



# North Dakota tribal redistricting case still in limbo after Voting Rights Act decision

BY: MARY STEURER  
ND Monitor

The U.S. Supreme Court's Voting Rights Act ruling doesn't immediately impact North Dakota's redistricting case involving the Turtle Mountain Band of Chippewa and Spirit Lake Nation, according to the North Dakota Attorney General's Office.

The decision, issued Wednesday, makes it much harder to challenge district maps over allegations that they dilute the voting power of minority groups — which is key to the tribes' ongoing lawsuit against North Dakota.

For the time being, however, the redistricting case hinges on a separate procedural question: whether private citizens and groups are allowed to bring lawsuits under Section 2 of the Voting Rights Act. Section 2 outlaws racially discriminatory voting practices.

The tribes and two tribal citizens used that law to sue North Dakota over a district map approved by the Legislature in 2021. The tribes say the map shifted district lines in a way that made it harder for their communities to elect legislative candidates of their choice.

A federal judge sided with the tribes and imposed a different voting map, but the 8th Circuit Court of Appeals court last year overturned the ruling on the basis that only the U.S. Department of Justice can file lawsuits alleging violations of Section 2.

The 8th Circuit is the only appellate circuit in the country to rule this way.

The tribes appealed the decision to the U.S. Supreme Court last year, and asked the high court to settle whether the law can only be enforced by the federal government. It has yet to

make a decision in the case.

The justices' decision in *Louisiana v. Callais* on Wednesday did not speak to how the court will ultimately come down on that question, said Kareem Crayton, a vice president at the Brennan Center for Justice.

"It doesn't really give us a real clue as to whether those claims can only be brought by the Justice Department," he said of the ruling.

For now, North Dakota U.S. District Court Judge Peter Welte's district map, which he directed the state to adopt in early 2024, remains in effect. U.S. Supreme Court Justice Brett Kavanaugh last year placed a temporary hold on the 8th Circuit's decision overturning Welte's ruling, which has not been lifted.

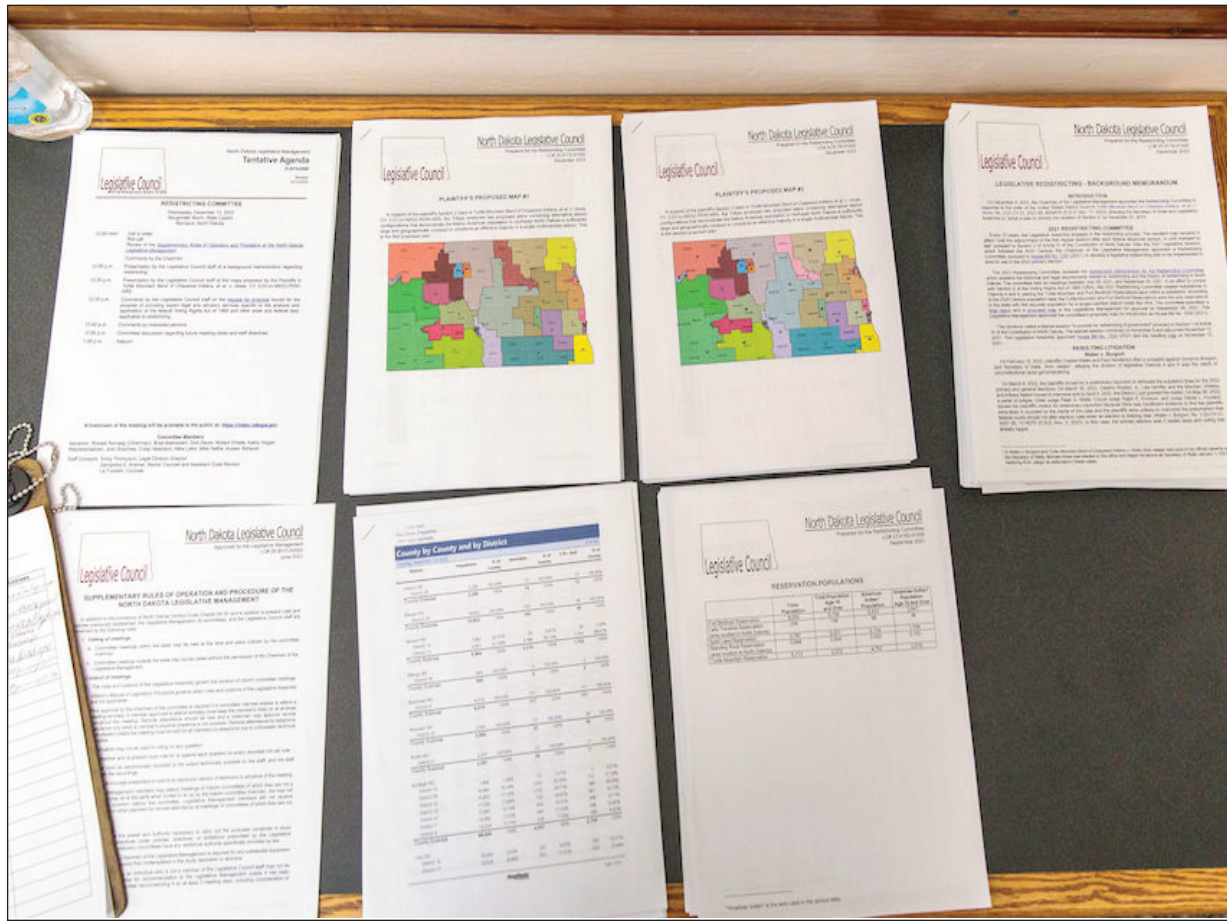
Even if the court does something to change that, it would not change legislative district lines for the 2026 election in North Dakota. The state must finalize its maps by December before an election year, the state said in a brief submitted to the U.S. Supreme Court.

