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# Udall: Kavanaugh's Confirmation Hearings Reveal Deeply Troubling Views on Indian Law and Policy

**WASHINGTON** — Today, U.S. Senator Tom Udall, vice chairman of the Senate Committee on Indian Affairs, issued the following statement expressing his deep concerns about Supreme Court nominee Brett Kavanaugh's views on Indian law and policy:

"Judge Kavanaugh's confirmation hearings have only reinforced my serious concern that his confirmation poses a real threat to bedrock federal Indian law and policy principles that have guided the high court for decades. Judge Kavanaugh has shown in his writings, opinions, and emails that he is a jurist who would call into question the basic principles of Indian law and fails to appreciate the rights of indigenous people in the United States.

"From the documents I have reviewed so far, and based on information revealed during the hearings, I am convinced that Judge Kavanaugh is no friend to Indian Country. He openly characterized federal protections for Native Hawaiians as unconstitutional, and argued that 'any racial group with creative reasoning can qualify as an Indian tribe.' He even questioned the constitutionality of programs dedicated specifically to Native Americans, a view that could upend decades of progress for Indian Country on everything

from housing to government contracting. And considering the sheer number of documents that are still being shielded from public and Senate view, we may have only seen the tip of the iceberg when it comes to Judge Kavanaugh's willful misunderstanding of the rights held by Native communities, including Alaska Native Villages.

"As vice chairman of the Senate Committee on Indian Affairs, I support the exercise of Tribal sovereignty and work to ensure that the United States upholds its trust responsibility to Indian Tribes, Alaska Native Villages, Native Hawaiians and all Native communities throughout the country. And as a United States Senator, it is my constitutional duty to provide advice and consent for judicial nominations to the Supreme Court. I will vote no on Judge Kavanaugh's confirmation to the United States Supreme Court, for a variety of reasons. But Judge Kavanaugh's dismissive, and often outright hostile, view of the federal trust relationship runs contrary to 200 years of Supreme Court precedent and deserves special attention. His confirmation risks unwinding decades of progress for all of Indian Country, from New Mexico, to Alaska and Hawaii, and would lend credibility to unfounded attacks on federal programs that serve all Native communities.

"I believe Judge Kavanaugh poses a serious threat to the rights of Native communities across this nation. I encourage my colleagues on both sides of the aisle who are committed to upholding our trust responsibilities to carefully scrutinize Judge Kavanaugh's troubling record as they consider whether they can support his confirmation."