

**EXAMINING DRUG SMUGGLING AND GANG  
ACTIVITY IN INDIAN COUNTRY**

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**HEARING**

BEFORE THE

**COMMITTEE ON INDIAN AFFAIRS**

**UNITED STATES SENATE**

**ONE HUNDRED ELEVENTH CONGRESS**

FIRST SESSION

NOVEMBER 19, 2009

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## **EXAMINING DRUG SMUGGLING AND GANG ACTIVITY IN INDIAN COUNTRY**

**THURSDAY, NOVEMBER 19, 2009**

U.S. SENATE,  
COMMITTEE ON INDIAN AFFAIRS,  
*Washington, DC.*

The Committee met, pursuant to notice, at 2:00 p.m. in room 628, Dirksen Senate Office Building, Hon. Byron L. Dorgan, Chairman of the Committee, presiding.

### **OPENING STATEMENT OF HON. BYRON L. DORGAN, U.S. SENATOR FROM NORTH DAKOTA**

The CHAIRMAN. We are going to begin the hearing today.

Other colleagues will be coming. I am sorry that there is some inconvenience to the witnesses and others as well because we have moved up the time of the hearing to begin at 2:00.

We have a series of three votes that will start at 2:30, which means that we will have to practically depart here about 2:45. We will have a bit of late time and we will have to come back perhaps and finish the hearing following a half hour recess, but I appreciate the indulgence of all of you.

I want to mention that we had a business meeting scheduled today that we have changed. Originally, we wanted to move out the Indian Health Care Improvement Act today.

I was consulting with the Vice Chairman, and he and I both felt we wanted to make some additional improvements and some additional small changes to it, but in the interest of time, we will put that—it is a very important piece of legislation—we will include that in a business meeting at our next hearing, preceding our next hearing, that I believe is on December 3. So I wanted everyone to be aware of that, that we had to move the business portion of this Committee until the next meeting.

The Committee is meeting today to discuss a very important issue, and I want to talk just a bit about it. We are talking about drugs and gang activity in Indian Country, which are both symptoms of a larger public safety crisis, I think, that exists on many reservations.

We moved S. 797, the Tribal Law and Order Act, unanimously from this Committee last month, and this bill that we have moved is the first step in fixing a broken law enforcement system. But clearly, much more needs to be done. Increased drug use and gang activity place a shroud of fear over many tribal communities. We have received testimony that non-Indian gangs are exploiting the

lack of police presence. In complex jurisdictions on the Indian lands, these gangs are treating reservations now as safe havens to distribute drugs and to perpetuate violence.

Recently, we learned that increased marijuana growth by Mexican gangs and drug cartels occur on U.S. park lands. A report noted that the fastest expansion for drug production is on Indian reservations. In 2008, tribal police seized more than 233,000 marijuana plants on Indian reservations in Washington State alone.

Mexican gangs, we know, are moving east into Idaho, Wyoming, North Dakota and South Dakota, using reservations to produce and distribute drugs, as well as smuggling guns. And we know that drug trafficking by these non-Indian gangs have enticed a number of Native American youth to join gangs or to form their own gangs.

On June 30 of this year, the Justice Department reported to the Senate that Native gangs are now involved in more violent offenses like sexual assaults, gang rapes, home invasions, drive-by shootings, beatings and elder abuse. In July of this year, we received testimony that confirmed this disturbing trend. A councilman from Colville Reservation testified about the rapes of young girls by gang members who threatened the victim's lives and their family members if they spoke out.

The average Native gang member, we are told, is now about 15 years old and getting younger. Police report that gangs use children as young as eight years old to carry drugs for them in order to avoid prosecution. I have two photographs I wish to show depicting American teens involved in gangs on the Pine Ridge Reservation. One boy is holding an assault weapon. The other is receiving a gang-related tattoo. You will see the photograph there of the gang-related tattoo. The other photograph is of a gang member with a bandanna over his face, holding an assault weapon. These are both gang members on a reservation.

We are going to hear directly today from two young men who were involved in gangs and who are courageous enough to share their story with us through a video conference. I want to thank them and their counselor, Dr. Martina Whelshula, for standing by, and I look forward to visiting with Dr. Whelshula as well.

So here is what I would like to do. I would like to go to the interactive live exchange we will have, and then we will do the three witnesses, and then we will have the Administration witness as the last witness today.

Dr. Whelshula, thank you for being with us. My understanding is that you are, as well, with two young Native Americans who were gang members, and who are involved with your organization. The procedure, of course, is to not disclose their identity for fear of what that disclosure would mean to them and to their families. We understand that. I believe we have provisions to scramble their voice and to not show their entire image.

So Dr. Whelshula, thank you very much for being with us, and you may proceed.

**STATEMENT OF DR. MARTINA WHELSHULA, ADMINISTRATIVE DIRECTOR, THE HEALING LODGE OF THE SEVEN NATIONS**

Dr. WHELSHULA. Thank you. Good afternoon, Chairman Dorgan, Vice Chairman Barrasso, and distinguished Committee Members.

My name is Martina Whelshula. I am a member of the Arrow Lakes Nation of the Colville Confederated Tribes in Washington State. I am the Administrative Director for the Healing Lodge of the Seven Nations.

The Healing Lodge is a unique program, I think, in that seven tribes within the Northwest region came together, originally back in the 1980s, in their efforts to keep their children close to home. Many of the children who were going out for chemical dependency and alcohol treatment were being sent far away.

The Healing Lodge of the Seven Nations is a youth residential treatment facility. We have youth ages 13 to 17 who come, who struggle with alcohol and chemical dependency addictions. We have approximately 30 beds, and we have both genders, both female and male. We typically have more males who come in to treatment than we do females.

We have them coming from all over the Western United States, from Alaska down to Reno, Arizona, New Mexico. Although we are a consortium with seven tribes within the Northwest Region, we do serve children from all over the Western Region.

We are a chemical dependency treatment facility. Ninety days is the average stay. We can go up to about 120 days. It is interesting in how we found ourselves in this Committee hearing, being a treatment facility, is that on an average year, we admit about 150 youth into our treatment facility. And I would say about two-thirds of those are gang-involved.

Many of the children or young people that come into our program who are getting involved have indicated that nature of being in the gangs, you have to be drug-involved, only because many of the heinous actions that they are requested to make by their gang leaders, they feel like that is the only way to be able to do that, to be drug-induced in that sense.

We have had young people coming into our program, we are a predominantly Native American facility, although we are open for most children. We have a strong cultural foundation. We have a sweat lodge. We have ceremonies, a lot of different cultural activities, and so it gives the children an opportunity to be able to be a part of an acculturation process and building a strong cultural identity.

And I think in this context and within the context of a therapeutic environment, that young people feel a sense of safety that they can finally reflect on their lives and they can make decisions about what they want.

One young man who had come in was heavily gang-involved. Some we have that are third generation gang families. And in the time that he was here, he was able to be a part of the spiritual and cultural practices, as well as the healing practices that we have available to the young people. And in that, he decided that he did not want to go back into the gangs. He was heavily involved, and at the time of his transition, and speaking with his family, his fam-

ily had agreed then to uproot the whole family and move several States away in order to be able to start his life fresh.

He was very thankful. We followed up with him. He was able to get his food handlers permit while he was with us, and he was able to gain employment immediately.

Another young man had come in, almost got killed before he came into the treatment center, was very afraid. Most of them say that they are tired of being scared, tired of being paranoid, worried all the time. They don't want to die. And so we were able to help him reconnect with his spiritual traditions.

It was a real powerful reunification with his own ceremonial spiritual traditions, and he made the commitment in that he realized that he had two choices before he came in. One was to pursue those ceremonial practices with his uncle, and the other was to remain involved within the gang that he was. And he realized that he really wanted to go back and he wanted to be reunified with his extended family. And he learned and knew ceremonial songs while he was with us, to be able to go back and to sing to his uncle.

So these are the types of things that, although we are primarily focused on chemical dependency and mental health counseling and treatment, the wonderful byproduct of that is those that come in, you know, gang involved, are able to have a moment where they can reflect on that lifestyle because that is a huge barrier to their treatment.

And so we have a couple of young men here with us who are willing to share their stories, and be willing to answer any questions that the Committee might have.

But I want to say thank you for giving us the opportunity to testify before your Committee today, and to make the point that I think that the treatment process and providing that kind of therapeutic environment for these young people is what gives them an opportunity to let their guard down and to be able to welcome a new way of seeing life and experiencing and responding and then choosing something different for them.

[The prepared statement of Dr. Whelshula follows:]

PREPARED STATEMENT OF DR. MARTINA WHELSHULA, ADMINISTRATIVE DIRECTOR,  
THE HEALING LODGE OF THE SEVEN NATIONS

Good afternoon Chairman Dorgan, Vice Chairman Barrasso, and members of the Committee. My name is Dr. Martina Whelshula and I am a member of the Arrow Lakes Nation of the Confederated Tribes of the Colville Indian Reservation, and Administrative Director at the Healing Lodge of the Seven Nations, a 30-bed adolescent inpatient chemical dependency treatment program located in Spokane Valley, Washington. Recognizing the need to protect future generations, seven tribes from three different states came together back in the 1980s to start this treatment facility, which receives Native American youth from the Western United States, including Alaska. While we are a Native American focused treatment program, we do accept youth from all cultural and ethnic backgrounds into our program.

I appreciate this opportunity to testify today on the prevalence of gang activity in Indian Country. Specifically, I will address the increasing incidence of gang involved youth coming to our program, and the barriers it creates for the program, its participants, and in returning the young people to their communities at the completion of treatment.

Accompanying me today are two young men who were involved in gangs and are currently in our program. They will remain anonymous as they are both under the age of 18, and would like to maintain their privacy regarding their alcohol and chemical dependency status. They are here to help answer your questions.

### **Gang Involved Youth at the Healing Lodge**

While we do not have any empirical research on why our young people choose to join gangs, after speaking with several of our counselors, a definite pattern starts to emerge. For the most part, youth are looking for some place to belong. Many come from lower socio-economic situations, perhaps from struggling families, and the gang may be the only family that they have known. Many, many of our youth come from families where drug involvement is intergenerational—and the family unit is compromised. Also of concern is the number of parents who are incarcerated or deceased due to various reasons including alcohol and drugs as well as gang involvement.

By introducing or reintroducing our Native youth to their cultural heritage, we are able to give many a sense of belonging to more than just their gangs. The tribe or tribal community becomes the “family” that they long to belong to, and for many it becomes clear that the gangs are there to break down this foundation. Reservation life can be hard for them to navigate. With most of their friends, family and the community involved in alcohol, drugs and gangs, it is hard for them to see a way out. We help them to find their inner strength, to identify the positive people in the families and communities, and help them to establish a strong foundation to lean on when they leave treatment.

The Healing Lodge admits roughly 150 youth each year into treatment. Of the 150 youth, it would be safe to say that at least two thirds come gang involved. Some residents are more heavily involved than others, while others are second and third generation gang families. Our youth have stated that all gang members they know are drug involved or addicted.

Engaging in gang activity during treatment creates a huge barrier to the success of their treatment and recovery, as well as, that of their peers. As a program, we prohibit any signs of gang activity. We make it clear that treatment is neutral ground for all of our residents.

One resident who came to us heavily involved used treatment as an opportunity to reflect upon his life and his future goals. He stated that he was tired of being scared, worried, and paranoid. He feared for his life all of the time. In treatment he could let his guard down and find safety in the therapeutic environment. He became involved in the Sweat Lodge and other spiritual activities. When he left, he was very motivated to leave his gang. Upon his return home, his family uprooted him and moved him back to their home tribal community several states away. When we followed up with him, he was doing well. He was thankful that we helped him get his food handler’s permit, because he was able to find employment right away.

Another resident was reflecting during a counseling session and suddenly he blurted out, “I’m gonna move . . . I’m gonna move . . . I don’t want to die.” Since he was in a relationship with a young woman and they were expecting a baby, he thought that was his way out. It was an honorable way to leave the gang; to take care of his new family.

One resident almost died prior to attending the Healing Lodge. While at the Lodge he was reunited with his spiritual traditions. This reunification was powerful and he made a commitment to go home and rejoin his extended family. He wanted to prove to his uncle that he was serious about rejoining the ceremonial traditions of his family; so he learned a new song to take home to his uncle. Songs are very important in tribal cultures.

