

UNITED STATES ATTORNEY'S OFFICE District of Nebraska

2011 INDIAN COUNTRY ANNUAL REPORT



This quilt was a gift to the United States Attorney's Office from the Santee Sioux Nation.

DEBORAH R. GILG
UNITED STATES ATTORNEY



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MESSAGE FROM THE UNITED STATES ATTORNEY

I am pleased to present the inaugural 2011 Indian Country Annual Report for the District of Nebraska. Previously, the United States Attorney's Office for the District of Nebraska had compiled an annual report which included a small section on Indian Country. Because the Santee Sioux, Winnebago, Omaha and Ponca Tribes are sovereign nations, I believe that it is appropriate to have a separate report devoted solely to Indian Country. Although the Ponca Tribe is a sovereign nation, due to their lack of a reservation, the United States Attorney's Office has no federal jurisdiction for major crimes with respect to the Poncas and, accordingly, there are no case updates contained in this report on members of the Ponca Tribe.

In January, 2011, I was honored to be selected as the Chair of Attorney General Eric Holder's Violence Against Native-American Women Federal and Tribal Prosecution Task Force. In addition to myself, there are twelve task force members: six Assistant U.S. Attorneys and six tribal government representatives. We are collecting best practices on investigation and prosecutions of domestic violence against Native American women. It is our goal to produce a handbook for prosecutors to utilize which will increase our effectiveness in combating this tragic problem.

Throughout 2011, our staff and I traveled to each reservation for our quarterly meetings and we were fortunate to also host the tribal councils at our Omaha office as well. The Missouri River flooding presented some unique transportation challenges for all of us. As always, we found the meetings to be most informative in understanding the law enforcement priorities and concerns of tribal councils. Our tribal liaison, Doug Semisch and our victim-witness advocate, Erin Richardson, traveled monthly to the Multi-Disciplinary Team meetings and reviewed cases with tribal prosecutors, tribal law enforcement and social services. It is our priority to make sure that cases are timely and thoroughly investigated with an opportunity to collaborate with our tribal partners in determining whether a case is best prosecuted in federal court or tribal court.

In July, 2011, our District co-hosted the 2011 Indian Country Conference on "Protecting and Empowering Families" at the College of St. Mary's in Omaha. It was well attended by a variety of victim service providers, law enforcement, school personnel and other service providers. My colleagues, U.S. Attorney Barry Grissom for the District of Kansas and Stephanie Rose, U.S. Attorney for the District of Northern Iowa, also attended and spoke about their respective efforts in Indian Country. We were fortunate to have Leslie Hagen, the Native American Indian Country National Training Coordinator for the Department of Justice deliver training on the Tribal Law and Order Act.

As a side note, it was particularly exciting that during the conference, it was announced that the first Native American Catholic Bishop had been chosen and he was a member of the Prairie Band Pottawattamie Tribe of Kansas!

Also in July, 2011, the United States Attorney General's Native American Issues Subcommittee met in Rapid City, South Dakota and on the Pine Ridge Indian Reservation. Attorney General Holder attended our meeting and traveled with us to the Pine Ridge Indian Reservation. One of the highlights of the meeting was our trip to the Wounded Knee Memorial. Attorney General Holder recalled that former Attorney General Robert F. Kennedy was the last United States Attorney General to visit Wounded Knee and that Attorney General Kennedy lamented that he wished he had brought a wreath to lay on the memorial out of respect. Decades later, Attorney General Holder made the trip and fulfilled Robert Kennedy's wish by laying a wreath on the memorial.

The meeting was also an opportunity for all of us on the subcommittee as well as AG Holder to hear from various tribal representatives of South Dakota tribes as well as our own, Roger Trudell, of the Santee Sioux Tribe. There is no better way to understand the poverty and despair in parts of Indian Country than by actually walking and talking with those who live there. All of us came away with a renewed sense of commitment to making a difference. On a positive note, we went to the Red Cloud School and we were amazed at the quality of the facility and faculty as well as the high achieving students with dreams of making better lives for their tribes. I have no doubt that the leaders of tomorrow are being educated at that school.

On September 20, 2011, the Santee Sioux opened their new domestic violence shelter and we were proud to be a part of the grand opening ceremonies. Congratulations to the dedicated group of Santee Sioux that had a vision of a safe place for battered women and children and made that vision a reality.

In October, 2011 Misty Thomas, Santee Sioux, was chosen by the White House as a "Champion of Change". The Champion of Change program was created as a part of President Obama's Winning the Future initiative. Misty has been the Director of the Dakota Tiwahe Service Unit, the Social Services Department for the Santee Sioux Nation for over five years. Under her leadership, the dream of a domestic violence shelter became reality. Our office was honored to participate in the grand opening ceremonies.

To close out the year, in November, 2011, our Subcommittee also met in Albuquerque, New Mexico, at the Bureau of Indian Affairs Training Center. This was a good opportunity for us to learn about the unique dynamics of New Mexico Pueblo Culture and meet with New Mexico Native American leaders.

I deeply appreciate the graciousness and hospitality that each tribe has shown our office throughout 2011. We look forward to an even better 2012.

Indian Country Accomplishments of the Justice Department, 2009-Present

“This administration is committed to building and sustaining safe and secure native communities across the country. We know too well that tribal communities face unique law enforcement challenges and are struggling to reverse unacceptable rates of violence against women and children. We have made solid strides in our work to improve public safety, ease and enhance tribes’ ability to receive federal support, and strengthen coordination and collaboration with our tribal law enforcement partners—but work remains, and our efforts continue daily.”

-- Attorney General Eric Holder

In June 2009, Attorney General Eric Holder launched a Department-wide initiative to enhance public safety in Indian Country. Significant progress has been made since then. This document offers highlights of the Department’s progress in the following areas: enhanced prosecution and training efforts; implementation of the Tribal Law and Order Act of 2010 (TLOA); grant opportunities; general litigation; civil rights; and outreach and consultation.

ENHANCING PROSECUTION, TRAINING AND OUTREACH EFFORTS TO KEEP TRIBAL COMMUNITIES SAFE

Introduction of Legislation to Combat Violence Against Native Women

- In July 2011, the Department of Justice proposed legislation that would significantly improve the safety of Native women and allow federal and tribal law enforcement agencies to hold more perpetrators of domestic violence accountable for their crimes. The proposed legislation would address three legal gaps by: (1) recognizing certain tribes’ power to exercise concurrent criminal jurisdiction over domestic violence cases, regardless of whether the defendant is Indian or non-Indian; (2) clarifying that tribal courts have full civil jurisdiction to issue and enforce protection orders involving any persons, Indian or non-Indian; and (3) providing more robust federal sentences for certain acts of domestic violence in Indian Country.

