



# Department of Justice

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**REMARKS AS PREPARED FOR DELIVERY BY ASSISTANT ATTORNEY GENERAL THOMAS E. PEREZ**

**AT THE 2010 DISTRICT OF NEW MEXICO TRIBAL CONSULTATION**

ALBUQUERQUE, N.M.

Good afternoon, and thank you for allowing me to join you today. I want to thank United States Attorney Gonzales for holding today's consultation and for inviting me to be a part of it. As we celebrate Native American Heritage Month, it's important to also demonstrate the United States Government's commitment to strong partnerships with Native American governments.

President Obama has made clear, through words and actions, his commitment to helping to build and sustain healthy and safe native communities. He recognizes the important contributions that Native Americans have made to our culture, our traditions and our history, and he understands our obligation to help lift up and strengthen tribal nations for the benefit of us all.

Earlier this year, the President signed the Tribal Law and Order Act of 2010, which included a variety of measures to help the federal government better address the unique public safety challenges that face Native American communities across the country.

Attorney General Eric Holder, backed by this strong commitment from President Obama, has made Tribal justice and safety a top priority for the Justice Department. And over the course of the last year, the Department has undertaken a number of efforts to address public safety concerns in tribal communities.

Most recently, on November 17, Attorney General Holder announced the establishment of the Office of Tribal Justice as a separate component within the organizational structure of the Department of Justice. The office has played, and will continue to play, a key role in the Department's ongoing initiative to improve public safety in Indian country and to serve as a cultural and legal resource within the Department on matters of Indian law. Now that the Office of Tribal Justice has been given permanent, formal status, you can feel confident that your issues will remain a strong focus for the Department of Justice not just in this administration, but in the future as well.

Recognizing the importance of open dialogue and communication, the Attorney General has also announced the creation of the Justice Department's Tribal Nations Leadership Council (TNLC), a group of tribal leaders from around the country that will advise him on issues critical to tribal communities.

This will be the first council composed of tribal leaders selected by tribal governments to advise Justice Department leadership on an ongoing basis.

The Department also has a new effort to streamline the Department's grant-making process to save

time and resources, and to allow tribes and the Department to gain a broader and better understanding of overall public safety needs. The Coordinated Tribal Assistance Solicitation (CTAS) combines 10 different DOJ grant programs into a single solicitation. In September, hundreds of American Indian and Alaska Native communities received the first grants under CTAS -- almost \$127 million to enhance law enforcement, bolster justice systems, prevent youth substance abuse, serve sexual-assault and elder victims, and support other efforts to combat crime.

In January of this year, the Department directed the U.S. Attorneys' Offices in the 45 districts that contain Indian Country to meet and consult with tribes in their district annually -- today is part of that effort. The U.S. Attorneys were also asked to develop an operational plan addressing public safety in Indian country; work closely with tribal law enforcement on improving public safety in tribal communities; and pay particular attention to violence against women in Indian country and make prosecuting these crimes a priority. The U.S. Attorneys and their staffs are the Justice Department's boots on the ground, and they play a critical role in the Government's efforts to improve public safety in Indian country. This spring, the Attorney General announced the allocation of 33 new Assistant U.S. Attorney positions to 21 judicial districts that contain Indian Country.

The Department has also launched three Indian Country Community Prosecution Teams, in an effort to improve access to the federal criminal justice system and improve collaboration between Federal and tribal prosecution and law enforcement. Three pilot programs have been launched, including one right here in New Mexico. U.S. Attorney Gonzales has launched a pilot with the Navajo Nation. Each Community Prosecution Team includes an Assistant U.S. Attorney and a victim-witness specialist, and will be assigned to work on a regular basis on the reservation of a specific tribe. The Assistant U.S. Attorney in each of the pilots will work with the tribal community to identify key objectives and strategies for that community and work with the tribe to implement solutions.

