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UNITED STATES DEPARTMENT OF JUSTICE

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ADDRESS BY ATTORNEY-GENERAL JANET RENO

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United South and Eastern Tribes, Inc., Meeting

18

Arlington, Virginia

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Wednesday, February 3, 1998

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P R O C E E D I N G S

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ATTORNEY-GENERAL RENO: Thank you

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very much, and thank you for inviting me to be

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here today in the spirit of mutual respect and

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friendship.

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Meeting with you within our framework

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of government-to-government relations, I am

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reminded that the Indian nations of the South

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and East have interacted with the United States

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government for over two centuries.

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In the East, the framers of our

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Constitution visited the leaders of the Six

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Nations Iroquois Confederacy to study the

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Great Law of Peace.

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In this way, the wisdom of your

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elders was made part of our constitutional

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system of checks and balances. It has been

18 gratifying for me to stand at Harvard Law
19 School, my alma mater, and be taught about the
20 Great Law of Peace in other ways, about what we
21 can do to bring peace amongst our young people.

22 In the south, the Cherokee Nation

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1 turned to the Supreme Court in the 1830s to
2 protect tribal treaty rights, and Chief Justice
3 Marshall announced the first principle of
4 federal Indian law: Indian nations are
5 distinct, self-governing peoples under the
6 protection of the United States.

7 The Court also explained that, by
8 ratifying the earliest Indian treaties, the
9 Constitution of the United States acknowledges
10 the sovereign status of Indian nations, and
11 that our treaties with your nations guarantee
12 tribal self government.

13 In a large part of our history, the
14 United States strayed from these high ideals,

15 sometimes strayed grievously, but we have now
16 come full circle, returning to a recognition of
17 tribal sovereignty as the guiding principle for
18 the government-to-government relations between
19 our nations.

20 I have seen it firsthand on my front
21 porch as representatives of the Miccosukee Tribe
22 have talked to my mother, who was then a

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1 reporter, an advocate for just what we seek
2 today, sovereign-to-sovereign relations based
3 on mutual respect and regard. And I have seen
4 so much happen just in these five years.

5 Today, I reaffirm the Justice
6 Department's support for tribal self-government
7 and for treaty rights, our recognition of the
8 federal trust responsibility, and our commitment
9 to assist Indian nations in developing strong
10 law enforcement systems, tribal courts and
11 traditional justice systems.

12 Against this background, I would like
13 to briefly touch on tribal law enforcement,
14 children's justice, tribal courts and economic
15 development in Indian country.

16 Before Europeans came to this great
17 land, Indian nations had their own enduring
18 traditions of justice. The health of the
19 community was placed ahead of the individual's
20 aspirations, and the life of the community was
21 often viewed as part of an eternal circle.

22 As Black Elk, the Lakota holy man,

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1 once said: "The power of nature moves in a
2 circle. The sun comes forth and goes down,
3 again, in a circle. The seasons form a great
4 circle in their changing and coming back again
5 to where they began."

6 The circle is a symbol of harmony,
7 the perfect symbol for Indian communities.

8 Unfortunately, decades of poverty and

9 dispossession have disrupted the harmony of
10 Indian communities. Today, violent crime in
11 Indian country too often takes a terrible toll
12 on its people.

13 While violent crime rates have fallen
14 nationwide, violent crime rates in Indian
15 country are rising. Tribal leaders have
16 emphasized to us the importance of improving
17 Indian country law enforcement, and in prior
18 years, the Justice Department took important
19 first steps to improve Indian country law
20 enforcement.

21 For example, the United States
22 attorneys with Indian country within their

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1 districts have designated Assistant United
2 States Attorneys to serve as tribal liaisons
3 and have made efforts to reduce violent crime a
4 priority for their district.

5 The FBI established a new office of

6 Indian Country Investigations and assigned more
7 field agents to fight violent crime in Indian
8 country.

9 Since 1995, the Community-Oriented
10 Policing Service has made more than \$50 million
11 in grants to tribal law enforcement agencies to
12 hire more than 700 full and part-time officers
13 in Indian communities.

