



UNITED STATES SENATE

COMMITTEE ON INDIAN AFFAIRS

TESTIMONY BY ATTORNEY GENERAL JANET RENO

ON THE INDIAN LAW ENFORCEMENT INITIATIVE

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P R O C E E D I N G S

(9:40 a.m.)

SENATOR CAMPBELL: Good morning. The committee will be in order. The purpose of this morning's hearing is to receive testimony from law enforcement experts and tribal leaders on the administration's proposed Indian Law Enforcement Initiative.

This morning, the committee is pleased to have with us the attorney general, the Honorable Janet Reno. And if I'm not mistaken, I believe that this is the first time this committee has had a visit by our US attorney general.

Your presence certainly reflects the encouraging commitment to solving serious problems on reservations that we're going to deal with this morning. I also want to say Senator Inoyue just notified us that he is under the weather and is not feeling well so won't be in attendance this morning, but he may have some written questions to ask you, Attorney General Reno.

Last year, the committee held two hearings to discuss juvenile gang and crime-related activity. The testimony revealed that the problem is real and it's not going to soon end. Indian juveniles are the fastest-growing population in the nation and represent the highest

percentage of high school drop-outs.

These hearings also revealed the complexities of criminal jurisdiction over tribal lands, and the lack of law enforcement personnel compounds the problem. The lack of police presence coupled with the lack of cooperative arresting authority make Indian country an attractive target for crime. Homicides on tribal lands have increased more than 87 percent over the past five years, while the rest of the nation has had a 22- percent decrease.

There are less than half the law enforcement personnel per capita in Indian country than other communities nationwide. It is encouraging to see that tribes are taking a proactive approach in seeking solutions to this problem. The Gila River Indian community is spending \$18 million of its money to build a new adult detention facility to house those prosecuted by their own court system. Gila River has also doubled the size of their police force.

Other tribes are attempting a variety of strategies to turn their young people away from gangs and crime; however, not all tribes are able to make this problem without some help. Due to the federal trust relationship and the fact that the federal government has exclusive jurisdiction over major crimes in Indian country, the federal government is a necessary catalyst to providing innovative solutions to Indian country crime.

And with that I welcome you, Attorney-General Reno, and my colleague from New Mexico, Jeff Bingaman, too. If you'd like to start, please proceed.

ATTORNEY GENERAL RENO: Thank you. Mr. Chairman, I appreciate your inviting me to testify today on a subject that is very important to me, and I just appreciate your interest and your continuing questions as we have appeared before you on different committees. Throughout most of the nation, as you point out, increased law enforcement resources have enhanced efforts to fight crime and violent and juvenile crime rates have dropped.

In contrast, as you point out, in many Native American communities violent and juvenile crime rates are rising, and tribal law enforcement agencies are underfunded and understaffed. For example, the Navajo Nation is the largest land-based Indian nation with 17 million acres, has a homicide rate that per capita is comparable to that of our more violent cities, yet the Navajo Nation has less than one police officer per thousand residents, while similar non-Indian communities have 2.3 officers per thousand.

Serious crimes in Indian country are predominantly violent crimes, including gang-related violence, juvenile crime, and domestic violence and child abuse. Most violent crime in Indian communities is alcohol or drug-related, according to Bureau of Indian Affairs reports. There is a lack of crime reporting infrastructure in Indian country, so BIA reports may understate the problem.

Last August, President Clinton asked Secretary Babbitt and me to work with tribal leaders to address the problem of rising crime in Indian communities. After consulting with tribal leaders, we developed a plan to fight violent crime in Indian communities by strengthening tribal police and tribal courts, improving investigative services, building detention facilities, fighting substance abuse, and funding prevention programs for children at risk.

The first step is to get the resources necessary to fight violent crime, gangs, juvenile crime, child abuse, and domestic violence and get these resources out to Indian communities. The Justice Department has requested \$54 million for uniformed tribal police, \$52 million for tribal detention facilities, \$20 million for children at risk, \$10 million to fight substance abuse, and \$10 million for tribal courts.

These resources will build criminal justice systems needed to enable Indian tribes to fight crime effectively. Of course, under the Indian Self-Determination Policy, as we assist tribes through these grant programs we must work to ensure that our programs have the flexibility necessary to accommodate tribal traditions and meet circumstances unique to Indian country.

We also seek more FBI and US Attorney funding to improve the federal response to serious violent crime in Indian communities.