Native American Issues Subcommittee

- U.S. Attorneys from 30 of 47 districts with Indian Country or one or more federally recognized tribes serve on the Attorney General’s Advisory Council (AGAC) Native American Issues Subcommittee (NAIS). The NAIS focuses exclusively on Indian Country issues, both criminal and civil, and is responsible for making policy recommendations to the Attorney General regarding public safety and legal issues. In September 2010, NAIS and officials from the Justice Department’s Environment and Natural Resources Division conducted a field meeting in Missoula, Mont., where the subcommittee engaged tribal leaders on environmental and natural resource issues. In July 2011, the NAIS met in Rapid City, South Dakota, and on the Pine Ridge Indian Reservation, to hear from tribal leaders, law enforcement officials, and community members about public safety issues in Indian country, including violence against Native American women. Attorney General Eric

Holder, Associate Attorney General Thomas Perrelli, Assistant Attorney General Ignacia Moreno, and other Department of Justice and Bureau of Indian Affairs officials participated in the meeting.

District-Level Operational Plans

- In January 2010, then-Deputy Attorney General David Ogden issued a memorandum to all U.S. Attorneys declaring that “public safety in tribal communities is a top priority for the Department of Justice.” He directed that: (1) every U.S. Attorney’s Office (USAO) with Indian Country in its district, in coordination with our law enforcement partners, engage at least annually in consultation with the tribes in that district; and (2) every newly confirmed U.S. Attorney in such districts should conduct a consultation with tribes in his or her district and develop or update the district’s operational plan within eight months of assuming office, unless an extension of time is provided by the Executive Office for United States Attorneys (EOUSA).

Additional FBI Agents and Federal Prosecutors Assigned to Address Violent Crime in Indian Country

- The Department added 28 new Assistant U.S. Attorneys dedicated to prosecuting crime in Indian Country in nearly two dozen districts. In addition, the FBI added 9 positions, including 6 agents to work on Indian Country investigations.

Additional Victim Specialists for Indian Country

- In FY 2010, the FBI Office for Victim Assistance (OVA) added 12 additional Victim Specialist positions to provide victim assistance in Indian Country. The victim specialists have an invaluable role in Indian Country investigations, particularly in cases of domestic violence and child abuse, providing essential services and support.

U.S. Attorney’s Office Tribal Liaisons

- Every U.S. Attorney with Indian Country jurisdiction has appointed at least one tribal liaison to serve as the USAO’s primary point of contact with tribes in the district.

Enhanced Training for Prosecutors and Law Enforcement Working in Indian Country

- In July 2010, EOUSA launched the National Indian Country Training Initiative to ensure that Department prosecutors, as well as state and tribal criminal justice personnel, receive the training and support needed to address the particular challenges relevant to Indian Country prosecutions. The training effort is led by the Department’s National Indian Country Training Coordinator.
- Through the Initiative, the Environment and Natural Resources Division (ENRD) of the Department is developing an important new training program for tribal law enforcement

personnel and prosecutors that will help build tribal capacity to assume responsibility for enforcement of environmental and wildlife laws in Indian country.

Attorney General's Violence Against Women Federal and Tribal Prosecution Task Force

- In 2011, the Attorney General launched a Violence Against Women Federal and Tribal Prosecution Task Force composed of federal and tribal prosecutors. The Task Force was created to facilitate dialogue and coordinate efforts between the Department and tribal governments regarding the prosecution of violent crimes against women in Indian Country, and to develop best-practices recommendations for both federal and tribal prosecutors.

Information Sharing with Tribal Governments

- Since 2009, the FBI's Uniform Crime Reporting (UCR) Program Office has coordinated with the Bureau of Indian Affairs and the Justice Department's Office of Justice Programs to increase the number of tribes that qualify for Justice Assistance Grants (JAG) eligibility. This has been accomplished primarily through liaison efforts and presentations to increase awareness at tribal law enforcement conferences.

TRIBAL LAW & ORDER ACT (TLOA) IMPLEMENTATION

Establishment of the Office of Tribal Justice as Separate Component within the Justice Department

- On November 17, 2010, Attorney General Holder announced the establishment of the Office of Tribal Justice (OTJ) as a separate component within the organizational structure of the Department. OTJ has a key role in the Department's ongoing initiative to improve public safety in Indian Country, and serves as an important resource on matters of Indian law.

Bureau of Prisons Pilot Project to House Tribal Offenders Sentenced in Tribal Courts

- In November 2010, the Bureau of Prisons (BOP) launched a four-year pilot program to accept certain tribal offenders sentenced in tribal courts for placement in BOP institutions. The pilot program allows any federally recognized tribe to request that BOP incarcerate a person convicted of a violent crime under the terms of the TLOA and authorizes BOP to house up to 100 tribal offenders at a time, nationwide.

Memorandum of Agreement on Alcohol and Substance Abuse

- The Departments of Justice, the Interior and Health and Human Services entered into a Memorandum of Agreement (MOA) that the agencies would collectively, among other things: determine the scope of the alcohol and substance abuse problems faced by American Indians and Alaska Natives, identify the resources each agency can bring to bear on the problem, and set minimum standards for applying those resources.

Long Term Plan for Building and Sustaining Tribal Justice Systems

- The Departments of Justice and the Interior, working in close coordination with other federal agency partners, developed a long term plan to build and sustain tribal justice systems. Formal consultation sessions and focus groups were held to develop the plan.

Proposed Rule on Assumption of Concurrent Federal Criminal Jurisdiction

- The Department is preparing a final rule to implement Section 221 of the TLOA, which authorizes the Attorney General to assume concurrent jurisdiction over crimes committed on certain tribal lands. Through this rule, an Indian tribe that is subject to Public Law 280 may request that the federal government accept concurrent jurisdiction within the tribe's Indian Country and, if the Attorney General consents, federal authorities can investigate and prosecute criminal offenses.

Native American Issues Coordinator Designated in EOUSA

- The Department has created the position of Native American Issues Coordinator, designated in EOUSA. The Coordinator provides advice and assistance to USAOs on legal and policy issues pertaining to Native Americans and Indian Country, and serves as a liaison between the USAOs, the NAIS, and other Department components and law enforcement agencies.

