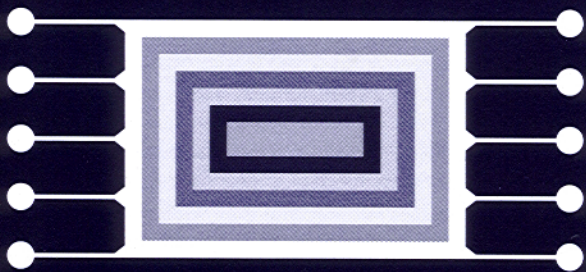


U.S. Department of Justice
Civil Rights Division



Protecting the Civil Rights of American Indians and Alaska Natives



Nondiscrimination Laws
Enforced by the
Civil Rights Division
United States
Department of Justice

Introduction— The Civil Rights Division of the U.S. Department of Justice is responsible for enforcing Federal statutes that prohibit discrimination on the basis of race, color, national origin, sex, disability, and religion. These Federal laws prohibit discrimination in education, employment, credit, housing, public accommodations, voting, and in certain federally-funded and conducted programs, among other areas. In addition, the Division prosecutes actions under several criminal civil rights statutes that are designed to preserve personal liberties and safety. The Division can also seek relief for persons confined in public institutions where existing conditions deprive residents of their constitutional rights. Tribal governments and State and local governments may also have laws or procedures protecting civil rights. The following areas of the Civil Rights Division's enforcement program may be of particular interest to American Indians and Alaska Natives.

Criminal Statutes Protecting Your Civil Rights— As citizens and residents of the United States, American Indians and Alaska Natives have many rights protected by the Constitution and laws of the United States. You have, for example, a right to live and to associate in your home with any person without being subjected to force on the basis of your race, nationality, or religion. You also have a right to apply for or engage in employment; to enroll in or attend public school; to use the services offered by hotels, restaurants, and places of entertainment; to vote; and to use certain public facilities and to participate in any activity provided or administered by a locality, such as using a public park, without being subjected to force or threats of force. You have a right to obtain reproductive health services and information without being subjected to force or threats of force or physical obstruction. These are only some of the federally-protected rights which are most commonly subjected to criminal interference.

Federal law also makes it a crime for a public official to willfully violate another person's constitutional or other federally-protected rights, which include the right to be free from unjustified physical assaults and unwanted sexual contact.

If you have been physically assaulted or threatened in connection with your exercise or attempted exercise of what you believe is a federally-protected right, you should promptly contact the nearest office of the Federal Bureau of Investigation, your local United States Attorney, or the Criminal Section of the Civil Rights Division at (202) 514-3204. The FBI and U.S. Attorneys have publicly listed offices in most major cities.

Further information is available at www.usdoj.gov/crt/crim.

Education— Federal law prohibits public elementary and secondary schools and public institutions of higher education from denying students equal educational opportunities because of their race, color, national origin, sex, religion, or disability. The denial of equal educational opportunities includes the failure by public school districts to provide programs and assistance to students with limited English-proficiency in learning English so that they can participate fully in the educational process.

The Division's enforcement efforts involve all aspects of the education process, including attacking discrimination in the assignment of students to schools and classes and academic programs, the transportation of students, the hiring and placement of faculty and administrators, the condition of educational facilities, and the distribution of school district resources.

American Indian children who reside within a school district, and who live on an Indian reservation where the land is not taxed, have the right to the same educational opportunities that are offered to all other children living in the school district.

If you believe that you or your child have been denied access to an educational program or otherwise discriminated against by a school operated by a State or local government or by a school that receives Federal funds, you can contact the Division's Educational Opportunities Section at (877) 292-3804.

You also can contact the U.S. Department of Education at (800) 421-3481 if the school district receives Federal funds. If you have a complaint concerning a school operated by the Bureau of Indian Affairs, please contact the Bureau at (202) 208-3711.

Further information is available at www.usdoj.gov/crt/edo.

Employment—Federal law prohibits employers from discriminating against persons because of their race, sex, color, religion, national origin, or citizenship status. Thus, an employer cannot refuse to hire or promote you, nor can an employer discipline, harass, or fire you, on the basis of your being an American Indian or Alaska Native.

If you believe that you have been discriminated against by an employer, a labor organization or an employment agency because you are an American Indian or Alaska Native, you may contact the U.S. Equal Employment Opportunity Commission (EEOC). You can call the EEOC at (800) 669-4000 (voice) or (800) 669-6820 (TDD) to be put in contact with the EEOC office nearest you.

