

March 14, 2025

Pamela Bondi
Attorney General
U.S. Department of Justice
Robert F. Kennedy Building
950 Pennsylvania Ave. NW
Washington, DC 20530
via email: pamela.bondi@usdoj.gov

RE: Implementation of the Administration’s Policy Priorities Must Take into Account that Federal Employees Carrying Out Trust and Treaty Obligations to Tribal Nations are Not Like Other Federal Employees

Dear Attorney General Bondi:

On behalf of the undersigned organizations serving Tribal Nations and Tribal citizens and communities, we write to congratulate you on your confirmation to lead the U.S. Department of Justice (DOJ) and to discuss DOJ’s implementation of the Administration’s policy priorities. *We request a meeting with you as soon as possible* to discuss working together to implement shared goals in a manner that recognizes Tribal Nations’ sovereign governmental status and the United States’ longstanding trust and treaty obligations. As part of its overall responsibilities, DOJ supports the United States in carrying out its trust and treaty obligations to Tribal Nations, and there are important public safety programs and federal employees at DOJ that Tribal Nations critically rely on.

Shared Goals. During his first term, President Trump saw Indian Country as a strong partner, and Tribal Nations are ready to work with the Trump Administration again on shared goals. Indian Country has long supported a smaller federal bureaucracy with less red tape. We believe in reducing unnecessary regulatory burdens and streamlining federal funding mechanisms, which will help foster Tribal Nations’ locally driven economic development and strengthen our rights of self-determination.

Inadvertent Harm to Indian Country. While we look forward to achieving these shared goals, recent actions to implement the Administration’s Executive Orders have impacted Tribal Nations and Native people in deeply concerning ways. The Administration has set forth several policy priorities—such as eliminating diversity, equity, inclusion, and accessibility (DIEA) and environmental justice (EJ) initiatives, reducing federal fraud and waste, stopping illegal immigration, and modifying the education system. And the Administration has taken a series of actions to implement those policy priorities—such as instituting federal hiring freezes and layoffs, pausing and reallocating federal funds, pausing and canceling government contracts and grants, canceling leases, detaining and seizing individuals in immigration operations, and removing data from federal websites. We do not believe the Administration intends to target Tribal Nations or our citizens or communities. Yet, we have nonetheless felt collateral impacts from each of the above-mentioned implementation actions—highlighting the need for meaningful consultation to ensure Tribal Nations and Native communities are not unintentionally harmed.

Policy Priority Carve-Outs. Each of the Administration’s mandates has acknowledged that activities implementing legal requirements, including statutorily mandated programs, are not to be affected. The mandates have also directed that certain types of programs should not be impacted, such as direct services to citizens, law enforcement and public safety programs, and programs identified as essential. Tribal programs at DOJ fall under each of these carve-outs.

Tribal Programs are Unique. Tribal programs and funding are provided on the basis of our unique political status and are legally required by trust and treaty obligations and the many statutes that implement these obligations, such as the Indian Self-Determination and Education Assistance Act. Further, many of these programs provide essential direct services to the rural communities who rely on them, including services related to law enforcement and public safety. Tribal programs are not like other federal programs.

Legal Status of Tribal Nations. Tribal Nations are and always have been inherently sovereign governments that have strong political relationships with our Tribal citizens and community members. We govern and police our lands, and we provide governmental services aimed at keeping our communities safe and healthy. Tribal Nations also have political, government-to-government relationships with the United States, and we prepaid with our lands and resources for trust and treaty obligations that are carried out by the federal government in part through a series of federal statutory mandates. The U.S. Constitution singles out Tribal Nations and Native people as unique, and the U.S. Supreme Court has time and again affirmed the principle that United States actions that deliver on trust and treaty obligations to Tribal Nations, Tribal citizens, or Tribal communities do not run afoul of the U.S. Constitution’s equal protection requirements.

Scope of Trust and Treaty Obligations. The United States fulfills its legal trust and treaty obligations through coordinated efforts across the entire federal government. This includes through direct delivery of Tribal programs and services by federal agencies, and through provision of federal funding to Tribal Nations to deliver governmental services to our own communities. Essential services include federal prosecutions on Indian Country lands by DOJ, healthcare through the Indian Health Service, law enforcement, land management, and public safety through the Bureau of Indian Affairs, and education through the Bureau of Indian Education, not to mention countless other services. Any Tribal program or federal funding delivered to Tribal Nations—including through Urban Indian Organizations and Tribal organizations serving Tribal Nations—is provided in furtherance of the United States’ trust and treaty obligations. The federal employees necessary for the functioning of Tribal programs and the disbursement of funds to Tribal Nations are also part of the trust and treaty obligations. These actions are not discretionary; they are legal obligations rooted in treaties, trust obligations, the U.S. Constitution, and federal statutes.

Positive Clarifications by Some Federal Agencies. We note and appreciate that some federal agencies, including the Departments of Health and Human Services and Interior, have taken steps to recognize that the Administration’s mandates on their plain terms do not apply to Tribal programs. These agencies have issued written guidance or statements recognizing implementation of the Administration’s policy priorities should not impact the United States’ delivery on trust and treaty obligations and that such delivery is not race-based. It is also our understanding that some workforce reduction efforts have received suspensions, recognizing both the direct provision of services and federal employees’ significant role in meeting trust and treaty obligations.

Requests. As we fit into the carve-outs the Administration created when it set forth its mandates, we make the following requests of DOJ.

1. *Engage* with us—*prior* to taking action—to better understand where within DOJ direct and essential services are being provided to Indian Country and how to implement the Administration’s policy priorities without affecting ongoing legal requirements to Indian Country. This type of engagement is in keeping with the United States’ duty to consult government-to-government with Tribal Nations on federal actions that may have Tribal implications.
2. *Affirmatively state* that DOJ programs and funding delivered to Tribal Nations and Tribal citizens and communities are not DEIA or discretionary programs, but are delivered in recognition of our unique political status and in furtherance of the United States’ trust and treaty obligations and related statutory mandates.
3. *Exempt* from any efforts to pause or reduce federal funding all Tribal programs and funding delivered to Tribal Nations, including through Urban Indian Organizations and Tribal organizations serving Tribal Nations. *DOJ operates a number of important public safety programs serving Tribal Nations.*
4. *Exempt* from any workforce reductions or hiring freezes all federal employees serving in Tribal offices or whose roles assist in the delivery of services or funding to Tribal Nations, Tribal citizens, or Tribal communities. *DOJ is home to many federal employees who protect the legal rights of Tribal Nations, including within the DOJ Office of Tribal Justice and the DOJ Energy and Natural Resources Division, Indian Resources Section.*

Tribal Nations’ exercise of our sovereignty and the United States’ delivery on its trust and treaty obligations must not become collateral damage in the Administration’s implementation of its priorities.

Thank you for your leadership on these important issues. We invite you to meet with us so that we may work together in partnership to reach mutual understanding and achieve our shared goals.

Sincerely,

Affiliated Tribes of Northwest Indians
American Indian Higher Education Consortium
Great Plains Tribal Chairman’s Association, Inc.
Indian Gaming Association
Inter-Tribal Association of Arizona
Midwest Alliance of Sovereign Tribes
National American Indian Court Judges Association
National Association of Tribal Historic Preservation Officers
National Center for American Indian Enterprise Development
National Congress of American Indians
National Council of Urban Indian Health
National Indian Child Welfare Association
National Indian Education Association
United South and Eastern Tribes Sovereignty Protection Fund
United Tribes of Michigan