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Senate Committee on Indian Affairs
“Oversight Hearing on Law Enforcement in Indian Country”
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Chairman Dorgan, Vice Chairman Thomas, and Members of the Committee, it is an honor to appear before you today to provide general information about crime in Indian Country. I am Matthew Mead, the United States Attorney for the District of Wyoming. Much of my legal career has been spent as a prosecutor at the state and federal levels in Wyoming, and my remarks today are largely from a prosecutor’s perspective.

I am also a member of the Native American Issues Subcommittee of the Attorney General’s Advisory Committee. The Native American Issues Subcommittee consists of 23 United States Attorneys who have significant amounts of Indian country in their respective districts. The members of the Subcommittee work actively, individually and as a group, to ensure that the law enforcement needs of Indian country are met, and consult frequently with tribes on law enforcement and prosecution issues important to Native Americans.

The United States Attorneys, under the direction of the Attorney General, are responsible for investigating and prosecuting those who violate our nation’s laws, for asserting and defending the interest of the United States, its departments and agencies through the conduct of civil litigation, and for representing the United States in appellate courts. There are 93 United States Attorneys located throughout the United States, Puerto Rico, the Virgin Islands, Guam, and the Northern Mariana Islands. United States Attorneys are appointed by, and serve at the discretion of, the President of the United States, with the advice and consent of the United States Senate. United States Attorneys report to the Attorney General through the Deputy Attorney General. Each United States Attorney is the chief federal law enforcement officer within his or her judicial district. With regard to Indian country, United States Attorneys enforce the Major Crimes Act (18 U.S.C. § 1153) and assimilated crimes as provided in the General Crimes Act (18 U.S.C. § 1152).

Indian country is unique in many ways, but at the core it is not unique in that the people in Indian country are seeking what we all seek. They seek, and they deserve, a good quality of life, including decent jobs, educational opportunities, the well-being of their children and freedom from substance and alcohol addictions.

Yet, it is often hard to address issues relating to quality of life, when personal security and law enforcement concerns are not sufficiently addressed in a manner where citizens feel safe. This is as true in Indian country as it is elsewhere. While all citizens have an individual responsibility to make their communities a better place, it is also a basic responsibility of any government to provide a security level that enables citizens to make their lives better. As a prosecutor, I see in my work the value of good law enforcement. I see that adequate law

enforcement is critical in providing an environment where citizens feel safe enough to take the steps necessary to improve their lives and the lives of their neighbors.

The reservation located in the District of Wyoming is the Wind River Indian Reservation (“WRIR” or “the Reservation”). The Reservation consists of 2.2 million acres (3,500 square miles). It is the only reservation in the United States that two tribes, the Northern Arapaho and Eastern Shoshone, share equally. The two tribes taken together have about 12,000 members, of whom around 10,000 reside on the Reservation.

The law enforcement issues I would like to address today in my remarks are those that have arisen on the Reservation in my District with which I am personally familiar, namely, drug trafficking, violent crime, jurisdiction, victim support, law enforcement resources, and cooperative efforts.

Drug Trafficking

There continues to be a pervasive problem on Indian reservations with alcohol and drug abuse. Drug abuse has led to a higher incidence of drug trafficking to meet the demand for illegal substances. Recent years have seen an increase in the use of methamphetamine on reservations due in part to that drug’s low cost and highly addictive nature. Combating methamphetamine use in Indian country was, in fact, the subject of a hearing held by this Committee last April, at which I appeared. I recounted in my testimony the numerous efforts being undertaken nationally in this area and our successes locally in Wyoming.

When I testified before this Committee last spring, I spoke about the dismantling of the Goodman and Sagaste-Cruz organizations. At that time, the Goodman case, which involved 25 defendants, was still in progress. It has since been concluded with all defendants, including a former tribal judge, convicted. Since that time, the related Legarda investigation resulted in the indictment of 63 individuals, many of whom lived on or around the Reservation. Of the 63 defendants, 54 have been convicted of methamphetamine related offenses. We continue to prosecute significant drug traffickers who prey on Native Americans and other population groups.