If you believe that a State or local government employer has discriminated against you because you are an American Indian or Alaska Native, you can also call the Division's Employment Litigation Section at (202) 305-2621. Please note that Indian tribes in their capacity as employers are not subject to the law's prohibition on employment discrimination. However, charges of employment discrimination may be filed against any employer that is not itself an Indian tribe, regardless of the tribal membership of the individual owner.

In addition, if you believe that a private employer has discriminated against you because of your citizenship status or if an employer refuses to accept your American Indian tribal document or other acceptable documentation as proof of your eligibility to work in this country, you can call the Division's Office of Special Counsel at (800) 255-7688 (voice) or (800) 237-2515 (TDD).

Further information is available at www.usdoj.gov/crt/emp and www.usdoj.gov/crt/osc.

Federally-Assisted Programs—Federal laws prohibit entities that receive Federal funds from discriminating on the basis of race, color, national origin, disability, or, in some instances, sex and religion. In addition, you may not be subject to retaliation for filing a complaint of discrimination or participating in an investigation. Each Federal funding agency investigates complaints of discrimination against the recipients of its funds. Complaints should be filed with the Federal funding agency. If you are unaware of which Federal agency funds the entity that you believe discriminated against you, you can file a complaint with the Division's Coordination and Review Section (telephone (888) 848-5306), and that Section will refer your complaint to the appropriate agency for investigation.

The Department of Justice provides Federal financial assistance primarily to police departments and prisons. If you believe you have been discriminated against by an entity that receives funds from the Department of Justice, you can file a complaint with the Division's Coordination and Review Section or the Department of Justice's Office of Justice Programs (telephone (202) 616-3539).

Further information is available at www.usdoj.gov/crt/cor.

Housing—Discrimination in the provision of housing because of a person's race, color, national origin, religion, sex, disability, or familial status is illegal under Federal law. If you believe you have been discriminated against in the process of renting or buying an apartment

or a house because you are an American Indian or Alaska Native, you can file a complaint of housing discrimination. The Division's Housing and Civil Enforcement Section (telephone (800) 896- 7743) handles cases involving a pattern or practice of discrimination in housing, while the U.S. Department of Housing and Urban Development (HUD) (telephone (800) 669-9777) investigates individual complaints of discrimination in housing.

Federal law also prohibits local governments from adopting or enforcing land use regulations that impose a substantial burden on religious exercise. If you believe you are the victim of this kind of discrimination, you can file a complaint with the Housing Section.

Further information is available at www.usdoj.gov/crt/housing.

Individuals with Disabilities—Federal law prohibits discrimination on the basis of disability in (1) employment when the employer has 15 or more employees (e.g., recruitment, hiring, promotions, training, pay, and job interview questions that you can be asked about your disability); (2) all activities of State and local governments (e.g., public education, transportation, recreation, employment, health care, social services, voting, and town meetings); and (3) places of public accommodation (e.g., hotels, restaurants, retail stores, theaters, and health care facilities).

To be protected, you must have a qualifying disability, have a record of such a disability, be regarded as having such a disability, or have a relationship or association with a person with such a disability.

Complaints of discrimination on the basis of disability may be filed with the Disability Rights Section, (800) 514-0301 (voice), (800) 514-0383 (TDD). Charges of employment discrimination on the basis of disability may be filed at any U.S. Equal Employment Opportunity Commission (EEOC) field office. See information in the Employment section above.

Further information is available at www.usdoj.gov/crt/drs/drshome.htm.

Institutionalized Persons—The Civil Rights Division protects the constitutional and Federal statutory rights of persons confined in certain institutions owned or operated by State and local governments. These institutions include facilities for individuals who are mentally ill or developmentally disabled, nursing homes, juvenile correctional facilities, and adult jails and prisons. The Division has the authority to investigate institutional conditions and file suit against State and local governments for a pattern or practice of egregious or flagrant unlawful conditions. Thus, if American

Indians or Alaska Natives residing in a county-owned nursing home or incarcerated in a correctional facility are not being provided adequate medical care, the Division's Special Litigation Section (telephone (202) 514-6255) can investigate and file a lawsuit against the appropriate governmental authority to force improvements in the quality of care. This authority does not cover tribal governments or federally-operated facilities.

The Division also enforces a Federal law that prohibits jurisdictions receiving Federal financial assistance from imposing a substantial burden on religious exercise. Institutions such as prisons or jails must therefore demonstrate a compelling interest before creating such burdens on persons wishing to engage in Native religious practices.

Further information is available at www.usdoj.gov/crt/split.

