



DEPARTMENT OF JUSTICE

ADDRESS BY ATTORNEY GENERAL JANET RENO TO THE
NATIONAL CONGRESS OF AMERICAN INDIANS

THURSDAY, FEBRUARY 24, 2000

WASHINGTON, DC

P R O C E E D I N G S

(3:15 P.M.)

ATTORNEY GENERAL RENO: Thank you so very much for that warm welcome. It's an honor and a privilege to be back here today at the National Congress of American Indians.

It is always a pleasure for me to meet with tribal leaders in the spirit of mutual respect and a spirit of understanding and a spirit of learning so much from you.

As Attorney General, I try very hard to address the issues of concern to you. I have worked hard to honor the federal trust responsibility and our government-to-government relationship.

As soon as I took the Office, tribal leaders told me that true government-to-government relations meant that we as representatives of the United States must listen to the concerns of Indian tribes. And I have been listening since then.

In 1994 along with Interior and HUD, the Department of Justice held a National American Indian Listening Conference. We have also had regional listening conferences and I have had a number of you in my

conference rooms. Again, you bring such wonderful ideas.

To make sure that the Department of Justice continued to listen, I issued a policy on Indian sovereignty and government-to-government relations, which calls upon our decision, our offices, and our sections within the Department of Justice to respect tribal rights and to consult with tribal leaders whenever appropriate.

Our government-to-government policy also pledges to assist Indian tribes as you develop strong law enforcement, Tribal court and criminal justice systems, to coordinate our policy to promote government-to-government relations and serve as a direct avenue of communication with tribal government. We have established the Office of Tribal Justice and we try to make sure it is a permanent institution within the Department of Justice.

You told me that you needed a point of access at the department, to find out what was going on, to make sure your voices were heard. And I just want to thank you for that suggestion. It has meant so much. I can assure you that Mark is in my conferences on various occasions telling me what I should be doing and he is very emphatic.

(Chorus of Applause)

ATTORNEY GENERAL RENO: But you have taught me more. I will never forget sitting at my alma mater at the Harvard Law School during our conference on tribal courts and listening to a tribal judge explain sentencing circles.

The judge explained to me, talking directly at me, "Your system just talks about blame. Guilt or innocence is all you talk about. You don't solve the problems. You don't seek to restore the balance in your community."

Since then, those words have remained with me. And I have thought often about Native-American traditions, problem solving and the sentencing circles.

I have even gone so far as to tell the American Law School Association that they should learn from you, that we should start talking about problem solving in every aspect of the law. And I've even started talking to some foreign ministers and ministers of

justice who come to call on me saying, "Why don't we learn from our native people what justice is all about?"

You will be interested to know Travis County, Texas will start using sentencing circles too, so your traditional philosophy of restorative justice is spreading beyond the Native-American communities.

The second concept that you have helped me understand better than I did, is the concept of community.

I had been the prosecutor in Miami for 15 years. And when I left Miami I was worried that I would lose my sense of community. You have helped me understand it even better. And you have helped me gain communities rather than losing them.

One of the things I have learned is America's communities, or those that are strong, are those that work together as a community, rather than as individuals.

A lawyer can't do it by himself; a prosecutor can't do it by herself, a doctor can't do it just alone. A tribal leader can't solve the problem by his or herself. We have got to all work together in strong communities and strong tribal communities.

We have got to do everything we can to work together to learn from your wonderful traditions; to build on your wonderful traditions of democracy and community.

You must remember what you have taught me, that many native peoples had strong, strong, strong democratic traditions that value the wisdom of elder, respected women as equals and cherishes the children of the tribe as the future of their nation. Indeed the Iroquois Confederacy shared its vision of balanced government with our Constitution's framers and in this way the wisdom of Native American Elders found its way into the American System of checks and balances.

Today Indian nations and tribes are the successor of pre-Colombian Native American civilizations. This is significant because the sovereign powers now exercised by Indian tribes flow from the original natural right of Indian peoples to self-government.