To complement our efforts, the Department of Interior is seeking \$25 million to enhance BIA criminal investigators, uniformed police, and law enforcement services. Of course, to reduce crime in Indian communities, our efforts in fiscal year 1999 must be continued in an ongoing anti-crime program for Indian communities.

Because the United States has guaranteed tribal self-government, the federal and tribal governments provided law enforcement services in most of Indian country. Under the Indian Self-Determination Act, the BIA and criminal justice systems provide base-line law enforcement for minor crimes in Native American communities; thus, BIA and tribal police handle minor crimes and often are the first responders in felony cases.

Through the FBI and the US Attorneys, the Justice Department, with the assistance of BIA and tribal police, provide felony law enforcement services in most of Indian country. In some areas, Congress has delegated law enforcement authority to states under Public Law 280.

In those areas, tribal governments retain concurrent law enforcement authority over minor crimes. To fulfill our statutory duties for law enforcement in Indian country and effectively fight crime, we must have a full spectrum of law enforcement resources in Indian communities. That includes tribal and BIA uniformed police, criminal investigators, tribal

courts, FBI agents, US Attorney personnel, and support staff, such as victim-witness coordinators.

Uniformed police play an important role in crime fighting because they are the first on the scene. A well-staffed uniformed police force can deal with juvenile offenders swiftly and effectively, deterring them from more serious crime.

BIA and tribal criminal investigators also play a critical role in the criminal justice system. They are often best situated to gather information about criminal activity and assistance in solving cases that threaten community well-being.

I recently awarded two Salt River tribal police officers the Attorney General's William French Smith Award for their work in investigating a violent criminal gang which led to the first successful federal RICO gang prosecution in Indian country. Since the conviction of the gang's core members, the US Attorney tells us that there has been a significant drop in violent crime in that community. We need more resources to build similar federal tribal partnerships throughout Indian communities.

In that light, I strongly endorse efforts to include tribal law enforcement in federal programs generally available to state and local law enforcement, such as the Bulletproof Vest Partnership Act.

Tribal courts are also crucial to maintaining law and order in Indian communities. When tribes have a range of sanctions and crime suppression prevention and intervention programs, tribal criminal justice systems can reduce the volume of serious offenders who must be dealt with in the federal system.

The range of sanctions available to tribes should include detention for serious violent offenders, drug courts, and other alternative sentencing consistent with tribal traditions for lesser offenders. Tribal anti-crime efforts should also include boys and girls clubs and other juvenile prevention programs. By supporting a boys and girls club on the Northern Cheyenne Reservation with programs that reflect tribal traditions and culture, we may reduce the growth of gang violence on that reservation by giving Indian youth an opportunity to find a sense of belonging in their own tribal community, instead of joining a gang.

Through the development of tribal drug courts, we may encourage substance abusers on their road to recovery and prevent them from engaging in serious domestic violence or other substance abuse-related crimes. The Blackfeet Tribe has developed a drug court program that involves the community in the process from the tribal council to social services to the tribal community college, and this program is giving its participants a chance to finish their education.

As Judge of the United States Court of Appeals for the Ninth Circuit testified to this committee in August of 1995, federal courts cannot handle Indian country case loads alone. The tribal courts must adjudicate basic criminal cases and resolve reservation disputes, yet most tribal courts are struggling to handle rapidly increasing case loads that reflect both rising crime and population growth in Indian communities. Under our federal trust responsibility, the United States should provide resources and technical assistance to enhance the ability of tribal courts to address crime and other reservation concerns.

In closing, let me say that to fulfill our responsibility to Indian tribes we must work to ensure the physical safety of those who live in Indian communities by providing adequate law enforcement services. I look forward to working with you in every way possible to help achieve these goals. Thank you, Mr. Chairman.

SENATOR CAMPBELL: Thank you for being here. Senator Gorton, did you have an opening statement? Senator Bingaman, would you like to proceed?

SEN. BINGAMAN: Thank you very much, Mr. Chairman. It's an honor to be here to make a few comments before the committee and to be here with Attorney General Reno. Let me mention a few items that have not been mentioned. You, of course, pointed out the seriousness of the problem, which I certainly agree with. I think there's a tendency to think of drug abuse and gang problems as urban problems. And in my state, although we certainly have the problems in our urban areas, we have them in very real ways in our rural areas as well, particularly on some of our Indian reservations.

