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United States Senate

COMMITTEE ON INDIAN AFFAIRS

WASHINGTON, DC 20510-6450

ALLISON BINNEY, MAJORITY STAFF DIRECTOR
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Dear Tribal Leader:

I am pleased to write to you again to share some more very good news!

Last week Congress passed my Tribal Law and Order Act, and President Obama plans to sign this legislation into law this week. The law significantly reforms the justice system in Indian Country and will provide tribal communities with more resources to combat crimes.

This is another great victory for Indian Country and one that you and I have worked closely together over the past few years to achieve.

When I became Chairman of the Senate Committee on Indian Affairs, I made addressing the longstanding crisis of violence in many parts of Indian Country and improving the complex jurisdictional scheme of tribal justice one of my top priorities. Once again, with your help and support, that goal will now be a reality.

As many of you know, I held 14 hearings over the past three years focused on public safety in Indian Country. These hearings revealed a longstanding crisis in our tribal communities. Indian reservations suffer rates of violence more than 2.5 times the national rate, with some reservations having rates exceeding eight times the national rate. Indian victims of violence report waiting hours and sometimes days before receiving a response to their distress calls. Violence against American Indian and Alaska Native women has reached epidemic levels, with more than one in three American Indian and Alaska Native women being raped in their lifetimes, and two in five facing domestic or partner violence.

Additionally, my hearings revealed that federal officials have declined to prosecute more than 50% of violent crimes in Indian Country, and a higher rate for sexual assaults. And federal law limits tribal court authority to sentence offenders to no more than one year in prison, which limits their ability to provide justice to the victims and the tribal community.

To help find a solution to these significant problems, I sent my staff across the nation to meet with tribal, state and local law enforcement. The result of this close consultation with tribal leaders and organizations was the Tribal Law and Order Act, which I introduced in April 2009 along with 21 of my colleagues.

The new law establishes accountability measures for federal agencies responsible for investigating and prosecuting reservation crime, and will provide Native American tribes with

more tools to combat crime locally. It requires the Department of Justice to maintain data on criminal declinations and share evidence with tribal justice officials when a case is declined to be prosecuted. In addition, the new law establishes an option for tribes to increase sentencing authority for up to three years where a tribe provides added protections to defendants, such as the right to counsel and publication of the tribal criminal laws and preserve a trial record for appeal to federal court.

The Tribal Law and Order Act enhances the Special Law Enforcement Commission program to allow the Department of Justice to deputize tribal police officers to enforce federal laws on Indian lands against all offenders. Tribal governments would also be allowed to deputize State and local police officers to allow them to enforce laws on tribal lands. It also allows the Department of Justice to deputize tribal prosecutors to allow them to prosecute lower level felonies and misdemeanors in magistrate and federal district courts.

Tribal police officers will have greater access to criminal history databases such as the National Crime Information Center because of this new law. Programs designed to foster tribal court systems, tribal police departments, and tribal corrections programs are reauthorized and improved. Summer youth programs and youth shelters and juvenile detention facilities are updated to provide greater opportunities for at risk youth.

Under the new law, tribal and federal officers serving Indian Country can receive specialized training to interview victims of sexual assault and collect crime scene evidence. It also requires the Indian Health Service facilities to implement consistent sexual assault protocols, and requires federal officials to provide documents and testimony gained in the course of their federal duties to aid in prosecutions before tribal courts.

I believe that this law will significantly improve the ability of Indian tribes and the federal government to combat crime in on Indian lands. The First Americans should have safe communities in which to live, learn and thrive. Native elders, children and women should not have to worry about becoming a statistic in their community. The passage of the Tribal Law and Order Act of 2010 is a big step in the right direction to help keep Indian Country safe. I sincerely appreciate all your hard work and assistance in helping me pass this important law.

I also want you to know that I am committed to working on a number of outstanding issues while I finish up my term in the Senate. Some of these issues include the reauthorization of the special diabetes program, improving tribal energy development and job creation, passing the *Cobell* settlement and enacting a “*Carciari* fix.” With the time I have left in this Congress, I am committed to continue working to improve the lives of Native Americans.

Sincerely,



Byron L. Dorgan
Chairman