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Submitted via Electronic Mail

April 20, 2022

Attorney General Merrick Garland
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington DC 20530

Secretary Deb Haaland
U.S. Department of the Interior
1849 C Street, N.W. Washington
DC 20240

Re: Request for the Department of Justice (DOJ) and Department of the Interior (DOI) to adhere to Savanna's Act and Not Invisible Act Mandates

Dear Attorney General Garland and Secretary Haaland:

We write to urge you to swiftly implement all of the provisions of Savanna's Act and the Not Invisible Act, as well as the recommendations from the October 2021 U.S. Government Accountability Office (GAO) report,[1] to respond to the urgent crisis of missing and murdered Indigenous women and people, including the Not Invisible Act Commission. Additionally, we request increased transparency about any ongoing efforts to address this systemic injustice. We are acting quickly to address this crisis and end the institutional and systemic racism, including disproportionate violence, faced by American Indian and Alaska Native people in Washington State. Improved transparency and movement on this issue at the federal level would greatly assist our efforts.

In 2021, the Washington State Legislature established the Washington State Missing and Murdered Indigenous Women and People (MMIWP) Task Force, supported by the Washington State Attorney General's Office (AGO). The Task Force began its work in December 2021, and is well underway in moving forward to address the urgent MMIWP crisis. In the months ahead, the Task Force will, among other things: "assess systemic causes behind gender-based violence including patterns and underlying historical, social, and economic, institutional, and cultural factors which may contribute to disproportionately high levels of gender-based violence that occur against American Indian and Alaska native people and ways

[1] U.S. Government Accountability Office, "Missing or Murdered Indigenous Women: New Efforts are Underway but Opportunities Exist to Improve the Federal Response," October 2021. Retrieved from GAO-22-104045. https://www.gao.gov/products/gao-22-104045#:~:text=the%20Federal%20Response-,Missing%20or%20Murdered%20Indigenous%20Women%3A%20New%20Efforts%20Are%20Underway%20but,the%20U.S.%20is%20a%20crisis. (Last accessed April 19, 2022).

to improve cross-border coordination between law enforcement and federally recognized tribes that share a state border with Washington state."[2]

Members of the MMIWP Task Force include representatives from federally recognized Indian tribes in Washington, urban Indigenous communities, community based organizations serving American Indian and Alaska Native people, state agencies, law enforcement, and family members of indigenous women who have experienced violence. The Task Force members and the AGO recognize the urgency of addressing this crisis. The Task Force is continuously working to ensure that survivors and MMIWP family members are centered and engaged at every step of the process, including by implementing restorative justice practices, such as talking circles held in conjunction with meetings of the Task Force.

With the vision and purpose of creating a safer Washington for Indigenous people, the Task Force recognizes that tribes and the protection of tribal sovereignty must be uplifted at every point of the work. In order to fully commit to the responsibility Washington State has to our American Indian and Alaskan Native citizens, more transparent efforts are necessary at the federal level to provide tribes with the resources and support needed to make systemic changes within their own nations. We appreciate the work that has already been done to call attention to MMIWP and take initial steps to address it, and urge you to expeditiously fulfill the requirements of Savanna's Act and the Not Invisible Act.

In October 2020, President Trump signed Savanna's Act and the Not Invisible Act into law.[3] These bills are an important step forward in improving communication and coordination across levels of government to begin effectively addressing the MMIWP crisis. Troublingly, however, based on the information available to the AGO and the MMIWP Task Force,[4] it appears that federal agencies including the Department of Justice (DOJ) and the Department of the Interior (DOI) have not yet implemented critical provisions of these important laws, including establishing a commission as required by the Not Invisible Act.[5]

In October 2021, the GAO released a report, *Missing or Murdered Indigenous Women: New Efforts Are Underway but Opportunities Exist to Improve the Federal Response (*GAO-22-104045),[6] detailing current law enforcement jurisdiction, procedures, and the uses and interplay of federal databases that contain information related to cases of Missing or Murdered American Indian and Alaska Native people. The report notes some of DOJ and DOI's early efforts to implement Savanna's Act and the Not Invisible Act. However, we are deeply

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[2] Chapter 297, Laws of 2022, Sec. 943(3)(a), https://lawfilesext.leg.wa.gov/biennium/2021-22/Pdf/Bills/Session%20Laws/Senate/5693-S.SL.pdf?q=20220419200436. (Last accessed April 19, 2022).