Additional Resources to Combat Sexual Assault in Indian Country

- In accordance with Section 265 of the TLOA, FBI's Office of Victim Assistance (OVA) is partnering with the Indian Health Service to expand and support Sexual Assault Nurse Examiner (SANE) and Sexual Assault Response Team (SART) programs in Indian Country.

Compendium of Crime Data for Indian Country

- In June 2011, the Bureau of Justice Statistics (BJS) issued a Compendium of Crime Data for Indian Country, which focuses on existing data on criminal justice issues in Indian Country.

GRANT OPPORTUNITIES

Streamlined Grant Solicitation Process for Tribal Communities

- In February 2010, the Department announced a streamlined approach for American Indian and Alaska Native tribes to apply for funding opportunities. The Coordinated Tribal Assistance Solicitation (CTAS) serves as a single application for existing tribal government-specific grant programs administered by the Office of Justice Programs (OJP), Community Oriented Policing Services (COPS), and the Office on Violence Against Women (OVW). The creation of this streamlined process comes in response to tribes' concerns that the

Department's grants were not flexible enough, and that a single application would significantly improve the ability to apply for and receive funding.

- In September 2010, in the first set of CTAS grants, the Department awarded \$127 million to more than 130 American Indian and Alaska Native communities to enhance law enforcement, bolster justice systems, prevent youth substance abuse, serve sexual assault and elder abuse victims, and support other efforts to combat crime.
- In September 2011, the Department awarded \$118.4 million in CTAS grants to more than 150 American Indian and Alaskan Native nations to enhance law enforcement practices and sustain crime prevention and intervention efforts in eight purpose areas: public safety and community policing; methamphetamine enforcement; justice systems and alcohol and substance abuse; corrections and correctional alternatives; violence against women; elder abuse; juvenile justice; and tribal youth programs.

PROTECTING TRIBAL RESOURCES AND SOVEREIGNTY

Historic Settlement of Trust Litigation

- In 2010, the Departments of Justice and the Interior reached a historic \$3.4 billion settlement resolving the litigation in *Cobell v. Salazar*, an Indian trust class-action lawsuit that had been pending for 15 years. The settlement, approved by the court and by Congress, provides for payments to over 400,000 individual Indians who had Individual Indian Money accounts or an interest in trust or restricted land managed by the Department of the Interior.
- On October 21, 2011, the Departments of Justice, the Interior, and Treasury announced a final settlement to the long-running lawsuit by the Osage Tribe of Oklahoma regarding the United States' accounting and management of the tribe's trust funds and non-monetary trust assets. The U.S. will pay the tribe \$380 million to compensate for claims of historical losses to trust funds and interest income as a result of the government's management of trust assets. The parties also will implement measures that will lead to strengthened management of the tribe's trust assets and improved communications between the Department of the Interior and the tribe.

Securing Tribal Lands

- The Department helped the Saginaw Chippewa Indian Tribe secure the existence and boundaries of its reservation through a settlement between the Tribe, the United States, the State of Michigan, and local governments, which included a series of landmark intergovernmental agreements that provide much-needed clarity regarding authority over law enforcement, child welfare, taxation, and land use matters. In addition, the Department successfully supported the existence of the Yankton Sioux Reservation in South Dakota by defeating claims that the reservation had been disestablished.

- The Department also successfully defended the Secretary of the Interior's decisions to take land into trust for various tribes, which expanded their land bases and authority.

Preserving Tribal Culture through Access to Eagle Feathers

- In an important victory, the Tenth Circuit held in *United States v. Wilgus* that the government could provide tribal members with exclusive access to eagle feathers for religious purposes, under exceptions to federal laws prohibiting possession of these wildlife resources.
- The Department of Justice has also been working closely with the Department of the Interior and with tribes to facilitate tribal members' access to eagle feathers for religious and cultural purposes. The Department has solicited tribal input on a proposed policy that would memorialize its practice, consistent with that of the Department of the Interior, of enforcing federal wildlife laws in a manner that respects the ability of federally recognized tribes and their members to use eagle feathers and other bird feathers and parts for cultural and religious purposes.

Supporting Tribal Courts and Tribal Sovereignty

- In *Water Wheel Camp Recreation Area, Inc. v. Gary LaRance*, the Department successfully supported tribal court jurisdiction to exclude non-Indians from tribal land. The Ninth Circuit's ruling will help address long-standing problems with non-Indians encroaching on tribal lands and provides strong precedent in support of tribal courts.
- In the Supreme Court case of *Hogan v. Kaltag Tribal Council* and the Ninth Circuit case of *Parks v. Native Village of Minto*, the Department helped successfully support the inherent sovereignty of Alaska Native village tribal courts to adjudicate child custody matters.

Ensuring Tribal Access to Water

- The Indian Resources Section of the Department's Environmental and Natural Resources Division (ENRD) brought water rights claims for the benefit of tribes in order to secure safe and reliable drinking water for tribes, as well as water for sanitation, economic development, and other purposes. In particular, ENRD contributed to five landmark Indian water rights settlements which, when fully implemented, will resolve complex and contentious water rights issues in New Mexico, Arizona, and Montana.

PROTECTING THE CIVIL RIGHTS OF AMERICAN INDIANS AND ALASKA NATIVES

Landmark Settlement Reached with Native American Farmers Claiming Discrimination by USDA

- On October 19, 2010, Attorney General Holder and Secretary of Agriculture Tom Vilsack announced a landmark settlement of the *Keepseagle* class-action lawsuit filed against the

Department of Agriculture (USDA) by Native American farmers and ranchers. The settlement ends more than a decade of litigation concerning discrimination complaints from Native Americans generally covering the period from 1981 to 1999.

Prosecution of Hate Crimes and Human Trafficking

- Since January 2009, the Department's Civil Rights Division, working with the U.S. Attorneys' Offices, has prosecuted civil rights crimes victimizing Native Americans through sex trafficking, hate crimes, and police brutality, including prosecuting:
 - Defendants for sex trafficking Native American children and adults in South Dakota;
 - Police officers for beating Native American victims in Arizona and Montana;
 - Corrections officers for beating a Native American detainee in North Carolina;
 - Defendants who committed hate crimes against Native Americans, including three defendants in New Mexico for using force to cause bodily injury to a Native American man under the Shepard Byrd Hate Crimes Prevention Act of 2009 and two defendants who assaulted and threatened an Alaska Native in Anchorage.