Your sense of nature, as an endless circle, the perfect vision of

harmony for Native-American communities has been important for me also.

We have seen such violence in too many communities of America. But if we can send people to the moon, then we can resurrect their tradition of peace, of a peaceful resolution of conflicts without knives and guns and fists.

A resolution achieved by talking it out, by working together, by solving the problems.

Unfortunately, decades of poverty and dispossession have disrupted the traditional harmony of many Native-Americans' communities. While crime rates have dropped around the nation for the past several years, violent crime in American Indian communities has increased; violence against women, juvenile crime, child abuse, and alcohol-involved crime are serious problems.

The Bureau of Justice Statistics reports that the American Indians including Alaskan Natives have the highest crime victimization rates in the nation, almost twice the rate of the nation as a whole.

Violence against American Indian women is alarming. Child abuse and neglect are also serious problems.

In addition, the FBI, the BIA Office of Law Enforcement Services, and tribal law enforcement agencies report that violent crime by juvenile offenders and Indian youth gangs is on the rise in many Indian communities. The number of tribal youth in custody has increased by over 50 percent since 1994.

Alcohol use is strongly associated with violence. In 55 percent of violent crimes against Indians, the victims report that the offender was under the influence of alcohol, drugs or both.

The 1996 arrest rate for alcohol related offenses, drunk driving, liquor violations and so forth among American Indians was almost double that of the general population.

We can say that we're not going to do anything about it, that we can't do anything about it, but that's not what I have learned from you in the Listening Conferences. That is not what I have learned

from you as I visited a Pueblo or been to a reservation.

I have learned something far more wonderful. I have learned the tradition of proud peoples, peoples who can solve their problems, peoples that can work together, who can cherish the land, the sea, the air, the air they breathe.

Seven years ago I'm not sure that I would stand before you and give you such a sense of hope. But I have watched violent crime go down in America for seven years in a row.

Let us join together today and let us say that we are going to listen to the words you have taught me that we can work together to end violence as we know it, to end the culture of violence in this nation, to end the problems that impact on your elders and cause your children such grief.

We can do it if we work together. One important way to address these problems is to look to tribal traditions, give the young people of your tribes a sense of belonging and a sense of, a sense that there is something special in their tradition and background and in their heritage, that their forefathers were proud and brave and courageous, that they are capable and can do so much if they are given only half a fighting chance.

When young people have a positive self-image, they can work to benefit themselves and the community and they can turn away from self-destructive behavior.

I will never forget the teenagers who ran a relay race all the way from the Pueblo in New Mexico to Washington to bring a request for aid for the tribal elders, not for themselves, but the elders. That was a fine example of honoring tribal tradition.

And they have a youth center now that they fought so hard for that they raced across the country.

The Northern Cheyenne tribe tells me that they have a tradition of honoring their woman. They have established a special prosecutor's office to focus on violence against women. They said, we reject it. We don't have to accept such violence. It is not part of our tradition; it is not part of our way of life.

This reinforced the tribal tradition with respect to women and the tribe reports a decrease in domestic violence.

To maintain balance in our lives, we should all honor our elders and respect our mother, sisters, daughters and spouses.

When people ask me what are some of my proud achievements, one of the things I am proudest of is that I lived with my mother. When she got sick I took care of her. She stayed home and she didn't go to a nursing home. And she had a full, wonderful life where she was able travel up and down rivers, although she was frail and sick and dying.

Let us all honor our elders so that they have the chance to live and to savor this life without abuse, without recrimination.

We must cherish --

(Chorus of Applause)

ATTORNEY GENERAL RENO: And let us cherish our children. They are the future. They are the future of your tribes and the future of America.

How can we make sure that your children lead the way for your people in a modern information age and at the same time remember and respect your tribal traditions of community harmony.

We would like to be partners with you in your effort to stop the violence, restore the harmony, promote opportunity and plan for the future of your communities.

As you know, under the Federal trust responsibilities and the principle of tribal self-government, the federal and tribal governments provide law enforcement services at most Indian country.

