

Congress passes first significant Indian Country crime bill in years

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The [House](#) gave final approval to the Tribal Law and Order Act on Wednesday, marking the first significant attempt to address law enforcement in Indian Country law enforcement.

After a party-line dispute over process, the House voted 326 to 91 to pass [H.R.725](#). Republicans were the only ones who opposed the bill, which encourages more prosecution of crime in Indian Country, increases penalties for offenders, reauthorizes key justice programs and establishes consistent protocols to address sexual violence.

"This is a major victory for not only Oklahoma, but all of Indian Country," observed [Rep. Tom Cole](#) (R-Oklahoma), a member of the [Chickasaw Nation](#) and the only Native American in Congress. "Today, Congress has approved the greatest stride forward for public safety in Indian Country in decades." Up until a few weeks ago, the bill was off the Congressional radar screen. Despite widespread acknowledgment of extremely high rates of crime on reservations -- including high rates of violence against women -- neither the House nor the [Senate](#) had taken action on the Tribal Law and Order Act since last year.

But at an unrelated hearing last month, [Sen. Bryon Dorgan](#) (D-North Dakota), the chairman of the [Senate Indian Affairs Committee](#), said he was "very very close" to moving the bill. Just a week later, after a bipartisan deal that included [Sen. John McCain](#) (R-Arizona) and [Sen. Jon Kyl](#) (R-Arizona), the Senate passed the Tribal Law and Order Act as part of [H.R.725](#), the Indian Arts and Crafts Amendments Act.

McCain and Kyl, who have pushed for improved law enforcement in Indian Country, were sponsors of the Senate version of the Indian Arts and Crafts measure. "Many tribal communities today lack the support and tools needed to combat the terrible violence and crimes they experience," Kyl said last month.

Supporters predicted House passage of H.R.725 but Republicans yesterday objected to the inclusion of the Tribal Law and Order Act in the Indian Arts and Crafts bill.

They said the process prevented members of Congress from proposing changes to either measure and noted that the Law and Order Act was a more significant undertaking.

"When a widely supported arts and crafts bill that is just a few pages in length and which costs nothing is changed by the Senate to run over 100 pages with authorized spending of over a billion dollars," said Rep. Doc Hastings (R-Washington), the top Republican on the [House Natural Resources Committee](#), "that is simply unacceptable."

But even some Republicans who voiced concerns about the process voted for the bill. An impassioned speech by [Rep. Stephanie Herseth Sandlin](#) (D-South Dakota), who introduced the House version last year, underscored some harsh realities for members of Congress.

"A vote against this bill is a vote to keep the status quo, a status quo where it's estimated that one in three American Indian women and Alaska Native women will be raped in their lifetime," Herseth Sandlin said. "A vote against this bill will maintain the status quo, a status quo where drug trafficking organizations are targeting Indian reservations to manufacture and distribute illegal substances because of the lack of law enforcement on Indian land." "We can't delay any further," she added. "Native American women and their children are the most at risk. The statistics bear it out."

The Obama administration supported the bill after initially opposing a provision that requires the [Department of Justice](#) to report on the number of cases it declines to prosecute in Indian Country. But during the White House Tribal Nations Conference last November, [President Barack Obama](#) embraced the changes and yesterday he reaffirmed his promise to sign it into law.

"The federal government's relationship with tribal governments, its obligations under treaty and law, and our values as a nation require that we do more to improve public safety in tribal communities," Obama said in a statement. "And this Act will help us achieve that."

The White House didn't say whether it will hold a public signing ceremony for the bill. The last major Indian Country measure that became law was the Indian Health Care Improvement Act, which was included in the national health reform bill earlier this year.

"This historic legislation is an opportunity for tribes and the federal government to work together to make our communities safer, and it supports the sovereignty of tribes to investigate and prosecute serious crimes on our lands," said [National Congress of American Indians](#) President Jefferson Keel.

Congress has taken action to address crime and justice issues on reservations in recent years. But most of the efforts have been piecemeal in nature, such as increased funding for detention centers or a clarification of tribal criminal jurisdiction over all Indians, or they have been included in other bills whose primary focus was not Indian Country.

The Tribal Law and Order Act, on the other hand, is a comprehensive bill that touches on a wide range of federal and tribal issues. It provides some of the first substantive amendments to the [Indian Civil Rights Act](#), which became law in 1968, including a provision to allow tribal courts to impose three-year sentences where certain constitutional protections are met.

According to Herseth Sandlin, other major provisions include:

- Evidence sharing and declination data: Requires federal prosecutors to maintain data on criminal prosecution declinations in Indian country, and to share evidence to support prosecutions in tribal courts
- Federal Testimony: Helps ensure Federal officials who work in Indian country to testify about information gained in the scope of their duties to support a prosecution in tribal court
- Improves transparency in Public Safety spending by the Bureau of Indian Affairs (BIA), and requires greater consultation on the part of the BIA to tribal communities on matters affecting public safety and justice
- Increased sexual assault training and standardized protocols for handling sex crimes, interviewing witnesses, and handling evidence of domestic and sexual violence crimes in Indian country
- Authorizes Deputization of Special Assistant U.S. Attorneys to prosecute reservation crimes in Federal courts
- Increases Deputizations of Tribal and State Police to Enforce Federal Law: Enhances Special Law Enforcement Commission program to deputize officers to enforce federal laws on Indian lands
- Authorizes the Drug Enforcement Agency to deputize tribal police to assist on reservation drug raids

- Increases recruitment and retention efforts for BIA and Tribal Police
- Expands training opportunities for BIA and Tribal police to receive training at State police academies, and tribal, state, and local colleges – where Federal law enforcement training standards are met.
- Tribal Police Access to Criminal History Records: Many tribal police have no access to criminal history records. The bill will provide tribal police greater access to criminal history databases that provide them with essential information when detaining or arresting a suspect.
- Investigating fraudulent Indian arts and crafts: The Indian Arts and Crafts Amendments Act included in the bill will allow any federal law enforcement officer to investigate fraudulent Indian arts and crafts. Currently only the FBI can investigate these crimes.
- Programmatic Reauthorizations: The bill will reauthorize existing programs designed to strengthen tribal courts, police departments, and corrections centers – as well as programs to prevent and treat alcohol and substance abuse, and improve opportunities for at-risk Indian youth.

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[Indian crime bill heads to Obama](#) (The Great Falls Tribune 7/22)

[Murkowski: Congress passes law to enhance rural policing](#) (Alaska Newspapers 7/21)

[Obama says he'll sign Tribal Law and Order Act](#) (AP 7/21)

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