Statement of Oliver (O.J.) Semans
Executive Director, Four Directions
to the House and Senate Legislative Redistricting Committees
June 1, 2021

Thank you for the opportunity to speak to you today. My name is Oliver (O.J.) Semans. I am the Executive Director of Four Directions and a member of the Rosebud Sioux Tribe. Four Directions is a Native-led 501(c)(4) organization committed to full enfranchisement as a crucial way to navigate a stronger future for Native communities. Four Directions is a nationally renowned voting rights leader for Native communities. Four Directions has four main priorities: Native voting rights, voter empowerment, voter protection, and voter engagement.

It is crucial that this Committee engage tribes and tribal citizens in the redistricting process. I ask that the Committee both hold hearings *on* reservations to gather testimony from tribal members, and that the Committee engage in government-to-government consultation with tribal leaders.

Further, Districts that respect Tribes' political boundaries are vital to our self-determination. Senate Bill 80 requires the legislature to respect political boundaries as one of the principles of primary significance in redistricting. Political boundaries are fixed local political boundaries. Political boundaries include counties and municipalities, and importantly to us, political boundaries include reservations. It is crucial that the Committee not split, or crack, reservation boundaries, unless specifically requested by the tribal community in question. Splitting reservation boundaries can dilute the voting strength of Native voters and could violate Section 2 of the Voting Rights Act.

Senate Bill 80 requires that the Redistricting Committee ensure the "protection of communities of interest by means of compact and contiguous districts." A community of interest is a geographically cohesive area, like a neighborhood or region, whose residents tend to have similar interests. These shared interests might be political, social, economic, cultural or otherwise. Essentially, a community of interest is a group of contiguous people who would benefit from shared representation. A Native community will typically be a community of interest. However, that community might not be the same as the geographic boundaries of the reservation. There may be tribal members or other community members living off the reservation, but geographically near, who are also a part of that community. To make these decisions fairly and accurately, this Committee needs to hear directly from South Dakota's residents, including Native Americans.

We appreciate the effort to schedule multiple hearings across the state, but as currently planned, the schedule is not accessible to most rural Native residents. It is crucial that the Committee hold hearings on reservations themselves, not simply in the communities that neighbor reservations. In many cases, a border town is still well over an hour away from where most of a reservation's population lives. We understand that the Committee may be concerned about the availability of sufficient space on reservations. We will work with the Committee to find locations. In particular, it is crucial that the Committee add hearings on Pine Ridge and Cheyenne River.

Additionally, this Committee should engage in tribal consultation with the leaders of the tribes. It is imperative that the Committee respect the government-to-government relationship between the State and the Tribes.

I also want to share with you some of the history of redistricting in South Dakota as it has affected tribal communities. "Those who cannot remember the past are condemned to repeat it."

For the 1970 redistricting cycle, the Task Force on Indian-State Government Relations found that the legislature's use of multi-member districts diluted Native voting strength. Finding that Natives on reservations were sufficiently numerous and geographically compact to form a majority in at least one legislative district, the Task Force report recommended that Shannon, Washabaugh, Todd, and Bennett Counties be combined into one legislative district to create a majority Native district. But the legislature never considered the plan.[1]

In the 1980 cycle, the Department of Justice instructed South Dakota that it would not approve its plan unless it created a substantially Native district. District 28, which included Shannon and Todd Counties and half of Bennett County, became the first majority Native district.[2] The first Native state senator was elected in 1982 from District 28.[3]

In the 1990 cycle, for the purpose of protecting minority voting rights, the legislature created two single-member house districts, Districts 28A and 28B, which encompassed part of the Standing Rock Reservation and all of the Cheyenne River Indian Reservation. District 28A was a majority-Native district.[4]

In 1996, after a Native won the Democratic primary in 1994 in a majority-Native District 28A, the legislature abolished the two single-member districts and replaced them with one multi-member, at-large house district. District 28 as a whole was a majority-white district. The state Supreme Court ruled that this 1996 redistricting violated the state constitution's requirement to only act after a decennial census, and at no other time.[5] After the Supreme Court enjoined the plan, the first Native state representative was elected from District 28A.[6]

For the 2000 cycle, a federal district court ruled that the legislature violated Section 2 of the Voting Rights Act by packing District 27 with Cheyenne River members at the expense of District 26.[7] The Eighth Circuit upheld the district court's remedial plan.[8]

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[1] *Bone Shirt v. Hazeltine*, 336 F. Supp. 2d 976 (D.S.D. 2004).
[2] *Id.*
[3] Tom Shortbull - SD Hall of Fame Programs (sdexcellence.org)
[4] *Bone Shirt v. Hazeltine*, 336 F. Supp. 2d 976 (D.S.D. 2004).
[5] *In re Certification of a Question of L. from U.S. Dist. Ct., Dist. of S. Dakota, W. Div.*, 2000 S.D. 97, 615 N.W.2d 590.
[6] *Bone Shirt v. Hazeltine*, 336 F. Supp. 2d 976 (D.S.D. 2004).
[7] *Id.*
[8] *Id.*

This history shows that compliance with Section 2 of the Voting Rights Act is necessary to ensure that tribal voters have an equal opportunity to participate in the political process and to elect candidates of their choice. Section 2 is still in effect and is controlling law in the redistricting process.

Thank you again for your time today, and for your work on this Committee. We know that redistricting is a difficult process and we look forward to sharing the stories of our communities with you over the next few months. Through respectful collaboration, we can achieve new maps that are fair for all South Dakotans.

Thank you.