So I commend the administration for this initiative and this committee for the lead that you're taking in trying to come to grips with this. There are three witnesses you'll have today from New Mexico. I want to particularly mention you have very expert people here testifying, Ada Pelos Melton, who's the executive director of the American Indian Development Associates; Roy Bernal, who's the chairman of the All-Indian Pueblo Council; and the Honorable Joseph Baka, who's the justice of our New Mexico Supreme Court. And I'm sure each of them will give you very important insights.

As I understand, when you look at all the statistics about gang problems on the reservation, I think there's some disagreement as to the causes of all of that. One of the factors that the attorney general referred to was the lack of law enforcement personnel, and Attorney General Reno referred to the Navajo Reservation and the large land area there.

The Navajo Nation covers about the same area that the State of West Virginia covers. And when you look at the number of law enforcement personnel, there are 337 commissioned tribal officers and 28 investigators for that enormous area, so I think that gives people an idea of how sparsely resourced some of our tribal organizations are.

Let me also refer to this issue of detention facilities. I know that's a major part of the initiative the administration's proposing here, funds to the tribes to build detention facilities. In my state, clearly, we need additional detention facilities. In my state, unfortunately, an Indian juvenile who is convicted and has to go off to serve time in a detention facility usually goes to California, sometimes to Texas. There is no provision in our federal system or in the tribes, there's no adequate detention facilities for those juveniles, so something clearly needs to be done.

We have one example that I think the committee needs to focus on and the administration as well, that is, a cooperative effort between tribes and non-tribal jurisdictions to set up detention facilities. And I think, if we are able to provide the funding that's asked for here, I believe we need to give priority to that. The example I'm thinking of is one where the City of Española as the chairman knows well, the Pueblo of San Juan and the Pueblo of Santa Clara have all gone together, the three of them, together with County, which is the county that all of them are located in.

And they are collaborating to develop a detention facility. It's clear that none of those jurisdictions by themselves even with federal help would be able to do that, but working together I think they are going to have a good juvenile detention facility, which will be important for that part of our state. So I hope that model can be used throughout the country. And I think if we give priority to that kind of model in funding, that would be good.

Clearly, the attention that the administration's asked for to prevention initiatives is very important. Attorney General Reno referred to the possible funding of boys and girls clubs on Indian reservations. Similar initiatives, I think, have a very important value and should be supported.

Finally, the one issue that I would also point to is the importance of cooperation between our state judicial systems and the judicial systems that the tribes themselves set up.

We have a good example of that in New Mexico. Justice Baka will testify about the steps that the New Mexico Supreme Court has taken to work with New Mexico tribal courts. And I think that kind of interaction and cooperation is essential.

Most of the crimes that we're talking about here, most of the law enforcement activity is activity that's traditionally handled at the state level, not at the federal level. And, accordingly, we need to have incentives and mechanisms so that the states can work with the local tribes in doing this more efficiently.

Thank you for the chance to be here, and I commend you and the administration both for the initiative.

SENATOR CAMPBELL: Thank you. Madam Attorney General, your testimony, I noted with interest that you mentioned boys and girls clubs. I happen to have visited the one that you talked about, the Cheyenne one. And it's my understanding they can track a decrease of juvenile crime with an increase of activity in the boys and girls clubs, so I know there's a relationship. And I think most of the people on the committee recognize that we need to get ahead of the curve and work with youngsters more.

I want to bring part of this into focus a little bit, though, and that is that even though this is the Indian Affairs Committee and we're dealing with crime on the reservation, that it's not all Indian, as you know.

Some of the crimes that are on the reservation is now because of the proximity to large metropolitan areas. There are gangs that have migrated out and in turn recruited on the reservation Indian youngsters involved in the gangs, but there's a connection in many cases with something that's off of the reservation, too.

And, in fact, one of the really complicating factors that I wrestled with -- in fact, our whole committee has and particularly Senator Gorton -- is this multi-jurisdiction in which so many things slip through the cracks because we can't get a handle on who's in charge to be able to move forward very quickly.

Something happened in our state just the other day, and I would commend this {IOOn} Denver {IOff} {IOOn}Post{IOff}, Saturday's {IOOn}Denver Post{IOff}, to you if you haven't read it. And I mention it because it started on a reservation, the one I live on, Ignacio, Colorado, which is the Southern Ute Reservation.

