

# CRS American Indian Initiative

13<sup>th</sup> National Indian Nations Conference  
Justice for Victims of Crimes

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# CRS - Who We Are

- ❖ CRS-Community Relations Service, USDOJ
- ❖ 1964 Civil Rights Act
- ❖ 2009 Shepard-Bryd Hate Crime Prevention Act
- ❖ Neutrality -Confidentiality-Services



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- CRS American Indian Initiative
- Objectives
- ❖ History, policies and federal Indian law
  - ❖ Communication and case practices
  - ❖ Consultation strategies



# Demographics

- ❖ Less than 1% of the U.S. population but over 50% of the diversity
- ❖ American Indian Tribes
  - ❖ Federally recognized vs. State recognized
  - ❖ Federally Recognized: 566
  - ❖ State Recognized: 24
- ❖ American Indian or Native American





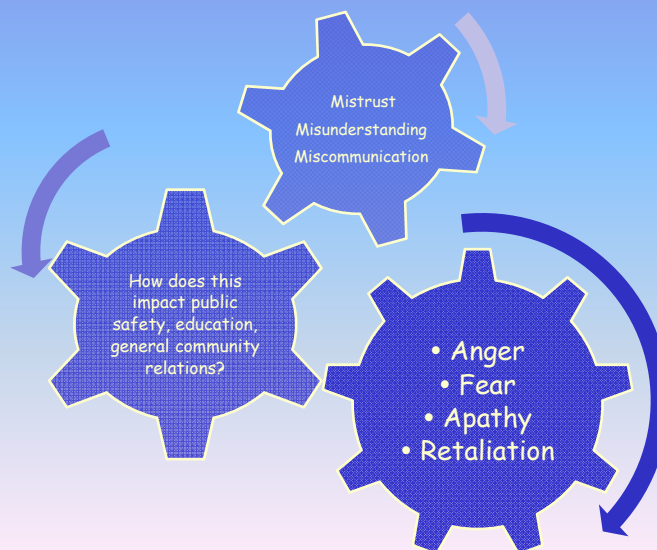
## Stereotypes I Hear...


- ❖ All Indians are savages
- ❖ All Indians are noble and stoic
- ❖ All Indians drink/are alcoholic/s
- ❖ All Indians get a check every month from the government
- ❖ All Indians do NOT pay taxes
- ❖ All Indians are the SAME or either Lakota or Navajo or Cherokee
- ❖ All Indians live in teepees

## More Stereotypes I Hear...

- ❖ All Indians are Christians
- ❖ All Indians are non-Christians
- ❖ All Indians are lazy and undependable and make bad employees
- ❖ All Indians are late and on "Indian time"
- ❖ All Indians like being called Chief or Squaw - they understand you're showing respect
- ❖ All Indians are retarded or resistant because they don't talk and share
- ❖ All Indians know one another

## Impact of Stereotypes On Relationships





## CRS American Indian Initiative

- ❖ What makes the American Indian communities/nations unique?
  - ❖ Sovereignty
  - ❖ Government-to-government relationship
  - ❖ Trust responsibility



## Understanding Sovereignty

- ❖ Power to:
  - ❖ Establish a form of government
  - ❖ Determine membership
  - ❖ Legislate - adopt civil and criminal laws
  - ❖ Administer justice
  - ❖ Exclude persons from the territory or reservation (citizenship)
  - ❖ Sovereign immunity



## Government-to-Government Relationship: Trust Responsibility


- ❖ Between 1787 and 1871, the US entered into over 400 Treaties with Indian nations: Created Reservations to Protect Well Being
- ❖ Trusted the US to fulfill its promises. The US' obligation to fulfill this trust is called the "trust responsibility."



## American Indian History Timeline

### Significant


- ❖ American Indians are impacted by and have experience, knowledge and understanding of the history and timeline
- ❖ Development of US American Indian Policy
  - ❖ Started in Pre-constitutional time period (1532-1789)
  - ❖ Continues today (2012)



## American Indian History Timeline

### Five Periods that Impact All


- ❖ The Reservation System (1853 to present)
- ❖ Boarding Schools 1878-192
- ❖ The Indian Citizenship Act of 1924
- ❖ Public Law 280
  - ❖ First general Federal legislation extending State Jurisdiction to Indian Country
- ❖ The "Self-Determination" Era (1961-Present)
  - ❖ Indian Civil Rights Act of 1968
  - ❖ Indian Self-Determination and Education Assistance Act of 1975



## CRS and American Indian Nations


- ❖ Administration of Justice (AOJ)
  - ❖ Public Law 280 (1954; 1968)
  - ❖ Non-Public Law 280 States






## CRS and American Indian Nations

- ❖ Public Law 280 impact & challenges for tribes:
  - ❖ The act violates tribal sovereignty by giving states criminal jurisdiction
  - ❖ The act is often cited as a rationale for denying PL 280 tribes funding for law enforcement
  - ❖ Creates a jurisdictional "vacuum"
  - ❖ The act gives non-tribal law enforcement greater authority on tribal reservations.




## CRS and American Indian Nations

- ❖ Education (ED)
  - ❖ Bureau of Indian Education (BIE) Schools
  - ❖ Non-BIE Schools



## CRS and American Indian Nations

- ❖ BIE vs. Non-BIE Schools
  - ❖ Status determines the parties in the case and the various points of case entry
  - ❖ Determine CRS' interaction with other federal agencies
  - ❖ Legacy of "boarding schools"



## CRS and American Indian Nations

- ❖ General Community Relations (GCR)
  - ❖ Sacred sites
  - ❖ Environmental Justice (water, land and air)
  - ❖ Border towns



## CRS and American Indian Nations

- ❖ Border Towns
  - ❖ Intersection of AOJ, ED and GCR conflicts
  
- ❖ Farmington Report (2004); USCCR
  - ❖ Racial profiling
  - ❖ Bias/Hate Crimes
  - ❖ Disparate Treatment
  - ❖ Access to services




## Outcomes

- ❖ Development of policies that will support opportunities for collaboration
  
- ❖ Development of practices based on partnerships
  
- ❖ Development of sustained communication and information sharing channels



## Communication Practices when Working American Indian Nations

- ❖ Shaking hands
- ❖ Different tribes have different customs
- ❖ Looking people in the eye
- ❖ Speaking and Silence
- ❖ Interrupting, talking over, talking too loud
- ❖ Use and belief in animals
- ❖ Telling stories
- ❖ Use of Ceremonies - Sweat Lodge, Smudging, etc.
- ❖ Know the American Indian communities in your regions- research and find out their cultural practices



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We, the First Americans, U.S. Department of Commerce, Washington, DC, 1993

Your Guide to Understanding and Enjoying Pow Wows, M. L. McCluskey, Ed.D., Montana Office of Public Instruction, 1995

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## RESOURCES

- ❖ <http://www.indianz.com/>
- ❖ <http://www.ncai.org/index.asp>
- ❖ <http://www.narf.org/>
- ❖ <http://www.niea.org/>
- ❖ <http://www.native-american-online.org/>
- ❖ <http://www.indiancountrytoday.com/>
- ❖ <http://www.usdoj.gov/otj/index.html>
- ❖ <http://www.nativeamerican.net/tribal/index.html>
- ❖ <http://www.census.gov/prod/cen2010/briefs/c2010br-10.pdf>



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