The U.S. Supreme Court has not agreed to hear the Turtle Mountain Band of Chippewa and Spirit Lake Nation's lawsuit. It's extremely rare for the high court to agree to review a case.

Crayton said there are multiple ways the Supreme Court could handle the lawsuit.

It could reject the appeal outright, agree to hear arguments on the case or send the suit back down to Welte for further proceedings, for example, he said.

"They may direct the court to consider the decision on the merits in light of the new standards that have been set in *Callais*," Crayton said. "When you announce a new sort of standard of law, things that are in the pipeline that have not reached fi-



Maps discussed by a North Dakota legislative redistricting committee are displayed at a meeting in December 2023. (Photo by Kyle Martin/For the North Dakota Monitor)

nal resolution get sent back."

The Wednesday decision, authored by Justice Samuel Alito and joined by the court's other five conservative justices, significantly limits states' ability to consider race when drawing legislative maps. Previously, courts had interpreted Section 2 of the Voting Rights Act to forbid states from adopting any maps that reduce minority groups' voting power, whether deliberate or accidental. The Supreme Court on Wednesday found that in order to be found in violation of Section 2, there must be sufficient evidence that a state chose the map with the intent to discriminate based on race.

The decision will make cases like the North Dakota redistricting lawsuit "fundamentally harder to prove," Crayton said.

"It generally, even under existing law, is tough to find evidence of intentional discrimination," he said.

North Dakota Attorney General Drew Wrigley in a Wednesday statement applauded the Supreme Court's ruling, saying it "strengthens North Dakota's position that the Constitution is colorblind."

North Dakota Native Vote Field Organizer Dakota Walking Hawk on Wednesday evening called the decision a major setback for voting rights.

"The Voting Rights Act — that helped Native Americans get our rights to vote," Walking Hawk said. "That is a big part of the voter history of Native Americans."

Two legal groups representing the tribes in the North Dakota case, the Native American Rights Fund and the Campaign Legal Center, said Wednesday they could not yet comment on how the Supreme Court's decision will impact the lawsuit.

Both condemned the court's ruling generally, saying the decision stripped the Voting Rights Act of its power to enforce racial equality in voting.

"Taking away voting protec-

tions, like what happened with today's decision, makes it harder and at times impossible for Native voters to elect representatives who will respond to their needs," the Native American Rights Fund said in a joint statement with the National Congress of American Indians.

## Background

The North Dakota lawsuit concerns two state legislative districts in northern North Dakota — District 9 and District 15.

The Turtle Mountain Band of Chippewa and Spirit Lake Nation argue that North Dakota's 2021 district map diluted the power of Native voters by changing the District 9 and District 15 lines.

In 2021, the Turtle Mountain Reservation was placed in a new subdistrict of District 9 and the Spirit Lake Nation was placed in District 15. In 2022, District 9 only elected one candidate preferred by Native voters, and District 15 elected none, the plaintiffs have argued in court records.

Welte sought to correct this in his 2024 map by placing both reservations into District 9. In 2024, three Native candidates from District 9 were elected to the statehouse.