Three young men -- it hasn't been determined yet who they are but apparently are not Indian -- but three young men stole a water truck on the reservation. Police gave chase. They went off the reservation, it's my understanding. They went through the town of Durango and on towards Cortez towards the Ute Mountain Ute Reservation, but before they got there they were followed by a police car who stopped them.

Before the policeman could even get out of his car, they jumped out with semi-automatic weapons and opened up on the car and killed the police officer as he sat in his car while he was radioing the license of the truck in.

They then stole another vehicle after that and were pursued by several other officers, and they wounded two more. I talked to one of them in the hospital in fact just yesterday, shot through the leg and shot through the arm, but is recovering, the two that were shot recovering.

But unfortunately, the officer that was killed, his funeral's today, and that's why I want

to bring this in focus.

SEN. GORTON: Were they caught, Senator?

SENATOR CAMPBELL: They have not been caught yet, and we don't know if they are on the Ute Mountain Ute Reservation or if they are on public lands or the national park or what because there are so many different jurisdictions in Southwest Colorado, as you probably know. They might be on BLM ground; I don't know where they are. They do have a bunch of fingerprints and all indications, as of this morning, they tentatively know who they are, that they are Anglos, not Indian, three young men, not teenagers, but young 20s.

But I wanted to point that out to broaden this debate a little bit about the thing we're wrestling with when we talk about multiple jurisdictions and the lack of these agencies that simply don't have the resources or ability to be able to work together more cohesively.

I frankly don't know how many FBI are involved in it, but the fact that the Governor of Colorado just last night declared a state of emergency because under his authority he has to do that to involve the National Guard, and they've moved National Guard in to try to find these guys. They are still out there just loaded to the gills.

And you can imagine the fear in the communities with people locking their doors. They don't know where they are, things of that nature, but they are just cold-blooded killers. I don't know what federal agencies are involved in helping. I imagine they all are a little bit, but I would hope that you would certainly dedicate as many resources as you can to find these cold-blooded killers and bring them in.

But I point this out just to broaden the debate, to tell you why it's so complicated when we deal with crimes on reservations. They are not all Indian, but they are all intermeshed and get very complicated.

ATTORNEY GENERAL RENO: First of all, I will keep you advised of our involvement, and we will do everything we can to assist, support, and see that they are apprehended as quickly as humanly possible. With respect to the issue that you bring, I think this is one of the issues that we have tried to address across this country.

When I came to Washington, I saw the feds here and state and local law enforcement from whence I came on the other side, and too often they didn't talk together or exchange information and work together. And what I have tried to do is to build a partnership between federal, state, and local law enforcement.

With respect to unified operations with respect to you do this, and we'll do this and we're not taking credit and we're not interested in turf, we're interested in what's in the best

interest of the community, and it appears to be working. One of the problems we face in Indian country and throughout much of Indian country is, again, the lack of resources, the lack of computers, the lack of information technology that will permit an exchange of information.

And so, this becomes critical as we talk about the funding for law enforcement, for uniformed police officers, that we ensure that with it goes the equipment necessary to be the most effective police officer possible while at the same time being sensitive to tribal traditions.

I would also point out to you, Mr. Chairman, an issue that is going to be on the forefront for some time to come for state, local, and federal law enforcement across the nation.

As we sell some of the spectrum bands and we are forced into narrow banding in order to have proper utilization and proper communication, in some places, particularly in the West with mountains and the like intervening, we're going to have to work together as never before in partnerships to ensure an ability to communicate just in a situation such as this.

And we would like to work with you in every way possible to address the larger issue because I think you put your finger on a very critical point.

SENATOR CAMPBELL: Well, I certainly appreciate that. In other committees, as you probably know, there has been an effort to include the tribes more. We provided money, as an example, through the Appropriations Committee to develop what are called high-intensity drug trafficking agencies, and that, of course, is a group to try to coordinate the activities of the state and the federal agents and so on, but tribal police are included in that.

Another thing we did, too, was what we call , the transfer of some federal technology to police departments. We've also included Indian tribes in that provision, too, so they can connect with agencies and make themselves available to drug-sensing mechanisms and high-tech things that small firms could not have the R&D money to develop.

ATTORNEY GENERAL RENO: I think it's important that we consistently look to the provisions supplied in that situation because whether it be cyber-tools or state and local law enforcement, sophisticated and methodologies and DNA testing, we're trying to develop an initiative that will permit state, regional, and national utilization of the limited resources we have. We may only need one particularly piece of equipment to be shared across the nation because it's so infrequently used, but it is vital in the solution of certain crimes.

