



COLT and NIWRC Support Federal Law Enforcement Accountability in Indian Country. Does Attorney General Garland?

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Browning, MT - The Coalition of Large Tribes, an intertribal organization representing the interests of the more than 50 tribes with reservations of 100,000 acres or more, is proud to stand with the National Indigenous Women’s Resource Center in support of L.B., a Northern Cheyenne woman raped by an on-duty Bureau of Indian Affairs law enforcement officer seeking federal government accountability at the Ninth Circuit Court of Appeals. The case is *L.B. v. United States*, No. 23-35568. COLT and NIWRC submitted an amicus brief arguing that the unique context of the law enforcement deficit and Missing and Murdered Indigenous Women and Girls crises on large land base reservations mean that the United States must be liable for the torts of its officers. We also argued that the United States’ Treaty promises to the Northern Cheyenne Tribe mandate compensation for crime victims like L.B.

The federal government’s efforts in the case, to dodge civil liability based on the radically changed testimony of a convicted rapist, are repugnant. On January 19, 2024, the United States Department of Justice filed its responsive brief at the Ninth Circuit, arguing the federal government is not liable for the rape committed by its on-duty officer, and that L.B., a citizen of the Northern Cheyenne Tribe, has no individual ability to enforce her Treaty right, under the Treaty’s Bad Men provision, to compensation from the United States for harms caused by Officer Bullcoming.

COLT Chairman Marvin Weatherwax reflected that the federal government’s latest briefing in the case stems largely from the anti-tribal, anti-sovereignty stance routinely taken by the United States in numerous cases. Chairman Weatherwax stated: “When the USDOJ wears two hats – one that tells tribes, ‘the United States will protect you because we have a Treaty and a Trust responsibility,’ and when wearing the second hat, tells tribes: “but that’s not an enforceable duty of the United States,” the tribal interest always loses out in favor of some other interest—here dehumanizing L.B. and her daughter all to save the United States money.”

COLT Vice Chairman Tracy “Ching” King, of the Fort Belknap Indian Community, said “Our women are sacred. They give us strength. To see DOJ dishonor our women, and say the United States bears no responsibility for the endless crisis of physical and sexual violence our



women face is beyond offensive. Our women need the protection of our Treaties and I am proud COLT and NIWRC have stepped up to give voice to those important arguments.”

“There is no Native American political appointee in the Biden-Harris Department of Justice and there never has been. DOJ does not understand tribes and operates in a state of perpetual conflicts of interest,” King said. “COLT—again—calls for the immediate establishment of an Office of Treaty Enforcement at the Department of Justice, with a sole duty of loyalty to tribal interests irrespective of other perceived federal interests. That office should be staffed by lawyers with knowledge and experience in Indian Law and Attorney General Garland should seek the immediate appointment of a senior advisor who will uphold the solemn Treaty obligations of the United States, including obligations to compensate the victims of Bad Men, as promised in many Treaties.”

COLT has repeatedly called attention to how bad DOJ is. [See Opinion: DOJ Spouts Outdated Colonialist Arguments in Face of Treaty Obligations \(Media Share\) | Coalition of Large Tribes](#); [‘Callous disrespect for tribal treaty rights’: Tribes blast government attorney for U.S. Supreme Court argument \(Media Share\) | Coalition of Large Tribes](#); [COLT Calls for Action After U.S. Department of Justice Argues to U.S. Supreme Court That the Navajo Nation’s Treaty Reserved Water Rights Are Basically Meaningless | Coalition of Large Tribes](#); [Speaking at the United Nations, Chairman Weatherwax Calls on the U.S. to respect Indigenous Peoples’ Human Rights on Reservations | Coalition of Large Tribes](#). But to date, the Biden-Harris Administration tolerates DOJ’s anti-Indian positions that are totally inconsistent with the good work the rest of the Administration is doing in Indian Country.

The dereliction of the United States when it comes to protecting public safety on Indian reservations has reached a boiling point. COLT Member Tribe the Oglala Sioux Tribe declared a State of Emergency to address the crisis. [See Oglala Sioux Tribe declares State of Emergency \(rapidcityjournal.com\)](#).

Oglala Sioux Tribe President Frank Star Comes Out signed a new proclamation on November 18, 2023 declaring a State of Emergency on the Pine Ridge Indian Reservation. The new State of Emergency declaration will remain in effect until Jan. 1, 2025. The Oglala Sioux Tribe is now seeking to hold the United States in contempt for its failure to assist with the Tribe with coming up with a law enforcement funding plan.



“A State of Emergency exists on the Reservation due to the failure of the United States Government and its agencies, particularly the DOI and BIA, to honor their treaty trust and statutory obligations to the Oglala Sioux Tribe,” President Star Comes Out’s proclamation read.

Vice Chairman King said, “What President Star Comes Out said about Pine Ridge can be said of virtually every COLT Member Tribe’s large land base reservations. President Star Comes Out’s strong State Of Emergency is a very powerful statement, and reminding everyone that the devastating elements just aren't factored in the federal budget formulation process—cartels, fentanyl, distance, weather, ‘cost’ of living, plus so many other factors just aren't factored in. In fact, it's like we're playing DOI/TIBC/BIA's *Press Your Luck* show, and the game is loaded with a bunch of damn WHAMMY squares.”

Chairman Weatherwax agreed, “The United States must honor its Treaty and Trust obligations and provide adequate funding for law enforcement. The reality we face—a handful of officers patrolling areas the size of the states of Delaware or West Virginia—at any given time is shocking to people who don’t live on Indian reservations. The Biden-Harris Administration promised to do better.¹ We’re not seeing it and we’re calling it out.”

As Attorney General Garland visits the Crow Nation today, we hope he will recognize that his approach to tribal law enforcement is fundamentally wrong. As the chief law enforcement officer of the United States, he should be honoring our Treaties and doing everything within his power to protect the Nation’s most vulnerable—Native American women and children.

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¹ [Biden-Harris Plan for Tribal Nations | Joe Biden for President: Official Campaign Website \(gitpa.org\)](https://www.gitpa.org/).