

U.S. Department of Justice
Civil Rights Division



**PROTECTING THE
RIGHTS OF
AMERICAN INDIANS
&
ALASKA NATIVES**



September 2010

Protecting the Rights of American Indians & Alaska Natives

"I intend to send a clear message that all of our people — whether they live in our biggest cities or our most remote reservations — have the right to feel safe in their own communities, and to raise their children in peace, and enjoy the fullest protection of our laws."

*President Barack Obama
Remarks Before Signing the Tribal Law
and Order Act
July 29, 2010*

"This Administration is taking concrete steps to redefine the government's relationship with Native Americans. By working together, by using every tool at our disposal, by facing up to hard truths and by refusing to ever back down or give up, we can make a real difference — and we will."

Attorney General Eric Holder

"I have made the Civil Rights of American Indians a priority for the Civil Rights Division. For far too long Native Americans have experienced discrimination and injustice, and the federal government can and must stop such discrimination."

Assistant Attorney General Thomas Perez

Introduction

The Civil Rights Division of the U.S. Department of Justice is responsible for enforcing federal statutes that prohibit discrimination on the basis of race, color, national origin, gender, sexual orientation, disability, religion, and membership in a language minority group. These federal laws prohibit discrimination in education, employment, credit, housing, public accommodations, voting, and in certain federally-funded and conducted programs, among other areas. In addition, the Division prosecutes actions under several criminal civil rights statutes that are designed to protect personal liberties and safety. The Division also can seek relief for persons confined in public institutions where existing conditions deprive residents of their constitutional rights or discriminate on the basis of disability. Tribal governments and state and local governments may also have laws or procedures protecting civil rights. The following areas of the Civil Rights Division's enforcement program may be of particular interest to American Indians and Alaska Natives.

Criminal Statutes

You have a right to be free from acts of violence for which you were targeted because of your race, color, religion, national origin, gender, sexual orientation, or disability. You also have a right to obtain reproductive health services and information without being subjected to force or threats of force or physical obstruction.

In addition, federal law makes it a crime for public officials, including federal, state, and local police officers, acting under color of law willfully to violate an-

other person's constitutional or other federally-protected rights, which include the right to be free from unjustified physical assaults and unwanted sexual contact.

There are also numerous federal civil rights statutes that protect individuals from human trafficking—both forced or coerced labor and commercial sex.

If you or someone you know is in any danger, you should immediately call 911, and if that danger was caused by any of the above, you should also promptly contact the nearest office of the Federal Bureau of Investigation, your local United States Attorney, or the Criminal Section of the Civil Rights Division at (202) 514-3204. The FBI and U.S. Attorneys have publicly listed offices in most major cities.

Further information is available at:
www.justice.gov/crt/crim.

Disabilities

The Americans with Disabilities Act (ADA) prohibits discrimination on the basis of disability in employment (e.g., recruitment, hiring, promotions, training, pay), state and local government programs and services (e.g., education, transportation, health care, voting, parks, law enforcement, courts, jails, prisons), and places of public accommodation (e.g., hotels, restaurants, stores, theaters, medical offices, hospitals, child care centers, and other businesses and nonprofit agencies that serve the public). In addition Section 504 of the Rehabilitation Act protects persons with disabilities from discrimination by entities receiving federal funds including school districts.

The ADA does not apply to facilities and programs operated by tribal governments. If you believe you

have been discriminated against on the basis of disability, you may contact the Disability Rights Section at (800) 514-0301 (voice), (800) 514-0383 (TTY). Charges of employment discrimination on the basis of disability may be filed at any U.S. Equal Employment Opportunity Commission (EEOC) field office. See information in the Employment section below.

The Disability Rights Section also has the authority to enforce the Genetic Information Nondiscrimination Act of 2008 (GINA) against state and local government employers. GINA prohibits the use of genetic information in employment decisions, restricts acquisition of genetic information by employers and other entities covered by GINA, and strictly limits the disclosure of genetic information. GINA went into effect on November 21, 2009. Complaints about GINA violations should be filed with the EEOC.

Further information is available at www.justice.gov/crt/drs/drshome.php or at the Department's ADA Website at www.ada.gov.

Education

Federal law prohibits public elementary and secondary schools and public institutions of higher education from denying students equal educational opportunities because of their race, color, national origin, sex, religion, or disability. The denial of equal educational opportunities includes the failure by public school districts to provide programs and assistance to students with limited English-proficiency in learning English so that they can participate fully in the educational process.

The Division's enforcement efforts involve all aspects of the education process, including combating

discrimination in the assignment of students to schools and classes and academic programs, the transportation of students, the hiring and placement of faculty and administrators, the condition of educational facilities, and the distribution of school district resources.

American Indian children who reside within a school district, and who live on an Indian reservation where the land is not taxed, have the right to the same educational opportunities that are offered to all other children living in the school district.