And if we use our resources as wisely as possible without states having to duplicate this costly technology or tribes having to go without or duplicate it, I think we can get a better return on the dollar.

SENATOR CAMPBELL: Thank you. I also thank you for mentioning the difficulty we have sometimes with meshing cultural traditional beliefs with some of the modern investigative practices. I don't know how I get involved in a lot of these: We had another incident where four young men were drowned just recently in Colorado, four young Indian men, and their families in fact came to me and wanted me to prevent an autopsy from being done, which I have no authority over the county commissioners or state law to do that.

But their belief at the time, according to them, was that autopsies would violate their religion. I don't know how to find the answer to that, but I think it tells you how complicated it can get on the reservations.

Let me turn to Senator Conrad. Did you have an opening statement or any questions, Senator Conrad?

SEN. CONRAD: Thank you, Mr. Chairman. And I'll just put it in the record, if you don't mind, some time on that front. I wanted to welcome the attorney general and welcome our colleague, Senator Bingaman, to the committee. We certainly appreciate their input.

I have been contacted by the tribal leadership of my state who are very concerned about the basic notion of where the enhanced authority goes. As the attorney general knows well, there are basically two options that are under discussion. One is to put the additional law enforcement resources in the Department of Justice; the other is to put them in BIA.

My tribal leadership, at least some of them, feel very strongly that it ought to go to the Department of Justice. They are concerned that if it goes to BIA that we're going to create a super law enforcement entity there and that will create additional layers of bureaucracy that will reduce the response from the federal side.

Now I know the attorney general's made a recommendation that we go in that direction; that is, that the traces -- having everything go to the Department of Justice or that we beef up BIA. My understanding is that the recommendation of the attorney general will be that we beef up the BIA. I'd just like to pursue that with you, find out if that is indeed your recommendation and what the rationale for it is.

ATTORNEY GENERAL RENO: Secretary Babbitt and I agreed that the primary responsibility for local law enforcement should remain with the BIA with certain prerequisites that I think address the points that you talk about. We recommended that we establish a simple line of authority over all law enforcement operations under the Bureau of Indian Affairs Office of Law Enforcement Services.

And I would defer to my colleagues at Interior. I don't mean to be presumptuous, but I

think it is important to have people managing, supervising, and being accountable for law enforcement functions with professional law enforcement personnel who have had experience in that area. Secondly, that we remove the funds from the tribal allocations that are identified for law enforcement purposes; and, three, that we obtain an adequate base. Funding of law enforcement is a distinct line within the Interior budget.

I went to the tribes early on and I said what do you want because I'm not seeking the authority; I'm not seeking additional turf. I want to do what is in the best interest of the tribes, and you have a tradition where Interior is the department responsible. We got mixed messages back. Some tribes felt one way, some tribes felt the other, some didn't know, and so without a clear message, without a clear reason for just redoing it for the sake of redoing it, I thought we should work together with Interior to build a comprehensive program that recognizes the great value of tribal police.

Tribal police, in very much the same role as community police officers, are proving to be effective in so many communities across the nation. And then detectives, if you will, who are the first responders to the scene, who handle the more serious case but not the case that would bring in the FBI agent. But then you also need good first-responders from BIA who can work together in partnership with the FBI on the more serious violent crime cases and the serious felony cases.

And if, as the senator points out, we can build a network that is comprehensive, that is managed by experienced law enforcement personnel, that is sensitive to tribal issues, I think we can have a real impact on crime in Indian country. And it's just for those reasons that I have recommended to the president along with Secretary Babbitt that it remain at Interior.

SEN. CONRAD: Well, I wanted to raise the question because, as I said, the tribal leadership in my state is concerned about it and they believe it would be more efficient, more effective, if it was coordinated through the Justice Department. I understand you've reached a different conclusion.

ATTORNEY GENERAL RENO: That's my conclusion at this point, but, should BIA not be able to meet the burdens of law enforcement, even with the additional resources and if tribes felt that it would be the thing to do, I would be happy to consider it, but I'm not interested in turf. I'm interested in trying to figure out what's best.

SEN. CONRAD: All right. Well, I appreciate that and I certainly respect your judgment in this matter and your willingness to maintain an open mind to see what the actual results are. I think that's critically important.

Let me, if I could, Mr. Chairman, go to a different question. It's a question that Senator Gorton has raised in ways that I think are legitimate. I mean, the fact is there are real

problems of the lack of due process for people who have interests on a reservation.