The BIA and tribal law enforcement justice systems provide baseline law enforcement for misdemeanors in Native American communities. Thus the BIA and tribal police handle minor crimes and often are the first responders in felony crimes.

And that first response is so vital. That first response if it is done in a sensitive way based on sensitive tribal tradition can make

such a difference for the victim, can make such a difference in terms of trying to solve the problem that caused the violence in the first place.

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

In those areas, tribal governments retain concurrent law enforcement authority over minor crimes. To fill our responsibilities of law enforcement in Indian country and to effectively fight crime, we must have a full spectrum of law enforcement resources in Indian country. That includes BIA and tribal uniformed police, criminal investigators, tribal courts, FBI agents, U.S. Attorney personnel, support staff, detention facilities that are tribally sensitive and opportunities to bring the offender back to the community with a chance of getting off on the right foot in a positive sort of way.

It makes no sense to send someone 500 miles away from the traditions that he should be learning without treating him for the alcohol problem that he has, without preparing him with skills that can enable him to earn a wage and to continue to enjoy the country he holds dear.

In 1997, President Clinton asked that Secretary Babbitt and I work with tribal leaders to develop proposals for improving Indian country law enforcement.

In response to the President's directive, the U.S. Attorneys, Justice Department staff and Department of the Interior personnel held meetings with tribal leaders around the nation. An interdepartmental Executive Committee for Indian Law Enforcement Improvement was formed and a number of tribal leaders served as committee members.

We found shortages in every respect. Personnel, investigators, forensic facilities, bullet proof vests, police vehicles.

To take one example the Navajo Nation, the largest land based Indian tribe with 17 million acres of land, has 0.9 police officers per 1,000 residents, compared to a 2.3 officers per 1,000 in comparable off-reservation communities.

The Navajo Nation also has a homicide rate that is comparable to some of our more violent cities. Based on the Executive Committee's Report, Secretary Babbitt and I requested increased funds for Indian country law enforcement, as we saw these disparities that contributed so much to violence.

In Fiscal Year 1999 the administration sought and Congress appropriated funds for more tribal police, detention, juvenile crime prevention, and tribal court enhancement.

For Fiscal Year 1999, the Department of Justice funded approximately 85 million dollars in grants and technical assistance for these purposes. For Fiscal Year 2000 Congress appropriated approximately \$91.5 million for tribal police, detention, juvenile crime prevention and tribal courts.

For Fiscal Year 2001 we have again increased our request for resources to reduce violent crime in American Indian and Alaska Native communities.

The President's budget includes a request for approximately \$173 million for the Justice Department portion of the Indian law enforcement improvement initiative, which is more than \$81 million increase from actual 2000 appropriation. This request includes the following: \$45 million for the COPPS office to improve tribal law enforcement, including funds for police officer salaries and equipment training.

\$34 million for tribal detention facility construction.

\$20 million for tribal youth programs. We have got to remember it's far better to prevent the crime, to do everything we can to give young people a chance to grow in a strong and positive way, rather than seeing others victimized and then victimized in a system that is not tribally responsible.

\$15 million for tribal court enhancement and operation.

\$10 million for drug testing and treatment programs to ensure the defenders are not using drugs or alcohol while they are in custody.

\$8 million for an alcohol diversion program, to divert minors who are alcohol offenders.

\$8 million for a Tribal Youth Mental Health and Community Safety program.

\$6 million for a tribal/criminal and civil legal assistance program.

\$5 millions for Sexual Assault Nurse Examiner Units.

\$4.6 million for the FBI and victim/witness counselors.

And just under one million dollars to make the Office of Tribal Justice a permanent part of the Department of Justice.

These requests are intended to provide the resources that tribal governments need to strengthen law enforcement, tribal courts and other aspects of the criminal justice systems. And to target areas of particular concern, including violence against women, juvenile crime and alcohol abuse. The budget request is part of the overall, Native American budget issue, which includes a total of \$9.4 billion for key programs that address fundamental tribal needs and encourage self-determination. This government-wide initiative, will substantially expand existing services and create new opportunities for Native Americans in health care, education and economic development, infrastructure and basic services.

