

Statement of Larry Echo Hawk
Nominee for the Position of
Assistant Secretary of Indian Affairs
United States Department of the Interior
Before the Committee on Indian Affairs
United States Senate
May 7, 2009

Introduction

Chairman Dorgan, Vice-Chairman Barrasso and Members of the Committee, I am honored to appear before you today seeking your confirmation of my nomination by President Barack Obama to serve as the next Assistant Secretary of Indian Affairs.

I would like to introduce members of my immediate family who are present:

My wife: Terry

Five of my six children: Jenny, Paul, Mark, Matt and Emily

And three of my siblings: Mary Adamson, Lucille Echohawk, and John Echohawk

I am proud to say that members of my family have been committed advocates for Native American people for many years.

I am a member of the Pawnee Nation of Oklahoma. The Pawnee people originally resided in what is now the state of Nebraska, but in 1874 they were removed from their homeland and placed on a reservation in the Oklahoma Indian Territory.

I have been blessed with a good education and a broad base of experience that I believe qualifies me to serve as the Assistant Secretary of Indian Affairs.

I was born in Cody, Wyoming while my father was working as a land surveyor in the oil and gas business. My family settled in Farmington, New Mexico and I attended public schools there from first grade through high school. Thereafter, I attended Brigham Young University on a football scholarship.

The Special Scholarship Program in Law for American Indians made it possible for me to graduate from the University of Utah, College of Law, in 1973. For 14 years after graduating from law school I was engaged in the practice of Indian law.

I began by working for impoverished Indian people as a lawyer for California Indian Legal Services. I then returned to Salt Lake City, Utah and built a private law practice centered upon representation of American Indians. In 1977 I was selected by the Shoshone-Bannock Tribes to be their Chief General Legal Counsel. I served in that position for 8 ½ years.

As an Indian law practitioner I learned about the challenges facing Native American communities and the complex system of laws that affect the lives of people living on Indian reservations. While serving as the senior attorney for Idaho's largest Indian tribe, I was elected to the Idaho House of Representatives. As a member of the Idaho Legislature I seized the opportunity to address contentious and complex issues relating to criminal law enforcement, water rights, zoning and land use, natural resources, wildlife management, health and welfare services, education, taxation and tribal-state governmental relations.

Although my full-time work in Indian law ended in 1986 when I was appointed as the Prosecuting Attorney for Bannock County, Idaho, I continued to have some involvement with federal Indian law up to the present time. As a Prosecuting Attorney, I addressed civil and criminal jurisdictional issues involving tribal, state and federal authorities. As Attorney General of Idaho, my office was required to handle significant matters involving Indian religious freedom, water rights, criminal law enforcement, gaming, environmental regulation, tribal civil and criminal jurisdiction, and treaty hunting and fishing rights. And, for the past 14 years my teaching load as a Professor of Law has included courses on Federal Indian Law, and my scholarly research and writing has centered on Indian law topics.

This broad array of experiences has helped me develop the management skills, understanding of political processes, and knowledge of federal Indian law I will need to successfully address the broad scope of responsibilities of the Assistant Secretary of Indian Affairs.

When I was asked to accept the President's nomination to serve as Assistant Secretary of Indian Affairs, I quickly concluded that accepting was the right thing to do. If confirmed, I will have an opportunity to serve my country in providing a broad measure of services to many Indian communities.

Issues

If confirmed as Assistant Secretary of Indian Affairs, I will face a daunting task. The challenges facing American Indians and Alaska Natives are great. I highlight the following subjects as a few of the areas that will require special attention for the next Assistant Secretary of Indian Affairs:

Economic Development

Many Native American communities are among the poorest segments of the population in the United States. As an example, 8 out of 10 poorest counties in the United States are within Indian reservations.

The rate of unemployment of Native Americans is the highest of any ethnic group in America. People are alarmed when unemployment rates hover around 8% for the general population, but within some areas of Indian Country the rate of unemployment is nearly 80%.

The inclusion of Native Americans within the American Economic Recovery and Reinvestment Act is good news. It is vitally important that this economic stimulus be implemented quickly and effectively.

When Indians decide to develop their mineral and energy resources on trust lands the federal government must act responsibly as trustee, but it must avoid unnecessary delay in giving required authorization.