14 In fiscal year 1997, the Stop
15 Violence Against Indian Women Program made
16 \$5.8 million in grants to Indian tribes to
17 prevent domestic violence.

18 Yet, even with these steps, law
19 enforcement in Indian country is still
20 undermanned and underfunded. There are only
21 1.3 police officers per thousand citizens in
22 Indian communities on average, compared with

1 2.9 officers per thousand citizens in similar
2 non-Indian communities.

3 In August of 1997, President Clinton
4 asked that Secretary Babbitt and I work with
5 tribal leaders to develop proposals for
6 improving Indian country law enforcement. In
7 response to the President's directive,
8 US Attorneys, Justice Department staff, and
9 Department of Interior personnel held meetings
10 with tribal leaders around the country.

11 An Interdepartmental Executive
12 Committee for Indian Country Law Enforcement
13 Improvements was formed, and a number of tribal
14 leaders served as Committee members.

15 During our joint consultation on law
16 enforcement improvement, some tribal leaders
17 advocated a transfer of BIA law enforcement to
18 the Justice Department. Others advocated
19 retaining it in the BIA. While others,
20 including the United South and Eastern Indian
21 Tribes, recommended more study of the issue.

22 There was, however, clear consensus

1 among the tribal leaders concerning the
2 immediate need to increase Indian country law
3 enforcement resources, police training and
4 technical assistance.

5 I am pleased to announce that the
6 Justice Department, hearing that message, is
7 seeking \$157 million in new and redirected
8 funds in the Fiscal Year 1999 Budget, which the
9 President has just announced.

10 This is a part of a joint
11 \$182 million initiative within the Department
12 of Interior. This initiative will fight
13 violent crime, gang-related violence and
14 juvenile crime in Indian country and enhance
15 tribal justice systems.

16 I appreciate the applause, but let me
17 tell you what I told Mark. I said, "First of
18 all, we've got to get it passed. We can't say
19 that it's going to happen until we get the
20 budget passed." And we're going to try our

21 level best.

22 If Congress grants the overall

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1 Justice Department request, \$52 million would
2 be used to fund grants to construct, modernize
3 and repair correctional facilities and jails on
4 Indian lands.

5 Of course, even with these new funds,
6 we would not have enough resources to build
7 separate facilities on every reservation. So,
8 I will look to you, as tribal leaders, for
9 ideas about developing regional facilities for
10 Indian country, and our first effort must be to
11 get this appropriation put into law.

12 But then let us look at if we can do
13 that, how we use this money wisely. How we
14 make sure that there are detention facilities
15 appropriate for the age, for adults and for
16 juveniles, that in the juvenile detention
17 facilities there are appropriate programs and

18 services available to the child, and that they
19 still have an opportunity for education or for
20 a GED.

21 Let us work together to make sure
22 that tribal traditions are reflected in these

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1 facilities after we succeed in this
2 appropriation.

3 Again, contingent upon congressional
4 approval of our request, \$54 million would fund
5 more tribal law enforcement officers and law
6 enforcement training to enhance efforts to
7 fight violent crime, gang related offenses and
8 juvenile crime.

9 Again, if we can get this
10 appropriation passed, if we can get these
11 hired, let us work together to make sure that
12 these police officers are truly community
13 police officers, in that, they are people who
14 are sensitive to tribal traditions, that they

15 serve tribes who have the same traditions and
16 the same type of approach to law enforcement,
17 because I am absolutely convinced, watching the
18 operation of such police officers both in
19 Indian country and in neighborhoods around this
20 nation, that when you involve the people you
21 serve in identifying problems and priorities
22 and directing solution, we together, police and

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1 law enforcement, working with the community,
2 working with the tribe, can truly make a
3 difference.

4 If Congress grants the overall
5 Justice Department request, \$10 million of the
6 funds would be used to fund Indian tribal
7 courts to meet the demands of burgeoning case
8 loads. It's not going to help if we get an
9 appropriation for police officers, if we train
10 those police officers right, and then we don't
11 have the courts that can hear the cases.

12 Another \$10 million in requested
13 funding would be used for drug testing,
14 treatment and sanctions in Indian country to
15 fight substance abuse, and we have got to make
16 sure that we work together to develop
17 tribally-sensitive programs that can truly,
18 truly address the issue.

