



Self-Governance Communication & Education Tribal Consortium

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January 30, 2019

The Honorable Nancy Pelosi
Speaker of the House
U. S. House of Representatives
1236 Longworth House Office Building
Washington, D.C. 20515
ATTN: Dan Bernal, District Chief of Staff

RE: Requesting the Appointment of an American Indian or Alaska Native to the U.S. Commission on Civil Rights

Dear Speaker of the House Pelosi:

On behalf of the Self-Governance Communication and Education Tribal Consortium (SGCETC), a non-profit Tribal consortium established in 1988 to represent the interests of more than 370 Tribal Nations that participate in Self-Governance, we request the appointment of an American Indian or Alaskan Native (AI/AN) person to serve on the United States Commission on Civil Rights (USCCR).

Background

The USCCR was created under the Civil Rights Act of 1957.¹ The mission of the USCCR is to “act as an independent, bipartisan, fact-finding federal agency” that aspires to “inform the development of national civil rights policy and enhance enforcement of federal civil rights laws.” The USCCR is composed of eight commissioners. Four members are appointed by the President, two by the President Pro Tempore of the Senate, and two by the Speaker of the House of Representatives. The commissioners serve six-year staggered terms, and no more than four commissioners can be of the same political party.

In 2003, the USCCR released a report titled “A Quiet Crisis: Federal Funding and Unmet Needs in Indian Country.”² The report evaluated Federal agency funding levels for programs serving Native American programs. Expert and public insight was collected, reviewed, and utilized to develop recommendations to Congress, the President, and Federal agencies regarding how the United States can honor its promises and uphold its trust obligations. In 2004, the USCCR released a report titled “Broken Promises: Evaluating the Native American Health Care System.”³ On December 20, 2018, the Commission released a follow-up report titled “Broken Promises: Continuing Federal Funding Shortfall for Native Americans.”⁴

¹Pub. L. 85-315, 71 Stat. 634, enacted September 9, 1957

²U.S. Commission on Civil Rights, “A Quiet Crisis: Federal Funding and Unmet Needs in Indian Country”, 2003.

³U.S. Commission on Civil Rights, “Broken Promises: Evaluating the Native American Health Care System”, 2004.

⁴U.S. Commission on Civil Rights, “Broken Promises: Continuing Federal Funding Shortfall for Native Americans”, 2018.

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Tribal Nations Request the Appointment of an American Indian or Alaskan Native to Serve as a Commissioner on the United States Commission on Civil Rights

The seats of Commissioner Gail Heriot (Senate appointee) and Commissioner Peter N. Kirsanow (House appointee) will be available for consideration soon. Tribal nations are grateful for their service and will always be indebted to them for their tireless efforts and the countless hours spent listening to the details of civil rights violations and for serving as voices for the underserved. However, we do not believe that an AI/AN person has ever been appointed to the USCCR, and we believe it is time to make history by extending a position on the USCCR to a citizen of one of the 573 Sovereign Tribal Nations in the United States.

Native peoples continue to suffer the consequences of a discriminatory history, including challenges accessing the ballot box and criminalization of peaceful protests. According to a report released by the Bureau of Justice Statistics, “the number of AI/AN jail inmates increased nearly 90% from 1999 to 2014.”⁵ In comparison, the “percentage of non-Hispanic white jail inmates increased about 41% during the same period, and the percentage of non-Hispanic black jail inmates increased about 4%.”⁶ Also disconcerting, the report detailed that “AI/AN inmates were more likely than inmates of all other races and Hispanic origin to be sentenced for their crimes.”⁷ Furthermore, “the AI/AN population in federal prisons more than doubled (up 113%) from 1,740 in 1999 to about 3,700 in 2014.”⁸

Considering the combination of the abovementioned sentencing disparities, and the fact that AI/ANs “rank near the bottom of all Americans in terms of health, education, and employment” and “face unique challenges and harsh living conditions resulting from the United States having removed their Tribes to locations without access to adequate resources and basic infrastructure upon which their Tribal governments can foster thriving communities, it is surprising that an AI/AN has not been appointed to the USCCR. It is encouraging that there have been AI/ANs serving on the 51 State Advisory Committees (SACs) that serve as local level extensions of the USCCR, and we are grateful that citizens of our Tribal Nations have had opportunities to serve in such a capacity. The level of involvement at the SACs level is an example of AI/AN commitment to civil rights, and hopefully, will be recognized as you consider appointing an AI/AN to the USCCR.

I hope that you will understand the importance and sincerity of this request. Together we can continue to progress and ensure the perpetual freedom of the citizens of our great nations. If you have any questions, please contact Jay Spaan, Executive Director, SGCETC, at 918-370-4258 or jays@tribalsef.gov.

Sincerely,



W. Ron Allen, Tribal Chairman/CEO, Jamestown S’Klallam Tribe and
Chairman, SGCE

Cc: DOI Self-Governance Advisory Committee
IHS Tribal Self-Governance Advisory Committee

⁵Office of Justice Programs, Bureau of Justice Statistics, “American Indian and Alaska Natives in Local Jails, 1999-2014”, NCJ 250652, 2017, <https://www.bjs.gov/content/pub/pdf/aianlj9914.pdf>.

⁶Id.

⁷Id.

⁸Id. at 10.