There are many success stories of residents who discover their true selves in the context of a beautiful culture that does not judge them and only welcomes them back into the circle of community. Our young men and women find a new sense of belonging in traditions hundreds of years old. Our cultural specialists are gentle, loving adults who provide the cultural and spiritual guidance our young people miss so much.

Although our mission is to treat our youth for alcohol and substance abuse, our approach treats the whole child within the context of a rich culture.

### **What More Can Be Done?**

There is a need for help to build stronger families, communities, and cultures. Many Native communities have taken on this task, but with limited resources and a lack of experience, they have not had great success.

Our recommendation would be to authorize new programs or augment existing programs that provide grants to schools, tribes or tribal organizations like the Healing Lodge that have demonstrated gang problems to implement culturally appropriate education, intervention and prevention activities.

- As stated by Brendtro, Broken Leg, Van Bockern in their book *Reclaiming Youth at Risk*:

It is of the highest imperative that the modern family be strengthened and stabilized. Today, the typical child is reared by a single parent or by parents who both work outside the home. The decline of extended families and intimate neighborhoods leaves an isolated nuclear family. Public policy has not kept pace with the reality that one or two unsupported adults are often unequipped to successfully rear their young. Many young people roam the streets in pursuit of meaningful human bonds. The tragedy is that, for many, their only option is to seek out relationships with other outcast and unclaimed youth.

This concludes my statement. At this time, I would be happy to answer any questions the Committee may have. For the safety of the two young men with me, I respectfully request that questions directed to them not involve answers that may compromise their identity. Thank you.

The CHAIRMAN. Dr. Whelshula, thank you very much, and thanks to the work at the Healing Lodge of the Seven Nations. It sounds extraordinary and very, very important.

My understanding is the two young men are going to be using aliases, Jim and David. Both have been gang members, one in an urban gang, one in a reservation gang. Both are Native American youth. So if the two young men are there and available to, I don't know whether they wish to make any comments at all or whether that they would answer questions.

Dr. Whelshula, would you ask if either of them have anything to say that they wish?

Dr. WHELSHULA. I think they said that they would answer questions.

The CHAIRMAN. All right. Well, their voices are disguised because they are obviously concerned about security for themselves and their families, having been involved in gangs.

Let me ask a question of both of the young men. In your estimation, how many teens in your community, particularly the young man who is in a reservation community, how extensive is gang participation in the reservation community?

#### **STATEMENT OF SPEAKER ONE**

Speaker ONE. There is a lot. Everybody is trying to be part of it. They see like all the kids doing it and stuff, and it is kind of like the trend there, and if you are not part of that, you are just like one of the other guys that walks around the reservation and gets picked on alot. They see that and they want to like join the gangs and stuff. They see it and think it is all cool. And now as they get older and older, it just gets worse for them.

The CHAIRMAN. You have probably compared notes. One of you was in a gang on a reservation; another was in an urban gang. What is the comparison of the two?

Speaker ONE. I know reservations all this time, like, there is nothing really out there. You know the houses out there are like really easy to just get broken into. The reservation houses kind of suck, you know.

And the urban ones, you know, they are, I think there are a lot more weapons because I had a friend that came up from L.A. once and he—a lot of the reservations are mainly fights, except when it gets out of hands, they start using knives and stuff. I had a friend that had his tendons on his hand cut. You know, you normally use guns when there are like drive-bys. Down there in the city they mainly just use guns and bats and just weapons and stuff like that.

It is sort of what my friend did anyways. He said that was how it was back where he was from. I was like, hmm.

**STATEMENT OF SPEAKER TWO**

Speaker TWO. Yes, in the city it is mainly all about weapons. There's no need to use fists or anything. It is mainly just gun use. If it comes to like a one on one fight, it is usually because it is just the pee wees, which like we consider the small time gang member, the ones that just got jumped in, and don't have the right to hold a gun yet, had to prove themselves. But even when they get in fights, they still pull out knives and bats, and they basically do whatever it takes to win. You do it for the gang and the colors. And as long as you win, that is what keeps moving you up.

The CHAIRMAN. At what age did each of you get involved in gang activity?

Speaker ONE. I would say about my freshman year.

Speaker TWO. I got involved at an early age, around, I was 11½, just turning 12.

The CHAIRMAN. And the other one?

Speaker TWO. I was 11, just turning 12 when I first got involved.

The CHAIRMAN. And what barriers are there to a young man who gets involved in gang activity and wishes to leave the gang? What are the threats and the problems?

Speaker ONE. It depends how deep you are and what you have done for the gang, and your connections with them, and how much you know.

Speaker TWO. They are not very good to be in on the reservation. It doesn't even hit them like once they are in, they just start following that crowd, you know, when you are younger, you want to be with the cool crowd. That's what it's about. If you like hanging out with all these older kids, you think you are cool and stuff like that, but it's hard to see they're just being used and I don't think they see it.

Speaker ONE. In the city, it is, I guess the hardest thing would be is basically how deep you are in. Like, if you are holding a weapon, that means you proved yourself or like you have done something, moved a lot of drugs for them, sold them, or whatever. Then it is going to be a lot harder to get out. You can like tell them you want out, but it is up to them to let you out. There are several ways to get out, or long-term, there are several ways to get out, and none of them turn out good.

The CHAIRMAN. All right. As I indicated the aliases are Jim and David. Are there other questions for Jim and David that my colleagues wish to ask?

Senator Cantwell?

**STATEMENT OF HON. MARIA CANTWELL,  
U.S. SENATOR FROM WASHINGTON**

Senator CANTWELL. Yes, Mr. Chairman, I obviously want to thank Chief Haney and Dr. Whelshula, as well as the two young people, for participating in today's hearing. It is very important. And obviously, we are very proud of the work the people are doing to integrate with the Bureau of Indian Affairs and Department of

Justice, various things, but I will leave that for a question to Chief Haney in a few minutes.

But to these two young individuals, I am interested to how much of this activity, drug-related activity or gang activity, is correlated with methamphetamine.

Speaker ONE. A lot of it. In the city, it is all about meth and coke, because they go through the most and produce the most money which provides them with weapons and then gets the—like it attracts other people to wanting to join the gang. And as soon as you get into the selling and the weapons, then you get, like, that is all you ever wanted. You don't want to leave because you have unlimited weapons and unlimited drugs and you are wanted there.

Senator CANTWELL. What would you do if you were us in trying to combat this problem, given the incredible addictive nature of methamphetamine? What would you do?

Speaker TWO. I don't know.

Speaker ONE. I really don't know, because it is hard to stop it. There is more—again, gangs is more than just one route. They, like the cops can make a big drug bust, but what they don't know is they make that bust and then, like, five different gang members, other gangs get the hint that cops are on their trail and they just pick it up and move somewhere else. It is hard to stop drugs, especially if they are big ones. It can come down to a gunfight or shootouts and stuff like that. Then they are looking for fences and people who are talking to the cops.

Senator CANTWELL. Have you ever heard of this program in Montana where they have taken on a big P.R., you know, advertising effort to just convince young people to stay away from meth? Have you heard about that or seen any of that since you are so close to Montana?

Speaker ONE. No, but I have heard of Idaho meth, how they are stopping kids in Idaho from using meth. It is on the radios a lot here.

Senator CANTWELL. Do you think that is effective?

Speaker ONE. It is effective to a point, yes, but I know for a fact it won't affect the people who are using. But I do think it is effective with the younger ones.

Senator CANTWELL. Thank you, Mr. Chairman.

The CHAIRMAN. Other questions?

If not, I want to thank Jim and David and particularly Martina. Dr. Martina Whelshula, you are running a program that we very much admire and we are inspired by it.

And to the two young men, our thoughts are with you and hope that your work and your ability to be a part of the Healing Lodge is very successful. So thank you very much for being with us today.

Speaker TWO. Thank you.

Speaker ONE. Thank you.

The CHAIRMAN. Good luck to you.

Speaker ONE. You, too.

Speaker TWO. You too. Help our economy.

The CHAIRMAN. All right, we will continue. We are going to hear from the Honorable Ivan Posey, the Chairman of the Eastern Shoshone Tribe in Fort Washakie, Wyoming; Mr. Matt Haney, Chief of Police of the Colville Tribes in Nespelem, Washington; and Ms.

Nancy Dooley, the Director of the Department of Rehabilitation and Supervision, Juvenile Division, the Gila River Indian Community in Arizona.

Let's proceed with Chairman Posey. Mr. Posey?

**STATEMENT OF HON. IVAN D. POSEY, CHAIRMAN, EASTERN SHOSHONE TRIBE**

Mr. POSEY. Good afternoon. My name is Ivan D. Posey and I currently serve as the Chairman for the East Shoshone Tribe on the Wind River Reservation in West Central Wyoming. I would like to offer my thanks for allowing me to provide testimony today to this distinguished Committee, which includes our own Senator from Wyoming, John Barrasso.

I provided written testimony to this Committee on April 5, 2006 on the problem of methamphetamines in Indian Country. Due to airline problems, I couldn't make it in person. In that testimony, I addressed the devastating effects the drug had on our social services, health care, education and law enforcement agencies.

Today, I will explain what we have learned from that and what we still need to do to address these illegal activities that have a major impact on our communities.

Our reservation was established by the Fort Bridger Treaty in 1868 between the Eastern Shoshone Tribe and the United States Government. The reservation is occupied by two federally recognized Indian tribes, the Eastern Shoshone and the Northern Arapaho, and is the only reservation in the State of Wyoming.

Located in the West Central, Wyoming, the reservation is comprised of 2.2 million acres and is spread upon a large rural geographical area consisting of 3,500 square miles. The Northern Arapaho Tribe is composed of approximately 9,000 enrolled members, and the Eastern Shoshone is composed of approximately 4,000 enrolled members. The majority of the reservation residents, however, live in the small communities of Crowheart, Fort Washakie, Ethete and Arapaho.

The majority of the reservation land base is within Fremont County, Wyoming. Fremont County leads Wyoming in substance abuse and violent crime, and has consistently higher than national averages of violent crime and substance use and substance abuse effects.

The examination of drug smuggling and gang activity in Indian Country systematically translates into identification of the social, economic, justice vulnerabilities and rural locations that most tribal nations face. It is these vulnerable areas that allows outside influences to target reservations and conduct organized illegal activities.

This is how the Wind River Reservation was systematically targeted by the Sagaste-Cruz drug ring from 2000 to 2005 before a coordinated law enforcement effort broke up the ring in 2005. The drug ring was able to identify the vulnerabilities of the reservation and used them as strengths in their illegal operations.

Like many reservations, the Wind River Indian Reservation suffers from high unemployment, poverty, substandard housing and substance abuse. The primary law enforcement serving the Wind River Indian Reservation during the Sagaste-Cruz era was the Bu-

reau of Indian Affairs, and operated with an average patrolling force of seven officers during the 2000 to 2005 time span.

In relation, the Shoshone and Arapaho Tribal Court and Prosecutors Office report that 98 percent of all criminal, juvenile, minor-in-need-of-care, and involuntary commitment for mental health treatment cases are substance abuse-related.

With these factors, combined with our large land base and the complicated maze of legal jurisdictions, created the basis in which Sagaste-Cruz admitted himself when he wrote a drug distribution business plan. The plan was simple: introduce a drug to a highly addictive population with understaffed law enforcement, the allure of easy money, and become entrenched in the community through family and interpersonal relationships.

It is a common plan used by organized gangs that are in the drug trade and one that you heard this past July with the testimony of Hermis Mousseau of the Oglala Sioux Tribal Council. It was not until the coordination and collaboration between the tribes, local law enforcement, BIA law enforcement, U.S. Marshals, FBI, Department of Criminal Investigation, and the U.S. Attorney's Office that investigations yielded any information that led to the eventual raids and convictions.

BIA law enforcement created a drug team to work throughout the reservations in Wyoming and Montana to continually address illegal drug activity. This is directed by Doug Noseep, who is a member of the Eastern Shoshone Tribe and who was the Police Chief for the Wind River Indian Reservation when the drug busts of 2005 occurred.