OUTREACH AND CONSULTATION WITH TRIBAL PARTNERS

Increased Cooperation and Consultation with Tribes

- On October 28-29, 2009, the Attorney General convened the Department's Tribal Nations Listening Session on Public Safety and Law Enforcement in St. Paul, Minn. Nearly 300 tribal leaders representing approximately 100 tribes attended the session. In addition to representatives from nearly all of the Department's components, representatives of the Departments of the Interior, Health and Human Services, Housing and Urban Development, Education, and Homeland Security also participated.
- The Department has engaged in dozens of consultations with tribes on issues important to public safety, justice and law enforcement, including violence against American Indian and Alaska Native women, implementation of the Sex Offender Registration and Notification Act, the Prevent All Cigarette Trafficking Act, and the TLOA. The Department has also engaged in significant outreach on environmental and natural resource issues.

Tribal Nations Leadership Council

- The Department established a Tribal Nations Leadership Council, composed of tribal leaders selected by the tribes themselves and charged with advising the Attorney General on issues critical to tribal governments and communities.

The 12th National Indian Nations Conference

- In December 2010, more than 900 persons attended the 12th National Indian Nations Conference on the Agua Caliente Reservation in California. Featured speakers included

Attorney General Eric Holder and Assistant Secretary for Indian Affairs Larry Echo Hawk. The event provided training for law enforcement officials, prosecutors, judges, health and mental health professionals, social workers, and victim advocates from tribal, federal, state, and local levels.

Consultation with Native Youth at the National Intertribal Youth Summit

- In July 2011, 150 young men and women from tribes across the country attended the week-long National Intertribal Youth Summit in Santa Fe, New Mexico, featuring Administration officials from the White House and the Departments of Justice, the Interior, Health and Human Services, and Education. The Summit provided an opportunity for Administration officials to hear directly from youth in Indian Country on critical issues such as healthy relationships and lifestyles, education, substance and alcohol abuse, cultural preservation, community development, and protecting the environment.

OCTOBER 2011 REPORT ON PRESCRIPTION DRUG MONITORING IN INDIAN COUNTRY

In October 2011, in accordance with the Indian Health Care Improvement Act, the Attorney General submitted a report on the issue of prescription drug monitoring to the Senate Committee on Indian Affairs and the House Committee on Natural Resources. The report describes the capacity of Federal and tribal agencies to carry out data collection and analysis and information exchanges as described in the Act; training conducted for Indian health care providers, tribal leaders, law enforcement officers, and school officials regarding awareness and prevention of prescription drug abuse and strategies for improving agency resources for addressing prescription drug abuse in Indian communities; infrastructure enhancements required to carry out the activities described in the Act; and statutory or administrative barriers to carrying out the activities required by the Act. Read the full report at www.justice.gov/tribal/publications.html

**DISTRICT OF NEBRASKA
INDIAN COUNTRY OPERATIONAL PLAN
FOR LAW ENFORCEMENT ON THE
OMAHA, SANTEE SIOUX AND WINNEBAGO RESERVATIONS
Revised Effective January 1, 2012**

I. BACKGROUND

Tribes With Reservations

The United States Attorney's Office (USAO) for the District of Nebraska has jurisdiction on three Indian reservations located in the State of Nebraska. These are: the Winnebago, the Omaha, and the Santee Sioux reservations. The Omaha and Winnebago reservations are contiguous to one another and are situated 80 miles north of the main office of the USAO, which is in Omaha, Nebraska. The Santee Sioux Tribe is located 190 miles northwest of the City of Omaha and 115 miles west of the Winnebago and Omaha reservations. Although Nebraska was originally designated as a Public Law 280 state, each of these reservations has retroceded jurisdiction so that the USAO has jurisdiction under Title 18, United States Code, Section 1153 for major crimes committed by Native Americans against other Native Americans or property owned by other Native Americans. Additionally, the USAO has jurisdiction under Title 18, United States Code, Section 1152 for all offenses committed by non Native Americans against Native Americans or property owned by Native Americans. The USAO also has jurisdiction for all offenses committed by a Native American against the person or property of a non Native American except where said Native American has already been punished by the local law of the tribe for the same conduct. Federal laws of general applicability which are not dependent on Indian Country or exclusive federal jurisdiction as a jurisdictional basis also apply in Indian Country. These crimes include, but are not limited to, mail and wire fraud, felon in possession of a firearm, use of a weapon during a crime of violence, interstate violence against women, interstate violation of protection orders, and illegal distribution of controlled substances.

Felony assaults, rapes, child sexual assaults and child physical abuse are the main offenses routinely prosecuted federally on the three reservations. The Federal Bureau of Investigation (FBI) assumes primary responsibility for the bulk of these investigations. However, in almost all instances, local tribal law enforcement is the first responder. On occasion, when available, a Bureau of Indian Affairs (BIA) criminal investigator assists with these investigations.

The population on the Winnebago Indian reservation is 1,100 with another 600 Winnebago Tribal members living in the rural county areas adjacent to the reservation. There are another 2,200 enrolled members living in the contiguous Omaha reservation within the villages of Macy and Walhill. The Santee Sioux population is approximately 600.

The Native American population is the largest racial group in the Thurston County area representing 53% of the total population. The poverty rate for non-Native Americans in Thurston County is 12%, for Native Americans it is 49%. For non-Indian children under the age of five, 17% live in poverty while 67% of Native American children under the age of five in Thurston County live in poverty. The percentage of Native Americans living in poverty on the Winnebago and Omaha reservations is 46%, more than four times the rate for white Nebraskans (9.9%). The Village of Santee is 89% Native American and the percentage of Santee living below the poverty line is approximately 47.5%. Studies generally show that poverty is a more significant risk factor than race or ethnic origin

for becoming a victim of a violent crime or committing a violent crime. (Nebraska Health and Human Services Minority Health Report 2001).

Anecdotal information received from the tribal council meetings indicates serious drug problems, particularly a methamphetamine problem. The three tribes report a drug problem but lack the necessary resources to investigate and prosecute the cases. The Winnebago tribal prosecutor, a former criminal defense attorney, suggests there is a methamphetamine problem on the reservation in regard to usage, but that his experience indicated the methamphetamine users usually travel to Sioux City, Iowa to purchase their meth. This would be a similar source for the Omaha reservation. The Santee Sioux, through interviews with the Child Protective Service personnel, indicate a methamphetamine problem. In all likelihood the source of the drugs is either from Lincoln, Nebraska or the Yankton, South Dakota area, 46 miles away. There are no indicators of meth labs or significant meth distribution on any of these reservations.

