

Department of Justice's Native American Issues Subcommittee. She knows the issue very well and recognizes the challenges that face tribal communities in my State as well as communities across the entire Country.

To help my colleagues understand her dedication and work ethic, Gretchen has as a prosecutor, her staff would tell you that she often arrives at the U.S. Attorney's office in Charlotte, North Carolina at 3:00 a.m. to begin her work day. She also carries a full case load, which is rare for a top prosecutor in any given judicial district, and manages the entire office. We are certainly fortunate to have Gretchen and the other witnesses here today to educate this Committee on the issues and to help us understand the challenges that we are faced with as we attempt to resolve these issues.

Mr. Chairman, I thank you, and I welcome you, Gretchen.

The CHAIRMAN. Senator Burr, those of us in the north sometimes think of southerners as boasting from time to time, particularly with respect to Texans. But this 3:00 a.m. start time for work in North Carolina, that is pretty unusual.

[Laughter.]

The CHAIRMAN. I hope that is a full day.

Anyway, thank you for introducing the U.S. Attorney from your State. We deeply appreciate your doing that.

Let me begin this morning, Senator Thune is our first witness. I am going to ask him to proceed from his perch on the dais at this point.

I should mention, the co-sponsors of the draft bill that we have introduced are Senator Johnson, Senator Domenici, Senator Tester, Senator Thune, and I believe others are going to be joining us soon. So let me thank you, Senator Thune. I will introduce you and then we are going to introduce each of the witnesses for statements, following which we will ask questions.

Senator Thune, you may proceed.

**STATEMENT OF HON. JOHN THUNE,  
U.S. SENATOR FROM SOUTH DAKOTA**

Senator THUNE. Thank you, Mr. Chairman and Senator Murkowski, for allowing me to testify on this important piece of legislation.

I also want to thank our witnesses for being here today, in particular, Chairman Ron His Horse Is Thunder represents the Standing Rock Sioux Tribe. He has provided extraordinary leadership when it comes to improving public safety on his reservation. So thank you for being here.

We also have another of our Chairs here today, Chairman Cournoyer of the Yankton Sioux Tribe. It is nice to have you in the audience as well. I appreciate very much the leadership that our tribal leaders are providing, particularly on this issue.

Unfortunately for Chairman Ron His Horse Is Thunder's Tribe, which is located in both North and South Dakota, he knows firsthand the struggles that are associated with the lack of public safety. I look forward to hearing his comments on the draft legislation that the Committee is discussing today.

I also want to thank Mr. Ragsdale for being here today and for all the work that you have done to support the Standing Rock Sioux Tribe with Operation Dakota Peacekeeper.

And thank you, Mr. Chairman, as well, for moving the legislation that was referred to earlier, for both Crow Creek and Lower Brule Sioux Tribes, and also Oglalla Sioux Tribe, the two compensation bills.

The bill that is being considered today seeks to bring law and order to Indian Country. As most of the individuals in this room already know, the absence of basic levels of public safety on many of our Nation's reservations has reached what I think could be considered a crisis point. Just a basic run-down of some of the national statistics bear that out.

Studies show that one in every three Native American women will be raped in their lifetime. The Department of Justice has found that American Indian women are two and a half times more likely to be raped or sexually assaulted than women throughout the rest of the Country. The statistics in my home State of South Dakota are also unfortunate. We have homicide rates within reservations that are almost ten times higher than those that are found in the rest of South Dakota. According to the BIA, the Standing Rock Sioux Tribe has a crime rate that is six times the national average, giving it the second highest crime rate of all reservations in the Nation.

Last summer, Mr. Chairman, I had the opportunity to hold a tribal roundtable with leaders from all nine of South Dakota's tribes. It was during that meeting it became clear that improving public safety is a top priority for all of them. Chairman His Horse Is Thunder was very, I believe at that particular meeting, direct in the things that needed to be done, one of which was to make sure we had more law enforcement presence out there and that there was more of an investment here by the Federal Government supporting the BIA and the tribes with their law enforcement efforts.

Since that time, I have been working with the members of this Committee, some of my other Senate colleagues, tribal leaders, Federal officials and other stakeholders, to try and find ways to improve public safety on all of our Nation's reservations. One recent example of that is the BIA's Operation Dakota Peacekeeper, which has resulted in a surge of 20 additional officers on the Standing Rock Sioux Reservation. These additional officers, along with local officials, are reducing the crime that unfortunately exists on some parts of the reservation.

Operation Dakota Peacekeeper proves that in order to fix the current crime crisis on our Nation's reservations, there needs to be more police to break the crime cycle. I look forward to continuing to work with this Committee, the Appropriations Committee and the rest of my Senate colleagues to be able to provide the needed officers on a more permanent basis.

In addition to more officers, there are other changes that need to be made. I feel that the draft bill that Senator Dorgan is proposing and which I support seeks to bring about some of these very needed, substantive changes.