What is sometimes overlooked is the impacts this activity had on our other programs, such as social services, health and recovery, and our school systems. Some families were devastated and children were removed and placed in relative custody. Some still remain in relative custody years later. The effects of this terrible era touched many families on the Wind River Indian Reservation and many knew the people personally who were involved in this illegal activity.

The community rallied to learn more about the methamphetamine addiction and the process it takes to make it. This was done through conferences which were held on a yearly basis and open to the communities. These efforts were supported by law enforcement and various tribal programs from the local to national level. I personally feel these efforts were highly effective. What it takes to continually address these issues and concerns is collaboration and relationships.

It is collaboration and commitment from the Montana and Wyoming tribes to open a treatment facility in Sheridan, Wyoming to address our substance abuse treatment needs for our tribes. This effort will assist the tribe to send our clients to a more closer location and will focus on methamphetamine addiction.

I have several other paragraphs here, but it looks like I will not be able to finish this testimony, Chairman Dorgan. But it is on a written basis and we stress the need for continued law enforcement coordination to continue to have our law enforcement, our tribal courts adequately funded, and to look at other areas that address social and economic concerns of tribal reservations.

[The prepared statement of Mr. Posey follows:]

PREPARED STATEMENT OF HON. IVAN D. POSEY, CHAIRMAN, EASTERN SHOSHONE  
TRIBE

Good afternoon. My name is Ivan D. Posey and I currently serve as the Chairman for the Eastern Shoshone Tribe on the Wind River Indian Reservation (WRIR) in Wyoming.

I would like to offer my thanks for allowing me to testify today before this distinguished Committee which includes our own Senator from Wyoming, John Barrasso.

I provided written testimony to this Committee on April 5, 2006 on the Problem of Methamphetamines in Indian Country. Due to airline problems I couldn't make it in person. In that testimony I addressed the devastating effects the drug had on our Social Services, Health Care, Education and Law Enforcement agencies. Today I will explain what we have learned and what we still need to address concerning the illegal activities that had a major impact on our communities.

The reservation was established by the Fort Bridger Treaty of 1868 between the Eastern Shoshone and the United States Government. The reservation is occupied by two federally recognized Indian Tribes, the Eastern Shoshone and the Northern Arapaho and is the only reservation in the State of Wyoming. Located in west central Wyoming, the reservation is comprised of 2.2 million acres and is spread out upon a large rural geographical area consisting of 3,500 square miles. The Northern Arapaho Tribe is composed of approximately 9,000 enrolled members and the Eastern Shoshone Tribe is composed of approximately 4,000 enrolled members. The majority of the reservation residents however live in the small communities of Crowheart, Fort Washakie, Ethete and Arapaho.

The majority of the reservation land base is within Fremont County, Wyoming. Fremont County leads Wyoming in substance use and violent crime, and has consistently higher than national averages in violent crime, and substance use, substance abuse effects (morbidity and mortality).

The examination of drug smuggling and gang activity in Indian Country systematically translates into identification of the social, economic, justice vulnerabilities and rural locations that most tribal nations face. It is these vulnerable areas that allows outside influences to target reservations and conduct organized illegal activities.

This is how the Wind River Reservation was systematically targeted by the Sagaste-Cruz drug ring from 2000 to 2005 before a coordinated law enforcement effort broke up the ring in 2005. The drug ring was able to identify the vulnerabilities of the reservation and used them as strengths in their illegal activities. Like many reservations, the WRIR suffers from high unemployment (63-75 percent), poverty (68 percent receive some form of public aid), substandard housing, and substance abuse. The primary law enforcement serving the WRIR during Sagaste-Cruz era was the Bureau of Indian Affairs (BIA) and operated with an average patrolling force of seven officers in the 2000-2005 time span. In relation, the Shoshone and Arapaho Tribal Court and Prosecutors Office report that 98 percent of all criminal, juvenile, minor-in-need of care (abuse/neglect), and involuntary commitment for mental health treatment cases are substance abuse related. With these factors combined with our large land base and the complicated maze of legal jurisdictions created the basis in which Sagaste-Cruz admitted himself when he wrote a "drug distribution" business plan. The plan was simple, introduce a drug to a highly addictive population with a understaffed law enforcement, the allure of easy money, and become entrenched in the community through family and interpersonal relationships.

It is a common plan used by organized gangs that are in the drug trade and one that you heard this past July with the testimony of Hermis John Mousseau of the Oglala Sioux Tribal Council. It was not until the coordination and collaboration between the tribes, local law enforcement, BIA Law Enforcement, U.S. Marshals, FBI, DCI, and the U.S. Attorneys Office that investigations yielded any information that lead to the eventual raids and convictions. The BIA Law Enforcement created a drug team to work throughout the reservations in Wyoming and Montana to continually address illegal drug activity. This is directed by Doug Noseep who is a member of the Eastern Shoshone Tribe and who was the Police Chief for the WRIR when the drug busts of 2005 occurred.

What is sometimes overlooked is the impacts this activity had on our other tribal programs such as social services, health and recovery and our school systems. Some families were devastated and children were removed and placed in relative custody. Some still remain in relative custody years later. The effects of this terrible era

touched many families on the WRIR and many knew the people personally who were involved in the illegal activity.

The community rallied to learn more about methamphetamine addiction and the process it takes to make it. This was done through conferences which were held on a yearly basis and open to the communities. These efforts were supported by law enforcement and various tribal programs from the local to national level. I personally feel these efforts were highly effective. What it takes to continually address these issues and concerns is collaboration and relationships.

It is collaboration and commitment from the Montana and Wyoming Tribes to open a treatment facility in Sheridan, Wyoming to address our substance abuse treatment needs for our tribes. This effort will assist the tribes to send our clients to a more closer location and it will focus on methamphetamine addiction.

The Eastern Shoshone Tribe is working towards the establishment of a Wind River Basin-wide Law Enforcement Model that would aid in decreasing the demand that is expected of the BIA Police for the Wind River Agency. The model was in response to the continued need for additional law enforcement officers on the WRIR. This year we were down to 6 officers to patrol our vast reservation area. Some calls to the police department for assistance went unanswered at times due to the lack of officers on duty. I am sure other reservations face the same problem. This model will be tribal driven.

The basis of the model would be to increase the coordination and communication between all the law enforcement agencies in the Basin through memorandums of understanding and cross-deputization agreements while also adding a tribal law enforcement force to aid in manpower. Although the process is still in the early stages, all law enforcement agencies are in agreement to proceed with this process. Our communities within the WRIR may have officers assigned to those specific locations such as a town or municipality may have. I am very encouraged with the response of all involved to develop and address law enforcement needs collectively. The tribe has established a Wind River Law Enforcement Commission to act as the facilitators in communicating and coordinating the efforts and has recently been notified by the BIA Region V Office in Billings, Montana that it intends to use the model for a pilot program for other reservations when implemented.

Although there have been many efforts and coordination in the aftermath of the drug busts of 2005 the threat of history repeating itself still lingers. With the continued lack of law enforcement facing many reservations and many of the conditions I spoke of earlier still existing, reservations can once again become targets for illegal drug activity.

We need to learn from the lessons of the past and move cautiously forward without letting our guard down. Indian country still needs our law enforcement agencies and tribal courts adequately funded, our health systems needs to be effective when delivering the needed services to our tribal members, and we need to continually educate ourselves about these illegal activities that have devastating effects to our communities.

Prevention, education and rehabilitation efforts still need to be strengthened. Our communities need to assist those who are returning from treatment facilities with long term after care programs. We need re-entry programs to work with those returning from the prison systems.

With increased emphasis on trust responsibility and treaty obligations from the Federal Government and support from our Elders through prayer we will all make our tribal communities safer for all our citizens.

Thank you.

The CHAIRMAN. Chairman Posey, thank you very much for being with us.

Next, we will hear from Nancy Dooley, the Educational Administrator of the Department of Rehabilitation and Supervision Juvenile Division, at the Gila River Indian Community.

Ms. Dooley, you may proceed.

**STATEMENT OF NANCY DOOLEY, EDUCATIONAL ADMINISTRATOR, DEPARTMENT OF REHABILITATION AND SUPERVISION—JUVENILE DIVISION, GILA RIVER INDIAN COMMUNITY**

Ms. DOOLEY. Chairman Dorgan, Vice Chairman Barrasso and Members of the Committee, my name is Nancy Dooley and I am

the Educational Administrator for the Gila River Department of Rehabilitation and Supervision at the Juvenile Division. I have worked for the community for 10 years.

I would like to thank this Committee for giving me the opportunity to speak on behalf of the Department and the community regarding our shared dedication to the community's youth. I have submitted my written comments for the record and I ask the Committee to accept my comments.

The CHAIRMAN. Without objection.

Ms. DOOLEY. To start, the Gila River Indian Community has a total of 19,000 members. The community's jurisdiction extends over approximately 600 square miles and shares its borders with cities including Phoenix. We have 20 documented gangs operating within the reservation. To combat this influence, the community has continued to develop an extensive criminal justice system. The community's juvenile facility is 35,000 square feet, employs 56 staff members, and can house up to 106 juveniles. In 2009, we had a total of 156 youth that were detained, 104 males and 52 females.

My testimony today will directly speak to the community's efforts to combat gangs through youth rehabilitation efforts. Gangs are a nationwide problem. Gangs are attracted to Indian reservations because of the lack of law enforcement resources and the wide open land that offers the opportunity to smuggle illegal immigrants and drugs.

Gangs typically will recruit the young by offering attention and money, which translates into a child's mind as acceptance and sense of family and security. When a child comes to our facility, we provide education and counseling and, most importantly, a safe place, free of violence and threats.

We believe in providing our youth with the knowledge to make life-long choices of change. We provide numerous opportunities and programs to residents for folks on education and counseling. We insist on providing residents with a well-rounded education that includes academic, spiritual, physical and mental components.

The education curriculum follows the State of Arizona standards and we offer either a high school diploma or GED testing for residents. On average, we have 12 to 15 residents who receive their eighth grade certificate, high school diploma or GED each year. We recognize our graduates with a formal graduation ceremony.

At one of our most recent graduations, we had one of our graduates on that particular morning that did some behaviors that kept him from attending his own graduation, so we communicated with the parent and told him that he would not be allowed to be involved, but asked if the mother still wanted to attend, and she did. She came. She accepted her son's diploma on his behalf, and at that same time, she proceeded to and was given the opportunity to speak with all those that were present at the graduation, and let them know the mistakes she had made and that her son had made, and that she was so proud of her son because he had made an accomplishment that she had never been able to do. So it was an exceptional graduation with that.

Beyond basics, we teach job-related skills including concrete work, block work, painting, general construction, culinary arts, and culturally specific agriculture gardening. Diabetes is epidemic on

the reservation. Physical fitness is an important part of our program.

Another important part of rehabilitation is counseling. Counseling allows the residents to understand their behavior so that they may make better decisions. Programs work with the residents to understand why they are in custody, dealing with anger, teach accountability, and changing behavior, and includes using spiritual and traditional counselors.

The key to success is the transition of residents from our facility to the environment that brought them to the facility. About 95 percent of the residents that come into our facility are gang members. Residents are being exposed to gang culture at a very young age, and have parents who are gang members also.

A particular resident shared his story with me about how he joined the gang when he was nine years old. Both of his parents were gang members. Unfortunately, his parents were in and out of prison and he was mostly raised by his grandmother. As his initiation into the gang, he was given a gun to shoot at rival gang members and then he had to be on the jumping-in process physically beaten by his own gang members to see if he was tough enough to be a member of their gang.

The issue that we face within the juvenile detention facility is working with our residents on the transition that is so important when they leave our facility that they go right back into the same situation.

Thank you.

[The prepared statement of Ms. Dooley follows:]

PREPARED STATEMENT OF NANCY DOOLEY, EDUCATIONAL ADMINISTRATOR,  
DEPARTMENT OF REHABILITATION AND SUPERVISION—JUVENILE DIVISION, GILA  
RIVER INDIAN COMMUNITY

Chairman Dorgan, Vice Chairman Barrasso, and Members of the Committee, my name is Nancy Dooley, and I am the Educational Administrator for the Gila River Department of Rehabilitation & Supervision-Juvenile Division (DRSJD). I have worked for the Community for 10 years. I would like to thank this Committee for giving me the opportunity to speak on behalf of the Department and the Community regarding our shared dedication to the Community's youth.

