscored by witnesses at our field hearings in North Dakota and Arizona but is not limited to those two states. These structural challenges mean that today's election laws are not necessarily working for Native American voters.

Voter registration services are often scarce or unavailable on tribal lands, and the act of voting itself is difficult for many tribal members. Polling sites are plagued by inadequate facilities, outdated equipment, and long wait times. Tribal lands sometimes lack a polling site altogether. And access to proper language assistance remains a persistent issue.

Voter ID laws severely burden Native Americans, who often lack the necessary residential addresses to obtain valid forms of identification. We learned about an especially egregious example of targeted voter ID laws during our field hearing in North Dakota, and we look forward to hearing more about that issue today. As we constantly talk about greatness—America is great because of her ability to repair her faults. It is time for us to do right by the residents of tribal nations and guarantee the right to vote that each member is owed.

We look forward to our panelists today further educating us on these challenges and offering their views regarding possible solutions. There is much work to be done.