I just want to briefly mention specifically, there are a number of provisions in this draft bill that I think are going to address the

crime problem, and I want to speak very briefly to three in particular. Section 103 clarifies and encourages the appointment of special assistant U.S. Attorneys to prosecute reservation crimes in Federal courts, with the hope that there will be an increase in prosecutions, especially targeting lesser offenses. While many areas of the Country have tribal liaisons, this section will hopefully formalize the program and allow for more consistency.

Title III of the bill seeks to empower tribal justice systems in a variety of ways. This includes providing greater flexibility in the training of law enforcement and corrections officers serving in Indian Country, and by increasing the maximum sentences that tribal courts can give if certain constitutional protections are met.

Title V seeks to improve both the tracking of crimes committed in Indian Country and also the reporting of those crimes. That is something that currently, in terms of data, is seriously lacking today.

So I am very interested, Mr. Chairman, in hearing the testimony of our witnesses today, learning what provisions in the bill they feel are useful, and what changes they think still need to be made. I have also solicited similar advice from our tribal leaders, tribal officials and other officials in my State of South Dakota. It is my hope when all this information has been compiled that this draft legislation can be introduced and a solution to the public safety crisis on our Nation's reservations can be found.

So again, Mr. Chairman, I want to thank you and I want to thank Senator Murkowski for allowing me to be here today. And I want to thank Chairman His Horse Is Thunder for his efforts and all of our other witnesses for the testimony that you are going to provide today.

Thank you.

The CHAIRMAN. Senator Thune, thank you very much.

I signed a letter with my colleague from North Dakota and the South Dakota delegation urging the Interior Department to implement the Safe Indian Community Initiative and try to respond to the spike in violence at the Standing Rock Reservation. You are quite correct about the serious difficulty that exists there.

I am going to ask each of the witnesses, we have a five-minute testimony period, and I know sometimes people think, well, I come to Washington and I only get five minutes. Mark Twain was once asked to give a speech, and he said, should it be a short speech or a long speech, because if it is a long speech, it will take no time to prepare, I will just start talking. If it is a short speech, it will take a substantial amount of time to prepare well.

So we are sorry for the time restrictions of five minutes, but in order for us to be able to have substantial time for questions, we want to get through the witnesses and hear your statements in full.

Let's start with Chairman Ron His Horse Is Thunder, from the Standing Rock Tribe. I am going to ask, if we can, to have the witnesses testify and then have Mr. Ragsdale testify last. I would normally invert that, and you have done that many times, Mr. Ragsdale, but I want to hear the other witnesses, then we will hear from you, then we will be able to respond to all of the issues that are raised.

Mr. Ragsdale, thank you for being here on behalf of the BIA. Chairman Ron His Horse Is Thunder, why don't you proceed?

**STATEMENT OF HON. RON HIS HORSE IS THUNDER,  
CHAIRMAN, STANDING ROCK SIOUX TRIBE**

Mr. HIS HORSE IS THUNDER. Good morning, Chairman Dorgan. Thank you for the opportunity, honorable members of this Committee, I am honored to give some testimony on this draft bill.

Something has changed in Standing Rock. Not only do we have 20 more additional law enforcement officers, but something changed actually before they got here. Yes, Senator Thune, Standing Rock was number one, we had the highest crime rate of any reservation in the Country last year, in January.

I was told, though, that in January of this year, Standing Rock didn't hold that dubious distinction any longer, that we had dropped to number two in terms of the highest crime rate in Indian Country. The tribe, unfortunately, who now holds that distinction, did in January, is the Blackfeet Tribe in Montana. I say it is not because Standing Rock's crime rate had been reduced any, but rather, that Blackfeet Country's crime rate had spiked itself.

Standing Rock now, I am told, as of a month ago, had dropped from number two on the list to eight or nine on the list. Again, I feel sorry for the other tribes who now have surpassed us in terms of crime rate, because again, I live on a reservation where that crime rate was number one and not that our crime rate has been reduced all that much, if any, before this peacekeeping surge, but rather again, those tribes' crime rate has surged for them.

We do, however, have 20 additional law enforcement officers on our reservation right now. And it has made a world of difference on our reservation.

But I really want to comment on important changes that this bill makes, that it does do a number of things. It reauthorizes critical programs such as Indian Alcohol and Substance Abuse Act, the Tribal Jails Program, the Tribal Cops Program and the Tribal Youth Program. It does a number of other things which we agree with.

But today I don't want to focus on the things I agree with, because that is all in my written testimony, but rather on some of the things which we think are missing. I am not going to comment today on the jurisdiction over non-Indians within reservation in terms of an Oliphant fix, because I know that is also in our written testimony as well as the NCAI's written testimony, and I wholeheartedly agree with their written testimony. I want to focus, again, on the problems on Standing Rock, problems in terms of what is missing from the bill.

One problem with the bill is the attempt to tackle the lack of consistent police presence in South Dakota. Again, we experience this first-hand on Standing Rock. Until the BIA sent a law enforcement surge to our reservation two weeks ago, we only had two law enforcement officers per shift to patrol a reservation the size of the State of Connecticut, 2.3 million acres.

The bill would impose new consultation requirements and provide important flexibility in officer training. And the flexibility in officer training I think is going to make a huge difference in terms