Meanwhile, the President's FY 2011 Budget request includes \$448.8 million in total resources for public-safety initiatives for tribal communities. New investments would include significant grant resources for addressing a broad range of criminal-justice issues, 45 additional FBI agents, and forensic support to help tribal communities combat illegal drug use, trafficking, and violent crime.

All of these efforts are critical to improving public safety -- which in turn improves overall quality of life.

But the efforts of the Justice Department don't stop there. Through the enforcement of our nation's civil rights laws, we are also working to improve access to equal justice and opportunity.

The Civil Rights Division's critical mission has three basic principles:

- We expand opportunity and access for all people -- the opportunity to learn, the opportunity to live where one chooses, the opportunity to move up the economic ladder, the opportunity to realize one's highest and best use.
- We ensure that the fundamental infrastructure of democracy is in place -- by protecting the right to vote, and by ensuring that communities have effective and democratically accountable policing.
- We protect and empower people so that they can move out of the shadows and into the sunshine -- by ensuring they can live in their communities free from fear of exploitation, discrimination and violence.

Because only when all individuals have access to the great promise of equal opportunity will we all be able to collectively say we have created the more perfect union envisioned by the framers of our Constitution.

To this end, we are working hard to implement the Matthew Shepard and James Byrd Jr., Hate Crimes Prevention Act. Passed in 2009, the law was years in the making, championed by the late Senator Ted Kennedy, and allows us to prosecute hate crimes committed because of a person's sexual

orientation, gender identity or disability. The new law also makes it easier to prosecute racially motivated violence by removing cumbersome and unnecessary jurisdictional barriers in these cases.

And we recently indicted the first case under this landmark law, right here in New Mexico. Earlier this month, a grand jury indicted three men in Albuquerque on federal hate crime charges related to the racially-motivated assault of a 22-year-old man of Navajo descent who has a significant cognitive impairment.

The defendants are entitled to a presumption of innocence, and we will work hard to continue to ensure they receive a fair trial. The allegations are chilling. The indictment alleges that the defendants branded the victim using a wire hanger that had been heated on a stove. The wire burned the victim's flesh, causing a permanent swastika-shaped scar on his arm. It is alleged that as part of the plan and purpose of their conspiracy, the defendants further defaced the victim's body with white supremacist and anti-Native American symbols, including shaving a swastika in the back of the his head and using marker to write the words "KKK" and "White Power" within the lines of the swastika. The indictment also alleges that the defendants took advantage of the victim's developmental disability to induce him to make a cell phone video in which he purportedly consents to the branding.

I spent much of my career prosecuting hate crimes, but the details of these cases never cease to break my heart. Hate crimes reflect a cancer of the soul, and crimes like this are a devastatingly persistent reminder that bigotry and hate continue to affect too many communities across our nation, and they will not be tolerated in the country that prides itself on freedom.

We have also prosecuted criminal civil rights cases involving Native Americans who were victims of sex trafficking. We recently completed a sex trafficking case in South Dakota. We have prosecuted police officers for beating Native American victims in Arizona and Montana, and corrections officers for beating a Native American detainee in North Carolina.

These criminal civil rights cases are a critical component of our civil rights docket, but our civil rights work extends to many other areas where discrimination rears its ugly head.

For instance, we know that minority communities were hit particularly hard in the foreclosure crisis, and we have created a Fair Lending unit to address any past and future credit discrimination. Access to credit is the foundation of wealth in our nation, and in order to have real equal opportunity, individuals must have equal access to credit. Particularly in communities where unemployment rates were already high pre-recession, as with many Native communities, it is critical that we remain vigilant in enforcing fair housing and fair lending laws to ensure they do not suffer even further.

Several years ago, the Civil Rights Division settled a lending case that alleged that a lender that operated in parts of the West and Southwest had refused to make loans to people who lived on Indian reservations. Age-old tactics like this unfortunately remain all too common, and we remain committed to aggressive enforcement – we currently have several investigations into potential lending discrimination against Native Americans based on the fact that they live in Indian country. Fair and equal access to credit is fundamental in providing economic opportunities to those in Indian Country and elsewhere, and we will not tolerate lenders that restrict access to consumer credit on equal terms because of a person's national origin and where they live.