I was just contacted by a businessman back home who I know to be a very responsible guy. And he says to me, Senator, I've gotten repeated cases where I go and do work for Indians on the reservation and I get paid with a bad check or I didn't get paid at all and there's no redress. The tribal court refuses to take the matter up.

And I've said to my tribal leadership, look, this can't go on. There's got to be due process for everyone, Indian, non-Indian, people have got to be dealt with and treated fairly. What is your sense of what needs to be done to deal with these legitimate complaints that we're receiving? And, again, I say to Senator Gorton he has brought up a series of issues that really require a response.

And I'd be very interested, Madam Attorney General, in what your thinking is of how we need to move to assure every American that they are going to receive due process.

ATTORNEY GENERAL RENO: First of all, I think we've got to put it in a larger context and realize that it is not just a problem in Indian country. As the local prosecutor in Miami, I was responsible for child support enforcement. It was very frustrating to try to deal with an absent parent in another state and be told by that state that they weren't going to be able to get to it or it was too small or to get it lost in the shuffle because the state did not have the funding devoted to that effort to make a difference.

It is very frustrating to have a businessman come into your office in Miami and say I've got this \$10,000 worthless check that I can't get collected in another state because the case loads for murder, rape, and robbery are too large.

I think the best way we can approach this is to recognize that tribal courts, properly funded and properly-trained personnel, can be a vital part of the solution. And I think that we must making sure the tribal courts have the resources to dispense due process.

SEN. CONRAD: Well, I agree with you that it is in part a resource problem. As a former tax commissioner in my state, I've been in tribal court, and I can tell you I think the problem goes beyond resources. I really do, and I've said this to the tribal leadership in my home state.

The tradition there is not to have the kind of separation that we have agreed is critical to justice, that is, the separation between the legislative branch and the administrative branch and the judicial branch and, as you know, in much of Indian country there is not that separation.

And the result is for an Indian, if they are on the wrong side of the political divide on a reservation and they have had a decision go against them at the administrative level, to go to

the court system to get redress they are facing the appointee of the branch of government that has already held against them.

And I have met with some outstanding Indian leaders from my state who say we've got a fundamental question of constitutional government here in terms of providing due process, the separation of powers, so that a person who is aggrieved feels that they are going to be treated fairly and that there's not only the reality of it but the perception of fair treatment.

I'd be interested in hearing your views of this question of separation of powers and the constitutional question.

ATTORNEY GENERAL RENO: In the larger context, I've heard people complain because they had to appear before a judge who was appointed by the governor who they violently opposed and whose campaign they opposed and whose opponent they contributed to. I think what we need --

SEN. CONRAD: Let me just say that the difference there is that the governor, once he's appointed somebody, we do have separation here. I mean, typically in tribal courts, at least in my state, you don't have that separation.

ATTORNEY GENERAL RENO: Well, I'm just giving to you the perception that people share. Any time you get into the process of appointment, you run into the issues that we deal with. What we would like to do, what we're working with technical assistance and training, is work with tribes to maintain the tribal traditions that are so vital and so valuable and to address some of the issues of due process through technical assistance that can improve the quality of justice. I think that is a better way to proceed.

SEN. CONRAD: Well, I just say to you --

ATTORNEY GENERAL RENO: I'll tell you one thing to give you an example. After 1971, I worked with the House Judiciary Committee in the Florida House of Representatives. We had not been able to revise the judicial article of our constitution. We had justices of the peace that people claimed violated everybody's due process. We didn't stand by. We revised the constitution and we developed a pretty good document.

And I think, again, there is a lot of spirit in Indian country to address these issues through thoughtful reform, and I think we can achieve it.

SEN. CONRAD: Well, I appreciate that. I'd like to think that's the message that should go out. I really do. I've tried to be objective as I can about the circumstances, and I've really concluded that we have got to be encouraging those in Indian country to reform their process so there is separation, so there is due process.

And it is partly a matter of resources, without question; you're exactly right. But it is also apparently a question of constitutional reform, and the most advanced, progressive Indian leaders in my state are pursuing that. And I think we've got to encourage others to do that as well.

I thank the chairman for his indulgence.

SENATOR CAMPBELL: Well, we think it's broadened out beyond criminal justice. Before we turn to Senator Gorton, let me talk about a couple of nuts and bolts things. One is the recent bill that we passed to provide \$25 million for grants for bullet-proof vests, bullet-stopping vests. That has not been signed into law, as you probably know now.