If you believe that you or your child have been denied access to an educational program or otherwise discriminated against by a school operated by a state or local government or by a school that receives federal funds, you can contact the Division's Educational Opportunities Section at (877) 292-3804.

You also can contact the U.S. Department of Education at (800) 421-3481 if the school district receives federal funds. If you have a complaint concerning a school operated by the Bureau of Indian Education, please contact the Bureau at (202) 208-6123.

Further information is available at www.justice.gov/crt/edo.

Employment

Federal law prohibits employers from discriminating against persons because of their race, sex, color, religion, national origin, citizenship status, or disability. Thus, an employer cannot refuse to hire or promote you, nor can an employer discipline, harass, or fire you on the basis of your being an American Indian or Alaska Native.

If you believe that you have been discriminated against by an employer, a labor organization or an em-

ployment agency because you are an American Indian or Alaska Native, you may contact the U.S. Equal Employment Opportunity Commission (EEOC). You can call the EEOC at (800) 669-4000 (voice) or (800) 669-6820 (TDD) to be put in contact with the EEOC office nearest you.

If you believe that a state or local government employer has discriminated against you because you are an American Indian or Alaska Native, you can also call the Division's Employment Litigation Section at (202) 514-3831. Please note that Indian tribes in their capacity as employers are not subject to the law's prohibition on employment discrimination. In addition, if you believe that a private employer has discriminated against you because of your citizenship status or if an employer refuses to accept your American Indian tribal document or other acceptable documentation as proof of your eligibility to work in this country, you can call the Division's Office of Special Counsel at (800) 255-7688 (voice) or (800) 237-2515 (TDD).

Further information is available at www.justice.gov/crt/emp and www.justice.gov/crt/osc.

Federally-Assisted Programs

Federal laws prohibit entities that receive federal funds from discriminating on the basis of race, color, national origin, disability, or, in some instances, sex, age, and religion. An individual may not be subject to retaliation for filing a complaint of discrimination, participating in an investigation, or opposing discriminatory practices. Each federal funding agency investigates complaints of discrimination against the recipients of its funds. Complaints should be filed with the federal funding agency. If you are unaware of which

federal agency funds the entity that you believe discriminated against you, you can file a complaint with the Division's Federal Coordination and Compliance Section (telephone (888) 848-5306), and that Section will refer your complaint to the appropriate agency for investigation.

The Department of Justice provides federal financial assistance to many types of organizations, such as law enforcement agencies, prisons, community non-profit organizations, domestic violence shelters, and universities, among others. If you believe you have been discriminated against by an entity that receives funds from the Department of Justice, you can file a complaint with the Division's Disability Rights Section on a disability matter and, on all other matters, with the Department of Justice's Office of Justice Programs, Office for Civil Rights, by calling (202) 307-0690. You may also obtain more information and file a complaint by visiting www.ojp.usdoj.gov/ocr.

Further information also is available at www.justice.gov/crt/cor.

Housing

Discrimination in the provision of housing because of a person's race, color, national origin, religion, sex, disability, or familial status is illegal under federal law. If you believe you have been discriminated against in the process of renting or buying an apartment or a house because you are an American Indian or Alaska Native, or because you have a disability or have children in your household, you can file a complaint of housing discrimination. The Division's Housing and Civil Enforcement Section (telephone (800) 896-7743) handles cases involving a pattern or practice of dis-

crimination in housing, while the U.S. Department of Housing and Urban Development (HUD) (telephone (800) 669-9777) investigates individual complaints of discrimination in housing. You also may find information about filing a complaint online, at www.hud.gov/fairhousing.

Federal law also prohibits local governments from adopting or enforcing land use regulations that impose a substantial burden on religious exercise. If you believe you are the victim of this kind of discrimination, you can file a complaint with the Housing Section.

Further information is available at www.justice.gov/fairhousing.

Institutionalized Persons

The Civil Rights Division protects the constitutional and federal statutory rights of persons confined in certain institutions owned or operated by state and local governments. These institutions include facilities for individuals who are mentally ill or developmentally disabled, nursing homes, juvenile correctional facilities, and adult jails and prisons. The Division has the authority to investigate institutional conditions and file suit against state and local governments for a pattern or practice of egregious or flagrant unlawful conditions. Thus, if American Indians or Alaska Natives residing in a county-owned nursing home or incarcerated in a correctional facility are not being provided adequate medical care, the Division's Special Litigation Section (telephone (202) 514-6255) can investigate and file a lawsuit against the appropriate governmental authority to force improvements in the quality of care. This authority does not cover tribal governments or federally-operated facilities.

The Division also enforces a federal law that prohibits jurisdictions receiving federal financial assistance from imposing a substantial burden on religious exercise. Thus, under some circumstances, the Division may bring cases when a facility, including a prison or jail, creates such burdens on persons wishing to engage in Native religious practices.

Further information is available at www.justice.gov/crt/split.