Gaming has brought much needed revenue to many of the 562 federally recognized tribes. Indian gaming has created approximately 670,000 jobs and provided \$11 billion to federal and state governments. Tribal revenue from gaming has been an important source of funding for education, health care, law enforcement and other tribal services. If confirmed, I will follow the law established by the Indian Gaming Regulatory Act and implement its regulatory framework in a reasonable manner.

Education

American Indian and Alaska Native students score significantly lower than their peers in reading and math. Native youth also experience some of the highest high school dropout rates in the country.

The federally supported Indian education system has responsibility for educating 48,000 students at 183 schools. There must be an improvement in test scores and dropout rates within this educational system. Dilapidated school buildings must be repaired or replaced and housing for school teachers must be improved.

Sustained economic development and prosperity cannot be achieved without a well-educated workforce. Education must be improved at all levels, including higher education.

Criminal Law Enforcement

The rate of aggravated assault against American Indians and Alaska Natives is roughly twice that of the country as a whole. Violence against Indian women and abuse of Indian children continue to be major problems. Epidemic methamphetamine use is now occurring in many Indian communities.

More criminal law enforcement officers are needed. Tribal courts need adequate funding. Tribal judges, prosecutors and defenders need better training. Jurisdictional gaps in the system of criminal law enforcement within Indian Country needed to be fixed. United States Attorneys need to be more active in prosecuting crime within Indian Country.

If confirmed, I will use my extensive experience in criminal law enforcement to fight crime and increase public safety in Native American communities. This effort will include consultation with tribal leaders and coordination with state and federal law enforcement agencies. Additional resources must be made available for police officers, judges, prosecutors, defenders, probation officers, courts, detention facilities and training.

Trust Reform

The *Cobell* litigation has focused attention on the accountability for management of trust assets. The Department of the Interior must move forward in a responsible manner in the management of trust lands, resources, and other assets. Although I will not personally participate in the *Cobell* matter because members of my family have been involved in the case, I may participate in general policy matters, including trust reform, where it is appropriate and ethical to do so.

Tribal Recognition Process

The tribal recognition system is not working. The process of reviewing and acting upon applications for federal recognition is taking too much time. Applicants deserve a clear and timely procedure that will yield fair results.

Land-Into-Trust

The *Carcieri v. Kempthorne* decision by the United States Supreme Court appears to limit the Interior Secretary's authority under the 1934 Indian Reorganization Act to take lands into trust status on behalf of a Tribe that was not under federal jurisdiction when the Act was adopted. Many questions have arisen about the impact of this decision and about how to best resolve those questions.

Health

Forty-percent of health care needs of Native Americans are unmet. Many basic elements of good health care are lacking in Indian Country: doctors, nurses, mental health professionals, addiction counselors, and medical equipment and facilities. Native Americans suffer the highest rate of Type 2 diabetes in the world. Indian youth are twice as likely to commit suicide.

The Assistant Secretary of Indian Affairs does not have primary responsibility for addressing health care needs, but services provided by the Bureau of Indian Affairs and Bureau of Indian Education are indirectly connected to the provision of vital health care

services. The Assistant Secretary of Indian Affairs must be mindful and supportive of the need to provide quality health care services.

Bureaucratic Inefficiency

The Bureau of Indian Affairs (BIA) and Bureau of Indian Education (BIE) provide services to 562 of Indian tribes. This includes the administration and management of 55.7 million acres of land held in trust by the United States for American Indians and Alaska Natives. In addition to the central offices of the BIA and BIE, there are 12 regional offices, and 85 agency and field offices.

The BIA and BIE have been criticized for not efficiently administering their responsibilities. Attention must be given to identifying areas of delay, mismanagement and neglect. Action must be taken to improve the administration of trust responsibilities. There must also be assurance that trust responsibilities are administered in accordance with high ethical standards.

Other Issues

Other issues include the need to attain water settlements, protection of Indian sacred sites and culture, and adequate housing.

Conclusion

If confirmed, I pledge to work cooperatively with the Senate Indian Affairs Committee in addressing important issues that affect the lives of American Indians and Alaska Natives. I will reach out to leaders of tribal governments and listen carefully to their concerns and recommendations. Furthermore, I pledge to work tirelessly and faithfully in executing my duties and responsibilities. I am confident that working together we can make significant progress in improving the quality of life for all Native Americans and honor the solemn commitments of the United States of America. I respectfully ask the members of the Senate Indian Affairs Committee to vote to confirm my nomination as Assistant Secretary of Indian Affairs.