To start, the Gila River Indian Community (the "Community") has a total of 19,000 members. The Community's jurisdiction extends over approximately 600 square miles and is located in Maricopa and Pinal Counties in Arizona. The Community shares its borders with the City of Phoenix, Chandler, Coolidge, Casa Grande, Maricopa and Queen Creek. With such close proximity to these cities, the Community's challenges are unique and range from encroachment of the Community boundaries due to urban growth to the influence of urban gang culture in the Community. The influence of gang culture has expanded to 20 documented gangs operating within the Reservation and estimated gang membership of over 200 individuals, ranging from ages 11–24 years old. To combat this influence and to address the many other challenges that come along with gangs, the Community has continued to develop its tribal criminal justice system which includes the Community Court, Law Office, Defense Services Office, Police Department, Probation Department, Human Services Department, Tribal Social Services and Detention Facilities.

The DRS manages two detention facilities located within the Reservation. The adult detention facility is 97,000 square feet, employs 97 staff members and can detain 224 inmates. The juvenile detention facility is 35,000 square feet, employs 56 staff members and can house 106 juveniles. In 2008, the DRSJD had a total of 156 youth that were detained, 104 males and 52 females. The adult detention facility was completed in 2001 and the juvenile facility was completed in 2003. The construction cost for both facilities was \$37.8 million, with a federal contribution of \$9.8 million. Originally, the federal funding was intended to design a misdemeanor minimal security detention facility, but the reality for the Community is that we have

violent offenders and require a higher level of security in the facility. The operating budget for both facilities in 2007 was \$9.0 million, including a federal contribution of \$3.1 million.

My testimony today will directly speak to the Community's efforts to combat gangs through youth rehabilitation efforts.

The mission of the DRS is to uniformly and consistently serve the Community's need for security and safety as well as to address the rehabilitation needs of our residents. In order to accomplish our mission, DRSJD believes in providing our youth with the knowledge to make lifelong choices of change. We seek to guide the individual toward fulfilling his/her role within the Community by respecting and complying with its values, laws, and codes of behavior for the greater good of the Community and by acknowledging the strength and sacredness of the family and its cultural values. DRSJD provides numerous opportunities and programs to Community residents by focusing on education and counseling.

### **Education**

Residents are placed into classes depending on their age, grade, class space and academic ability. Each class has a maximum of seven residents to facilitate better learning and to provide a safer environment for the staff. Gang affiliation is not a consideration for placement, as interaction among the residents regardless of gang affiliation is important to foster a community environment that is free of labels. Classrooms, like Residents' living pods, provide a lesson in tolerance and acceptance.

The education curriculum follows the State of Arizona standards and includes reading, math, social studies, science, and language arts. DRSJD offers either a high school diploma or GED testing for residents and, on average, 12 to 15 Residents receive their 8th grade certificate or high school diploma or GED completion each year. As part of our social studies curriculum, we follow the curriculum, "We the People" that is funded by the U.S. Department of Education. Using this curriculum, we have a student council so the Residents can learn the federal, state and tribal government process.

DRSJD recognizes that looking to the future of the residents is important; that is why we include training for job related skills including concrete work, block work, painting, general construction, culinary arts and agriculture. The O'odtham people are culturally agrarian. Thus to continue the tradition, culture farming is offered to the residents on the grounds of the facility. Annual crops include zucchini, squash, and citrus, and this produce is incorporated into the meals and diet of the Residents.

Diabetes is epidemic on the Reservation and the DRSJD provides diabetes prevention education. Physical fitness as an important part of our program, and the residents have one hour of daily exercise that ties in the diabetes prevention with good choices in nutrition. We have an extensive cardiovascular room and equipment. Each resident is placed on a fitness routine for their individual needs such as if they need to lose weight, develop upper body strength or endurance. The facility has exercise equipment and weights as well as a playing field. We also provide lessons in personal hygiene and grooming to residents.

DRSJD's effort to educate Residents is paying off. Former graduates are attending the Scottsdale Culinary School, attending the fire department academy and becoming smoke jumpers, enlisting in the military, and becoming better parents by using the skills they learned in the counseling sessions offered.

### **Counseling**

The Community believes that counseling Residents in an important part of the rehabilitation process. Counseling allows the residents to understand their behavior so that they may make better decisions. DRSJD offers group and individual sessions that are facilitated by counselors. Programs work with the Residents to understand why they are in custody, deal with their anger and other feelings, and teach accountability, positive action and means to changing behavior, and includes the use of spirituality and traditional counselors. DRSJD also provides counseling services for Residents that have been convicted of sex offenses and alcohol abuse. Over the years, we have had both success stories, as well as tragedies. We have those that continue to stay in touch with staff, either to let us know what they are doing and that they are doing well or those that are having problems and calling for advice. One young man that was with us at different times due to his gang activity was accepted into the forest fire fighting program took the extra step to become a Smoke Jumper and was enjoying his new found career, and asked if he could talk to the residents and let them know that they can make it and that they don't have to stay on the path that they are on and that change is possible.

### **Effectiveness**

Through my work over the past 10 years, I have seen a number of residents come into DRSJD for various charges from runaway behavior to homicide. About 95 percent of the residents that come to DRSJD are gang members. When I first started working with the Community, it took me a number of years to fully understand the impact of gangs on the Community and youth. I was shocked and found it difficult to hear that many of the Residents would often say that they did not believe that they would live past 20 years of age, but listening to many of the stories over the years, now I understand why. Residents are being exposed to gang culture at a very young age and often have parents who are gang members too. A particular resident shared his story with me about how he joined a gang when he was 9 years old. Both of his parents were gang members. Unfortunately, his parents were in and out of prison and he was mostly raised by his grandmothers. As his initiation into the gang, he was given a gun to shoot at a rival gang member and was "jumped in," or physically beaten, by 13 other gang members. After, he chose his gang name; he explained that he believed the gang would be the family that he never had.

Since that time, this young man has been involved in multiple shoot outs with rival gang members. He has been stabbed 7 different times and been shot. He has participated in transporting drugs and illegal status individuals from Mexico. His story is similar to many other stories, in that despite all the efforts and programs that are offered, there remain many social problems that lead a young person right back to gang life after being released from DRSJD. However, the philosophy of DRSJD programs is to provide young people with better skills and tools to make lifelong choices of change, so although this young man did not "reform" or leave his gang, being in DRSJD has provided him, in his own words, with "attention from staff, school and an opportunity to reflect on his future." The difficult reality is that most gang members will not leave the gang for fear of retaliation, and sadly because they do not believe they have that option. Attempts to leave the gang are mostly accomplished by moving away from the Reservation or otherwise distancing themselves from the gang lifestyle.

### **Cooperative Efforts**

The Community is working diligently to address the gang activity by not only addressing illegal activity, but also take preventative and intervention steps to address the problem. Preventative measures include the Gila River Police Department forming a specialized group of police officers called the Community Service Unit (CSU) that reaches out to Community members and provides information and presentations about identifying signs of gang affiliation to parents, schools and teachers for early intervention. CSU also administers a graffiti abatement program whereby convicted gang members are required to paint over graffiti in the Reservation. With all the programs offered by DRSJD, there has been a reduction in recidivism. In 2008, of the 156 youth there were detained, only 34 were previously detained more than once in the facility, which is a 21 percent recidivism rate. This is a vast improvement from previous years, such as in 2003 in which the recidivism rate was 78 percent.

Mr. Chairman and other Members of the Committee, we hope this information is helpful, and we stand ready to provide any other information or assistance you may request.

The CHAIRMAN. Ms. Dooley, thank you very much for your testimony, and also for your work. We appreciate your being here.

Ms. DOOLEY. Thank you.

The CHAIRMAN. And finally, we will hear from Matt Haney, the Chief of Police of the Colville Tribes in the State of Washington.

Mr. Haney, thank you for being with us.

### **STATEMENT OF MATT HANEY, CHIEF OF POLICE, COLVILLE TRIBES**

Mr. HANEY. Good afternoon, Chairman Dorgan, Vice Chairman Barrasso, and Committee Members.

My name is Matt Haney and I am the Chief of Police for Colville Confederated Tribes located in North Central Washington.

It has been a new experience for me moving on to a reservation. I spent my first 31 years being a law enforcement professional in

regular cities and counties both in Washington State and Alaska. I had very little appreciation or knowledge of the challenges that were existing on reservations.

For about the last three years, there has been a huge influx of Mexican gang participation and cultivation of marijuana grows on the reservation. That is just once piece of the challenges facing us. Over the last three years, there have been over 45,000 plants harvested by law enforcement on the Colville Reservation, 27,000 this year.

I am not naive enough to believe that we are catching anywhere near the number of marijuana grows in our area. When we cover, 2,275 square miles, many times with only two officers on, it is impossible to believe that we are really effectively policing that large of an area.

Just to give a couple of examples of recent activity, I am not allowed, of course, to talk about a current investigation that is going on on this year's grow of 27,000 plants, but I can tell you that it is directly related to other grows that are occurring on other reservations in Washington State that have been tied to a Mexican cartel operating out of California and also in Washington State.

Again, this is just the grows. The grows that we did discover this year, some of them purposely and some of them by accident, had been in existence for at least three or four years. So we are catching them way after the fact, and I can't tell you how many plants have been harvested and processed. When you really think about the impact, it is not just the impact that it is having on our community, but it is also the impact that is environmental, because they are bringing in all kinds of pesticides and things that have been outlawed in the United States for years that are now being used and spread across the reservation lands.

Additionally, another thing that have been facing on the reservation has been the reports and documented cases where smuggling is occurring from Canada into the United States via the reservation. I believe it was in 2006, a plane was actually reported on the reservation, on the Columbia River, actually known as Lake Roosevelt. It had landed and the officers went up there and were able to disable the plane and recover about, I think it was around \$2 million worth of drugs.

That was one incident. We have numerous cases of planes being reported to us of landing and taking off. Unfortunately, with so few people on the reservation and law enforcement, they frequently, well, almost always, get away before we are able to identify them, and many times they don't have any markings.

I have only been the Chief there for eight months. This year alone we have had two gang shootings, both resulting in gunshot wounds; another drive-by shooting just a couple of weeks ago, a few weeks ago where a tribal member was struck by flying glass from the car window; another fatal shooting where the victim died just last Sunday. Many of these shootings, if not all of these shootings, are gang- and drug-related. So this is not a hypothetical case. This is something that the tribal member are facing every day.

I would like to make a comment, too, about one mechanism that could be used to address some of this drug activity on the reservation, and that is a program that is already in existence called

HIDTA, High Intensity Drug Trafficking Areas. It is actually run through ONDCP and they fund the HIDTA programs across the United States.

Our reservation and many other reservations that are east of the mountains are not declared HIDTA zones. The people who work in the drug task forces are very supportive of our efforts, but we don't receive the direct funding because we are not a HIDTA zone. It would be wonderful if this Committee or others could promote the idea of creating an Indian Country HIDTA Program where tribes in the Northwest and for that matter across the United States could benefit from this program and address real time drug issues on the reservations on a continuing basis.

Thank you very much.

[The prepared statement of Mr. Haney follows:]

PREPARED STATEMENT OF MATT HANEY, CHIEF OF POLICE, CONFEDERATED TRIBES  
OF THE COLVILLE RESERVATION

Good afternoon Chairman Dorgan, Vice Chairman Barrasso, and members of the Committee. My name is Matt Haney and I am the Chief of Police for the Confederated Tribes of the Colville Reservation ("Colville Tribe" or "Tribe"). I appreciate this opportunity to testify today on drug smuggling in Indian country. Specifically, I will discuss the Colville Tribe's challenges in combating drug smuggling and cultivation on the Colville Reservation, provide examples of recent related incidents on the Colville Reservation, and provide recommendations on how the current situation can be improved.

Before I begin, I would like to thank the members of the Committee and the Committee staff for their work in reporting the Tribal Law and Order Act of 2009 for the full Senate's consideration. As we have previously indicated, the Colville Tribe enthusiastically supports this important legislation and is grateful to the Chairman and Vice-Chairman for their willingness to consider and incorporate our suggestions into the version of the bill as reported.

