

[Whereupon, the Committee returned to the business meeting.]

The CHAIRMAN. Let me continue by calling on the other members of the Committee, let me clarify again to say that the Bureau of Indian Affairs report will be placed in the hearing record, not a part of the business meeting. It was my intention that it be part of the hearing record on law enforcement, and the entire report will be a part of that hearing record as of today.*

The CHAIRMAN. Let me call on the Vice Chair for an opening statement on the law enforcement portion of this hearing today. Then I am going to call on Senator Johnson, if he has an opening statement. I believe the first witness today will be Senator Thune.

If Senator Murkowski will withhold for just a moment, let me ask the panel to come forward and take seats while we are preparing to complete our opening statements. Chairman Ron His Horse Is Thunder, Standing Rock Sioux Tribe; Joe Garcia, President, National Congress of American Indians; the Honorable Gretchen Shappert, U.S. Attorney, Western District of North Carolina; Patrick Ragsdale, Director of the Office of Justice Services, U.S. Department of the Interior; Professor Kelly Stoner, Director of Native American Legal Resource Center and Clinical Programs, Oklahoma City University School of Law; and Walt Lamar, President and CEO of Lamar Associates, Washington, D.C.

Let me thank all of the witnesses. When we complete our statements, we will then proceed.

Senator Murkowski, thank you. I am sorry for the delay.

**STATEMENT OF HON. LISA MURKOWSKI,
U.S. SENATOR FROM ALASKA**

Senator MURKOWSKI. Thank you. Mr. Chairman, I truly appreciate your efforts on this very important issue, for holding the hearing this morning on the discussion draft bill, the Tribal Justice Improvements Act of 2008, and a discussion draft that outlines a variety of tools that we may improve Indian justice systems.

I want to welcome all of the witnesses here this morning. I thank you for the time that you are giving to the Committee, not only with your appearance this morning but your time in reviewing the draft. I know several of you have traveled distances to come here, and we appreciate that.

We have held five hearings during the 110th Congress here in this Committee to really shine the light on the issues that impact crime and punishment throughout Indian Country. We have attempted in Congress to address many of these issues before, as you all know. Back in 1990, Congress passed the Indian Law Enforcement Reform Act to significantly reform the Indian Justice system. This Act was intended to clarify law enforcement authority and responsibilities, declination, reporting requirements and to provide for a level of Federal accountability.

But I am disturbed, some 18 years later, that Indian tribal governments are still struggling to maintain law and order in their communities. They face spiraling violent crime rates with fewer resources, limited sentencing authority and insufficient detention facilities. In fact, from the information the Committee has received

*The information referred to is printed in the Appendix.

in connection with this initiative, it sounds like many of the law and order problems that were raised back in 1990 have progressively worsened on many of our reservations. The situation is made more difficult by the perception of gangs and other criminal elements that Indian reservations are places of lawlessness or safe havens from criminal justice.

So Mr. Chairman, I appreciate your efforts in addressing this matter and for working closely with the Indian tribal leaders in the reform initiative that is the focus of the hearing today. I also appreciate the opportunity to hear from all of the stakeholders in this matter throughout the legislative process.

I look forward to the testimony that we will receive here this morning and again appreciate all that you have done to assist the Committee. Thank you.

The CHAIRMAN. Senator Murkowski, thank you.

Senator Johnson, do you have an opening statement?

**STATEMENT OF HON. TIM JOHNSON,
U.S. SENATOR FROM SOUTH DAKOTA**

Senator JOHNSON. Thank you, Senator Dorgan, for holding this incredibly important hearing. I am glad to see so many South Dakota tribal leaders in the room.

I welcome John Thune to the hearing and would place my full statement in the record.

The CHAIRMAN. Without objection, so ordered.

[The prepared statement of Senator Johnson follows:]

PREPARED STATEMENT OF HON. TIM JOHNSON, U.S. SENATOR FROM SOUTH DAKOTA

Thank you Senator Dorgan for holding this hearing and I am glad to see so many South Dakota tribal leaders in the room. Their presence here demonstrates the importance of this issue to the tribes in my state.

The law enforcement challenges facing Indian Country are overwhelming and much of them have to do with inadequate funding. However, there are also considerable challenges facing tribes due to jurisdictional and legal barriers. I think this legislation goes a long way to address those barriers and I intend to join the bill as an original cosponsor when it is introduced.

Additionally, in my role as an appropriator I will continue to push for additional resources for tribal law enforcement and crime prevention programs. When given the tools to do so, our tribal leaders are both resourceful and creative in protecting their own communities. Thank you.

The CHAIRMAN. Senator Burr, did you have an opening statement?

**STATEMENT OF HON. RICHARD BURR,
U.S. SENATOR FROM NORTH CAROLINA**

Senator BURR. Mr. Chairman, if I could, very briefly, I want to welcome our entire panel, but I want to specifically welcome the top Federal prosecutor in the western portion of my State, North Carolina, Gretchen Shappert. It is a pleasure to see you, Gretchen, more importantly to have you here to discuss your thoughts on this important issue and the legislation before us.

Just so my colleagues are aware, Mr. Chairman, Gretchen is an accomplished jurist in North Carolina. She has been a prosecutor for 20 years and has been a U.S. attorney for the Western District of North Carolina since the year 2004. She is also the Chair of the