19 It makes no sense to provide
20 residential drug treatment for a young offender
21 who has a drug problem and then send him back
22 home with no aftercare, no follow-up, no

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1 support mechanism in the community.

2 How can we provide that? Often times
3 it may be the elder to whom that young person
4 looks up to who can be the mentor, who can be
5 the guide, who can help them off to a fresh,
6 new start.

7 Another \$20 million in requested
8 funds would be dedicated to tribal juvenile

9 justice initiatives. As part of our 1999
10 Budget request, we are also seeking 30 more FBI
11 agents, 26 assistant US attorneys, and 31
12 victim-witness coordinators to fight violent
13 crime in Indian country.

14 But let us not wait until we just
15 consider the appropriation. We're going to
16 fight very, very hard for that, but we need to
17 work with you to understand how we address the
18 problem together of gangs in Indian country.
19 How do they get started? What can we do to
20 prevent it? What technical expertise or
21 assistance can we provide to you.

22 Again, if we look at these problems

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1 from a point of view of what works and what
2 doesn't work and how we can work together, we
3 can truly make a difference.

4 At the same time, the Department of
5 Interior will also take steps to improve Bureau

6 of Indian Affairs law enforcement. BIA law
7 enforcement will be strengthened by placing BIA
8 police officers and criminal investigators
9 under direct supervision of professional BIA
10 law enforcement personnel and reinforced by
11 segregating BIA law enforcement functions from
12 other BIA budget items.

13 The Department of Interior has also
14 requested \$25 million in increased funding for
15 law enforcement in the fiscal year 1999.

16 Reducing violent crime is critical to the peace
17 and the safety of Indian country, and safe,
18 stable community life is essential to true
19 self-determination for Indian nations.

20 To make these changes effective, we
21 must all work together in the coming months and
22 years. A great Indian leader once said: "Let

14
1 us put our minds together and see what lives we
2 can make for our children."

3 Today let us put our minds together
4 to see what lives we can make for our children
5 and their families, and how we can build safe
6 and healthy communities that respect the tribal
7 tradition of the many wonderful tribes across
8 this land. I think we can do it.

9 Let me turn to children's justice,
10 with that issue in mind. From my visits to
11 Indian communities, I know that Indian peoples
12 revere their elders, and they treasure their
13 children. A traditional Indian saying reminds
14 us that good acts done for the love of children
15 become stories good for the ears of the people.

16 Today, the young people of Indian
17 country and of America, I think, are great and
18 wonderful. I have talked to so many young
19 people across this nation who want so to be
20 somebody, to contribute, to make a difference,
21 and we can help them do that.

22 I have seen young men and women run a

1 relay from a pueblo in New Mexico all the way
2 to Washington to let us know what they needed
3 to support their elders and to make life better
4 for their whole community, not just for
5 themselves.

6 It will be a moment of my time as
7 Attorney General which I will never forget as I
8 met those young people, and heard about their
9 run and heard why they had come to see the
10 Attorney General.

11 We need only to give our youth the
12 guidance and the opportunity to make a safe,
13 strong and positive future, and they will do
14 it. That is why it is so important to focus on
15 prevention programs in juvenile justice.

16 Now, how do we make it work? Last
17 week, 16 tribes came to me with a joint
18 proposal to use tribal traditions to help their
19 youth develop a strong, positive self-identity,
20 so that the youth can put their energy to work
21 to better the community and to stay away from

22 gang activities.

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1 This is an excellent document. These
2 strong traditions reflected in this document
3 provide the foundation for ensuring that Indian
4 youth will be given the encouragement and the
5 tools necessary to succeed as youths and as
6 tomorrow's leaders.

7 As we think about juvenile justice, I
8 would like to hear your ideas about how to
9 recruit your tribal elders to serve as mentors
10 for tribal youth, and how you, as tribal
11 leaders, can use traditional values to keep our
12 youth on track and away from trouble.

13 Let me turn now to tribal courts.
14 Tribal courts, as I've indicated, are central
15 institutions of tribal self government, because
16 they are the front-line institutions for
17 maintaining order and resolving controversies
18 in Indian communities. As such, tribal courts

19 give life to the tribal values and the
20 traditions embodied in tribal law.