**The Confederated Tribes of the Colville Reservation**

The Colville Indian Reservation encompasses approximately 2,275 square miles and is in north-central Washington State. Although now considered a single Indian tribe, the Confederated Tribes of the Colville Reservation is, as the name states, a confederation of 12 aboriginal tribes and bands from all across eastern Washington. The Colville Tribe has nearly 9,300 enrolled members, making it one of the largest Indian tribes in the Pacific Northwest. About half of the Tribe's members live on or near the Colville Reservation.

**Mexican Drug Trafficking Organizations**

According to a National Drug Intelligence Center Report, Mexican Drug Trafficking Organizations (DTOs) are the most pervasive organizational threat to the United States. They are active in every region of the country and dominate the illicit drug trade in every area except the Northeast. According to the U.S. Department of Justice's National Drug Intelligence Center, DTOs operate in more than 20 cities in Washington State, including the cities of Spokane, Toppenish, and Yakima, and others near Indian reservations. The City of Seattle has reported that DTOs operating in that city have ties to the Tijuana drug cartel.

During the past three years, the Colville Tribal Police Department has identified at least 19 drug cultivation operations on the Colville Reservation and has seized more than 45,000 marijuana plants. The operations were located throughout the Colville Reservation in the Omak, Inchelium, Keller, and Nespelem communities. The plants had a street value of \$1,000.00 per plant and collectively totaled \$45 million. The majority of these operations appear to have ties to Mexican DTOs based on onsite investigations and intelligence. The Colville Tribe will provide the Committee with additional information for the record on these operations and other major drug busts on the Colville Reservation in recent years.

One case of particular interest was an outdoor marijuana operation in the Moses Meadow area of the Colville Reservation and a related growing operation in Sherman Pass, a heavily forested area adjacent to the Colville Reservation. Investigations into these operations were initiated in July 2007 after an Omak Police Officer obtained information from an individual who was aware of the operation and some

of its participants. Surveillance efforts took place throughout July and August 2007. By using cellular telephone records, the Colville Tribal Police Department was able to identify the network of individuals involved and trace the upper level participants to Cutler, California.

When the arrest and eradication operations commenced on August 14, 2007 at the Moses Meadow grow location, two plant tenders were captured at the grow location itself. A search was also conducted at an Omak area home where a Mexican national was arrested. On August 15, 2007, two more plant tenders from the Moses Meadow grow operation were located and arrested. A total of 8,751 marijuana plants were eradicated at the Moses Meadow grow location.

The Moses Meadow growing operation was also connected through surveillance and cellular telephone records to a related operation located near Sherman Pass and, in turn, to the grow bosses in Cutler, California. The eradication of the Sherman Pass grow operation commenced on August 16, 2007 and resulted in the eradication of approximately 3,000 marijuana plants. Cellular telephone records indicated that the plant tenders had vacated the grow site before authorities arrived. The use of cellular telephones in such remote locations is notable because such communications typically require hill top calling locations or antenna boosting systems to facilitate the cellular telephones in otherwise low signal areas.

By the conclusion of these investigations, two of the three suspected grow bosses were taken into custody by federal authorities in Cutler, California. A total of seven individuals were arrested in these operations, all of whom were Mexican nationals, and a total of 10,751 marijuana plants were eradicated that had an estimated street value of more than \$1 million. In addition to the Colville Tribal Police Department, these investigations involved a number of state, local, and federal law enforcement entities and required complex coordination, which demonstrates the challenges Indian tribes face in combating these types of operations on tribal land.<sup>1</sup>

#### **Airborne Drug Smuggling from Canada**

In addition, the Colville Reservation has also experienced a significant amount of cross-border smuggling activity from Canada. Since 2006, numerous sightings of unmarked fixed-winged aircraft have been reported on or near the Colville Reservation. Most significantly, in March 2006, the Colville Tribe's Natural Resources officers and officers from the Colville Tribal Police Department seized an unmarked float plane from Canada that was attempting to smuggle illegal drugs into the United States through the Colville Reservation. After being alerted to the plane, the officers were able to respond and disable the aircraft when it was attempting to take off from the Columbia River near the Grand Coulee Dam. After a long chase, the officers ultimately captured the pilot and handed over to federal law enforcement authorities an estimated \$2 million in illegal drugs that had been deposited by the plane. The U.S. Border Patrol honored the tribal officers who participated in that seizure.

In addition to that widely publicized incident, the Colville Tribe's law enforcement officers have apprehended or participated in the apprehension of several other individuals involved in cross-border smuggling activity. Collectively, these efforts have resulted in the seizure of millions of dollars in cash, marijuana, Ecstasy, cocaine, methamphetamines, and other illegal substances. These airborne smuggling incidents were highlighted in the 110th Congress in the deliberations that ultimately led to the inclusion of language in the Implementing Recommendations of the 9/11 Commission Act of 2007 that allows Indian tribes to access grant funding directly from the Department of Homeland Security.

The Colville Tribe continues to receive regular reports of unidentified aircraft on the Colville Reservation. Although the number of reports of unmarked aircraft has declined since 2006, the Colville Tribal Police Department continues to receive regular reports of plane sightings and remains very concerned about cross-border smuggling activity and other vulnerabilities on the Colville Reservation. In response to the airborne smuggling events that began in 2006, the U.S. Attorney for the Eastern District of Washington was quoted in a northwest newspaper as noting that, "a person that will smuggle guns, drugs, meth, Ecstasy and cash will also be the kind of person who will smuggle a special interest alien or a terrorist."

<sup>1</sup>These law enforcement entities included the North Central Washington Narcotics Task Force; the Omak Police Department; the Colville Tribes' Natural Resources Officers; the Okanogan County Sheriff's Office; the Drug Enforcement Administration (Spokane, WA); the Washington State Patrol Domestic Cannabis Eradication/Suppression Program; the Ferry County Sheriff's Office; the U.S. Forest Service—LEO and Investigations; Immigration and Customs Enforcement (Oroville, WA); U.S. Customs and Border Patrol (Oroville, WA); Washington State Patrol (Investigations and Air Wing); the Washington Army National Guard; the Washington State Civil Air Patrol; and the Federal Bureau of Investigation.

### **Resource and Logistical Challenges to Combating Drug Smuggling and Recommendations**

Smugglers have found the Colville Reservation an attractive thoroughfare for smuggling activity because of its remote location and because of the limited personnel available to patrol such a large area. As the Committee is well aware, federal funding constraints severely limit the on the ground presence of the Tribe's law enforcement officers. For example, today, the Colville Tribal Police Department has two officers scheduled for the day shift from 7:00 a.m. to 5:00 p.m. and three officers scheduled for the night shift from 5:00 p.m. to 3:00 a.m. Another officer works from 7:00 p.m. to 5:00 a.m., which means that this officer will be the only law enforcement officer on duty for the entire Colville Reservation tomorrow morning from 3:00 a.m. to 5:00 a.m. Although many land-based tribes have similar personnel challenges, the Colville Tribe has reason to believe that smugglers, particularly the airborne smugglers, exploit our lack of resources by monitoring our radio frequencies and coordinating their activities around our officers' movements.

Another challenge to combating grow operations on the Colville Reservation is the scarcity of air support. Unless informants voluntarily provide information, the use of aircraft for flyovers is the only practical method of identifying grow operations. Currently, the Tribe has limited access to aircraft through the North Central Washington Narcotics Task Force which, in turn, receives its funding through the U.S. Department of Justice's Edward Byrne Memorial Justice Assistance Grant Program. The Washington State Patrol, on occasion, allows the Tribe use of its air support as well. Allowing the Colville Tribe and similarly situated Indian tribes with a more formal mechanism to access air support would likely increase the effectiveness in eradicating grow operations.

Also, allowing Indian tribes such as the Colville Tribe access to the High Intensity Drug Trafficking Area (HIDTA) program would also be a proactive step to curtailing smuggling and growing activity on Indian lands. As the Committee is aware, while the HIDTA program has been successful for increasing coordination and providing additional resources for state and county agencies, Indian tribes have unique challenges in their ability to access these funds. The Colville Tribe does not and has not received any HIDTA funds from its state and local counterparts. The Colville Tribe has been a participant in and vigorously supports the efforts of similarly situated Indian tribes, specifically the Confederated Tribes of the Warm Springs Reservation, to establish a HIDTA type program for Indian Country in the Pacific Northwest that would allow for direct funding to tribes.

Even with its resources and funding challenges, the Colville Tribe has generally worked well with federal law enforcement agencies. Most significantly, the Tribe has a positive and cooperative relationship with the U.S. Customs and Border Protection. Tribal personnel regularly attend intelligence meetings with Border Patrol officials and the two entities share information on an ongoing basis. The Colville Tribe also shares intelligence and participates in ongoing operations with the U.S. Immigration and Customs Enforcement agency to identify and attempt to curtail smuggling activity. Should the Committee recommend expansion of the HIDTA program to Indian country or other initiatives to address drug smuggling challenges, the Colville Tribe stands ready to educate and coordinate with these and other federal agencies to help make sure the initiatives are implemented smoothly.

This concludes my statement. At this time, I would be happy to answer any questions the Committee may have.

The CHAIRMAN. Chief Haney, thank you very much for being with us.

I was just given a note that there are just seven minutes remaining in this vote, so I think what we will probably have to do is take a recess. I am sorry for the inconvenience to those of you who are here, but there are three votes, so the recess will likely be about 30 minutes. And we will come back and then we will take the testimony of Mr. Arnold Moorin, who is the Director of HIDTA. And again, we very much appreciate his indulgence.

Are you able to stay, Mr. Moorin?

Mr. MOORIN. Yes, sir.

The CHAIRMAN. Where are you? There you are back there. All right.

Thank you for being willing to do that. It will be at least 30 minutes and we will reconvene.

This hearing is in recess.

[Recess.]

The CHAIRMAN. I will call the hearing to order.

Let me apologize to all of you for the inconvenience, but there wasn't much we could do about that. The Senate, we got its third vote.

Mr. Arnold Moorin is the Director of the High Intensity Drug Trafficking Area Program at the White House Office of National Drug Control Policy.

Mr. Moorin, thank you very much and thanks for your indulgence. You may proceed.

**STATEMENT OF ARNOLD MOORIN, DIRECTOR, HIGH INTENSITY DRUG TRAFFICKING AREA PROGRAM, WHITE HOUSE OFFICE OF NATIONAL DRUG CONTROL POLICY**

Mr. MOORIN. Thank you, Chairman Dorgan and Vice Chairman Barrasso and Members of the Committee. Thank you for the opportunity for me to appear here before you today.

As you said, my name is Arnold Moorin. I am the National Director for the National High Intensity Drug Trafficking Area, also known as HIDTA, at the Office of National Drug Control Policy.

I am encouraged that you have convened a hearing to examine drug smuggling and gang activity in Indian Country, as many of ONDCP's policy objectives address these issues. I have also submitted by written comments and ask that the Committee accept my submission.

The CHAIRMAN. Without objection.

Mr. MOORIN. I have been in law enforcement for over 30 years. I began my career right here in Washington, D.C. with the Metropolitan Police Department in June, 1975. There, I was assigned to several of the city's police districts as an officer and a sergeant, and I also served the city-wide Narcotics Division.

In addition to local law enforcement, I also have extensive experience with Federal law enforcement. I began my Federal career with the Drug Enforcement Administration in 1986 in New York City. Following that initial assignment, I was ultimately assigned to a multitude of other components within DEA, most recently the Seattle Field Division. There, I was a Special Agent in charge of the Seattle Field Division, which incorporates the Pacific Northwest area and Alaska.

While assigned to Seattle, I also served as a Vice Chairman of the Northwest HIDTA Executive Board. The Northwest HIDTA represented the third HIDTA entity which I have been involved with during my DEA career.

I was recently detailed by DEA to ONDCP in September, 2009 to serve as the National HIDTA Director under the Office of State, Local and Tribal Affairs. I am responsible for the 28 HIDTA entities throughout the Nation for which ONDCP provides funding and oversight.

The HIDTA Program is integral in advancing ONDCP missions. The program seeks to disrupt the market for illegal drugs in the United States by assisting Federal, State, local and tribal law en-

forcement entities participating in HIDTA Program, and to dismantle the drug trafficking organizations, with particular emphasis on drug trafficking regions that have harmful effects on other parts of the United States.