Violent Crime

The incidence of violence on reservations across the country continues to be high, generating a variety of offenses, such as homicide, assault, sexual assault, sexual abuse, kidnaping, arson and firearms violations. It is therefore not surprising that the vast majority of Indian country criminal matters referred to United States Attorney’s Offices for prosecution involve violent crime. The successful prosecution of these cases remains a high priority for the United States Department of Justice and United States Attorney's Offices. In particular, the Department and United States Attorney’s Offices treat matters, like sexual assaults and abuse, seriously and understand the grave impact such offenses have on the victims, their families, and their communities. Sexual assaults are a recognized problem on most Reservations. In Wyoming, as in other U.S. Attorney’s Offices, when sexual assault cases are reported, they are

thoroughly investigated; and, as with all other cases, if there is evidence to move forward, the cases are aggressively prosecuted.

Certain studies have been undertaken recently to develop statistics to assess violent crime, including sexual assault, in Indian country. The Violence Against Women Act of 2005 (P.L. 109-162)(“VAWA 2005”) has a chapter devoted solely to safety for Indian women. VAWA 2005 calls for two national studies focused on violence against Indian women. First, the National Institute of Justice, in consultation with the Office on Violence Against Women, is charged with conducting a national baseline study to examine violence against Indian women. The study is to include the crimes of domestic violence, dating violence, sexual assault, stalking, and murder. The study will also evaluate the effectiveness of federal, state, tribal and local responses to these crimes, and it is to provide recommendations to improve these governmental responses. According to VAWA 2005, the report is to be completed within two years.

Second, the Secretary of Health and Human Services, acting through the Indian Health Service and Centers for Disease Control and Prevention, is to conduct a study to obtain a national projection of the incidence of injuries and homicides resulting from domestic violence, dating violence, sexual assault, or stalking committed against American Indian and Alaskan native women and the cost of providing health care for these injuries. This report, too, is to be completed within two years. It is the hope of those working to combat violence against Indian women that these two studies will provide a clearer picture of how these crimes affect all native women, those living on a reservation, or in a remote village, as well as those women living in an urban environment.

In Wyoming, as in other Districts, we have taken a number of steps over the years to improve our ability to address violent crime cases efficiently and effectively. In 1996, we established a branch office in Lander, Wyoming, adjacent to the Reservation, in order to ensure that attorney personnel were readily available to Indian country law enforcement agents, Indian victims, and witnesses. In 2002, we received additional Indian country resources, which we utilized to expand the number of personnel working in the Lander branch office, thereby helping to support a growing caseload.

Since nearly all of our Indian country violent crime cases involve victims, victim advocates working in my office and in the Lander FBI Office spend considerable time with Indian victims and witnesses, explaining the prosecution process, notifying victims of court proceedings, and making referrals to social service providers as necessary. Taken together, our accessibility to the Indian populations we serve and our outreach efforts to Indian victims and witnesses have played a key role in our efforts to address violent crime.

In addition, nationwide, the Federal Bureau of Investigation (“FBI”) has 114 agents devoted strictly to Indian country matters. Such agents work closely with their BIA law enforcement counterparts, as well as state and local agents, to investigate all serious crimes on reservations.

Criminal Jurisdiction in Indian Country

Jurisdictional issues can always be problematic. Jurisdictional issues can arise between cities and counties, between states, and between federal and state governments. So, too, in Indian country. Jurisdictional issues are not unique to Indian Country but they are more complex than may be the case elsewhere.

One of the first questions a prosecutor always has to ask and answer in a criminal case is where jurisdiction lies. It is a question that has to be resolved in every single criminal case. In Indian country cases, an additional sovereign, a tribal sovereign, is included with the mix of entities (federal, state, local) that might have jurisdiction over a particular case.

Jurisdiction over Indian country offenses could be a topic all its own. Generally speaking, however, in Indian country cases, jurisdiction most often depends on the location of the crime (whether it occurred in Indian country, as defined by statute or court decisions), the type of crime (misdemeanor or felony), the status of the victim (Indian or non-Indian), and the status of the perpetrator (Indian or non-Indian).

On November 12, 2001, the President reaffirmed the long standing policy of the United States to work with federally recognized tribes on a government to government basis and to support and respect tribal sovereignty and self-determination for tribal government. It is in this context that all jurisdictional issues must be addressed.

