August 28, 2023

Senator Jon Tester

311 Hart Senate Office Building
Washington, DC 20510

Senator Tester:

I write to request that you organize and hold a hearing before the Senate Committee on Indian Affairs concerning the FBI’s failure to investigate the homicides of Native people in Indian Country. This last July, the Not Invisible Act Commission held a hearing in Billings, Montana. At that hearing, Kaysera Stops Pretty Places’ family testified. Her family described her murder, and how her body was found just 300 yards from the Crow Reservation border. For four years, Kaysera’s family have asked the Federal Bureau of Investigation to investigate Kaysera’s homicide, but the FBI has done nothing. No one from the FBI has interviewed Kaysera’s family about the suspicious circumstances surrounding her death. Kaysera’s family has provided the authorities with tips and evidence to aid an investigation, yet they continue to be ignored.

You are in a unique position to require the FBI to testify before the Senate Committee on Indian Affairs and answer for their complete lack of action and investigation of Kaysera’s death. The family asks that you hold the FBI to their federal trust responsibility and duty to protect tribal citizens, including Kaysera. When a tribal citizen living on a reservation goes missing and is murdered, the FBI has a trust duty and responsibility to investigate. One of the most significant factors in the continuing MMIWG crisis is the fact that the FBI refuses to investigate the murders of Native women and girls. One reason why they refuse to investigate the murders of our women is because politicians allow them to. Right now, there is no consequence for the FBI when they refuse to do their job. We are asking you to hold them accountable. We are asking you to call for a hearing and require them to come and testify as to why they will not investigate the murders of our Native women and girls. We are writing on behalf of Kaysera. But the list of lives we have lost is in the thousands.

Indeed, the Not Invisible Act Commission hearings in July in Billings revealed a large number of homicides of Native people that the FBI has refused to investigate, including but not limited to: Stephen Bearcrane, Lindsey Whiteman, Braven Jarrell Glenn, Olivia Lonebear, Michelle Lazy Boy, Mika Westwolf, Kyle Delonais, Clint Gourneau—the list goes on and on. To be sure, the fact that the Supreme Court and Congress have created a complex web of jurisdiction for crimes committed in Indian Country is no excuse for the FBI to sit by and doing nothing as our girls and women are murdered. The FBI can always investigate the murder of a tribal citizen on or near a reservation. If it turns out the murder occurred off tribal lands, the FBI can turn over the investigation to the property authority to prosecute.

Savanna’s Act and the Not Invisible Act are good steps toward requiring cross-agency cooperation for Missing and Murdered Indigenous Persons cases, but more work is left to be done. In the end, Savanna’s Act’s optional protocol will not require the FBI to do its job. Four years have passed and still, the FBI has failed to investigate. The absence of accountability is inexcusable, and a hearing must be called to demand justice for Kaysera and her family.

We all witnessed the FBI swing into action and pour an incredible amount of resources into the investigation of Gabby Petito’s death. At the time that the FBI began its investigation of Ms. Petito’s death, the FBI did not know whether Ms. Petito had been killed on or off lands under federal jurisdiction. But that did not stop the FBI from investigating her disappearance because her disappearance was a top priority for the FBI. And while Ms. Petito’s life is highly valuable, so are the lives of our Native women and girls. The disparate treatment Native victims receive however, is unconscionable. It is time to hold the FBI accountable for its systemic failure to investigate the homicides of Native women and girls.

Thank you for your time and consideration. I look forward to watching the hearing before the Senate Committee on Indian Affairs where the FBI is called to answer for its complete abdication of its treaty and trust duty to investigate the murders of the Native women and girls of our Tribal Nations.

 Sincerely,