Voting rights remain a cornerstone of civil rights in our nation, and we are working hard to ensure that all individuals have access to the ballot and can exercise their right to vote. This includes ensuring that those voters who do not speak English can have their voices heard.

Last spring, we reached an agreement with a county in South Dakota to ensure the voting rights of Lakota-speaking American Indian voters. Of the County's 6,855 residents who are voting age, 86 percent are American Indian. 400 of them are limited English proficient and speak Lakota. The agreement with Shannon County ensures those 400 voters can access the ballot by ensuring compliance with provisions of the Voting Rights Act that require the county to provide election materials and information in Lakota. The agreement provides for a comprehensive Lakota language assistance program, including trained bilingual election officials to be available at all polling places in the County. Further, the agreement provides that each polling place will have in place an operational

voting system that provides accessibility for minority language voters through a Lakota audio ballot as well as accessibility to voters with disabilities. Federal observers monitored the elections in Shannon County earlier this month to ensure compliance with the agreement.

Here in New Mexico, we monitored elections in Cibola and Sandoval Counties to determine compliance with consent decrees that require those counties to provide election materials and information in Navajo, Keres and Towa. We remain committed to ensuring that all voters can access the ballot, and that language will not stand as a barrier to the most important right guaranteed by our Constitution.

On the employment front, we recently completed a case involving the city of Gallup, NM. The case involved allegations that the city systematically refused to hire qualified Native American applicants for positions throughout the city, including the police, fire, solid waste and utility departments. The consent decree provided substantial relief for the victims, and the court ended the decree last year.

The city's Human Resources Department is now run by a member of the Zuni tribe. Another claimant went on to be elected as the McKinley County Assessor, and yet another finished her college degree using settlement money to pay the final tuition bill. We will continue to work to ensure that workers are judged only by the content of their character and their qualifications for the job.

In October, the Attorney General and Secretary Vilsack at the Department of Agriculture announced the settlement of a class action lawsuit filed against USDA by Native American farmers alleging discrimination by USDA. The settlement ends litigation concerning discrimination complaints from Native Americans generally covering the period 1981-1999. It is one of a series of settlements to right the wrongs of decades of discrimination, and it will allow Native American farmers who feel they have been the victims of discrimination to move forward and focus on their futures. Under the settlement agreement, \$680 million will be made available to eligible class members to compensate them for their discrimination claims.

These are just some examples of the reach of our nation's civil rights laws, and we are committed to working with you to ensure that Tribal communities are afforded the protections guaranteed by those laws. The Civil Rights Division recently re-established the Division's Indian Working Group, which had been dormant since 2004 or 2005. The group is working on outreach to Native American communities and providing support on Native American issues, cases and matters. I expect that as a result of the Group's re-establishment, we will see more work in the near future on issues of importance to Native communities.

But in order to be truly effective, we need to hear from you. When you know of civil rights violations occurring, please let us know. We have the power of the law and the federal government behind us – you have your ear to the ground and the intimate knowledge of what happens in your communities.

We must work together to ensure that all individuals can access the critical protections provided by our civil rights laws.

It is critical that we remain vigilant in our efforts to combat discrimination against Native Americans.

These efforts, as well as the Department's other efforts to improve public safety, are simply one part of the broader goal of improving the quality of life for tribal communities.

All of these efforts, in the Civil Rights Division, in the Justice Department and across the Administration, are evidence of our deep commitment to helping to improve the quality of life in tribal communities and to working together to create stronger, sustainable communities.

Thank you for participating in today's consultation, and for allowing me to join you. I look forward to answering any questions.

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DO NOT REPLY TO THIS MESSAGE. IF YOU HAVE QUESTIONS, PLEASE USE THE CONTACTS IN THE MESSAGE OR CALL THE OFFICE OF PUBLIC AFFAIRS AT 202-514-2007.