The model for the HIDTA Program use is based on a multi-agency task force that requires participation at all level of law enforcement as needed. During my time at the Pacific Northwest, I worked extensively with HIDTA initiatives on Native American law enforcement issues, primarily marijuana eradication.

One illustration of HIDTA participation with Native American law enforcement with which I am personally familiar with is the Yakima Nation, located in Yakima County, Washington. The Yakima Nation has experienced problems with drug trafficking organizations growing marijuana within the reservation. As I mention in my written testimony, a HIDTA initiative there was established with the Yakima Nation to address this serious threat to their culture and tribal lands.

I want to let you know that Director Kerlikowske and the ONDCP are taking proactive steps to enhance initiatives designed to address drug problems in Native American communities. In the past few months, ONDCP has engaged with several national Indian organizations to solicit their input regarding development of a national drug control strategy which is scheduled to be released in early 2010.

In closing, I look forward to working with the Congress, my counterparts with the Executive Branch, as well as State and local law enforcement to tackle the unique challenges of law enforcement, prevention and treatment in Indian Country.

Thank you, and I am happy to answer any questions that you may have.

[The prepared statement of Mr. Moorin follows:]

PREPARED STATEMENT OF ARNOLD MOORIN, DIRECTOR, HIGH INTENSITY DRUG  
TRAFFICKING AREA PROGRAM, WHITE HOUSE OFFICE OF NATIONAL DRUG CONTROL  
POLICY

Chairman Dorgan, Vice Chairman Barrasso, and Members of the Committee, thank you for the opportunity to testify today. My name is Arnold Moorin and I am the National Director of the High Intensity Drug Trafficking Area (HIDTA) Program with the Office of National Drug Control Policy (ONDCP).

As the Committee is aware, there are a host of challenges unique to Indian country. Many of these characteristics make Indian country and Native people susceptible to the impact of the drug threat. For example, many Indian tribes are at risk from illegal drug trafficking, production, and consumption because these tribes are located in geographically remote areas and suffer from lack of economic development. The high poverty and unemployment rates, combined with limited access to health care, educational opportunities, and social services make Native communities disproportionately vulnerable. In addition, some tribal lands share international borders with Mexico or Canada creating jurisdictional challenges for enforcing our nation's drug laws.

Illegal drug consumption and other substance abuse problems are especially severe among Native peoples. According to the 2008 National Survey on Drug Use and Health (NSDUH), American Indians and Alaska Natives have higher past-year prevalence rates of drug abuse than any other demographic group within the U.S. Native peoples not only suffer from the ravages of substance abuse, but because of it they have become a population that is disproportionately victimized.

Besides the problems of drug consumption, there are three dimensions specific to Indian country that make the drug threat there even more severe and urgent.

The first is drug smuggling across international borders. According to the National Drug Intelligence Center (NDIC), Mexican drug trafficking organizations routinely exploit the vast stretches of remote, sparsely populated desert of the Tohono O'odham Reservation in Arizona to smuggle metric-ton quantities of marijuana and lesser quantities of cocaine, heroin, and methamphetamine from Mexico to drug markets throughout the United States. On the northern border, various Canada-based drug trafficking organizations and Native American traffickers exploit the St. Regis Mohawk Reservation in New York to smuggle metric-ton quantities of high-potency marijuana and multithousand-tablet quantities of 3,4-

Methylenedioxyamphetamines (ecstasy) into the United States. The movement of illicit drugs across Indian Country puts Native peoples at increased risk due to the violence, corruption, and ruthlessness inherent in the illicit drug trade. Moreover, as we are increasingly recognizing, drug smuggling operations also become conduits for the movement of weapons, illicit cash, and contraband.

The second dimension is the exploitation of Indian country for illegal drug production or cultivation. For instance, drug traffickers have invaded forested land on Indian Reservations to cultivate vast tracts of marijuana. These highly lucrative “grow operations” are often protected by dangerous armed groups. The environmental impact of such operations produces serious degradation of natural resources. Further, rural areas in some parts of Indian country are often used for methamphetamine production. Consumption and production of methamphetamine is destroying many Native lives and damaging tribal lands.

Third, Native communities are faced with an increase of youth gangs engaged in the drug trade. Not only are international and domestic urban street gangs distributing drugs on some reservations, but Native communities are increasingly at risk from their own neighborhood gangs.

Taken together, these factors make Indian country a threatened territory, highly susceptible to exploitation, and increasingly damaged from the drug-trafficking business.

ONDCP is responding to these unique threats, but more can and should be done. First, some good news. With the input from numerous tribal leaders in order to understand the needs of Native American communities, the ONDCP is developing a National Drug Control Strategy.

Using discretionary funds within the High Intensity Drug Trafficking Area (HIDTA) Program, ONDCP has awarded \$1.7 million, since FY 2006, for Native American Projects within HIDTA designated regions. These funds have been awarded in the States of Arizona, New Mexico, Oregon, Texas, Oklahoma, and Washington. In all cases the HIDTA Task Force Model of multi-agency participation was a prerequisite for funding consideration. The Northwest HIDTA received awards in each of the last four years totaling \$640,000. The Yakama Nation Initiative which operates in Washington State focuses on identifying and targeting drug trafficking organizations responsible for cultivating marijuana on tribal lands. The Task Force consists of Federal, state, local and Tribal law enforcement officers working jointly on investigations and seizures of illegal drugs. In 2008 this task force was responsible for the arrest of 152 individuals, generating 131 cases; and seizure of 44 tons of marijuana. Tribal police from Arizona and New Mexico participate in our task forces associated with the Southwest Border HIDTA.

We believe the HIDTA Task Force model has been successful on tribal lands located within HIDTA-designated counties. The success of this model is due to the early participation of tribal leadership and/or law enforcement.

We coordinated with the National Drug Intelligence Center (NDIC) of the U.S. Department of Justice in the production of two recent assessments of the drug threat to Indian country. The first of these assessments provides a detailed regional breakdown of tribal lands and specific regional drug problems. The second assessment provides a detailed discussion of cross-border drug trafficking on the Tohono O'odham and St. Regis Mohawk Reservations. NDIC also plans to produce additional focused assessments on drugs and drug-related problems in Indian country.

ONDCP's National Youth Anti-Drug Media Campaign directs messages specifically to Native American and Alaska Native communities. In 2008, ONDCP's Media Campaign implemented the first-ever national anti-methamphetamine campaign in Indian country and in Alaska. These print and radio advertisements were developed with the input of multiple American Indian and Alaska Native communities across several states. This year, the Media Campaign developed two new anti-meth televisions public service announcements (PSAs) as part of its continued commitment to the Native American Anti-Meth Campaign. These PSAs are available for customization and use in Indian country and are accessible at [www.methresources.gov](http://www.methresources.gov).

In addition, ONDCP worked in collaboration with the Department of Health and Human Services (HHS) to develop treatment efforts to address the needs of highly vulnerable populations to bring treatment resources to American Indians and Alaska Natives. From FY 2006-2009, HHS also has made awards totaling \$4.0 million to develop tribal models for addressing drug abuse through the Indian Country Methamphetamine Initiative (ICMI). The ICMI is based on a community-oriented approach which focuses on building partnerships, improving cross-coordination between public health and public safety, and improving awareness through ONDCP's national media campaign and local efforts.

A fundamental problem compounding the drug threat in Indian country is the geographically remote location of reservations. Tribal law enforcement agencies are often under-staffed compared to their counterparts in non-Indian communities, due in large part to difficulties in recruiting candidates to work in remote locations. Likewise, there is a strain on correctional resources in Indian country, particularly for juvenile offenders, and on treatment and prevention programs for Native youth. Jurisdictional gaps also make effective criminal justice responses to drug crimes on reservations (production, cultivation, use, trafficking, transiting) a challenge. The lack of coordination among Federal, Tribal, and state law enforcement exacerbates the problems with jurisdiction and with it the drug threat to Indian country.

The complexities and challenges unique to the criminal justice system on Tribal land are precisely the features that have drawn the interest of international drug-trafficking organizations. Unfortunately, ONDCP believes that these aspects have become vulnerabilities and they are being exploited.

ONDCP participates, through various programs, in multi-jurisdictional collaboration involving several Federal partners. A good example is the FBI's Safe Trails Task Force, which unites the

FBI (the principal law enforcement agency for major crimes on Indian Reservations) with the DEA, the BIA, the ATF, state and local law enforcement agencies, and with tribal police departments to combat drug trafficking and violent crime in Indian country.

Finally, ONDCP commends the Committee's effort to address public safety needs in Indian Country. President Barack Obama announced at the White House Tribal Nations Conference on November 5, 2009, that he strongly supports S. 797, the Tribal Law and Order Act legislation. ONDCP looks forward to working with the Committee and other federal agencies that have a critical role to play in addressing these challenging law enforcement issues.

The CHAIRMAN. Mr. Moorin, thank you very much.

I do have a number of questions for you. With your permission, I would like to ask Chief Haney to come up and sit at the table as well. Is Nancy Dooley here? Would you please come up as well? And Mr. Posey, if you will just bring a chair up.

Mr. Moorin, let me ask a couple of questions about the issues. First of all, I previously chaired a Subcommittee on Appropriations where we funded ONDCP and also the HIDTA programs, and I am well familiar with them and think that they are very important investments.

As I look at this, though, the tribes having been awarded \$1.7 million between 2006 and 2009, I think that we have appropriated about \$1 billion during that period. That is like one-tenth of one percent. So it appears to me that what we have is a HIDTA Program that, for the most part, goes to the States, and then they distribute. It appears to me that very little is actually ending up with Indian reservations or Indian law enforcement. Would that be a fair statement?

Mr. MOORIN. I think it is fair, if you just determined that that \$1.7 million is the only help that arrives from the HIDTA Program to the Indian Nations. But I think it is important to realize that, as Chief Haney had mentioned earlier, we do support non-HIDTA entities, especially when investigations start in a HIDTA entity and lead to the different entities. In this case, one from Yakima Reservation led to the Colville Reservation in which we eradicated I believe it was close to 27,000 plants. That was a fairly recent investigation that was tracked from one investigation to the other, Colville not being a HIDTA entity, Yakima being a HIDTA entity.

The CHAIRMAN. But the direct investment that goes to law enforcement organizations is what I am talking about. But I understand the point that you are making. I think it is an important point.

Chief Haney made the point that there should perhaps be some sort of Indian HIDTA. As I reflect on that, it just seems to me that with \$1 billion out there in HIDTA and only one-tenth of one percent moving directly to support Indian law enforcement, who are the ones that are 24/7 on the reservations, it seems to me that we are not connected somehow to getting HIDTA funds into those areas where we now clearly understand there are some significant Mexican drug gangs and Mexican drug trafficking and other things going on.

Mr. MOORIN. And I think that is a conversation we definitely need to have, along with our tribal counterparts, our Federal counterparts, and with your Committee and yourself as well, sir.

The CHAIRMAN. Do you recall what the budget recommendation was last year for the HIDTA Program generally? I don't have it in front of me.

Mr. MOORIN. Ball park, I would say it is about \$230 million.

The CHAIRMAN. Okay. And do you know what the Administration's recommendations are going to be? Do you think that will be increased some or stable funding?

Mr. MOORIN. I do not know if it would be or not, but I know it was an amount that was congruent to us serving the mission of HIDTA.

The CHAIRMAN. You talked about multi-jurisdictional task forces. Are there any task forces that are multi-jurisdictional that you are a part of that would include law enforcement from reservations routinely, other than just temporary task forces? Or would there be benefit in creating more permanent task forces or something other than temporary task forces that are multi-jurisdictional in order to be addressing the drug issues that we have had testimony about?

Mr. MOORIN. Well, the two specifically in the Pacific Northwest that I can mention is the Yakima Reservation, who do provide an officer from the tribal police, as well as the Umatilla Reservation by Salem, Oregon as well. And that particular task force is a Safe Trails task force. It involves the FBI, which is not only a drug crime task force, but an all crimes task force.

The CHAIRMAN. In the Colville matter that has been discussed, the Northwest tribes, the Colville Police, in that circumstance where you had a task force or you had a lot of cooperation among various agencies, was the Bureau of Indian Affairs present?