We're hoping the President will do that very shortly because I happen to think it's very needed. I was honored to be able to carry that bill. Do you have any voice over in the White House where you might encourage the president to sign that, Madam Attorney General?

And the second thing, also, from the nuts and bolts standpoints, it's my understanding that we do have some really recent technological advances in developing a bulletproof glass that could be used in with windshields. That might have saved Officer 's life, the officer I said was killed.

Some kind of with a little emphasis could be certainly made available to local police departments, and, if you could find some information on that, I would appreciate it.

ATTORNEY GENERAL RENO: I would be happy to furnish you with every bit of information I can get. And let me put it back again in the context of the larger issue. We're trying to work with everyone in government that is doing research that might impinge on safety issues.

The Department of Defense will inevitably be researching a new type of technology that might be applied in terms of protecting our police officers, protecting our citizens. We are also trying to make sure that we pursue every lead that would enable us to develop technology or material that can provide for enhanced safety for the law enforcement officers.

The FBI has been working on bulletproof vests to try to enhance them, and I have spent a great deal of time focused on research and development in law enforcement that can provide for those safety issues.

SENATOR CAMPBELL: Senator Bingaman, I understand you have another appointment. If you need to leave, we appreciate your appearance here today.

SEN. BINGAMAN: Thank you very much.

SENATOR CAMPBELL: Senator Gorton, do you have any questions for the attorney general?

SEN. GORTON: Well, Senator Conrad did go a little bit beyond the scope of this hearing, and I just wanted to lay on the record that since we had in our last meeting the Supreme Court of the United States has come down with an interesting decision, Senator Conrad, on the subject of sovereign immunity.

The -- is that the correct pronunciation of that -- the tribal enterprise, bought \$285,000 worth of corporate stock from another corporation based on a promissory note signed off the reservation and to be collected off the reservation. The tribe defaulted on the note and entered a claim of sovereign immunity when the owner of the note attempted to collect on it. And the Supreme Court, by 6 to 3, said, tough, sovereign immunity prohibits you from collecting a lawsuit against them.

So the tribes got the stock, the seller has a worthless promissory note, and the Supreme Court of the United States has said it's up to Congress to do something about it. It's quite obvious the position of the attorney general is tough, it's too bad that people can't collect their money, but that's just the way it is.

The Supreme Court of the United States says this isn't the duty of the attorney general or the executive, this is the duty of Congress for these practices, to do something about it, and we'll take the subject up again.

The chairman, for that matter, has recognized that there are problems in this area which we have to deal with if we're going to see whether we can come up with a subject ourselves.

But on the subject here, most of my questions, Mr. Chairman, will be for the assistant secretary, the head of the BIA. I came because I did want to hear from the attorney general on a very important subject because I respect her views. And we have somewhat different views on computer technology, perhaps, but I think her views on law enforcement are solid and very, very helpful to the committee.

I think it's also important for me to say to her and to you how difficult it is going to be to find the money that we're talking about here. My solution is, Mr. Chairman, just last evening I met with the staff of my Subcommittee on the Interior and the Appropriations Committee.

I'm a member of this committee and, Mr. Chairman, you're a member of that

subcommittee to mine, but to make some kind of preliminary determination as to how to split up our money, and, as you know, the President's budget proposed to raise last year's budget in the balanced-budget agreement by spending considerably more money than we had agreed to spend.

The House of Representatives today or tomorrow will be taking up a budget resolution that breaks the budget agreement by spending less money than we agreed last year in the balanced budget.

Our budget resolution passed by the Senate kept the agreement, which means that our subcommittee, the subcommittee on which we've served, has approximately the same number of dollars for 1999 that it had for 1998, making it extremely difficult to come up with extra money for new initiatives, whether they are through the Bureau of Indian Affairs or the National Park Service or energy research and development or the arts, all of those varied functions.

And so it seems to me, while I'm not a member of , that subcommittee, I think that subcommittee is faced with exactly the same kinds of challenges, so it's important for us to know whether these priorities are high enough so that we should be earmarking money within roughly the same overall appropriations that we have for these law enforcement purposes because of the urgency that is so apparent in the attorney general's testimony here.