[3] Statement from the Press Secretary Regarding the Signing of Savanna's Act and the Not Invisible Act, October 10, 2022. https://trumpwhitehouse.archives.gov/briefings-statements/statement-press-secretary-regarding-signing-savannas-act-not-invisible-act/?utm_source=link. (Last accessed April 19, 2022).

[4] "Missing and Murdered Indigenous Peoples: Using an All-of-Government Approach to Address this Crisis," U.S. Department of the Interior, https://www.doi.gov/priorities/missing-and-murdered-indigenous-peoples. (Last accessed April 19, 2022).

[5] The Not Invisible Act of 2019, P.L. 116-166, Sec. 4, October 10, 2020, https://www.congress.gov/116/plaws/publ166/PLAW-116publ166.pdf. (Last accessed April 19, 2022).

[6] GAO Report, October 2021.

concerned about the lack of transparency regarding the Administration's efforts to implement these laws.[7]

The GAO issued the following recommendations for DOJ and DOI to meet the legislative mandates:[8]

1. The Attorney General should develop a plan—including key steps, who will achieve them, and by when—for accomplishing ongoing analyses of data in existing federal databases and future data that may be gathered to identify relevant trends in cases of missing or murdered American Indian and Alaska Native women and areas of concern.
2. The Attorney General should develop a plan, including milestone dates, to develop and implement a dissemination strategy to educate the public about the National Missing and Unidentified Persons System (NamUs).
3. The Attorney General should develop a plan, including milestone dates, to conduct specific outreach to Indian tribes, tribal organizations, and urban Indian organizations regarding the ability to publicly enter information regarding missing persons through NamUs or other non-law enforcement sensitive portal.
4. The Secretary of the Interior, in coordination with the Attorney General, should finalize its draft plan establishing and appointing all members to the Joint Commission on Reducing Violent Crime Against Indians, as required by the Not Invisible Act of 2019, and include milestone dates for all steps in the process.

As you know, on November 15, 2021, President Biden issued Executive Order (EO) 14053: "Improving Public Safety and Criminal Justice for Native Americans and Addressing the Crisis of Missing or Murdered Indigenous People."[9] The EO expresses the Administration's commitment to fully implementing Savanna's Act and the Not Invisible Act, and directs agencies to take a number of steps to do so. In conjunction, Deputy Attorney General Lisa Monaco launched a Steering Committee at the Department of Justice to address the MMIWP crisis.[10] We appreciate the commitment of the Administration to implement these critical laws, and urge increased transparency about the ongoing work toward implementation. The EO requires a report to the President on the progress of this work in July 2022; while we anticipate that report will be helpful, we urge the Departments to provide the public with more frequent and transparent status updates.

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[7] It should be noted that, on the GAO website, both the DOJ and DOI concurred with these recommendations.

[8] GAO Report, October 2021.

[9] Executive Order 14053 of November 15, 2021: "Improving Public Safety and Criminal Justice for Native Americans and Addressing the Crisis of Missing or Murdered Indigenous People," Federal Register, Vol. 86, No. 220, November 18, 2021, Presidential Documents, https://www.govinfo.gov/content/pkg/FR-2021-11-18/pdf/2021-25287.pdf. (Last accessed April 19, 2021).

[10] Memorandum from the Deputy Attorney General re: Steering Committee to Address the Crisis of Missing or Murdered Indigenous Persons, U.S. Department of Justice, November 15, 2021 https://www.govinfo.gov/content/pkg/FR-2021-11-18/pdf/2021-25287.pdf. (Last accessed April 19, 2021).