The Winnebago tribe has a Methamphetamine Task Force that addresses the meth problem through prevention and education. While the USAO is a part of this effort, it should be noted that this is not a law enforcement task force.

There is a Safe Trails Task Force for the three reservations which is part of an FBI initiative to combat gang violence in Indian Country. However, due to the minimal amount of gang activity on the reservations in Nebraska, the three FBI agents assigned full time to Indian Country primarily investigate major crimes without regard to gang involvement. Recent local FBI statistics indicate a 77% increase in indictments and a 150% increase in convictions with a corresponding number in federal referrals as a result of increasing manpower devoted to Indian Country.

There are two Bureau of Indian Affairs (BIA) investigators assigned to the three reservations; one as a drug investigator and one to investigate criminal matters. Information from the BIA, FBI and the Tribal Councils indicate the BIA investigators serve on a part-time basis for the three Nebraska reservations and cover a 200 mile radius between Nebraska and South Dakota. The Winnebago Reservation is covered by BIA sworn officers with federal certification and Winnebago Tribal Police officers without federal certification. The Omaha Reservation and the Santee Sioux Reservation are covered by tribal officers who do not have federal certification. There is a tremendous amount of turnover of tribal law enforcement personnel on all three reservations.

The Juvenile probation systems on the reservations are inadequate. Historically, the USAO had not prosecuted juveniles except in very egregious cases. However, when the tribal prosecutors indicated they would welcome an increase in federal referrals of juvenile cases, it was determined that juvenile cases would be screened on a case by case and community needs basis. This has resulted in an increase in federal juvenile delinquency petitions and an increase in juveniles being prosecuted as adults. It is anticipated the focus on juvenile offenders will continue wherever federal jurisdiction otherwise exists.

The Santee Sioux tribe has recently secured a seven bedroom house to serve as a Woman's Shelter for Tribal Women. Due to the availability of a shelter specifically for native women, an increase in reporting of domestic violence and child abuse/sexual assaults is anticipated from the Santee Sioux Reservation.

The USAO devotes a team of three AUSAs to prosecution of Indian Country cases, one from the drug unit and two from the general crimes unit. The USAO has received additional Indian Country funding to assist with Indian Country prosecutions.

Tribe With No Reservation

The Ponca Tribe of Nebraska with a population of slightly over 3,100 nationwide, does not have a reservation. In 1858, the Ponca Tribe relinquished most of its land to the federal government. In 1877, the remaining land was relinquished to the federal government due to a law passed by Congress in 1876. In 1962, Congress terminated its relationship with the Ponca Tribe. However, federal recognition was restored in 1990 when Congress re-recognized the Ponca Tribe. Trust land is owned by the tribe in Iowa. Although the Ponca Tribe lacks a land base in Nebraska, the Tribe does have designated “Service Delivery Area” counties; fifteen counties in Nebraska with 1,100 members in these counties.

II. Statute of Limitations Considerations

In allocating resources and determining the appropriate jurisdiction for prosecution of offenses, the USAO will consider the applicable federal and tribal statute of limitations. To the extent possible based upon the investigation, federal prosecutive decisions will be made on a timely basis to allow tribal prosecutors to consider lesser or alternative charges which may not have been filed prior to the federal referral. In this respect, the following provisions apply:

A. Federal Statutes

1. Capital offenses may be prosecuted at any time without limitation pursuant to 18 U.S.C. §3281.
2. Except as otherwise provided by law, non-capital offenses may be prosecuted at any time within five years of the date of the offense pursuant to 18 U.S.C. §3282.
3. Prosecution for an offense involving the kidnapping of a child under the age of 18, or the sexual or physical abuse of a child under the age of 18 may be prosecuted any time during the life of the child or for ten years after the offense, whichever period is longer pursuant to 18 U.S.C. §3283.

B. Winnebago Laws

1. Rule 1B-203 of the Winnebago Rules of Criminal Procedure required criminal proceedings to be commenced within three years of the date of the commission of the offense.
2. Any time a defendant spends outside of the jurisdiction of the Winnebago Tribe for the purpose of avoiding prosecution is not counted toward the three year statute of limitations period.

C. Omaha Laws

1. There is no statute of limitations for homicides committed on the Omaha Indian Reservation.
2. For serious offenses such as aggravated assault and burglary, there is a five year statute of limitations.
3. For all other offenses there is a one year statute of limitations.

D. Santee Sioux Laws

1. The Santee Sioux Tribe has essentially adopted Chapter 28 of the Nebraska Revised Statutes as its Criminal Code. However, as Chapter 28 does not contain any statute of limitations provisions, it is assumed that the provisions of Section 29-110 of the Nebraska Revised Statutes apply.
2. Except as noted below, there is a one year six month statute of limitations for most misdemeanor offenses. However, for offenses punishable only by a fine or by imprisonment for not more than three months, the statute of limitations is one year.
3. The statute of limitations for the offenses of kidnapping, false imprisonment, child abuse, pandering, debauching a minor, or an offense under section 28-813, 28-813.01 or 28-1463.03 when the victim is under 16 years of age at the time of the offense, is seven years after the commission of the offense, or seven years after the victim turns 16, whichever is greater.
4. The statute of limitations for the offenses of criminal impersonation, identity theft and identity fraud is five years.
5. There is no statute of limitations for the offenses of treason, murder, arson, forgery, sexual assault in the first or second degree, sexual assault of a child in the first, second or third degree, incest, or sexual assault in the third degree when the victim is under 16 years of age.
6. The time limitations noted above do not extend to any person fleeing from justice.

III. Prosecution Guidelines

A. Major Crimes Act cases (18 USC §1153)

The USAO has jurisdiction pursuant to the Major Crimes Act to prosecute Native Americans for certain designated felonies occurring within the confines of the Omaha, Winnebago and Santee Sioux Indian reservations. These designated felonies are: murder, manslaughter, kidnapping, maiming, a felony under chapter 109A of Title 18, United States Code (sexual abuse crimes), incest, assault with intent to commit murder, assault with a dangerous weapon, assault resulting in serious bodily injury, assault on a child less than 16 years of age, felony child abuse or neglect, arson, burglary, robbery, and a felony under §661 of Title 18. All provable felonies under this list will be considered for prosecution. Particular attention will be paid to crimes involving domestic abuse which occur on a reservation or which contain aspects of interstate (including travel across reservation lines) domestic violence or stalking. Included in this focus on domestic assaults are prosecutions of habitual offenders under 18 U.S.C. §117.

