

October 31 - RE: USET SPF Alert: 10/30 - USCCR Public Mtg re COVID-19 in Indian Country

Dear USET SPF Board of Directors and DC Tribal Reps,

We write to inform you that yesterday's meeting of the U.S. Commission on Civil Rights (USCCR), which included consideration of an updated Commission report entitled: *COVID-19 in Indian Country: The Impact of Federal Broken Promises on Native Americans*, did not go as expected. The vote on whether to publish the report was split largely along party lines, with the four democrat members of USCCR voting in favor and the remaining four members (three republicans and an independent) voting against. This means the report will go unpublished, as a tie vote is insufficient for approval. Subsequent consideration of whether to publish formal Commissioner statements regarding COVID-19's impact on Indian Country, standard practice when USCCR undertakes an investigation but declines to issue a report, also failed along party lines. The Commissioners voting against issuing the report and statements did not offer any remarks explaining their votes.

According to USCCR's website, "established as an independent, bipartisan, fact-finding federal agency, our mission is to inform the development of national civil rights policy and enhance enforcement of federal civil rights laws. We pursue this mission by studying alleged deprivations of voting rights and alleged discrimination based on race, color, religion, sex, age, disability, or national origin, or in the administration of justice. We play a vital role in advancing civil rights through objective and comprehensive investigation, research, and analysis on issues of fundamental concern to the federal government and the public."

At the request of Senator Elizabeth Warren (D-MA) and Congresswoman Deb Haaland (D-NM), the report was intended to be an update of the [2018 Broken Promises report](#), which found that with the exception of some minor improvements, the U.S. continues to neglect to meet its "most basic" obligations to Tribal Nations. As USET SPF has consistently [advocated](#), though these chronic failures have persisted throughout changes in Administration and Congress, it is time that both the legislative and executive branches confront and correct them. Shortly after yesterday's vote, Senator Warren and Congresswoman Haaland issued a [statement](#) [linked] condemning the censorship of the report.

COVID-19 continues to represent an existential threat to our people, our governments, and our way of life. And the circumstances that Tribal Nations face during this public health emergency are directly attributable to the federal government's centuries of dishonorable action and inaction in its relationship with us. USET SPF's [testimony](#) delivered to USCCR in July provided extensive detail on the federal government's many failures as the pandemic swept through our communities. It is unconscionable that members of USCCR, who had previously voted to take up the issue, would now prevent a report of its findings from ever coming to light. We denounce this action as yet another failure of the federal government to confront the injustices and brutality it has inflicted upon Tribal Nations and Native people.

USET SPF remains committed to seeking bold, systemic changes in response to the federal government's chronic neglect of its obligations to Indian Country. We continue to call upon Congress and the Administration to take immediate steps to address the findings of the Broken Promises Report—once and for all.

Thank you,  
Liz

Liz Malerba ~ *Citizen of the Mohegan Tribe*  
Director of Policy and Legislative Affairs  
United South and Eastern Tribes  
Sovereignty Protection Fund (USET SPF)  
711 Stewarts Ferry Pike [temporary address]  
Suite 100  
Nashville, TN 37214

Cell: 615-838-5906

[www.usetinc.org](http://www.usetinc.org)

***Because there is Strength in Unity***

***USET/USET SPF staff are currently teleworking until further notice. We will continue to assess the COVID-19 situation and its impact on our operations. We ask for your patience should you experience any challenges reaching any one of our staff. Additionally, please***

be aware that the USET/USSET SPF organization has created a COVID-19 Resource & Information page which is being updated on a frequent basis. <https://www.usetinc.org/wp-content/uploads/2020/03/Coronavirus-Disease-LB.pdf>



Connect with us!



**From:** Liz Malerba

**Sent:** Thursday, October 29, 2020 1:24 PM

**Subject:** USET SPF Alert: 10/30 - USCCR Public Mtg re COVID-19 in Indian Country

Dear USET SPF Board of Directors and DC Tribal Reps,

Please see the attached agenda for information on a public meeting of the U.S. Commission on Civil Rights (USCCR) set to occur **TOMORROW, October 30<sup>th</sup>, beginning at 12:00 pm ET**. During the meeting, USCCR will be discussing and voting upon an updated Commission report entitled: *COVID-19 in Indian Country: The Impact of Federal Broken Promises on Native Americans*. Friday's updated report follows USCCR's [2018 Broken Promises report](#), which found that with the exception of some minor improvements, the U.S. continues to neglect to meet its "most basic" obligations to Tribal Nations. As USET SPF has consistently [advocated](#), though these chronic failures have persisted throughout changes in Administration and Congress, it is time that both the legislative and executive branches confront and correct them.

As you may recall, in July, USET SPF, represented by Board Secretary, Chief Lynn Malerba, testified before USCCR during a [virtual public briefing](#) held to explore the ways in which the federal government's chronic failure to uphold its fiduciary trust and treaty obligations to Tribal Nations has exacerbated the COVID-19 public health emergency in Indian Country. USET SPF's [testimony](#) took a two-pronged approach to addressing the disparities and governmental failures exposed by the COVID-19 emergency from the standpoint of both the legislative and executive branches. In the short-term, federal COVID relief, response, and recovery measures must be focused on rapid, equitable deployment to Tribal Nations in a manner that upholds Tribal sovereignty, while reflecting our unique circumstances and the federal trust obligation. In the long-term, the United States must address its ongoing and shameful failures to honor its sacred promises to Tribal Nations, many of which have been outlined in detail by the Commission in the Broken Promises report.

USET SPF will continue to seek bold, systemic changes in response to the federal government's chronic neglect of its obligations to Indian Country. The circumstances that Tribal Nations face during this public health emergency are directly attributable to the federal government's centuries of dishonorable action and inaction in its relationship with us. At a time when Americans are finally coming to realize the urgent need for our country to reconcile with its past, it should begin by atoning for its original sins against this land's first peoples.

Thank you,  
Liz

Liz Malerba ~ *Citizen of the Mohegan Tribe*  
Director of Policy and Legislative Affairs  
United South and Eastern Tribes  
Sovereignty Protection Fund (USET SPF)  
711 Stewarts Ferry Pike [temporary address]  
Suite 100  
Nashville, TN 37214

Cell: 615-838-5906

[www.usetinc.org](http://www.usetinc.org)

*Because there is Strength in Unity*