21 Fulfilling the federal trust
22 responsibility to Indian nations means not only

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1 improving law enforcement, but also enhancing
2 tribal courts. The Justice Department
3 recognizes the importance of tribal courts to
4 tribal self government, and we have worked to
5 promote cooperation between federal, tribal and
6 state courts by encouraging dialogue between
7 the court systems.

8 The Federal Courts of Appeal for the
9 Eighth, the Ninth and the Tenth Circuits have
10 developed committees to address tribal court
11 issues. We have also sought to provide
12 innovating training programs for tribal court
13 personnel.

14 Last week, the Department sponsored a
15 joint training for federal and tribal

16 prosecutors on how to try criminal cases in
17 Indian country.

18 Last year, the Justice Department and
19 the Federal Judicial Center co-sponsored a
20 joint training session for federal and tribal
21 court judges on child sexual abuse.

22 We are also working to make Justice

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1 Department funding programs available to tribal
2 courts. For example, in fiscal year 1998, the
3 drug courts program will award over \$1 million to
4 tribal governments to plan and implement tribal
5 drug court programs. The Bureau of Justice
6 Assistance also awarded planning grants for
7 intertribal appellate courts.

8 If we can use these monies for tribal
9 courts, if we can make them sensitive to tribal
10 traditions, if we can show what works, and then
11 help duplicate it in other tribal courts, I
12 think we can truly make a difference.

10 We know that more needs to be done to
11 support tribal courts in institutions of
12 justice. So as I stated earlier, the
13 Department is seeking \$10 million in Fiscal
14 Year 1999 to aid tribal courts, and this is
15 going to be one of my priorities.

16 Let's work together so that we can
17 handle the rapidly expanding dockets, continue
18 to ensure public health and safety, and protect
19 the political integrity of tribal governments.

20 As tribal leaders, you have the
21 ultimate responsibility for determining the
22 best avenue for building tribal courts as

1 strong, independent institutions of justice,
2 and you must be the first to cherish and
3 support tribal courts so that tribal justice
4 systems may realize their promise as
5 guardians of community justice and
6 tribal values.

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4 that context?

5 With modern computers, with
6 technology that we never dreamed of, I think we
7 have some real possibilities. Tribal
8 economies, historically, were in balance with
9 nature. They provided for community members
10 opportunity without injuring the environment.
11 We have a chance, perhaps, to do that again.

12 Before the first Thanksgiving, tribal
13 elders had taught the colonists how to plant
14 corn and how to survive in our great land, yet
15 throughout the nineteenth century, as waves of
16 immigrants moved westward, tribal lands and
17 economies were displaced, as I saw in the
18 history of the everglades as it moved further
19 and further west, as people cut canals through
20 the glades to drain and to change the character
21 of the land, to change the food supply of the
22 land, to change the very land itself.

1 As reservations were diminished,
2 Chief Crazy Horse said, "We preferred our own
3 way of living. We were no expense to the
4 government. All we wanted was peace and to be
5 left alone."

6 In treaties, the United States pledged
7 to secure reservations as "permanent homes" for
8 Indian peoples. Yet, in less than 50 years from
9 the passage of the General Allotment Act in 1887
10 to the passage of the Indian Reorganization Act
11 in 1934, Indian tribes lost almost 100 million
12 acres of their remaining homelands. Congress has
13 recognized the failure of past policies.

14 In the Indian Finance Act of 1974,
15 Congress declared the policy of the United
16 States to provide capital to help develop and
17 utilize Indian labor and resources to a point
18 where Indian communities enjoy a standard of
19 living from their own productive efforts comparable
20 to that of neighboring non-Indian communities.

21 Under this Act, a few Indian tribes

22 have made important progress in developing

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1 light manufacturing and other enterprises. More
2 recently, Indian tribes embarked on gaming as a
3 means of economic development, and Congress
4 enacted the Indian Regulatory Act to promote
5 economic development, self-sufficiency and
6 strong tribal governments.