B. Exclusive Federal Jurisdiction cases (18 USC §1152)

The USAO has exclusive jurisdiction to prosecute all offenses, both felonies and misdemeanors, committed by non-Native Americans against the person or property of Native Americans which occur within the confines of the Omaha, Winnebago and Santee Sioux Indian reservations. As a consequence, all provable cases, regardless of whether they are felonies or misdemeanors, will be considered for prosecution where the perpetrator is non-Native American, but the victim is Native American.

C. Drug Offenses

Provable cases occurring within the confines of the Omaha, Winnebago and Santee Sioux Indian reservations involving the possession of marijuana weighing more than one pound, or possession of any weight of any other illegal drug, will be considered for prosecution on a case by case basis. Provable cases involving the distribution of any type of illegal drug will be considered for prosecution regardless of weight.

D. Juvenile cases arising in Indian Country (18 USC §5031 *et seq*)

Crimes committed by Native American juveniles within the confines of the Omaha, Winnebago and Santee Sioux Indian reservations will ordinarily be handled in Tribal Court. However, particularly serious crimes, crimes committed by repeat Native American offenders, and/or Native American offenders causing significant problems in the community will all be considered for federal prosecution regardless of the age of the offender provided jurisdiction otherwise exists under 18 U.S.C. §1152 or 1153. Any crime committed by non-Native American juveniles within the confines of the Omaha, Winnebago and Santee Sioux Indian reservations will be considered for prosecution under the provisions of 18 U.S.C. §1152 and §5031, *et seq.*

E. Embezzlement and theft from Indian tribal organizations (18 U.S.C. §1163)

All provable cases involving the embezzlement, theft or conversion of the monies or property of an Indian tribal organization which occurs in the District of Nebraska will be considered for prosecution as long as the amount involved is greater than \$1,000. Misdemeanor cases involving loss amounts of less than \$1,000 will be considered on a case by case basis.

F. Theft from gaming establishments on Indian Lands (18 U.S.C. §1167 & 1168)

All provable cases involving the abstraction, purloining, willful misapplication or carrying away with intent to steal any money or property belonging to an establishment operated by or for or licensed by an Indian Tribe pursuant to an ordinance or resolution approved by the National Indian Gaming Commission which involves a person other than an employee or officer of such an establishment will be considered for prosecution as long as the amount involved is greater than \$1,000. Misdemeanor cases involving loss amounts of less than \$1,000 will be considered on a case by case basis. However, all provable cases against an employee or officer of such an establishment will be considered for prosecution regardless of the amount.

G. Crimes of general applicability within the United States

All provable felony cases, regardless of the race of the perpetrator, involving violations of federal laws which are not dependant on the exclusive territorial jurisdiction of the United States but which occur within Indian Country in the District of Nebraska will be considered for prosecution based upon the prosecution guidelines in effect in the District of Nebraska at the time any such case is referred to the USAO. These types of cases include, but are not limited to, felon in possession, use of a firearm during a crime of violence or drug trafficking offense, conspiracy, and mail or wire fraud.

IV. Investigations/Charging

In most instances, it is anticipated that the tribal police and/or the BIA will be the initial responders and will be responsible for securing the crime scene and any evidence gathered, taking initial statements from victims and witnesses, getting victims needed forensic and medical attention, detaining suspects where appropriate, and coordinating with tribal prosecutors regarding possible tribal charges or search warrants. For any case appearing to meet federal prosecution standards as set forth above, the tribal police shall immediately notify the FBI and/or the BIA criminal investigator assigned to the area. Once called, the FBI or BIA criminal investigator shall assume primary responsibility for the case and all subsequent investigation although the tribal police may be asked to assist with the ongoing investigation.

Tribal police will prepare written reports regarding their investigations and will make them available to the FBI and the USAO. Tribal officers should anticipate being called as witnesses in preliminary hearings or at trial in federal cases. Similarly, in any case where federal charges are declined, but tribal charges are still viable, federal investigators should be prepared to make their reports available to the tribal prosecutors and to testify in tribal court when required.

In any case involving potential federal charges, it is expected that search warrants will be sought in federal court rather than tribal court with input and review by an assigned AUSA. It is anticipated there may be cases which were initially investigated solely for tribal law violations and which may involve tribal search warrants, but which are later adopted by the FBI and this USAO. However, whenever the FBI or the BIA criminal investigator becomes involved in an investigation, search warrant requests should go through the USAO except in the most extenuating circumstances.

For child sexual abuse cases and child abuse cases, Multidisciplinary Teams (MDTs) have been established on the Omaha, Winnebago and Santee Sioux Indian Reservations. These MDTs will meet once every two months on each reservation and will meet more often if the inventory of incidents reflects numerous serious cases in need of immediate attention or if a special staffing for a particular case is needed. Special staffing will usually occur at a CAC facility so that the doctors/experts can provide needed guidance. Outside of the special staffing, the MDTs will be comprised of an AUSA (who is also the tribal liaison), the USAO and the FBI victim specialists, CPS workers, tribal police, tribal prosecutors, CAC personnel, and, on the Winnebago MDT, Indian Health Service Hospital personnel.

Tribal prosecutors make their own independent determinations of what tribal charges are warranted. However, whenever an incident gives rise to both tribal and federal charges, tribal prosecutors, after consultation with the USAO, will generally dismiss their tribal charges in favor of related federal charges so that the more severe federal penalties can be imposed. When a defendant is in tribal custody, and continued detention of the defendant is warranted, it is anticipated that tribal prosecutors will defer dismissing their charges until after federal charges are filed. Further, before taking a plea or proceeding to sentencing on tribal charges where the defendant is a Native American and the victim is non-Native American, tribal prosecutors will be asked to consult with the tribal liaison as to whether federal charges are contemplated as 18 U.S.C. §1152 prohibits federal prosecution of a Native American who has already been punished by the local law of the tribe. As noted in the prosecution guidelines above, whenever a case is a misdemeanor at both the tribal and federal level, prosecution will normally be left in tribal court.