We particularly call your attention to the Not Invisible Act Commission.[11] In August 2021, ten months after enactment of the Not Invisible Act, the Indian Affairs Bureau published a notice of call for nominations for the Commission.[12] As of April 5, 2022, Commission members have not been named. The Not Invisible Act requires: "Not later than 18 months after the enactment of this Act, the Commission shall make publicly available and submit all recommendations [required by this Act]".[13] At this time, 18 months has passed since enactment of the law, and the members of the Commission have not been appointed, much less begun their work to develop recommendations.

The DOJ and DOI must exercise their authority and urgently act to fully implement Savanna's Act and the Not Invisible Act to adequately prevent and respond to violence against Indigenous bodies. Congress continues to act to improve and expand federal response systems to MMIWP, most recently by reauthorizing the Violence Against Women Act (VAWA) with provisions that will increase services for survivors, improve prevention and response to sexual violence, and expand criminal jurisdiction of Tribal courts. VAWA will support the needs of survivors, victims, families, and American Indian and Alaska Native communities. Justice for MMIWP will come about from the coordinated and transparent implementation of VAWA, Savanna's Act, and the Not Invisible Act, and meaningful collaboration between the federal government, states, localities, tribes, and organizations serving American Indian and Alaska Native people. Delays in these efforts result in continued injustices inflicted on Indigenous women and people. We request immediate action by the DOJ to deliver effective systems change to reduce tragic outcomes and support our communities' path towards healing.

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[11] "The Not Invisible Act Commission," U.S. Department of the Interior Indian Affairs, https://www.bia.gov/service/not-invisible-act-commission. (Last accessed April 19, 2021).

[12] "Not Invisible Act Joint Commission on Reducing Violent Crime Against Indians" Indian Affairs Bureau, Notice of calls for nominations and request for comments for non-Federal Commission members, published August 5, 2021, https://www.federalregister.gov/documents/2021/08/05/2021-16699/not-invisible-act-joint-commission-on-reducing-violent-crime-against-indians. (Last accessed April 19, 2021).

[13] The Not Invisible Act of 2019, P.L. 116-166, Sec. 4, October 10, 2020, https://www.congress.gov/116/plaws/publ166/PLAW-116publ166.pdf. (Last accessed April 19, 2022).

American Indian and Alaska Native people in Washington and across the country have faced institutional and systemic racism for generations. Government action to address this injustice and the disproportionate violence against American Indian and Alaska Native people across the country requires urgent attention and action. Expedient action by DOJ and DOI will also substantially assist Washington's efforts to address this crisis. We hope your agencies will quickly and transparently act to address the MMIWP crisis.

Sincerely,

Bob Ferguson
Washington State Attorney General

Patricia Whitefoot
Sister of Daisy Mae Heath (Yakama Nation/Warm Springs Tribe)
Executive Committee Co-Chair, Washington State Missing and Murdered Indigenous Women and People Task Force

Debra Lekanoff
Representative, 40th Legislative District
Executive Committee Co-Chair, Washington State Missing and Murdered Indigenous Women and People Task Force

Abigail Echo-Hawk
Executive Vice President, Seattle Indian Health Board
Director, Urban Indian Health Institute
Executive Committee Member, Washington State Missing and Murdered Indigenous Women and People Task Force

Sam White
Chief of Police, Lower Elwha Police Department
Executive Committee Member, Washington State Missing and Murdered Indigenous Women and People Task Force

cc: (continued on next page)
President Joe Biden
Senator Patty Murray

cc: (cont.)
Senator Maria Cantwell
Senator Catherine Cortez-Masto
Senator Jon Tester
Senator Lisa Murkowski
Members of Washington State's U.S. House of Representatives Delegation
National Congress of American Indians
Affiliated Tribes of Northwest Indians
National Indigenous Women's Resource Center