7 Indian tribes use the governmental
8 revenue derived from gaming for purposes such
9 as roads and water systems, hospitals, schools
10 and law enforcement.

11 With Indian gaming, also, only a
12 small number of the more than 500 tribes in our
13 nation have achieved financial security. Some
14 of those tribes wisely seek to diversify their
15 tribal economies with revenues derived from
16 gaming, and a few gaming tribes are reaching
17 out to non-gaming tribes to help build a
18 strong economy and job opportunity throughout

19 Indian country.

20 Yet many American Indians and Alaska
21 natives continue still to be among the poorest
22 people in the nation. This is inexcusable.

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1 On some of the larger reservations,
2 BIA labor statistics indicate that unemployment
3 rates exceed 50 percent of the Indian labor
4 force. In 1996, it's reported that 43 percent
5 of American Indian and American Alaska native
6 children under 5 years old live in poverty.
7 The statistics demonstrate that we must all
8 work together to create economic opportunity
9 throughout Indian country that does not destroy
10 the land, the air, the water and the spirit of
11 Indian country.

12 Last summer, the Office of the
13 Controller of the Currency, and the Office of
14 Tribal Justice of the Department of Justice
15 sponsored a conference on banking in Indian

16 country. The Justice Department is presently
17 considering a two-day summit on doing business
18 in Indian country together with our sister
19 agencies.

20 We think it is important for tribal
21 leaders, industry leaders and agency officials
22 to discuss the unique features of doing

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1 business in Indian country, how to build a
2 positive environment for business development
3 and how to use advancing technologies to
4 overcome problems of distance to the
5 marketplace.

6 One of the points that is vital to
7 remember as we promote tribal economic
8 development is that the employment demographics
9 of this nation are changing rapidly.

10 Prior to World War II, 70 percent of
11 the jobs in this country were unskilled. Now,
12 I think, probably less than 17 percent are

13 unskilled. Today, workers need high-tech
14 modern skills, and we have to prepare our
15 children for the marvels of technology in the
16 21st Century.

17 Telecommuting may be one of the main
18 avenues for economic development as we approach
19 the next century. In addition, there are
20 important federal employment tax credits for
21 Indian country on the book that may be
22 under-utilized. We must get the word out to

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1 industry.

2 The Small Business Administration
3 wants to announce the new HUB zone program that
4 will take effect in June of 1998. At the same
5 time, it will be important to educate others
6 about successful examples of tribal economic
7 development.

8 I'm interested in hearing your ideas
9 for promoting a continuing dialogue between

10 tribal leaders and industry leaders and
11 continuing inter-agency cooperation.

12 Perhaps it is time to form a broadly-
13 inclusive American Indian Chamber of Commerce,
14 so that tribal leaders and industry leaders may
15 come together regularly to promote business,
16 business that is consistent with tribal
17 tradition in Indian country. And so that tribal
18 leaders from successful tribes can assist in
19 providing the "spark" that is needed for less
20 advantaged neighboring tribes to enjoy the
21 benefits of economic development.

22 Finally, let me say this. I

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1 know you, as tribal leaders, face many
2 challenges. Last year, Secretary Babbitt and I
3 opposed federal income taxation of tribal
4 government revenues because you need those
5 revenues to build schools, to build hospitals
6 and roads, and because such taxation would run

7 counter to our treaty pledges to protect tribal
8 self-government.

9 We also opposed legislative proposals
10 to waive tribal sovereign immunity that would
11 have undercut your tribal government functions
12 and threatened tribal treasuries.

13 You may face similar challenges this
14 year. Please stay in touch with my staff at
15 the Office of Tribal Justice as issues of
16 concern develop. We want to work with you on
17 these issues.

18 In closing, I would remind all
19 Americans that our nation is a great land where
20 we cherish liberty, justice and freedom for all
21 of our people.

22 For American Indians, liberty means

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1 tribal sovereignty and self-government.

2 Justice means respect for tribal treaty rights.

3 Freedom means that Indian peoples may live

4 according to their own ways on their own land.

5 Thank you very much.

6 (Whereupon, at approximately

7 3:30 p.m., the PROCEEDINGS were

8 adjourned.)

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