

E. Protection of Civil Rights

Federal law prohibits discrimination based on race or national origin by the federal, state and local governments, or individuals against American Indians in such areas as voting, education, housing, credit, public accommodations and facilities, employment, and in certain federally funded programs and facilities. Various federal criminal civil rights statutes also preserve personal liberties and safety. The existence of the federal trust responsibility towards Indian tribes does not diminish the obligation of state and local governments to respect the civil rights of Indian people.

Through the Indian Civil Rights Act, Congress selectively has derived essential civil rights protections from the Bill of Rights and applied them to Indian tribes. 25 U.S.C. § 1301. The Indian Civil Rights Act is to be interpreted with respect for Indian sovereignty. The primary responsibility for enforcement of the Act is invested in the tribal courts and other tribal fora. In the criminal law context, federal courts have authority to decide habeas corpus petitions after tribal remedies are exhausted.

The Department of Justice is fully committed to safeguarding the constitutional and statutory rights of American Indians, as well as all other Americans.

F. Protection of Tribal Religion and Culture

The mandate to protect religious liberty is deeply rooted in this Nation's constitutional heritage. The Department seeks to ensure that American Indians are protected in the observance of their faiths. Decisions regarding the activities of the Department that have the potential to substantially interfere with the exercise of Indian religions will be guided by the First Amendment of the United States Constitution, as well as by statutes which protect the exercise of religion such as the Religious Freedom Restoration Act, the American Indian Religious Freedom Act, the Native American Graves Protection and Repatriation Act, and the National Historic Preservation Act.

The Department also recognizes the significant federal interest in aiding tribes in the preservation of their tribal customs and traditions. In performing its duties in Indian country, the department will respect and seek to preserve tribal cultures.

IV. Directive to all Components of the Department of Justice

The principles set out here must be interpreted by each component of the Department of Justice in light of its respective mission. Therefore, each component head shall make all reasonable efforts to ensure that the component's activities are consistent with the above sovereignty and trust principles. The component heads shall circulate this policy to all attorneys in Department to inform them of their responsibilities. Where the activities and internal procedures of the components can be reformed to ensure greater consistency with this Policy, the component head shall undertake to do so. If tensions arise between these principles and other principles which guide the component in carrying out its mission, components will develop, as

necessary, a mechanism for resolving such tensions to ensure that tribal interests are given due consideration. Finally, component heads will appoint a contact person to work with the Office of Tribal Justice in addressing Indian issues within the component.

V. Disclaimer

This policy is intended only to improve the internal management of the Department and is not intended to create any right enforceable in any cause of action by any party against the United States, its agencies, officers, or any person.

Dated: June 1, 1995.

Janet Reno,

Attorney General.

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Notice of Lodging of Consent Decrees in Action To Recover Past Costs Under the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Departmental Policy, 28 CFR § 50.7, 38 FR 19029, notice is hereby given that two Consent Decrees in *United States v. Cassidy, et al.*, Civil Action No. 94-CV-71787-DT, were lodged with the United States District Court for the Eastern District of Michigan on May 30, 1996.

The Consent Decrees resolve claims brought by the United States pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601 *et seq.*, against Detrex Corp., Ford Motor Co., General Motors Corp., PVS-Nolwood Chemicals, Inc., Tronex Chemical Co., Van Waters & Rogers, Inc., Ethone-OMI, Inc., Henkel Corp., Chrysler Corp., General Electric Co., and Carboloy, Inc. The complaint alleges that the United States incurred response costs in connection with a release or threatened release of hazardous substances from sites operated by the ABC Barrel and Drum Company at 14290 Birwood St. and 102 W. Lantz St. in Detroit, Wayne County, Michigan. The complaint alleges that the defendants were liable for such costs as persons who arranged for the disposal of hazardous substances at the sites.

One of the Consent Decrees requires Detrex Corp., Ford Motor Co., General Motors Corp., PVS-Nolwood Chemicals, Inc., Van Waters & Rogers, Inc., Ethone-OMI, Inc., Henkel Corp., Chrysler Corp., General Electric Co., and Carboloy, Inc. to pay \$2,550,000 to the EPA Hazardous Substances Superfund to settle the claims asserted against them. Under this Decree, the United States also covenants not to sue and provides contribution protection to three third party

defendants who settled with the defendants for a total of \$32,638: Martin Marietta Magnesia Specialties, Inc., McKesson Corp., and Union Carbide Corp. The Decree also restricts the contribution rights of the settling defendants and settling third parties.

The second Consent Decree that was lodged requires Tronex Chemical Company to pay \$20,000, plus interest, in four installments to the EPA Hazardous Substance Superfund to settle the claims asserted against it in the Complaint.

The Department of Justice will receive for thirty (30) days from the date of publication of this notice written comments relating to the Consent Decrees. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. Cassidy, et al.*, DOJ Ref. No. 90-11-3-1060.

The Consent Decrees may be examined at the Office of the United States Attorney, Eastern District of Michigan, 211 W. Fort St., Suite 2300, Detroit, Michigan; at the Region V Office of the Environmental Protection Agency, 77 West Jackson Blvd., Chicago, Illinois; and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C., (202) 624-0892. A copy of the proposed Consent Decrees may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. In requesting a copy, please refer to the referenced case and enclose a check payable to the Consent Decree Library in the amount of \$10.75 (\$.25 cents per page reproduction costs) for the Consent Decree requiring the \$2,550,000 payment, and/or, \$5.75 for the Consent Decree involving Tronex Chemical Company. Please specify precisely which Decree is being requested.

Bruce S. Gelber,

Deputy Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

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Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, (42 U.S.C. 9601-9675)

Notice is hereby given that a proposed consent decree in *United States v. David B. Fisher, et al.*, Civil Action No. S92-00636M, was lodged on May 22, 1996 with the United States District Court for