

# AGAG'S CLIQUE DIDN'T EVEN KNOW TRIBAL CRIMES WERE PART OF THE JOB

Today's installment in the Denver Post's series on justice on tribal lands is absolutely devastating to the Bush DOJ, starting with the anecdote from Paul Charlton describing a "high-level DOJ official" who had no clue that tribal justice was part of the US government's obligation.

Talking with superiors about a gruesomedouble murder on the Navajo reservation, Charlton was stoppedmidsentence and asked by a high-level Justice Department official whyhe was involved in a case on the reservation in the first place.

To Charlton, it was suddenly clear that the official didn'tunderstand the most basic aspect of federal Indian law â€" that on mostreservations, U.S. attorneys are the sole authority empowered toprosecute felony crime there.

â€œIf the first question is â€˜Why are you even prosecuting this case?' you're starting far, far behind,â€ Charlton said.

Um, yeah, you could say that. You could also say the Bush Administration was failing in its duty.

You might say the same about Bill Mercer, who for much of the last several years served as Montana's US Attorney while only showing up in Montana a few days a month. His response, to the description of a case that spanned several reservations and therefore had to be pursued by the US Attorney's office, was a complaint that

he hadn't gotten a call.

On the Fort Berthold reservation in North Dakota, tribal prosecutor Bill Woods wrote a letter to federal prosecutors in late 2003 pleading for help with the case of an alleged serial rapist who preyed on intoxicated women. The suspect, an American Indian man, allegedly had already struck twice on Fort Berthold and once on Montana's Crow reservation in a case dating from the 1990s. But Woods was unable to investigate or charge a case from another reservation to help establish the pattern.

The tribal prosecutor kept the case open for three years, but he never got a response from the U.S. attorney's office in Billings. Just after the case was closed a few months ago, another woman reported that the man coaxed her into a car after the two were drinking and began driving her into the woods. Fearing she was in danger, the woman jumped from the vehicle, spending the night in freezing temperatures until she could reach safety.

"I'm sorry to the extent that this wasn't something that came to my attention," said Bill Mercer, the U.S. attorney for Montana, adding, "I just don't know why in a circumstance like that people don't pick up the phone and call me directly if they don't believe they are getting a response."

Gosh. You think maybe the problem was that you were in DC the whole time?