



# **NATIONAL INDIAN GAMING ASSOCIATION**

Rebuilding Communities Through Indian Self-Reliance

## **NATIONAL INDIAN GAMING ASSOCIATION RESOLUTION #5-PHX-AM-4-15-09**

**TITLE: To Support the Passage and Full Funding of “Tribal Law and Order Act”**

**WHEREAS**, the National Indian Gaming Association (NIGA) is an intertribal association of 184 federally recognized Indian Tribes established to support Indian gaming and defend Indian sovereignty; and

**WHEREAS**, Indian Tribes are sovereigns that pre-date the United States, with prior and treaty protected rights to self-government and to our Indian lands, and

**WHEREAS**, the Constitution of the United States, through the Treaty, Commerce, and Apportionment Clauses and the 14<sup>th</sup> Amendment, recognizes the sovereign status of Indian Tribes as Native nations established prior to the United States; and

**WHEREAS**, the Indian Gaming Regulatory Act (the “IGRA”) acknowledged and confirmed the inherent sovereign powers of Tribal Governments; and

**WHEREAS**, law enforcement is a necessary component of tribal sovereignty and an inherent sovereign power; and

**WHEREAS**, law enforcement, public safety and the administration of justice are essential for the community development, economic growth, and the stability of communities; and

**WHEREAS**, tribal governments are keenly aware of the necessity of protecting the integrity of gaming enterprises and public safety, law enforcement and the administration of justice are critical for the growth and success of tribal economies, including Indian gaming; and

**WHEREAS**, on April 3, 2009, U.S. Senator Byron Dorgan (D-ND), Chairman of the Senate Committee on Indian Affairs, introduced s. 797, the Tribal Law and Order Act to strengthen law enforcement and justice in Indian communities; and

**WHEREAS**, on April 2, 2009, U.S. Representative Stephanie Herseth-Sandlin introduced, H.R. 1924 the Tribal Law and Order Act to strengthen law enforcement and justice in Indian communities; and

**WHEREAS**, the Tribal Law and Order Act, is designed to boost law enforcement efforts by providing tools to tribal justice officials to fight crime in their own communities, improve coordination between law enforcement agencies, and increase accountability standards; and

**WHEREAS**, the Tribal Law and Order Act will enhance coordination between the Department of Justice, the Bureau of Indian Affairs, and tribal communities about the investigation and prosecution of Indian country crimes; and

**WHEREAS**, the Tribal Law and Order Act will encourage more aggressive prosecution of reservation crimes at the federal level, since between 2004 and 2007, the United States declined to prosecute 62 percent of Indian country criminal cases referred to federal prosecutors, including 72 percent of child sexual crimes, and 75 percent of adult rape cases; and

**WHEREAS**, the Tribal Law and Order Act will enhance the sentencing authority of tribal courts to punish offenders up to three years imprisonment as current law limits tribal court sentencing authority to no more than one year for any single offense; and

**WHEREAS**, the Tribal Law and Order Act will expand programs that authorize tribal police to make arrests for all crimes committed on Indian lands, and that provide direct access to national crime databases to arm police with vital criminal history information about suspects; and

**WHEREAS**, the Tribal Law and Order Act will investing in existing programs meant to improve courts, jails, youth programs, and policing efforts in Indian Country;

**NOW THEREFORE BE IT RESOLVED**, NIGA and our Member Tribes support the passage of the Tribal Law and Order Act and call upon the Administration and Congress to speedily enact the Tribal Law and Order Act; and

**BE IT FURTHER RESOLVED**, NIGA and our Member Tribes support and encourage the full funding of the Tribal Law and Order Act and calls upon the Administration and Congress to speedily enact the Tribal Law and Order Act; and

**BE IT FINALLY RESOLVED**, that tribal government law enforcement agencies, public safety administrators and tribal courts exercise the sovereign authority of Indian tribes and Federal and state law enforcement and justice agencies should recognize and respect the authority and capacity of tribal law enforcement and tribal courts to administer justice.