Mr. MOORIN. In the Colville matter?

The CHAIRMAN. Yes.

Mr. MOORIN. I am not clear if that happened or not. I would not know that.

The CHAIRMAN. Chief?

Mr. HANEY. I can address that. And just to clarify, the actual grows that were assisted by another drug task force was actually only 3,000 of the 27,000 plants. The first 24,000 were actually addressed and harvested using some of the local agencies that assisted us, both State and Federal. Then there was a connection made between the last 3,000 plants and another operation within the Yakima Nation. BIA was not a part of either one of those investigations.

The CHAIRMAN. Why would that be the case?

Mr. HANEY. I am not aware of them having anyone up there to address it. I did have a conversation that apparently there was a BIA drug investigator that is in the general area, but he did not participate in this.

The CHAIRMAN. I am trying to understand the role of the BIA here, because the BIA represents a big old bureaucracy here in Washington, D.C. that spreads its tentacles out through regional organizations, and I have had, you know, a number of hearings now on law enforcement and trying to understand what the BIA's role is and how effective it is.

As I hear about multi-jurisdictional groups coming together on Indian reservations to deal with these issues, what role the BIA is playing.

Anybody—well, I think you've answered it, Chief Haney. I will ask elsewhere with respect to the BIA role.

Mr. Moorin, if you will indulge me, I want to ask a couple of questions to the previous panel members as well because I disadvantaged them by having to go over and vote.

Mr. Posey, Chairman Posey, the Wind River Reservation, how many enrolled members there?

Mr. POSEY. There are 9,000 Northern Arapahos and 4,000 Eastern Shoshone, around 13,000. Not all live on the reservation. The reservation itself is probably around 10,000 to 11,000 population.

The CHAIRMAN. What is the geography of your reservation? How large?

Mr. POSEY. It is 2.2 million acres.

The CHAIRMAN. And tell me again the drug activity that your Tribal Council sees on the reservation. What is your sense of it?

Mr. POSEY. Yes, Mr. Chairman. Back in 2005, there was a major drug bust on the Wind River Reservation and our reservation was targeted by Mexican drug organizations. And the cooperation between the Bureau of Indian Affairs, the FBI, the DCI and other law enforcement agencies actually cracked down. But during that time, we still have a major problem with actual law enforcement officers on the ground. Our concern is we would hate to see history repeat itself.

The CHAIRMAN. How many law enforcement officers do you have?

Mr. POSEY. As of right now, we have six on the ground. We have a few more that are going to the Academy. We actually had to lift the Indian preference to allow other people to apply for those officer jobs.

The CHAIRMAN. You have six law enforcement officers for 24/7, right?

Mr. POSEY. Yes, and they are working 12-hour shifts. I think they are experiencing high burnout rates. They are experiencing post-traumatic stress syndrome from a lot of the violent crimes and vehicle accidents and stuff related to substance abuse and drugs. It is a crisis for us right now.

The CHAIRMAN. Tell me again, the geography, what is the size of the reservation?

Mr. POSEY. It is 2.2 million acres, 3,500 square miles.

The CHAIRMAN. And you have six law enforcement officers?

Mr. POSEY. Yes.

The CHAIRMAN. With 13,000 people.

Mr. POSEY. Yes, Mr. Chairman.

The CHAIRMAN. It doesn't sound to me like that works very well, does it?

Mr. POSEY. You know, it doesn't. I like to have my testimony included into the record here.

The CHAIRMAN. All of the testimony will be a part of the record.

Mr. POSEY. Okay. Later on in my testimony, what I didn't cover was the need for more law enforcement officers. We finally, as a Shoshone Tribe, went to our Billings Area Office, which is a stove-pipe operation and doesn't have no local control. We have no local control over our law enforcement agency. They are through the BIA. It is run out of regional offices.

I think they do the best we can, but we finally decided as of July of this year that we wanted to create our own model that will be tribally driven and have the BIA not drive the bus. We will drive the bus and have them be passengers in this process.

The CHAIRMAN. Now, you would share the Tribal Council on the reservation, right?

Mr. POSEY. Yes.

The CHAIRMAN. And give me your impression of what is the trajectory of drug use and gang membership? Is it up, level or down on your reservation?

Mr. POSEY. I would say it is probably leveled off since the big bust. Methamphetamine continues to be an issue on the Wind River Reservation.

The CHAIRMAN. Where is the methamphetamine coming from?

Mr. POSEY. Mr. Chairman, I wish I knew. I think it is still being infiltrated by other organizations and probably Denver and Salt Lake.

The CHAIRMAN. Do you think it is brought in?

Mr. POSEY. Oh, it has to be.

The CHAIRMAN. Is it not being cooked on the reservation?

Mr. POSEY. Yes, over the past, there have been very few labs that have been identified on the reservation, so most of the product is brought in.

The CHAIRMAN. How about juvenile detention, young gang members that are arrested, do you have a place for them?

Mr. POSEY. We do not have a juvenile detention facility.

The CHAIRMAN. What happens to a 15 year old gang member that is engaged in a violent crime and he is arrested by one of your six law enforcement officers?

Mr. POSEY. As of right now, we have agreement with the Fremont County Detention facility, which charges us \$100 a day to house those juveniles right now. We do have a planning grant to look at the prospect of building a juvenile detention facility, but the nearest one we have is Fremont County in Lander which will hold them as long as we pay them.

The CHAIRMAN. Do you occasionally put a teenager in a regular detention facility as a holding matter for a few days?

Mr. POSEY. You know, we work with Cathedral Home, there is the Boys' School in Wyoming. But for the most part, the deterrent for young people in trouble is still a big issue for us, Mr. Chairman.

The CHAIRMAN. Ms. Dooley, you heard the testimony of the two young boys who did not want to testify on camera because they were worried about retribution. You come from the Gila River Reservation.

Ms. DOOLEY. Yes.

The CHAIRMAN. What is the population of that reservation?

Ms. DOOLEY. It is 19,000 community members.

The CHAIRMAN. And you are on the outskirts of a large city, right?

Ms. DOOLEY. Right.

The CHAIRMAN. What is your sense of gang membership and drug use? Is it level? Is it increasing?

Ms. DOOLEY. I don't have those statistics, but when I listen to the young men and women that come into our facility, there is a lot of drug trafficking that is taking place across the reservation, more so than anybody in my position realizes. And I know at times I have spoken with the Police Department and the Police Chief within our community, and I was absolutely amazed at how much does take place.

The CHAIRMAN. And if a young 14-year-old walks into your office on the Gila River Reservation next week, and it is a young 14-year-old that is a gang member, addicted to drugs in a very significant way and admits to the addiction, where would that young person get help for the addiction?

Ms. DOOLEY. When they come into our facility, the first thing that we do is it is so noted that that addiction is there. And working with other tribal agencies, we seek rehabilitation for them at placement centers that deal with whatever the drug addiction is.

The CHAIRMAN. Are placement centers easy enough to find? Are there plenty of spaces in placement centers?

Ms. DOOLEY. No. They are filling up very quickly and it takes time. A lot of times, we have different individuals that have to wait too long within our facility to be able to place in a rehabilitation center. There aren't enough centers out there.

The CHAIRMAN. Treatment is a very serious issue, not just with Indian youth, but generally speaking for drug addiction. There are just far too few treatment centers.

Chief Haney, the Colville Tribes, what is the population there?

Mr. HANEY. We have about 9,300 enrolled members.

The CHAIRMAN. And what is the size of the reservation that you patrol?

Mr. HANEY. It is 2,275 square miles, about 1.4 million acres.

The CHAIRMAN. And how many are on your force?

Mr. HANEY. We actually have 21 officers. So for instance, right now there are two officers on duty to cover that entire area. Then at five o'clock, there will be three officers on duty, total.

The CHAIRMAN. Are these BIA officers?

Mr. HANEY. No, we have our own tribal force. We are a 638.

The CHAIRMAN. Okay. So you are hiring your own folks, then.

Mr. HANEY. Yes, sir.

The CHAIRMAN. And do you have your own training standards? Do you get them trained in Artesia? Or where do you get them trained?

Mr. HANEY. We send our officers, we were sending them to Artesia, but they are quite a ways behind in their academy, so my last three officers I have sent to the State Police Academy, the academy that is run in Washington State. And then we pay for their tuition because that is the way the State is set up.

The CHAIRMAN. And what kind of increase in violent crime is occurring on the reservation as a result of drugs and gangs? Can you give us some anecdotal description of that?

Mr. HANEY. Yes. It has unfortunately been skyrocketing. I, as I had stated earlier, I did not appreciate or understand the level of violence and gang activity until I came onto the reservation eight months ago. It is hard to really understand the impact of this violence until you start to work it, as I have and my officers have, because these are, like the two gang shootings were between a Mexican gang and a tribal gang, the first two gang shootings that occurred after I arrived there this summer, or this last spring, I guess.

And the violence has not lessened any. In fact, if anything, it is escalating. And not all of it involves drugs. Sometimes it is just between gangs. Sometimes it has been between drugs. And then the last drive-by shooting unfortunately, as I said earlier, a tribal member was struck with flying glass from the car window. She was driving and that, again, was done by a tribal member that was high at the time, and just shooting randomly at passing cars. That was only two miles from my office.

The CHAIRMAN. Mr. Moorin, the HIDTA Program has been a program in which both the Congress and the Administration have weighed in to decide how much goes where. Right?

Mr. MOORIN. Correct.

The CHAIRMAN. Okay. And so I am going to come back to this question of, it seems to me the HIDTA funds, the very title, High Intensity Drug Traffic Areas, I don't know that we have enough data completely to understand this, but from what data we do have, we believe that there are Mexican drug cartels and others who are going to reservations and finding ways to addict young people on reservations, and then use that as an opportunity to create people to move drugs elsewhere into that region.

If that is the case, and I think we need more empirical data about that, but it seems to me there is a lot of evidence that is the case, then is there a way for us to reflect that high-intensity drug trafficking going on targeting Indian reservations with respect to how HIDTA money is spent?

Mr. MOORIN. Well, I think you hit on an important point right there. Empirically, we will have to look at that. We will have to get the stats and analyze the data and understand what we are talking about so we can put the resources in the right place.

And if I may, sir, as a back story, HIDTA started out with five gateway HIDTAs, as you well know. And those were Miami, Houston, New York, L.A., along the border specifically, and it has grown since then to 25. And I believe that the extension of the tribal areas is an extension of the whole problem nationwide. So looking at it as a whole, rather than collective individuals, the problem will manifest itself. If it keeps getting worse in the rest of the Nation, it will certainly keep getting worse in the tribal areas.

The CHAIRMAN. Yes. If the tribal areas, though, are a launching point just because if you go into Mr. Posey's area, if you are a drug trafficking organization and want some capability to do things that aren't going to be discovered particularly easily, go to an area where you have that much geography to patrol with six people, 24 hours a day, seven days a week. It means that there are periods when there is virtually no law enforcement out there.

And so I think what we probably should do is ask ONDCP and you, representing the HIDTA organization, if you could work with us to try to develop a base of information about what is happening with the drug cartels targeting Indian reservations. What kind of empirical data can be developed as opposed to just anecdotal information? What kind of empirical data can we put together that evaluates if this is happening? And if it is happening, shouldn't we then shine lights, you know, the notion of putting all the spotlights on the same spot if you have specific areas of high intensity drug traffic?

I understand that is why this started out with five sites, and those five sites were selected because they were high intensity. It is also the case that many Members of Congress very much wanted to add HIDTA to their areas or their regions because of meth production, which became kind of a cottage industry in a lot of the Country, and so these HIDTA areas have proliferated.

It seems to me that dealing with this question of drug use on Indian reservations, and always then related gang activities and so

on, it seems to me that that has been left behind a bit, just in terms of where the money has gone.

I understand that is not your fault. That is my observation about the way Congress has meted out this issue of what shall be a HIDTA and how shall the money be distributed. I am just asking the question rhetorically if maybe this shouldn't be changed and evaluated or reevaluated. But I would not do that right at this moment without some study and some empirical evidence, which I think will exist. I just don't think we have gathered it.

