

Native American Rights Fund

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TESTIMONY OF JOHN E. ECHOHAWK EXECUTIVE DIRECTOR, NATIVE AMERICAN RIGHTS FUND BEFORE THE SENATE INDIAN AFFAIRS COMMITTEE DECEMBER 9, 2020

I am pleased to testify in the Committee's oversight hearing today titled "From Language to Homelands: Advancing Tribal Self-Governance and Cultural Sovereignty for Future Generations." I am a co-founder of the Native American Rights Fund, the non-profit national Indian legal defense fund headquartered in Boulder, Colorado, which is celebrating its 50th anniversary this year. We have been involved in most of the major Indian rights cases over the years. I have been the Executive Director continuously since 1977 and have testified before Congressional committees many times over the years, including the Senate Indian Committee on Indian Affairs.

Senator Tom Udall of New Mexico, Vice-Chairman of this Committee, is retiring from the Senate and I want to recognize and honor him today. He has done great work for Native Americans over his many years of public service and I want to thank him for that. I have known him for many years. I was the first Native American graduate from the University of New Mexico School of Law in 1970 and Senator Udall is also a UNM Law School graduate. I first met him when he was serving as Attorney General of the State of New Mexico, at a meeting with the Conference of Western Attorneys General. I have enjoyed working with him over the years on Native American issues and wish him well.

We really appreciate all of the work he has done with us over the last two sessions of Congress in trying to secure passage of the Native American Voting Rights Act which he sponsored with many of you Committee members as co-sponsors. As you know, the Native American Voting Rights Act would establish the first of its kind Native American Voting Rights

Task Force, provide equal access to voter registration and polling sites, address the devastating effects of the 2013 *Shelby County v. Holder* Supreme Court decision by restoring tribal preclearance, affording equal treatment of tribal IDs, requiring language assistance, furnishing federal election observers, and requiring the Department of Justice to conduct an annual voting consultation with Indian tribes.

Few Senators have shown the devotion to voting rights, particularly the voting rights of Native Americans, that Senator Udall has demonstrated over the years. In 2015, NARF created the Native American Voting Rights Coalition, or NAVRC, a coalition of national and regional grassroots organizations, academics, and attorneys advocating for the equal access of Native Americans to the political process. It was founded to facilitate collaboration between its members on coordinated approaches to the many barriers that Native Americans face in registering to vote, casting their ballot, and having an equal voice in elections. Our first two actions were to conduct the largest ever survey of Native American voters and conduct a series of nine field hearings across Indian Country to identify barriers faced by Native American voters. This resulted in thousands of pages of hearing transcripts – evidence of voter suppression.

Senator Udall immediately identified this issue and began to draft the Native American Voting Rights Act to address the common barriers we identified. In so doing, he heard the voices of all those who spoke up at the field hearing and brought them to a national stage. He heard them, and then did something about it. Senate Bill S. 739 was introduced by Senator Udall in 2019. This year, the Senator continued to pursue this issue by holding meetings and roundtables on the importance of the tribal vote and barriers to voting in rural communities; joining the John Lewis Voting Rights Advancement Act and adding Native-specific provisions to that as well; and just a few months ago he led an effort urging the Department of Justice to immediately address the mass closure of polling locations in Native communities. He has shown unfailing leadership for the voting rights of the most disenfranchised Americans and for that, the Native American Rights Fund will be forever grateful.

The Native American Rights Fund represents the Ute Mountain Ute Tribe, the Hopi Tribe, and Zuni Pueblo in litigation challenging the President's diminishment of the Bears Ears National Monument in southeastern Utah in 2017. These ancestral lands of these tribes were protected as they requested when President Obama established the Bears Ears National Monument in 2016 with a provision that recognized co-management of those lands by the tribes and the federal government. The tribes have sacred sites, former villages, burial grounds, and other cultural resources on these ancestral lands now owned by the federal government that they want to help protect with their traditional knowledge. We appreciate the support that Senator Udall and other members of this Committee have given to the tribal co-management concept.

I want to conclude by thanking Senator Udall and other members of this Committee for their recognition and support of legislation that addressed the issue of missing and murdered

Indigenous women. This is one of the most serious issues in Indian country. This Committee and the Congress is to be congratulated for passing the Not Invisible Act and Savanna's Act this year which finally address these important issues.