Of course, our Fiscal Year 2001 budget request is contingent upon Congressional approval. So the first order of business must be to address the issue of how we get this passed.

I will do all that I can to ensure that Congress understands the great need and the great traditions that can make sure these resources, if appropriated, are used in the right way.

A complementary goal is to ensure that our work in this area is consistent with tribal traditions. As I said before, as we move forward with our efforts to reduce violent crime, we must address violence against women, child abuse, and elder abuse.

An effort by the tribal community to promote the tribal traditions of respect for elders and women, nurturing care of children must be a

central part of that effort. The problems that underlie it is why are people doing this? What can we do with that 8 year old, that 11 year old to keep him or her out of trouble.

We can go back and listen. Listen to your people who came before you who did so much to love this land, who did so much to show the pride, the strength and the courage of the human spirit. And we can say to these young people, you have a tradition that you can carry forward into this millennium to make a difference for your children.

I wouldn't be standing here as optimistic as I am if I hadn't seen what can be done when a community comes together and instead of just punishing, solves its problems through prevention programs that work, through intervention, through fair, firm punishment that fits the crime, through conflict resolution that eliminates the tension and the bitterness that causes the crime in the first place. Through reentry programs that bring young people back to the community with a chance of success. They can work. And I believe that working together in these next months to secure funding, to make sure that those funds are used as wisely as possible, we can truly make a difference.

I have less than a year to serve. It has been the most extraordinary experience that any lawyer can have, to try to use the law the right way, to help the people of this great country.

One of the great joys that I have had is the opportunity to listen and to learn from so many wonderful people here today and from your families and your brethren across this land. It will be an experience that I treasure and when I get in my red truck and start driving, I hope to be able to visit Pueblos, tribes and communities across America.

Thank you so much.

(Chorus of Applause)

THE MODERATOR: On behalf of NCAI, it is my distinct privilege as president of this great organization to recognize your leadership with this small gift, to show our appreciation of your commitment to tribal sovereignty and self-determination and your recognition and efforts to institutionalize government-to-government relations within the Department of Justice.

On behalf of Indian country, we thank you for all of your efforts on our behalf.

ATTORNEY GENERAL RENO: I'll answer them all.

PARTICIPANT: Ms. Reno this is Mervin Hester from the Sacraento Area, board member, NCI.

My question, I guess I'm going a little beyond California, but it would be about the recent Rice decision and the Supreme Court of the Native-Americans --

ATTORNEY GENERAL RENO: Yes.

MR. HESTER: What is your opinion on that? Do you have one?

ATTORNEY GENERAL RENO: Yes, I'm very disappointed. I wish I could suggest some remedy to it, but I think we will have to see what can be done in the context of the opinion and we will study it.

MR. HESTER: To follow up, is the recognition of the Wanee people as a federal tribe going to happen?

ATTORNEY GENERAL RENO: What I want to do is to study this opinion, make the best determination we can as to the appropriate way to address that and the recognition issue. And I don't have the answers. But stay tuned.

MR. HESTER: Thank you.

MR. THOMAS: My name is Ed Thomas from Gakona, Alaska. And, first of all, I want to extend our appreciation for your dedication to justice in Indian country.

One thing that is happening is the State of Alaska is appealing the Peggy John decision which was a circuit court decision.

On the issue of Navajo water and the management of subsistence resources in those Navajo waters, the State of Alaska has a barrel of money and I'm sure they are going to do a good job in doing this. And will certainly put a big crimp in the subsistence rights of the

Alaskan natives and rural residents.

My question is not so much to deal with that, but the issue of another decision in the State of Alaska, which is called the McDowall decision.

The McDowall decision is the decision that creates the conflict between the rural preference of subsistence and the states rights. The McDowall decision says our Constitution, because of the equal access provision, does not allow for rural priority.