Lending

Discrimination in lending practices because of race, color, sex, or national origin is prohibited by federal law. If you believe that you have been denied a loan because you are an American Indian or Alaska Native, or because you live on an Indian reservation, you can ask the lender for an explanation in writing about the reasons why you were denied the loan.

You can also file an individual complaint with HUD (telephone (800) 669-9777) if the loan is for housing purposes. You can file a complaint with the Division's Housing and Civil Enforcement Section (telephone (800) 896-7743) if a pattern or practice of lending discrimination is involved.

If the loan is not for a housing-related purpose (for example, a car loan or a credit card), you can file a discrimination complaint with the Division's Housing and Civil Enforcement Section or with the regulatory agency that oversees the lending institution.

Further information is available at www.justice.gov/fairhousing.

Police Misconduct

Federal law makes it unlawful for state or local law enforcement officers to engage in a pattern or practice of conduct that deprives persons of rights protected by the Constitution or laws of the United States. The types of conduct covered by this law include, among other things, excessive force, discriminatory harassment, false arrest, coercive sexual conduct, and unlawful stops, searches, or arrests. The statutes do not apply to tribal police officers or Federal Bureau of Indian Affairs police officers.

The civil rights laws covering federally-assisted programs and the criminal statutes addressing civil rights (discussed elsewhere in this brochure) also may apply to a police misconduct complaint. You may file a complaint with the Division's Special Litigation Section (telephone (202) 514-6255).

Further information is available at www.justice.gov/crt/split.

Public Accommodations

Discrimination because of race, color, religion, or national origin is prohibited by federal law in public accommodations such as hotels, restaurants, and places of entertainment. If you believe you have been discriminated against by being denied entrance, access, or service in a place of public accommodation, you can notify the Division's Housing and Civil Enforcement Section at (800) 896-7743.

Further information is available at www.justice.gov/fairhousing.

Reproductive Health Services Access

If a woman were to seek reproductive health services and encounter undue interference in the form of force or threat of force or physical obstruction, including blockades, federal law provides the Division the ability to request that a court prohibit such interference and award monetary damages and penalties. If you have a complaint about this type of matter, you may contact the Division's Special Litigation Section (telephone (202) 514-6255).

Further information is available at www.justice.gov/crt/split.

Voting

As citizens of the United States and the state in which you live, the Constitution and federal laws guarantee your right to vote free of discrimination in federal, state, and local elections. American Indians and Alaska Natives are protected from discrimination and intimidation in exercising the right to vote and in becoming candidates for and serving in federal, state, and local (including city, county, and school district) elected offices. Federal law requires all states to offer citizens the opportunity to register to vote at agencies such as driver's license, public assistance and disability services offices, and offers protections to ensure that voters are not wrongfully removed from voter registration lists. Federal law also requires that poll workers offer to voters who believe they are registered to vote but do not appear on poll lists, a provisional ballot and information on how to check whether that ballot was counted.

The Civil Rights Division or private citizens can bring lawsuits to challenge electoral systems or prac-

tices (such as at-large elections) when they dilute the votes of American Indians or Alaska Natives and prevent a fair opportunity for representation on elected bodies such as state legislatures, county commissions, or school boards.

Certain states and counties with a history of discrimination against minority voters, some of which include areas in Indian Country, must obtain federal approval of new voting practices or procedures to ensure that they do not discriminate against racial or language minorities, including American Indians and Alaska Natives. Federal observers also may be placed in polling places in certain jurisdictions to make sure that minority voters are permitted to vote without discrimination and to receive assistance in voting, if needed. County officials in some parts of the country also must provide information about the election process, including voter registration procedures and the contents of the ballot, in certain Native languages. Where the Native language is historically unwritten, election officials must provide this information and assistance orally in the Native language. To find out if the jurisdiction where you vote is covered, or to refer any election-related complaint, contact the Division's Voting Section at (800) 253-3931.

These laws protecting voting rights apply to state and local governments. They do not apply to tribal governments or tribal elections.

Further information is available at:

www.justice.gov/crt/voting.

HOW TO FILE A COMPLAINT OR OBTAIN ADDITIONAL INFORMATION

Complaints to the Civil Rights Division should be filed as soon as possible after the alleged act and, in some instances, within 180 days of the date of the alleged discrimination. Written complaints are preferred and should include as much detail as possible, including but not limited to: names, addresses, and telephone numbers of victims and witnesses; names of any public or private agency, institution, department, or individual you believe discriminated against you; and a description of the conduct you believe violated one of the laws discussed above.

For further information, or to file a complaint, contact:

U.S. Department of Justice
Civil Rights Division
Office of the Assistant Attorney General
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
(202) 514-4609 (Voice)
(202) 514-0716 (TTY)
(202) 307-2839 (Fax)
www.justice.gov/crt



To enforce the law and defend the interests of the United States according to the law; to ensure public safety against threats foreign and domestic; to provide federal leadership in preventing and controlling crime; to seek just punishment for those guilty of unlawful behavior; and to ensure fair and impartial administration of justice for all Americans.

Civil Rights Division

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