Attorneys for the state of North Dakota maintain that the 2021 map is not discriminatory. In previous court filings, attorneys for the state argued that private groups should not be able to bring lawsuits under Section 2 of the Voting Rights Act on the grounds that it destabilizes state district maps. The state wants the U.S. Supreme Court to uphold the 8th Circuit's decision overruling Welte's findings.

North Dakota Monitor reporter Mary Steurer can be reached at [msteurer@northdakotamonitor.com](mailto:msteurer@northdakotamonitor.com).



## Turtle Mountain Band of Chippewa Indians

P. O. Box 900 - Belcourt, ND 58316

### Request for Proposals (RFP) For Professional Services Turtle Mountain Indian Reservation

The Turtle Mountain Band of Chippewa Indians Project Management and Environmental Brownfields Tribal Response Programs are hereby soliciting Qualifications, Experience and Bids from qualified consultant ("Consultant") firms to provide remediation and disposal services in relation to the Azure's Store Underground Storage Tank Removal. The project is being funded under U.S. Environmental Protection Agency (U.S. EPA) grants and all Tribal and Federal laws, standards and requirements must be met. Must include 3% TERO Fee to bid of \$10,000.00 or more, also include 1% EPA Fee. Selection criteria will include appropriate certification and experience, cost estimates, timeline commitments and anything that is beneficial to the Tribe. Preference will be given to qualified Indian Owned Firms. Sealed written proposal(s) and bids in response to this RFP must be received or postmarked by **May 30th, 2026**. Proposals received after this date will not be considered. Proposals can be hand delivered, courier service, or by mail. No email or faxed bids will be accepted. Please deliver two [2] copies of this proposal to:

Allan Malaterre  
Director, Turtle Mountain Property and Supply  
P.O. Box 900  
4180 Highway 281  
Belcourt, ND 58316  
701 477- 2635  
[allan.malaterre@tmbci.org](mailto:allan.malaterre@tmbci.org)

Project Contact: Questions about the project and requests for copies of the RFP, maps and relevant documents; or to schedule a site tour should be directed to the Project Contact:

Philip Lenoir  
Brownfields Tribal Response Program Coordinator,  
TMBCE-EPA  
PO Box 900  
1308 Ogema Road (Transportation building)  
Belcourt, ND 58316  
(701 477-8339 work  
[xavierp72@outlook.com](mailto:xavierp72@outlook.com)

A pre-bid submittal meeting is scheduled **May 20th, 2026 at 10:00 am** at the Tribal Transportation Building, 1308 Ogema Road, Belcourt, ND. Site visits will follow the meeting. Further information on this meeting and site visits may be obtained by contacting Mr. Philip Lenoir, whose contact information is listed above.

The Turtle Mountain Band of Chippewa Indians reserves the right to reject any or all proposals/bids and to waive irregularities and informalities.

## DATEBOOK cont. from page 2A

leader and an enthusiastic booster of North Dakota. He was active in the Rotary and the Masons and was a strong supporter of the Boy Scouts.

Seeking a way to boost North Dakota businesses and encourage tourism, Herman founded the Greater North Dakota Association in 1924 and served as its first president. That organization is known today as the Greater North Dakota Chamber.

On this date in 1933, the Association announced it would sponsor a summer tourist excursion to the Badlands. The trip would be made in cooperation with the Northern Pacific Railroad, with a roundtrip fare from Fargo set at three dollars. The Association believed the trip would interest North Dakotans who had never had a chance to visit what it called some of the most scenic and attractive points in the state.

As the country continued to struggle with the effects of the Great Depression, the trip was expected to appeal to people with limited vacation dollars. The hope was that North Dakotans would keep those vacation dollars within the state.

The citizens of Dickinson planned to assist with the tour by providing free automobile transportation from Dickinson to Medora. Points of interest on the itinerary included Dickinson, Painted Canyon, Peaceful Valley Ranch, Teddy Roosevelt's Ranch, and the DeMores Chateau. The list of activities had not yet been finalized, but proposed events included a parade of cowboys and cowgirls, a display of horsemanship, and an outdoor barbecue.

Interest in the excursion exceeded expectations, and tickets were going fast. So many people signed up for the Badlands trip that there were not enough vehicles in Dickinson to take them all to Medora. Those who could not go by car were taken to Medora by train. Over nineteen

hundred people joined the expedition, and the Association considered it a wild success. The organization did not waste any time planning a second trip.