The problem with that is that there are other provisions of our constitution that provide for the state to manage the resources on a sustained yield basis and to give priority amongst uses.

Is there any way that the Department of Justice can intervene when a state, Supreme Court, improperly rules on an issue of its own Constitution?

Because that is the provision that creates the conflict between federal law and state Constitution.

ATTORNEY GENERAL RENO: Here is what I think we should do if Mark agrees. If I may, I will ask somebody where I can get in touch with you. I will discuss with the solicitor general, who is responsible for designing appellate litigation, what our response should be and get back to you with a more informed opinion than I can give you now. Would that be satisfactory?

MR. THOMAS: You can reach me at Gakona, Alaska, 320 West Clovia Avenue. And my office is always open.

(Chorus of Laughter)

ATTORNEY GENERAL RENO: Thank you, sir.

THE MODERATOR: Ms. Reno only has so much time so you must get to the questions really quick, so she has time to respond.

MR. STANLEY: Good afternoon. I'm Raymond Stanley --

ATTORNEY GENERAL RENO: Here is what I would suggest. Let me answer

the questions with the people in line and that would be a good cutting off point. Yes, sir.

MR. STANLEY: Again, good afternoon, Honorable Janet Reno.

I want to take this opportunity on behalf of the Sancanibi Tribe, Apache People. Our Tribal Council through your efforts or within the next year or shortly will be building a new juvenile detention facility. Just last month we passed a Tribal Council Resolution. We are all set for a location. Also your words today have touched me and may the good Lord be with you and without a doubt you have spoke from your heart and may God be with you.

ATTORNEY GENERAL RENO: Thank you. And just think what you can do with that new juvenile detention facility. You can show everybody the best way to run the facility so that children never have to go back to them.

MS. WANMAHA: Yes, I'm very, very humbled and very honored to be in this room with you with the great work you have done against all the adversity. My name is Wanmaha and I'm from Southern California, Bamaa Indian Reservation. I served as a member of my Council as a legislative analyst.

One of the biggest problems we have is that we have a landfill that's being created right next to a sacred site. And we have tried to resolve this by every means possible within the regulations of state and county.

And now we're asking -- and I have the documents to give to Matthew to support this, that we somehow now have to go to the federal government to stop them. They are using -- they are indicating that all cultural concerns would be mitigated during the development phase of the landfill. It doesn't stop the landfill.

On May 10 -- you may have noticed my mother out there. She is in a wheelchair. She decided along with the elders and the children to be in the middle of the road on May 10 to stop the equipment. So I hope I don't have to put my mom on the road.

ATTORNEY GENERAL RENO: Sounds like my mother.

MS. WANMAHA: Yes, very much so. So I identified with what you said. I'm hoping there is something we can do. And our attorneys have sent documents.

ATTORNEY GENERAL RENO: Do we have that response? We will follow up. I don't know the answer. Let me take a look at the documents and I will get it back to you. I think you would rather have a good answer rather than my off-the-cuff answer.

Let me just take these three if I may, I hate to cut it off -- okay; we will take you two, that is it.

MR. WILLIAMS: My name is Joe Williams and I'm president of the organized village of Sachsho and here on behalf of the Alaskan Tribal Council.

I actually was going to address the issue of the Peggy John case that President Thomas had brought up. So we will leave it at that but go on to the other issue and that is to say from my heart and our language. Coochese, for all the efforts that you have done on behalf of Indian country. So from our heart to yours, Coochese.

ATTORNEY GENERAL RENO: Thank you, very much.

MS. CIANCIULLI: First of all, Madam Attorney General, I hope that is the correct title. I stand before you as a former battered woman, never to be battered again. And I appreciate your efforts and I am able to stand here before you and speak in this microphone because of my traditional healing. I now work for the American Baptist Church's headquarters in Valley Forge. Most of our mission work is in indigenous fields all over the world.

Our biggest concern is for the abuse of indigenous people, particularly in Central and South America at this time.

Are you planning to form an interagency task force at anytime in the future to study the current position of the United States on the declaration of indigenous life?