You know, when you have most of the country, when New York City, for example, celebrates a tremendous reduction in the crime rate, when you have major crimes in most states across the country declining and then we find that from Indian country they are increasing, obviously there's something that we need to do. But the idea that we're going to have a lot of extra money over and above last year to do it is, I think, very, very difficult to face.

So I hope the attorney general will work on that with us and I hope you will because I certainly do recognize these needs.

SEN. CONRAD: Mr. Chairman, let me just say that I asked the questions I did because we really have a chance to have the attorney general of the United States before us --

SENATOR CAMPBELL: Oh, I'm happy you did.

SEN. CONRAD: Well, I assumed you would be but these are very important questions that are being asked back home, and I wanted the attorney general to know that there is real concern and it's a growing concern and by very legitimate, responsible people who are saying, gee, there's a problem out here that's not being addressed.

Now, in addition to that, the criminal justice system, we have all kinds of problems, and I have a number of questions I'd like to submit to the attorney general in writing as well. It's come from our tribal leadership about a concern about the centralization of law enforcement in the BIA.

They are asking wouldn't we be better off having those resources put out there locally for community policing on efforts that have been, as I understand it, largely the reason for the success and the drop of crime rates in these other localities. So I'd like to submit those questions for the record.

SEN. GORTON: Mr. Chairman, if I may, that is the third alternative Senator Conrad spoke about, whether decentralizing the Department of Justice or decentralizing the BIA or whether we need to encourage stronger local law enforcement, at least among tribes that are large enough and sophisticated enough to be able to do that.

I might have one question for the attorney general, and that question would be to what extent does the department believe and to what extent does the department encourage certain tribes, at least, to increase their own contributions to their own law enforcement agencies. And, as you say, .9 is against 2.3 per thousand on the Navajo Reservation is against most local governments.

Those local governments by and large are paying for their own law enforcement. What percentage of that .9 is paid for by the Navajos out of their own resources?

ATTORNEY GENERAL RENO: I think that's one of the difficult issues that we face as we limit federal assistance.

First of all, let me respond to your comment. I look forward to working with you because I understand the difficult issues between the two departments and their committees. And we want to work together with you because, obviously, it is a significant problem. It's going to affect us all, and I just appreciate this opportunity and look forward to working with you.

With respect to the question you have just asked, part of it, as we have awarded cost grants we have provided waivers for the matching because the tribes simply did not have the economic base to make a contribution for the match. Obviously, we have got to do everything we can to work together to make these tribes self-sufficient.

We're going to be participating in a conference on what we can do to address economic issues in tribal areas because it will do no good if I have a burgeoning juvenile population, if I develop boys and girls clubs and prevention programs and then I have a 17- or 18-year-old who cannot find a job, cannot participate, he's going to end up in a gang, so it's all a

comprehensive picture that we have got to address.

And I think our own goal has got to be to enable tribes to develop self-sufficiency, to participate with them as they develop it, and to make the best judgments that we can on what the share should be.

SEN. GORTON: Thank you, Mr. Chairman.

ATTORNEY GENERAL RENO: Senator, could I ask you a question?

SEN. GORTON: Yes, you can.

ATTORNEY GENERAL RENO: When people address me as general, I've often heard that you decided, along with Justice Souter that it was the attorney who did general work for the crown and a general is really an adjective; is that true?

SEN. GORTON: Well, that's a fascinating question. Yes, when I was elected attorney general in the State of Washington a long time ago and I got my first call from somewhere back East and was referred to as "General," I thought they were pulling my leg.

It has never been a custom in the State of Washington, and in fact one of my assistants handed me, I think it was, a Pogo cartoon about Christmas time and someone had written Santa Clause and hadn't gotten the present he wanted and wanted to write the postmaster general, "Dear General," and we started that as something of a spoof.

With due respect to you, I found out that it was primarily a Southern custom to call the attorney general "General," and I thought it was pretentious and never permitted my staff to do so.

ATTORNEY GENERAL RENO: Well, I'm not the general, Mr. Chairman, but, whatever I can do as attorney general to work with you, I look forward to do.

SENATOR CAMPBELL: Thank you very much.

ATTORNEY GENERAL RENO: I will make myself available to you whenever because this is an issue near and dear to my heart.

SENATOR CAMPBELL: Well, being the only attorney general, you're still in a pretty select category because in Washington we've got lots of other kinds of generals. And we appreciate your appearing, Madam Attorney General. Thank you so much.

(Whereupon, the PROCEEDINGS were adjourned.)