Mr. MOORIN. In fairness, we are working with NDIC, National Drug Information Center, to do an Indian threat assessment as we speak. We are also involved with DOJ for other issues dealing with tribal lands. So we are heading in that direction and I agree with you more analysis has to be done.

The CHAIRMAN. All right. Would you keep in touch with us about the studies that you are doing so that John Harte on our staff is working on the law enforcement issues with us, and we are going to have additional hearings and meetings with the BIA law enforcement folks. We are just trying to move down the road here to talk about how to improve law enforcement on Indian reservations, to try to evaluate what role does illegal drug use on reservations have and drug trafficking; what is the tragedy and the threat from gang activities.

We are just trying to get our arms around the problem. It is hard to solve a problem unless you understand the dimensions of it.

And so let me thank all of you for being here and testifying.

Chief Haney, I know you have come a long way. Thank you for your law enforcement work.

Ms. Dooley, you likewise have traveled some distance.

And Mr. Posey, we appreciate it.

And Mr. Moorin, thank you for your perspective on these issues.

We will keep the record open for two weeks. If there are those who wish to submit additional testimony, including those who have not testified, but wish to submit formal testimony for the record, they may do that in the following two weeks.

We thank you very much for your attention.

This hearing is adjourned.

[Whereupon, at 3:53 p.m., the Committee was adjourned.]

## A P P E N D I X

PREPARED STATEMENT OF THOMAS HARRIGAN, CHIEF OF OPERATIONS, DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

### **Drug Trafficking in Indian Country**

Public safety and law enforcement in tribal communities is a top priority for the Department of Justice. Earlier this year, the Attorney General began a Department-wide initiative to address public safety challenges facing Native American communities. As part of that effort, Department leadership met with tribal leaders over the last several months, including at a listening session convened by the Attorney General in Minnesota, and at the Department's annual Violence Against Women Act of 2005 (VAWA) consultation with tribes. All federally-recognized tribes were invited to the Attorney General's listening session and to the VAWA consultation. Combating unlawful drug trafficking is an important part of the Department's commitment to ensuring safety on our reservations and in the surrounding communities.

### **Nature of the Problem**

In the United States, there are over 560 federally recognized tribes, residing on nearly 300 reservations located in over 30 states. Sixty-one reservations are within 50 miles of either the U.S.-Canada border or the U.S.-Mexico border.

Drug offenses on reservation lands make up a considerable portion of the federal prosecutor's caseload. However, as has been true for many years, alcohol continues to be the number one "drug" that is a factor in the majority of Indian Country crimes. Accordingly, while this testimony focuses on the trafficking of controlled substances, the Justice Department believes that a serious and comprehensive effort to reduce alcohol related issues in Indian Country would go a long way to reducing violent crime on reservations.

Controlled substances used in or trafficked onto a reservation may vary by geographic region. For example, in some areas the biggest problem might be marijuana while other tribes might experience more instances of methamphetamine or cocaine trafficking. Moreover, prescription drug abuse has long been a problem for the people of Indian Country.

Native American and Mexican traffickers control most of the retail level drug distribution on reservations. The proximity of some reservations to the border facilitates drug trafficking. Recent drug threat intelligence reports have focused on two cross-border reservations: the Tohono O'odham Indian Reservation and the St. Regis Mohawk Reservation. There are, however, significant differences among reservations with regard to the incidence of trafficking in controlled substances. We therefore do not wish to generalize about drug trafficking on tribal lands.

The Tohono O'odham Indian Reservation (TON) in Arizona is the second largest reservation in the United States, sharing approximately 70 miles of border with Mexico. This vast reservation provides ample opportunity for border crossing. The Tohono O'odham Indian Reservation is believed to be used as a primary corridor for the movement of illegal drugs by Mexican drug trafficking organizations.

The St. Regis Mohawk Reservation, commonly referred to as the Akwesasne, straddles the United States-Canada border in northern New York. The Akwesasne encompasses more than 14,000 acres in the United States and 11,000 acres in Canada. The shared international border and geography of the Akwesasne make it conducive to cross-border drug trafficking activity. It is estimated that as much as 13 metric tons of high-potency marijuana is smuggled into the U.S. through the St. Regis Mohawk Reservation every week. High-potency Canadian marijuana and MDMA (ecstasy) smuggled through the reservation are transported to and distributed in major drug markets throughout the nation.

### **Federal Law Enforcement Efforts**

The investigation and prosecution of crime in Indian Country is a top priority for the Department of Justice. The Justice Department partners with federal, state, local, and tribal law enforcement agencies to address issues of drug trafficking in

Indian Country. This collaboration is critical to effectively addressing drug trafficking on reservations.

The Justice Department often relies on a task force approach to engage federal, state and tribal law enforcement. For example, the Federal Bureau of Investigation (FBI) directs, manages, and funds Safe Trails Task Forces (STTFs) composed of federal, state, and tribal law enforcement partners that collectively employ their resources in addressing regional violent crime problems. STTFs have successfully increased the effectiveness of Indian Country investigations and have enhanced liaison efforts between the FBI and its Indian Country law enforcement partners. STTF participants include the FBI, other DOJ law enforcement agencies, the Department of the Interior's Bureau of Indian Affairs, tribal police departments, and state and local law enforcement agencies. Over the last several years the STTF has resulted in a number of arrests and convictions, such as the convictions of nearly 20 defendants involved in trafficking marijuana and cocaine in Pine Ridge, South Dakota.

In addition, the Drug Enforcement Administration (DEA) has, in recent years, made significant headway with the Native American law enforcement community to address smuggling, distribution and abuse problems. DEA's strategy includes the increased use of Title III intercepts as an investigative tool in dealing with the unique problems associated with addressing drug trafficking on tribal lands as well as providing more training to tribal law enforcement agencies in an effort to increase both professionalism and investigative effectiveness. Tribal law enforcement agencies cooperate with their federal partners and some provide tips and information ultimately leading to federal cases.

In addition to participating in the FBI's Safe Trails Task Forces, DEA conducted its own Operation Tomahawk in November 2006 to target drug traffickers who target Native American lands for drug distribution purposes. Collectively, Operation Tomahawk resulted in a total of 213 defendants being charged and approximately 29.8 pounds of methamphetamine, 10.2 tons of marijuana, 106.686 kilograms of cocaine, and \$14,764,193 in U.S. currency seized. Additionally, 102 vehicles and 61 weapons were seized or recovered.

Operation Tumbleweed, which falls under the umbrella of the DEA Special Operations Division's (SOD) Operation Tomahawk, targeted a Drug Trafficking Organization operating in the proximity of the Tohono O'odham Indian Reservation (TOR). In December 2008, as a result of Operation Tumbleweed, DEA in concert with many state, local, and federal agencies, dismantled a bi-national drug syndicate. It is believed that this drug syndicate smuggled up to 400,000 pounds of marijuana annually from Mexico into the United States since 2003.

As a result of Operation Tumbleweed, 59 individuals were indicted, 39 arrested on felony drug trafficking charges, including transportation and possession of marijuana for sale, illegally conducting an enterprise, money laundering, conspiracy, and misconduct involving weapons. This operation also led to the seizure of 25,600 pounds of marijuana, 1 kilogram of cocaine and 11 pounds of methamphetamine (both already documented under Operation Tomahawk), \$760,472 in U.S. currency, 28 vehicles, 25 firearms, and the recovery of 14 stolen vehicles.

The Organized Crime Drug Enforcement Task Forces (OCDETF) Program also contributes to major investigations and prosecutions involving tribal communities. In SOD Operation Tomahawk, there were approximately 18 OCDETF investigations. Additionally, DEA Operation Tumbleweed included OCDETF Operation El Caballo. OCDETF, a proven and effective mechanism to attack drug cartels, uses federal prosecutor-led task forces that bring together federal, state, local, and on a "case specific basis", the inclusion of tribal law enforcement agencies to identify, disrupt, and dismantle the cartels through the investigation, prosecution, and extradition of their key leaders and facilitators, and seizure and forfeiture of their assets.

United States Attorneys' Offices have long been prosecuting significant drug cases arising in Indian Country. Examples of recent successful multi-agency drug investigations resulting in successful prosecutions in Indian Country include:

*United States v. Miguel Angel Chavez (District of North Dakota)*

On November 10, 2009, Miguel Angel Chavez, 33, was sentenced in the District of North Dakota to life in prison following convictions for drug distribution related offenses, conspiracy to commit identity theft, and continuing criminal enterprise (organized, supervised, or managed five or more individuals). According to evidence produced at trial, from 2003 to 2007 the Chavez organization imported over 150 pounds of methamphetamine into North Dakota and the Turtle Mountain Reservation from Mexico and Eastern Washington. The financial investigation conducted in OCDETF Operation Paint by Numbers revealed that Chavez stole the identities of individuals to facilitate his drug trafficking and money laundering scheme. The organization used bank accounts and money wires to conceal the hundreds of thou-

sands of dollars in illegal proceeds generated by the organization. It is estimated that this organization generated at least \$1,500,000 in gross profits. Twenty-three co-defendants were also indicted as part of the Chavez conspiracy. The majority of these defendants have been sentenced or are awaiting sentencing.

This case represents a sterling example of federal law enforcement working collaboratively: the case was investigated by the DEA, BIA, FBI, IRS—Criminal Division, and the Department of Homeland Security. The Chavez organization is the largest conspiracy case the District of North Dakota has prosecuted on the Turtle Mountain Indian Reservation. This reservation is a small, economically depressed area. Undoubtedly, the enormous amount of methamphetamine injected directly into this community was devastating.

*United States v. Diana Martin, Margrette Cobb, and Andrew Sonnenberg (Western District of Wisconsin)*

On October 13, 2009, three more defendants in a long-term St. Croix tribal drug investigation were sentenced in federal court. Defendant Martin received a sentence of 9 years imprisonment, defendant Cobb 13 years and 4 months, and defendant Andrew Sonnenberg 17.5 years in prison. To date, eleven defendants have been sentenced as a result of an investigation into drug dealing on St. Croix tribal lands. All defendants were engaged in a conspiracy to obtain and distribute crack cocaine on the reservation from at least January 2001 through September 2008. Each member of the conspiracy, at various times, traveled with an earlier sentenced defendant, Jean Sonnenberg (received sentence of 19 years and 7 months), to obtain crack cocaine in the Minneapolis-St. Paul area. The drugs were then sold to customers on tribal lands in northwestern Wisconsin. During the first several months of 2008, an individual working with law enforcement officers purchased crack cocaine from members of the conspiracy on several occasions.

The sentencings of Martin, Cobb, and Andrew Sonnenberg represent one more chapter in a long-term investigation conducted by the Wisconsin Department of Justice, Division of Criminal Investigation; the FBI; St. Croix Tribal Police Department; Rice Lake Police Department; Barron County Sheriff's Department; Burnett County Sheriff's Department; Polk County Sheriff's Department; Native American Drug and Gang Initiative; and Wisconsin State Patrol. The investigation is continuing and additional indictments and arrests are expected.

In addition to investigating and prosecuting drug or gang related violent crime in Indian Country, the Justice Department is invested in programs that foster training and capacity-building for tribal law enforcement. For example, DEA has for many years offered Clandestine Laboratory Investigation training to all state, local, and tribal police officers (including both BIA and Tribal Police). Several DEA Field Divisions provide classroom space and training courses for Tribal Law Enforcement Officers in an effort to raise the level of awareness, professionalism and effectiveness of these Tribal Officers.

In addition to these efforts, led by the Department of Justice, DOJ law enforcement agencies actively collaborate with other federal law enforcement agencies to address crime issues on tribal lands. For example, a number of federal law enforcement agencies, including the DEA, FBI, Bureau of Alcohol, Tobacco, Firearms and Explosives and the United States Attorneys' Offices are members of joint task forces, which have successfully dismantled arms trafficking, bulk-cash, alien and narcotics smuggling organizations and their attendant cells in the United States and Mexico.

### **Conclusion**

We commend the Committee's interest in the public safety and health consequences of drug trafficking on Indian reservations. Drugs, to include alcohol, have contributed to the high violent crime rate in Indian Country, devastated Native American families, and strained resources of tribal law enforcement, health, and social services programs. Those consequences remain an important concern at the Department of Justice. We look forward to working with you on these issues.