

July 17, 2009

The Honorable Byron L. Dorgan, Chairman
The Honorable John Barraso, Ranking Member
United State Senate
Committee on Indian Affairs
Washington, DC 20510

Re: Support for S. 797, Tribal Law and Order Act of 2009

Dear Chairman Dorgan and Ranking Member Barraso:

I write on behalf of the American Bar Association, the national representative of the legal profession with more than 400,000 members worldwide, to thank you for introducing S. 797, the Tribal Law and Order Act of 2009, and for holding the June 25, 2009 Committee hearing. This legislation would address the violent crime rate in Indian country that is nearly twice the national average, and more than 20 times the national average on some reservations.

The ABA strongly supports many of the provisions of S. 797, which: (1) authorizes funding for the development and continued operation of tribal justice systems; (2) addresses critical barriers preventing the safety of American Indian and Alaska Native women by boosting law enforcement efforts; (3) provides tools to tribal justice officials to fight crime in their own communities; (4) improves coordination between law enforcement agencies; and (5) increases accountability standards.

The ABA strongly supports legislation and appropriate funding to strengthen protection and assistance for victims of gender-based violence including American Indian and Alaska Native women. The ABA also specifically urges Congress to enact and fund legislation that (1) supports funding for legal assistance for victims of gender-based violence; (2) supports funding to provide training and education about gender-based violence and the needs of victims; (3) supports efforts to foster a multidisciplinary and community approach to serving victims and ending gender-based violence; and (4) supports efforts to ensure that perpetrators of gender-based violence are held accountable.

Finally, earlier this year, I communicated the ABA's support for adequate, stable, long-term funding for tribal justice systems. (See February 23, 2009 letter, attached.) In that letter, we specifically encouraged your Committee, as an initial step, to enact legislation this year reauthorizing the Indian Tribal Justice Technical and Legal Assistance Act of

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2000 and the Indian Tribal Justice Act of 1993. We are very pleased to see that these reauthorizations are also included in S. 797.

Thank you for your consideration of the ABA's views. We again urge your Committee to make enactment of this legislation a priority this year and we stand ready to assist you in whatever way we can.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas M. Susman", with a long horizontal flourish extending to the right.

Thomas M. Susman

Enclosure: February 23, 2009 Letter

cc: Members of the Committee
Robert O. Saunooke, Cherokee, NC (Chair ABA Judicial Division, Tribal Courts Council)

February 23, 2009

Honorable Byron L. Dorgan
Chairman
Committee on Indian Affairs
United States Senate
Washington, DC 20510

Honorable John Barrasso
Ranking Member
Committee on Indian Affairs
United States Senate
Washington, DC 20510

Re: Support for Long-term Funding for Tribal Justice Systems through
Reauthorization of the Indian Tribal Justice Technical and Legal Assistance Act
of 2000 and the Indian Tribal Justice Act of 1993

Dear Chairman Dorgan and Senator Barrasso:

I write to express the American Bar Association's strong support for adequate, stable, long-term funding for tribal justice systems. As an initial step, we would like to encourage your Committee to consider legislation to reauthorize the Indian Tribal Justice Technical and Legal Assistance Act of 2000 and the Indian Tribal Justice Act of 1993. These statutes authorize funding through the Department of Justice and the Department of the Interior for criminal and legal assistance, and for the development and continuing operation of tribal justice systems.

As you well know, legislation to reauthorize these programs was introduced last Congress as S. 2087, a stand-alone bill, and as part of S. 3320, the Tribal Law and Order Act of 2008. Both bills received consideration but were not enacted. We appreciate your past efforts to provide for long-term funding for tribal justice system programs and hope that the Committee will bring those efforts to fruition this session of Congress.

More than 350 tribal justice systems play an important role in Native American communities, handling a wide range of difficult criminal and civil justice problems with far fewer resources than are available to their state and federal counterparts. In fact, tribal courts are the keystone to tribal economic development and self-sufficiency.

Federal resources made available to tribal judicial systems over recent years through the Bureau of Justice Assistance in the Department of Justice and the Bureau of Indian Affairs in the Department of the Interior have been modest. Nonetheless, these funds have enabled tribal courts and governments to draft and review environmental, domestic violence and other regulatory codes; apply traditional and alternative methods and processes to address conflict or wrongdoing within their communities; hire and train judicial personnel; and receive technical assistance services. Additional funds are sorely needed to fund Indian Legal Services programs, address additional pressing administration of justice issues, and to otherwise develop, enhance, and continue the operation of tribal justice systems.

In August 2008, the ABA adopted policy affirming that tribal justice systems are the primary and most appropriate institutions for maintaining order in tribal communities and urging increased funding for, and enhancement of, tribal justice systems. Reauthorization of the Indian Tribal Justice Technical and Legal Assistance Act of 2000 and the Indian Tribal Justice Act of 1993 is an important step in this direction. We urge your Committee to make enactment of the reauthorization of these laws a priority this year, and we stand ready to assist you in whatever way we can.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas M. Susman", with a long horizontal flourish extending to the right.

Thomas M. Susman
Director

cc: Members of the Committee on Indian Affairs