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The Honorable Patti B. Saris, Chair  
United States Sentencing Commission  
One Columbus Circle, N.E.  
Suite 2-500, South Lobby  
Washington, DC 20002-8002

Attention: Public Affairs – Tribal Issues Comment

Re: Possible Formation of Tribal Issues Advisory Group to the United States Sentencing Commission

Dear Chief Judge Saris:

On behalf of the Cherokee Nation and the Chickasaw Nation, two federally recognized Indian tribes, and the Alaska Native Health Board, which represents twenty-five Alaska Native regional health and tribal organizations to promote the spiritual, physical, mental, social, and cultural well-being of Alaska Native people, we submit the following comments in response to the United States Sentencing Commission's invitation for comments on the formation of a Tribal Issues Advisory Group. We very much appreciate the Commission's consideration of this important matter and the opportunity to provide comments.

Our clients strongly support the formation of a Tribal Issues Advisory Group and believe that one is needed, particularly in light of the changes to Indian country criminal justice within the last decade and the fact that individuals in and outside Indian country, including federal judges and tribal members, continue to observe sentencing disparities for Indian defendants. As

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detailed below, we specifically recommend that the Commission establish an Advisory Group with a broad scope that permits it to examine both the problem and causes of sentencing disparities and also provide recommendations to the Commission on possible solutions to these problems. We also recommend that the Commission convene the Advisory Group on a continuing basis, as a standing committee, and ensure that tribal leaders are included in the Advisory Group's membership.

First, the scope of the proposed Tribal Issues Advisory Group should be broad. It should certainly address the extent and location of sentencing disparities for Indian defendants, for example, whether the disparities are associated with certain offenses or circumstances. But the Advisory Group should also examine the various causes of sentencing disparities and, as that work is done, then be charged with considering and offering recommendations to the Commission to address those problems. The Advisory Group might, for example, consider alternatives to incarceration, whether and how tribal court convictions should be counted for federal sentencing purposes, the impact of federal sentencing on Native youth, and systemic reforms to the federal sentencing guidelines as they impact Indian country.

Second, it is critical that the proposed Tribal Issues Advisory Group be continuing and have a constant and meaningful connection to Indian country. So long as federal criminal and jurisdictional laws continue to play such a unique role in Indian country criminal justice, a standing Tribal Issues Advisory Group would be both beneficial and necessary to the Commission's work. A standing Advisory Group could provide the Commission with ongoing advice and input from those with direct experience on the impacts of the federal criminal justice system in Indian country and thereby enable the Commission to be in a position to address matters as they evolve.

Third, and finally, we recommend that the proposed Advisory Group's membership include some tribal leaders. Tribal leaders represent some of the stakeholders most affected by the federal sentencing guidelines as they apply in Indian country and would bring an important community perspective that should be considered by the proposed Advisory Group and this Commission.

We and our tribal clients greatly appreciate the Commission's efforts to address some of the most important criminal justice issues in Indian country and are proud to support the formation of a new Tribal Issues Advisory Group.

Respectfully submitted,

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