Lending—Discrimination in lending practices because of race, color, sex, or national origin is prohibited by Federal law. If you believe that you have been denied a loan merely because you are an American Indian or Alaska Native, you can ask the lender for an explanation in writing about the reasons why you were denied the loan.

You can also file an individual complaint with HUD (telephone (800) 669-9777) if the loan is for housing purposes. You can file a complaint with the Division's Housing and Civil Enforcement Section (telephone (800) 896-7743) if a pattern or practice of lending discrimination is involved.

If the loan is not for a housing-related purpose (for example, a car loan or a credit card), you can file a discrimination complaint with the Division's Housing and Civil Enforcement Section or with the regulatory agency that oversees the lending institution.

Further information is available at www.usdoj.gov/crt/housing.

Police Misconduct—Federal law makes it unlawful for State or local law enforcement officers to engage in a pattern or practice of conduct that deprives persons of rights protected by the Constitution or laws of the United States. The types of conduct covered by this law include, among other things, excessive force, discriminatory harassment, false arrest, coercive sexual conduct, and unlawful stops, searches, or arrests. The statutes do not apply to tribal police officers or Federal Bureau of Indian Affairs police officers.

The civil rights laws covering federally-assisted programs and the criminal statutes addressing civil rights (discussed elsewhere in this brochure) also may

apply to a police misconduct complaint. You may file a complaint with the Division's Special Litigation Section (telephone (202) 514-6255).

Further information is available at www.usdoj.gov/crt/split.

Public Accommodations—Discrimination because of race, color, religion, or national origin is prohibited by Federal law in public accommodations such as hotels, restaurants, and places of entertainment. If you believe you have been discriminated against by being denied entrance, access, or service in a place of public accommodation, you can notify the Division's Housing and Civil Enforcement Section at (800) 896-7743.

Further information is available at www.usdoj.gov/crt/housing.

Reproductive Health Services Access—If an American Indian or Alaska Native woman were to seek reproductive health services and encounter undue interference in the form of force or threat of force or physical obstruction, including blockades, Federal law provides the Division with authority to seek relief to prohibit such interference, as well as statutory or compensatory damages, and civil penalties against individuals who engage in such conduct. If you have a complaint about this type of matter, you may contact the Division's Special Litigation Section (telephone (202) 514-6255).

Further information is available at www.usdoj.gov/crt/split.

Voting—As citizens of the United States and the State in which you live, the Constitution and Federal laws guarantee your right to vote free of discrimination in Federal, State, and local elections. American Indians and Alaska Natives are protected from discrimination and intimidation in exercising the right to vote and in becoming candidates for and serving in Federal, State, and local (including city, county, and school district) elected offices. Federal law requires all States to allow citizens to register to vote at public service agencies such as driver's license and public assistance offices.

The Civil Rights Division or private citizens can bring lawsuits to challenge electoral systems or practices (such as at-large elections) when they dilute the votes of American Indians or Alaska Natives and prevent a fair opportunity for representation on elected bodies such as State legislatures, county commissions, or school boards.

Certain States and counties with a history of discrimination against minority voters, some of which include areas in Indian Country, must obtain Federal

approval of new voting practices or procedures to ensure that they do not discriminate against racial or language minorities, including American Indians and Alaska Natives. Federal observers also may be placed in polling places to make sure that minority voters are permitted to vote without discrimination and to receive assistance in voting, if needed. County officials in some parts of the country also must provide information about voter registration and the election process in certain Native languages. Where the Native language is historically unwritten, election officials must provide this information and assistance orally in the Native language. To find out if the jurisdiction where you vote is covered, or to refer any election-related complaint, contact the Division's Voting Section at (800) 253-3931.

These laws protecting voting rights apply to State and local governments. They do not apply to tribal governments or tribal elections.

Further information is available at www.usdoj.gov/crt/voting.

HOW TO FILE A COMPLAINT OR OBTAIN ADDITIONAL INFORMATION

Complaints to the Civil Rights Division should be filed as soon as possible after the alleged act and, in some instances, within 180 days of the date of the alleged discrimination. Complaints should be in writing and signed, and include your name, address, and telephone number(s); the name(s) of any public or private agency, institution, department, or individual you believe discriminated against you; and a description of the conduct you believe violated one of the laws discussed above, with as many details as possible.

For further information, or to file a complaint, contact:

U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

950 Pennsylvania Avenue, N.W.

Washington, D.C. 20530

(202) 514-4609 (Voice)

(202) 514-0716 (TDD)

(202) 307-2839 (Fax)

www.usdoj.gov/crt

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