



2024 Winter Convention Portland, Oregon

RESOLUTION #24 – 05

“SUPPORTING FEDERAL LEGISLATION TO EXTEND SPECIAL TRIBAL CRIMINAL JURISDICTION TO PROSECUTE DRUG TRAFFICKING AND RELATED OFFENSES ON TRIBAL LANDS”

PREAMBLE

We, the members of the Affiliated Tribes of Northwest Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian Treaties, Executive Orders and benefits to which we are entitled under the laws and constitution of the United States and several states, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution:

WHEREAS, the Affiliated Tribes of Northwest Indians (ATNI) are representatives of and advocates for national, regional, and specific tribal concerns; and

WHEREAS, ATNI is a regional organization comprised of American Indians/Alaska Natives and tribes in the states of Washington, Idaho, Oregon, Montana, Nevada, Northern California, and Alaska; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of ATNI; and

WHEREAS, the 2013 reauthorization of the Violence Against Women Act permitted tribes to exercise limited inherent criminal jurisdiction over non-Indian domestic violence perpetrators in narrow circumstances, and the 2022 reauthorization of the Violence Against Women Act further extended the 2013 tribal provisions and restored tribes' inherent right to exercise Special Tribal Criminal Jurisdiction (STCJ) over non-Indians for child violence sexual violence, sex trafficking, stalking, obstruction of justice and assault of tribal justice personnel; and

WHEREAS, the illegal distribution, sale, and use of illegal drugs on American Indian reservations, tribal communities, and in Alaska Native villages has created a dangerous environment for tribal communities and is the primary factor of death due to overdose in tribal communities, and the disproportional impact of fentanyl in Indian Country has highlighted the need for Congress to expand STCJ over non-Indians who manufacture or deliver or possess controlled substances such as fentanyl within our reservation boundaries, tribal communities, and Alaska Native villages; and

WHEREAS, a majority of drug trafficking arrests both on and outside of reservation boundaries, tribal communities, and Alaska Native villages include the illegal possession of firearms, which dramatically increases lethality in criminal activities, such as drug trafficking and domestic violence, and because tribes lack the current authority to prosecute the illegal possession of firearms stemming from an STCJ offense such as drug trafficking, this offense is likely to go unpunished, putting our communities at risk; and

WHEREAS, obtaining evidence under tribal court warrants to assist in successful prosecution of drug traffickers and those committing other serious crimes is hampered because federal law does not recognize tribal courts as a “court of competent jurisdiction” for purposes of requiring disclosure under the Electronic Stored Communications Act; and

WHEREAS, the Bureau of Prisons (BOP) program under the Tribal Law and Order Act should expand offender use beyond conviction of major crimes and allow tribes to utilize the program for convicted drug trafficking offenders and other special tribal criminal jurisdiction crimes under VAWA, especially when less than 25 percent of the 100 beds for tribal offenders in the BOP program have ever been utilized at any given time; and

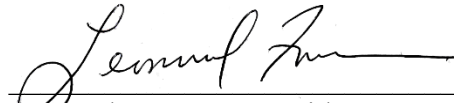
WHEREAS, the recommendations adopted at the 2023 Washington State - Tribal Opioid Fentanyl Summit (organized by the Lummi Nation and hosted by the Tulalip Tribes) support tribal court warrant parity and address jurisdictional matters to tackle the fentanyl epidemic on tribal lands; now

THEREFORE, BE IT RESOLVED, that the Affiliated Tribes of Northwest Indians supports and respectfully calls on Congress to consider legislative proposals that: (1) restore tribes’ inherent right to prosecute non-Indians for drug trafficking and related crimes; (2) restore tribes’ inherent right to prosecute illegal firearms use in furtherance of drug trafficking and STCJ crimes; (3) recognize tribal court warrants for purposes of obtaining evidence from social media companies and remote computing services under the Stored Communications Act; and (4) amend the BOP program to reduce the financial burden on Indian tribes to house criminal offenders; and

BE IT FINALLY RESOLVED, that this resolution shall be the policy of ATNI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted at the 2024 Winter Convention of the Affiliated Tribes of Northwest Indians, held at the Hyatt Regency, Portland, OR, January 28 – February 31, 2024, with a quorum present.



Leonard Forsman, President



Norma Jean Louie, Secretary