



SOUTHERN UTE INDIAN TRIBE

May 14, 2024

Federal Communications Commission
45 L Street NE
Washington, DC 20554

Re: Agency Number: FCC 24-30 The Emergency Alert System and Wireless Emergency Alerts

Dear Sir or Madam:

Thank you for the opportunity to comment on the Federal Communications Commission's ("FCC") proposed rule to expand the Emergency Alert System ("EAS") and Wireless Emergency Alerts ("WEA") to include a new category of alerts for missing and endangered person ("MEP") incidents.

The Tribe's Interest in the Proposed Rule

The Southern Ute Indian Tribe ("Tribe") is a federally recognized Indian tribe with a reservation, the Southern Ute Indian Reservation ("Reservation"), in southwest Colorado, the exterior boundaries of which were confirmed in the Act of May 21, 1984, Pub. L. No. 98-290, 98 Stat. 201, codified at 21 U.S.C. § 668. Treaties, which are the supreme law of the land, guaranteed that the Reservation was to be "set apart for the absolute and undisturbed use and occupation of the [Utes]" and "no persons . . . shall ever be permitted to pass over, settle upon, or reside in the territory described in this article, except as herein otherwise provided." These treaty-guaranteed promises were violated in the disastrous federal policies of allotment and assimilation in the early 1900's. These policies produced jurisdictional complexities on the Reservation stemming from the checker boarded land ownership pattern they created and the presence of non-natives living within the Reservation's exterior boundaries. These complexities remain critical to criminal and civil regulation on the Reservation today and directly contribute to the missing and murdered indigenous relatives ("MMIR") crisis.

Concerns regarding the proposed MEP to address MMIR

While indigenous people only make up approximately two percent of the population¹ they make up the second highest number of reported missing persons.² This is an ongoing

¹ U.S. Census Bureau, 2020 Decennial Census: Demographic and Housing Characteristics, Race Summary Table.

² Trisha Chakraborty, *Reporting & Investigation Missing Persons: A Background Paper on How to Frame the Issue*, Office of Justice Programs' National Criminal Justice Reference Service, 2020, at 1.

humanitarian issue that deserves to be addressed individually. The Tribe strongly supports creating a dedicated EAS event code apart from the proposed MEP alert for missing indigenous people both on and off tribal lands.

The FCC asked for commentary on the benefits of having a code for all people that fall outside of the AMBER alert system. The broad nature of the MEP will inherently be unable to communicate critical details that can aid in helping find individuals. A dedicated event code for MMIR would help reduce the dramatic disparity between MMIR and the United States population as a whole. This is because a dedicated missing indigenous persons alert system will immediately alert parties to the complex nature of the MMIR crisis.

The MMIR crisis is primarily caused by two things: lingering aspects of colonization and genocide that specifically try to eradicate indigenous people and the complex jurisdictional issues that result in perpetrators going free. The FCC has requested assistance in defining “indigenous people” for the purpose of the code. The definition of indigenous should be defined to address these causes of the MMIR crisis. While prejudicial beliefs and the dehumanization of indigenous people will not be corrected by a dedicated alert system, a dedicated EAS alert will help address the legacy of complicated criminal jurisdictional issues. These jurisdictional issues appear when a missing person is a member of a federally recognized tribe. Each individual tribe has a different concept of what makes a person indigenous. The base definition should include all tribal members of federally recognized Indian tribes according to the respective tribe’s enrollment code. The definition should also include those with some degree of American Indian or Alaskan Native heritage. A dedicated alert for tribal members and other indigenous people will immediately notify relevant parties of the uniquely complex nature of these cases and the need for immediate broad intergovernmental cooperation. Intergovernmental cooperation is key to finding MMIR.

In conclusion, the Tribe supports the creation of the proposed MEP alert system, but strongly supports the creation of a dedicated alert for MMIR. The FCC recognizes the severe disparity in the cases of MMIR to the general population. This warrants a dedicated alert system to address this distinctive crisis. Considering this, we ask the FCC to propose a new dedicated alert system for MMIR.

Sincerely,



Melvin J. Baker
Chairman
Southern Ute Indian Tribe