###

## A New County Seat

By Dr. Carole Butcher

May 7, 2026 – Sykeston was considered the county seat when Wells County was organized. In November 1884, Fessenden received more than three-fifths of the votes in an election to formally decide the county seat, but the matter was not settled, even with the vote. Newspapers reported that "Wells County is all torn up over a county seat fight."

Sykeston businessmen were not willing to admit defeat. They claimed there were irregularities in the voting. They were countered by Fessenden businessmen who were eager to make the move. They wasted no time and rounded up several men with teams and wagons, heading to Sykeston to claim the safes, records, and courthouse furniture. The sheriff favored Fessenden and conveniently took a long vacation as the supporters arrived to claim the courthouse property.

After fortifying themselves with liquid refreshment, the men went to the courthouse. They faced the challenge of moving the large safe. They needed timbers, so they went to the lumber yard. The lumber dealer did not support relocating the county seat and refused to sell the timbers. The Fessenden crew took them anyway and left their money on the counter. They loaded the safe on timbers across two wagons and filled other wagons with smaller safes, boxes of records, and furniture. The wagons were heavy, and it took all night to get back to Fessenden.

The county auditor was eager to move out of the makeshift storefront in Sykeston and into a real courthouse, but that did not happen overnight. The county commissioners finally called a special election on this date in

1895 to decide the question of a \$12,000 bond issue for construction of a new courthouse and jail in Fessenden.

The bond issue passed, and the commissioners hired an architect and a Fessenden construction company. In December, they purchased six coal heating stoves and insured the building for \$10,000. Wells County residents celebrated the opening of the new building on New Year's Eve in 1895. F.B. Gray's Little Brown Orchestra provided the music for the dancers. The crowd enjoyed a dinner at the hotel, then returned to the city hall to finish the night with more dancing. Still in use today, the courthouse was listed on the National Register of Historic Places in 1977.

###

## Prison Riot in Bismarck

By Merry Helm

May 8, 2026 – On this day in 1957, newspapers across the country were reporting a prison riot at the State Penitentiary in Bismarck the previous day. The trouble started late in the morning, when 220 prisoners refused to go back to work in the binder-twine factory. The convicts complained of poor food, about the actions of a particularly hated guard, and inadequate time for recreation.

The inmates went back to their cellblock but refused to enter their cells. The situation escalated about two hours later, when they barricaded themselves inside and began smashing things.

Four prison guards hid in the boiler room and the hospital, where they were able to call out on a telephone. Warden Nygaard, who was in Jamestown, told them to remain hidden; he didn't want the rioters to take them hostage. State Patrolmen, Bismarck policemen and two fire trucks soon surrounded the prison.

A United Press reporter managed to climb a ladder and talk with five of the strike leaders through the bars of a window.

The men said prison guards were stealing money and valuables from them. They also told of an abusive guard who would go into Bismarck and then come back and taunt the prisoners with tantalizing stories about their wives and sweethearts.

A reporter for the Associated Press was told the trouble actually started when a prisoner got thrown into solitary confinement. Guard Tom Wrangum confirmed he threw an inmate into the hole the previous day, but he refused to elaborate.

The prisoners demanded to see Governor John Davis, Attorney General Leslie Burgum or Warden O. J. Nygaard. Nygaard hurried back to Bismarck, where he told reporters he had a pretty good idea of who was leading the revolt — about 7 or 8 chronic troublemakers.

Matters came to an abrupt head late that afternoon. A "flying wedge" of prison guards charged the rioters with rifles and shotguns firing above their heads. The Fargo Forum reported, "What threatened to become a full-blown riot . . . folded up like an accordion after a tense five hours when officers used tear gas on 220 convicts."

Three prisoners were reported wounded, and the four hidden guards were freed. The men went to bed without supper that night because food in the kitchen was contaminated by disinfectant that was broken open during the smashing spree.

When asked how he was going to proceed in the aftermath, Warden Nygaard said he was going to ignore the convicts' charges, saying they were "cooked up" accusations.

"Dakota Datebook" is a radio series from Prairie Public in partnership with the State Historical Society of North Dakota and with funding from the North Dakota Humanities Council. See all the Dakota Datebooks at [prairiepublic.org](http://prairiepublic.org), subscribe to the "Dakota Datebook" podcast, or buy the Dakota Datebook book at [shop-prairiepublic.org](http://shop-prairiepublic.org).