COLT

COALITION OF LARGE TRIBES

Blackfeet Nation • Cheyenne River Sioux Tribe • Confederated Tribes of the Warm Springs Indian Reservation of Oregon Crow Nation • Eastern Shoshone Tribe • Fort Belknap Indian Community • Mandan, Hidatsa & Arikara Nation Muscogee (Creek) Nation • Navajo Nation • Northern Arapaho Tribe • Oglala Sioux Tribe • Rosebud Sioux Tribe • Shoshone-Bannock Tribes • Shoshone-Paiute Tribes of the Duck Valley Indian Reservation • Sisseton Wahpeton Sioux Tribe Spokane Tribe • Ute Indian Tribe • Ute Mountain Ute Tribe • Walker River Paiute Tribe

NATIONAL INDIGENOUS WOMEN'S RESOURCE CENTER

Portland, OR: On July 24, 2024, the Ninth Circuit Court of Appeals reversed the lower court's decision in *L.B. v. United States*, stating that the lower court was wrong to grant summary judgment in the federal government's favor and dismiss L.B.'s lawsuit under the Federal Tort Claims Act (FTCA). L.B.'s claims against the federal government stem from a sexual assault committed by a law officer from the Bureau of Indian Affairs (BIA) who raped her in her home after responding to her call for help. L.B. filed a claim under the FTCA against the Department of the Interior (DOI) and BIA, seeking damages for her pain and suffering resulting from the sexual assault. In August of 2023, District Court Judge Susan Watters dismissed L.B.'s lawsuit, claiming that Officer Bullcoming had raped L.B. to serve his own interests, not the federal government's and therefore the federal government could not be held liable for the actions of its law officer. The Coalition of Large Tribes (COLT) and the National Indigenous Women's Resource Center (NIWRC) filed a joint-amicus brief in support of L.B. and her appeal before the Ninth Circuit.

"The Ninth Circuit's decision sends the case back to the District Court and restores L.B.'s right to have her day in court," states Shoney Blake, attorney for the NIWRC. "The federal government should not be able to escape liability for the actions of its on-duty law officer, and the appellate court's decision incentivizes the DOI and BIA to ensure their officers do not victimize the very people they are called to protect."

"We filed an amicus brief in this case because the rates of violence against our women on tribal lands is extraordinarily high," explains Marvin Weatherwax, Chairman of COLT. "When federal law enforcement responds to our calls for help by sexually assaulting our women, that just means our women and our families will stop calling law enforcement for help. And they have. The system is broken, and the only way the federal government can fix it is to start taking responsibility for the actions of their own officers."

"This case goes to the heart of the Missing and Murdered Indigenous Women and Girls crisis," states Lucy Simpson, Executive Director of the NIWRC. "Until there are consequences for federal agencies whose agents sexually assault and abuse our women, our women will not be able to call law enforcement agencies for help. This simply perpetuates the cycle of violence."

"We are shocked and appalled that Department of Justice, under Attorney General Merrick Garland's leadership, continues to fight L.B. in her pursuit of justice," states Mary Kathryn Nagle, attorney for the NIWRC. "The Biden Administration has made very clear they care about ending violence against Native women. But at the oral argument before the Ninth Circuit, Assistant United States Attorney Randy Tanner argued that the DOI and BIA cannot be held liable for the sexual assault committed by its on-duty law officer because the officer had a 'crush on the victim. This line of argument is appalling and reflects a deep-seated problem within Attorney General Garland's DOJ. Being physically attracted to someone is not a license to rape, and the reversal of the case before the Ninth Circuit now gives the Biden

Administration the opportunity to finally do the right thing and simply agree to compensate L.B. for the horrific trauma she has suffered."

Both COLT and the NIWRC call on the United States, specifically the DOI and the BIA, to settle this case once and for all. The only correct response is for the United States to accept responsibility for the actions of its law officer, apologize, and compensate L.B. for her extreme losses. We hope the Biden Administration does the right thing. Indian Country is watching.

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