Review of Indian Country referrals will be completed as expeditiously as possible including any follow-up investigation requested by the USAO. Due consideration will be given to expediting charging decisions when appropriate to ensure that dangerous offenders are arrested and detained.

Each AUSA prosecuting cases in Indian Country will be encouraged to notify the FBI, tribal police and tribal prosecutor of any federal case filing within a reasonable time after the filing. In addition, the tribal liaison AUSA will maintain a list of filed cases and will review that list with tribal prosecutors and tribal police chiefs at the regular meetings described in section VII below. Tribal councils and the Native American community will be advised of filed cases and any dispositions during the USAO's annual visit to a tribal council meeting on each reservation. Finally, the USAO shall continue to issue press releases relating to the filing and making public of federal charges and the sentencing of any federal defendant.

EOUSA must annually report to Congress certain declination data. In addition to the general declination information which EOUSA reports, beginning in 2011, EOUSA was required to begin reporting declinations in Indian country cases, as mandated in the Tribal Law and Order Act. All immediate and later declinations must be entered in LIONS. An **immediate declination** occurs when an investigative agency presents a referral in writing to the USAO that does not warrant federal prosecution based on the facts and circumstances presented. In such an instance, no further investigation is authorized, no matter is opened, and the referral is declined immediately. A **later declination** occurs when a matter has been opened in LIONS, and the USAO later decides to close the matter without filing charges. This typically follows some investigation or further consultation with the AUSA.

Known by many names, a field declination, exception, or "over-the-phone declination" occurs when an investigative agency seeks a USAO declination based on the agency's own internal guidelines or presents a matter orally to the USAO that does not warrant federal prosecution based on the facts and circumstances presented. Field declinations, exceptions, and "over-the-phone declinations" should not be entered into LIONS.

In November of 2011, the Native American Issues Subcommittee (NAIS) Working Group convened to discuss how best to comply with Congressional reporting requirements. The NAIS wanted to ensure that cases declined for federal prosecution which were referred to tribal prosecutors or to state, local or military prosecutors for potential prosecution were accurately identified in the LIONS system. The NAIS then recommended and the Attorney General Advisory Committee (AGAC) agreed that the following disposition reasons should be added to the list of the current Declination Disposition Reasons in LIONS:

SRTC – Suspect referred for prosecution decision by tribal court.

SRSC – Suspect referred for prosecution decision by state, local or military court

These new codes implemented January 1, 2012, will allow for better tracking of investigations where prosecution was sought, just not by a U.S. Attorney's office. These codes should be used when a referral was made to a tribal, state or other court prosecutor, either orally or in writing, and accepted for review. "Referral" contemplates direct consultation with a prosecutor for possible prosecution in a tribal, state, local or military court. The new referral disposition codes should not be used, where declination by the USAO effectively concludes the prosecution. In

other words, if the matter was not accepted for review by another prosecutorial authority, the user should select the appropriate declination code. Please note: these new codes are applicable to all criminal matters which are referred to another jurisdiction for possible prosecution. Their application is not limited to Indian Country matters.

Federal declinations will be timely made and communicated to tribal prosecutors so that any viable tribal prosecutions can be initiated within the applicable statute of limitations periods noted above. Federal declinations shall be in writing setting forth the facts of the case and the reasons for declination. Written declinations must be approved by the criminal chief. Copies of approved declination memos will be provided to the FBI, tribal police chiefs and tribal prosecutors.

V. Victim Advocacy

A. FBI victim specialist responsibilities

Once the FBI has been notified of a crime on a reservation and a Special Agent has been assigned, the agent will identify the crime victim and notify the FBI's victim specialist. The specialist will then meet with the victim and/or the victim's family and explain the crime victim's rights under 18 USC §3771. The FBI victim specialist will notify the USAO Victim/Witness coordinator for Indian Country of the identity of the victim and/or the victim's family. The FBI specialist will further coordinate with the USAO Victim/Witness coordinator to ensure that there is a smooth transition between the FBI victim specialist and the USAO Victim/Witness coordinator for Indian Country. The FBI victim specialist will gather pertinent information and upload that information into the Victim Notification System (VNS). He will also provide an explanation to the victim regarding the VNS system and the criminal justice process with respect to the roles of the FBI and the USAO.

The FBI victim specialist will be responsible for conducting a short term and long term victim's need assessment. Based on that assessment, the specialist will make referrals to tribal resources (victim advocates, DV advocates, CPS, Tribal Family Services, tribal counseling services, housing, transportation, etc) and coordinate with these local providers to meet the victim's needs.

During the investigation of the case, the specialist will keep the victim and USAO Victim/Witness Coordinator informed of the progress of the investigation. When the case is indicted, the FBI specialist will work with the USAO Victim/Witness Coordinator and the victim to transition the victim into the prosecution phase.

B. USAO Victim/Witness Coordinator for Indian Country

The USAO Victim/Witness Coordinator will meet with the FBI victim specialist as the case is nearing Grand Jury or as soon as possible after an Indictment is returned. The coordinator will meet with the victim and continue the efforts of the FBI to make referrals to tribal resources and local providers to meet the victim's current needs.

The USAO victim coordinator will be responsible for communicating with the victim to keep the victim informed of the progression of the criminal case. This will include use of the

VNS, email, phone, and/or personal visits. The coordinator will also serve as the liaison between the victim and the assigned AUSA regarding plea negotiations, court appearances, preparation of victim impact statements, and allocution at sentencing.

The USAO victim coordinator will accompany and provide assistance to the victim at any public court hearings. This will include arranging transportation and/or lodging, making the victim familiar with the courtroom, and, to the extent possible, shielding the victim from unwanted contact with families of the defendant.

The victim coordinator is currently a member of the crisis response team at the Santee Sioux reservation. The purpose of this response team is to address the needs of adult victims of sexual assaults and domestic violence.

The four Nebraska Tribes are English speaking, so the need for a translator is rare. Should a translator be needed, the victim/witness coordinator will contact tribal authorities to identify an appropriate translator.

The USAO is unaware of any Native American culturally specific restitution concerns on any of the three reservations. However, should such an issue arise, the victim coordinator will contact tribal authorities for assistance.

C. Tribal Victim Specialists or Advocates

These advocates shall work with the tribal prosecutors and the victims during the pendency of any tribal prosecution. The advocates will also be consulted by the FBI victim specialist and the USAO victim/witness coordinator.

