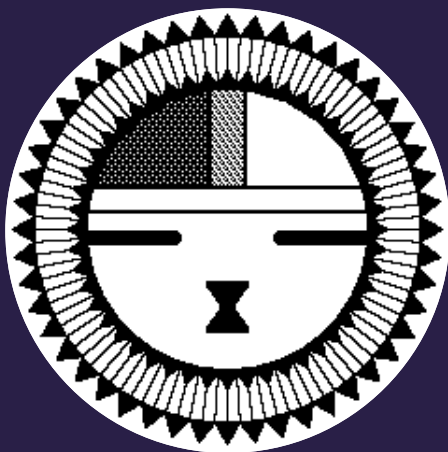


U.S. Department of Justice
Civil Rights Division



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 Department of Justice is the primary institution within the Federal government 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 others. 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 conditions exist that deprive residents of their constitutional 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 inhabitants 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 or threats of force on the basis of your race, nationality or religion. You also have a right to apply for or engage in employment; enroll in or attend public school; and use the services offered by hotels, restaurants, and places of entertainment 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 makes it a crime for a public official intentionally to violate another person's constitutional or other federally protected rights. It is also a crime for any person, whether public official or private citizen, to use physical force or threats against a person because of that person's race, nationality, or religion, and because that person is or has been

exercising or attempting to exercise a federally protected right.

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.

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 to provide programs that assist students with limited English-speaking ability in learning English.

The Division's enforcement efforts involve all aspects of the education process, including attacking discrimination in the assignment of students to 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 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 who live 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 (202) 514-4092.

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.

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

If you believe an employer has discriminated against you because you are an American Indian or Alaska Native, you should contact the Equal Employment Opportunity Commission (EEOC). Calling (800) 669-4000 will automatically put you in contact with the EEOC office nearest you.

If you believe that a State or local government employer has discriminated in employment against American Indians or Alaska Natives, you can call the Division's Employment Litigation Section at (202) 514-3831.

In addition, if an employer refuses to accept your American Indian tribal document as proof of your eligibility to work in this country, you can call the Division's Office of Special Counsel at (800) 255-7688.

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.

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 (telephone (888) 848-5306) or the Department of Justice's Office of Justice Programs (telephone (202) 616-3539).

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 Department of Housing and Urban Development (HUD) (telephone (800) 669-9777) investigates individual complaints of discrimination in housing.

Individuals with Disabilities—Federal law bars discrimination based on disability in: (1) all employment practices of State and local government employers with 15 or more employees (e.g., recruitment, hiring, promotions, training, pay, and job interview questions which ask 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, health care facilities, and parks). To be protected, you must be a person with a disability or have a relationship or association with a person with a disability.

Complaints of discrimination on the basis of disability may be filed with the Disability Rights Section (telephone (800) 514-0301 (voice) or (800) 514-0383 (TDD)). Charges of employment discrimination on the basis of disability may be filed at any EEOC field office (telephone (800) 669-4000 (voice) or (800) 669-6820 (TDD) for the appropriate EEOC field office in your geographic area).

Institutionalized Persons—The Civil Rights Division enforces the constitutional and Federal statutory rights of residents of publicly-operated residential facilities such as jails, prisons, juvenile detention facilities, mental retardation facilities, and psychiatric hospitals and nursing homes, regardless of their race. Thus, if American Indians residing in a county-owned nursing home are not being provided adequate medical and nursing care, the Division's Special Litigation Section (telephone (202) 514-6255) can investigate and file a lawsuit against the

county and the nursing home to force improvements in the quality of care. This authority does not cover tribal governments or federally operated facilities.

If an American Indian woman were to seek reproductive health services and encounter undue interference in the form of blockades or other harassing methods, Federal law provides the Division with authority to file a lawsuit to prohibit individuals or groups from interfering with the woman's access to the services.

Lending—Discrimination in lending practices because of race, color, or national origin is prohibited by Federal law. If you believe that you have been denied a loan 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 also can 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), 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.

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 arrests, coercive sexual conduct, and unlawful stops, searches, or arrests. The statute does 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.

Public Accommodations—Discrimination because of race, color, 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.

However, the Civil Rights Division cannot seek monetary damages on behalf of aggrieved persons. Therefore, you may also want to consider filing your own lawsuit seeking damages under Federal and possibly State statutes. To file a private lawsuit, you should consult with an attorney in your State.

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 these 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 coun-

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.

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

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.
- A description of the conduct you believe violated one of the laws discussed above, with as many details as possible. Include the dates and times and places of the alleged act(s) of discrimination, and any identifying information regarding individuals involved.
- The names and telephone numbers of witnesses.
- If you believe that the misconduct is based on your race, color, national origin, sex, religion, or disability, please identify the basis and explain what leads you to believe that you were treated in a discriminatory manner (i.e., differently from persons of another race, sex, etc.).

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

U.S. Department of Justice
Civil Rights Division
Office of the Assistant Attorney General
P.O. Box 65808
Washington, D.C. 20035-5808
(202) 514-2151 (Voice)
(202) 514-0716 (TDD)
(202) 307-2839 (Fax)
<http://www.usdoj.gov/crt>