ATTORNEY GENERAL RENO: We have been working with the State Department. I don't have any information yet that I can share with you. But if I may, I'd like, number one, to hear more about the work

that you're doing in terms of violence. And, two, I'll ask Mark to get back to you with whatever we come out with. You will probably hear about it at the same time.

MS. CIANCIULLI: And I also want to thank you so much in your interest in Pine Ridge and the difference that you have made here. Thank you.

ATTORNEY GENERAL RENO: Well, I have so much to learn yet. So watch out for the red truck.

MR. BOYD: Madam Attorney General, my name is Lou Boyd. I'm Councilman in the Menominee tribe. I have a question, request if you will, and it is not an unreasonable request, if you consider the big picture, the great American Indian struggle for human rights in America.

We have been reading a lot, seeing a lot in the papers and on TV about pardons over the past year. A group of Puerto Rican nationalists were offered pardons for crimes that were committed in the United States.

I was going to ask would it be possible for President Clinton to pardon Leonard Peltier.

(Chorus of Applause)

ATTORNEY GENERAL RENO: I didn't hear.

MR. BOYD: To grant a pardon to Leonard Peltier.

ATTORNEY GENERAL RENO: Right, but you were going to say something when the applause started.

MR. BOYD: Yes. Leonard, being an old friend of mine, I have known Leonard back in the late 1960s. But he has been in prison for almost 25 years now. And I think it's time that he be granted his reprieve.

ATTORNEY GENERAL RENO: One of the issues that is, I have to watch what I can say here, I cannot discuss my advice to the President. So I'm limited in what I can say. And I hope you will understand that.

MR. BOYD: Yes, I do.

ATTORNEY GENERAL RENO: Thank you.

MR. BOYD: Thank you, very much.

MR. WHITE OWL: Madam Attorney General, my name is Thomas White Owl. I'm the General Counsel of Yachama Tribe in Oregon. And what I'm going to ask you for your consideration this afternoon, is that on the Yachama Reservation, which is a neighboring reservation in the northwest of our people, there are 13 unsolved mysteries -- unsolved murders that have happend there on the reservation. And a number also on the Warm Springs Reservation. And as a matter in the northwest area, we are finding it very hard to get cooperation with the federal authorities who are responsible for the execution of the law, if you will, or make it happen that these things will be investigated on through.

And as for the benefit of all of our people in the Northwest, I request that you would help to make this inroad possible that we might be able to have closure on many of these murders that are happening and that have never been investigated to the full extent in the Northwest area.

ATTORNEY GENERAL RENO: I will check on that as soon as I get back to the office, though I'm now reminded I won't get back. So I'll check on it first thing in the morning.

I want to give you a caution, though. One of the difficult things when you're investigating a matter is that you really shouldn't discuss what you're investigating.

And so it is difficult for an agent to keep people advised and at the same time conduct the investigation in the right way. But I am dedicated to this. There are a number of other instances where I have pursued it and we will do everything that we can and I will check on it first thing in the morning.

MR. WHITE OWL: What we would like to have is perhaps a directive or something to enable us to work more closely with the federal officials. So we make sure that these will not come to pass in the future. This is Yachama and Warm Springs.

Now, this has got to be the last one.

MR WINEBODA: My name is Jonathan Wineboda from Montana. One of the concerns I have is with local law enforcement. I'm under the COPPs program, Community Oriented Police Program. And recently in December, I had to give a notice of layoff for seven employees.

And coming from a community that has 78 percent unemployment rate, it is going to put a little stress in my position. And coming up in May I have a layoff notice for seven more and I'm currently under a grant award that is pending for seven more. Because of the situation of the grants that are in a three-year cycle, keep us at a disadvantage because of the tribal perspectives, we have to pick up the COPPs. As it is, our budget is pretty well spent.

ATTORNEY GENERAL RENO: I know this is an area of concern. I can't give you an answer now, but I am very sensitive to the problem and we're trying to address it.

Thank you all, very much.

(Time Noted: 3:43 p.m.)