Victim Support for Crimes in Indian Country

As noted above, many of the crimes that occur in Indian country are violent crimes, including rapes and assaults. These crimes all have victims, who have been mentally traumatized, physically hurt or abused, and in some cases killed. The victims, including the person who was the object of the crime and that person's family, often need a great deal of support – ranging from medical care, mental health care, and social services to services provided by the justice system related to the criminal proceedings. The latter services are provided in U.S. Attorney's Offices nationwide through Victim-Witness Coordinators, Advocates and Assistants. The FBI has victim support personnel and tribes often have their own victim advocates.

Services for sexual assault victims on the WRIR include Sacred Shield, a federally funded shelter for battered and sexually assaulted women and With Eagles Wings, a state-funded counseling service.

Support services for victims are an essential component of law enforcement efforts on Indian reservations. Without them, people who have been victimized probably would not learn about and be able to exercise their rights as criminal cases progress, and they would not have the opportunity to pick up the pieces of their lives and try to move on.

Law Enforcement Resources in Indian Country

The resources available in Indian country, both in terms of law enforcement personnel and jail facilities, and the comparison between those resources and those available to law enforcement outside Indian country have been covered in other remarks before this Committee. We agree that the Safe Indian Community Initiative and its inclusion in the President's FY 2008 budget request, which would result in additional law enforcement resources for Indian country, is a great step. Like all spending measures, however, there must be accountability for expenditures, as well as demonstrable results.

Successful Cooperative Law Enforcement Efforts in Wyoming

Collaboration between tribal, state, and federal law enforcement, and the support of tribal leaders, have been critical to the success of law enforcement efforts on the WRIR in Wyoming. As I have mentioned above, recent successes include the dismantling of three groups engaged in extensive drug trafficking operations on the Reservation.

In Wyoming, collaboration has been, and continues to be, greatly enhanced by outreach efforts undertaken by the United States Attorney's Office to build rapport with the WRIR's Joint Business Council and the two tribes it represents, the Northern Arapaho and Eastern Shoshone. These outreach efforts include the following: keeping all lines of communication open, ensuring that Indian victims and defendants are treated with respect and sensitivity, hosting an annual Native American Conference in Fremont County which always highlights victims' issues, attending cultural events important to the Indian community, and meeting regularly with the Joint Business Council. An important outgrowth of the strong working relationship we have developed with the Tribes is a cooperative law enforcement agreement between federal, state, local and tribal agencies, which makes optimal use of available law enforcement resources in and around the Reservation.

In order to better facilitate the prosecution of crimes in Indian country, and to better serve the tribes throughout the United States, some Assistant United States Attorneys have been designated as "tribal liaisons" in their federal districts, which include Indian country. These Assistant United States Attorneys have the opportunity to specialize in matters that affect tribal communities. Because of their special assignments to the tribes, tribal liaisons strive to create positive relationships not only with tribal leaders and tribal law enforcement officers, but also with federal law enforcement officers who regularly serve reservations. The Assistant United States Attorneys who serve as tribal liaisons regularly assist the tribes with a wide variety of issues and civil matters that may affect federal interests. Nearly all tribal liaisons assume these difficult, but rewarding, positions, because they care about the people in these communities. Some are tribal members themselves or have Native American ancestors.

We are cognizant of the unique challenges to be faced on the Reservation. Investigations can be more difficult because the setting involves tightly knit communities, with family members often living in close proximity to one another, even though the Reservation itself may be geographically large. Indian family members who may be witnesses to illegal activities are often under intense pressure not to cooperate with authorities. Those who fall victim to crimes, or

become witnesses to crime, like sexual assaults, are sometimes too afraid or embarrassed to report crimes in a timely fashion. Native Americans engaged in illicit activities on Reservations are very cognizant and distrustful of outsiders, making undercover work more challenging. Wiretaps conducted on the Reservation may not be as effective as those elsewhere, since telephone use by perpetrators can be sporadic or greatly limited. There is also the desire to handle problems internally within the tribes. These challenges demand that we use all of the tools at our disposal, including the outreach and collaborative law enforcement efforts mentioned above.

Conclusion

I commend the Committee's continuing interest about law enforcement issues in Indian country. These issues are a high priority for the Department of Justice and the United States Attorneys' Offices because we recognize that without the security provided by effective law enforcement, other quality of life issues will suffer. The magnitude of crime against Native Americans is a sadness -- a tragedy -- not just for the victims, but for all of us collectively because Native Americans provide so much history, culture, and leadership to this country. I appreciate the opportunity to address the Committee on such a compelling topic. I will be pleased to answer any questions you may have.