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The U.S. Attorney Mess and Indian Country

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Lost in the accounts of the eight U.S. attorneys recently dismissed or asked to resign by the Department of Justice is the potential impact on Indian country. Four of the fired U.S. attorneys represented federal districts with a significant tribal presence - Arizona, Nevada, New Mexico and Michigan - and they had dedicated significant federal resources to prosecuting crime in Indian country. One of the fired attorneys is Hon. Margaret Chiara, the U.S. attorney for the Western District of Michigan. During her tenure, which began in 2001, Chiara offered an incredible template for creating and maintaining a positive and powerful relationship between the DOJ and Indian tribes.

Eleven Indian tribes are situated in the Western District, with five of them located almost in another country, the Upper Peninsula, accessible only by puddle-jumping turboprop planes landing in Marquette or by crossing the stunning Mackinac Bridge and driving on bumpy two-lane highways for upwards of 12 hours from Grand Rapids. Despite these incredible distances, Chiara's office demonstrated to all U.S. attorney offices with significant Indian country relationships that a genuinely productive relationship can exist between the government and the tribes. She personally visited virtually all Indian tribes in her district on a regular basis, creating a strong personal connection to Indian country. She brought along her staff and officials from other federal law enforcement agencies, including the FBI, the Bureau of Alcohol, Tobacco, Firearms and Explosives, and the U.S. Marshals.

Michigan tribes have always had a strong relationship with the office prior to the arrival of Chiara through the hard work of tribal liaison Jeff Davis, a member of the Turtle Mountain Band of Chippewa Indians, but Chiara's commitment to Indian country far exceeded tribal expectations. Chiara's office's work in developing protocols for domestic violence investigation and prosecution (including work with Michigan State University College of Law students) and trainings in full faith and credit, tribal police procedures and Project Safe Neighborhoods, a gun violence reduction project, helped to develop a strong cooperative aspect to Indian country law enforcement. The office's tribal liaison Web site is one of the best in the nation - www.usdoj.gov/usao/miw/native.html - offering links to an annual Indian country report produced by Chiara's office and links to information about Michigan Indian country.

Perhaps Chiara's greatest contribution was to dedicate her limited resources to prosecuting domestic violence and other crimes involving non-Indians in Indian country. Under federal Indian law principles, neither states nor Indian tribes have clear jurisdiction over these crimes. In most areas of Indian country, misdemeanors committed against Indian people by non-Indians often are not prosecuted. Federal prosecuting attorneys and FBI agents are tasked with investigating and prosecuting murders in federal enclaves, kidnapping, bank robberies and major drug trafficking, to name a few. Indian country misdemeanors tend to take a back seat to these crimes and, coupled with limited resources, there is overwhelming anecdotal evidence that the rate of refusals to prosecute Indian country crimes is staggering.

In 2003, Chiara's office hosted a major symposium, the Great Lakes Native American Conference at Sault Ste. Marie, Mich., highlighting domestic violence as one of the foremost threats to women and children in Indian country. Periodically, Chiara's office released a newsletter to Indian country - Bedehejimo, "Talking to Everyone," edited by Sault Ste. Marie Chippewa Tribe member and MSU law student Karrie Wichelman - that offered detailed capsules of Indian country prosecutions. It also offered important commentary on Indian law and policy from federal and tribal officials and provided highlights of important Indian country meetings and symposia. It is very possible that Chiara's commitment to and success in prosecuting Indian country misdemeanors made several other U.S. attorney's offices uncomfortable. Perhaps this record of success in Indian country, along with her demonstration that most U.S. attorney's offices can do a great deal more in Indian country than they admit, made her expendable to senior DOJ officials. In fact, the mass firing of U.S. attorneys working on or near Indian country sends an implied political message to their successors - prosecution of crime in Indian country is not a priority of the George W. Bush administration.

We hope that the next and future U.S. attorneys follow her leadership and example. It is sad to see such a dynamic and committed public servant become a victim of national politics, if that indeed is what happened. Regardless, all of Indian country should regret her resignation and celebrate her work in the office. We wish her the best in her future endeavors. Chi-miigwetch and baamaapii, Your Honor.

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