VI. Training and Law Enforcement Coordination

The mission of the United States Attorney's Office Law Enforcement and Community Coordination (LECC) Unit is to assist law enforcement and criminal justice agencies throughout the District of Nebraska, and to facilitate community based efforts on issues related to criminal justice and community restoration. The LECC Unit manages or facilitates a number of programs designed to support and coordinate the objectives of the criminal justice system at various levels, provides services to witnesses and victims of federal crime, conducts training, and apprises the community at large about issues related to the criminal justice system. The LECC Unit maintains strong collaborative partnerships among the federal, state, local and tribal law enforcement agencies to improve the effectiveness of law enforcement in the District of Nebraska. In this respect, the LECC Unit, in conjunction with the designated AUSA Tribal Liaison, will continue to serve as a liaison between the AUSAs doing Indian Country prosecutions, the BIA and FBI, and tribal law enforcement. In addition, the LECC Unit will continue to work to find ways to improve the working relationship between the Thurston County Sheriff's Department and the Omaha and Winnebago law enforcement units.

The LECC Unit will continue to host trainings and conferences at various venues throughout the District of Nebraska. The LECC will ensure that these trainings include topics relevant to current issues in Indian Country, domestic abuse, sexual abuse including sexual abuse of children, violence against women, and victim issues. The LECC Coordinator and the Victim/Witness Coordinator will be responsible for providing notice of these trainings and

conferences to the Tribal Chairs, Tribal law enforcement chiefs, and tribal service providers. Reasonable efforts will be made to ensure tribal law enforcement personnel have ample opportunity to attend these trainings and conferences. When possible, tuition costs for tribal law enforcement will be reduced or eliminated.

In addition to the standard trainings and conferences held by the LECC as noted above, when requested, the LECC, with the assistance of the designated Tribal Liaison AUSA, will design and hold informal training sessions at either the USAO's facilities or at the law enforcement headquarters of any tribal law enforcement entity. Initially, training will be developed to satisfy requests from tribal prosecutors from the Winnebago and Omaha Tribes for training for officers concerning report writing, questioning of juveniles, understanding addictions and addictive behaviors, and testifying. Additional training will be developed on an as needed basis if not already covered by other training sponsored by the LECC Unit for all law enforcement officers.

The LECC Unit will continue to offer tribal law enforcement officers a myriad of training currently being offered to other law enforcement officers in the District. Through recent meetings with the tribal councils of the Winnebago, Omaha and Santee Sioux it was expressed that tribal law enforcement officers receive training specific to report writing and case preparation.

The LEC will continue to provide such training and further encourage the tribal police to attend the basic certification course for sworn law enforcement officers through the Nebraska Law Enforcement training Center in Grand Island, Nebraska. This 15 week training course is open to all tribal law enforcement officers. In lieu of this training, Nebraska recognizes the BIA certification of tribal law enforcement officers through the Federal Law Enforcement Training Center.

The USAO victim specialists will continue to work with the Districts of North Dakota and South Dakota in providing collaborative training which addresses specific concerns and needs in Indian Country for victim service providers.

AUSAs assigned to Indian Country prosecutions will be encouraged to seek CLE programs relating to domestic violence, violence against women, and sexual assaults. These programs are available through annual Protect Our Children, LECC and various tribal conferences.

The LECC coordinator and the Victim/Witness Coordinator will continue to work directly with tribal representatives to provide assistance on the Collaborative Tribal Assistance Solicitation relating to available grant funds. The coordinators will keep the tribes apprised of the solicitation deadlines and will provide information and guidance on the funding parameters to assist the tribes in applying for and receiving the maximum amount of grant funds possible.

VII. Outreach

The USAO will meet at least annually with the Omaha, Winnebago, Santee Sioux and Ponca Tribal Councils. The purpose of these meetings will be to: (a) keep the tribes informed of the criminal cases being handled by the USAO (due regard will be given to the Privacy Act so that only cases that are a matter of public record will be specifically addressed); (b) provide information on grants and funding; and (c) ascertain any needs the tribes may have which the USAO can address. The meetings will be attended by the United States Attorney,

First Assistant US Attorney, Tribal Liaison, Drug Chief, Criminal Chief, LECC Coordinator and the Victim/Witness Coordinator for Indian Country. Representatives from the FBI and BIA will be invited to attend as well. It is anticipated that tribal police chiefs and tribal service providers will be at these council meetings in addition to members of the tribal community.

MDT meetings will continue to be held on each of the reservations. Meetings will be held every two months unless the inventory of child sexual abuse and child abuse cases dictates more frequent meetings.

In 2009, the USAO made application to be part of the Indian Country Community Prosecution Team pilot program, but was not selected. The goal of the program was to hire an additional AUSA and victim/witness coordinator to work with the Winnebago tribal prosecutor (and to a lesser extent the Omaha tribal prosecutor because of the contiguous border to the Winnebago Tribe) to provide better case coordination between federal and tribal prosecutions and to better assist victims of crimes.

The pilot program AUSA would have been required to be on the reservation 2-3 days per week to assist the tribal prosecutor with: (a) case screening; (b) coordination of cases between federal and tribal court; (c) interviewing witnesses and victims and providing input for CAC interviews of children; and (d) preparing tribal and federal cases for trial. Additional goals for the pilot program AUSA were to: (a) provide direction and training for tribal officers to enable them to better assist the FBI and BIA with follow-up investigation of federal level cases to help eliminate any backlog; (b) to help the tribal officers obtain their federal law enforcement certificates; and (c) to work with tribal prosecutors in screening juvenile cases to find appropriate cases to refer to federal court and to otherwise help develop programs to deter youth violence.

The pilot victim/witness coordinator was to co-locate on the Winnebago Reservation to better be able to provide a seamless system of victim advocacy with the FBI and tribal specialists. This coordinator would also be responsible for implementing and otherwise participating in community outreach prevention and education programs developed by the LECC Unit. These outreach and public education efforts would be coordinated with the HoChunk Community Develop Corporation's non-profit programs and the Winnebago Methamphetamine Task Force.

Although the USAO was not selected for participation in the pilot program, the USAO was alternatively granted an additional AUSA to be assigned to prosecution of cases in Indian Country. To the extent feasible, the USAO intends to implement parts of the pilot program goals set forth above, by detailing an AUSA to the reservations on at least a monthly basis.

In addition to the foregoing, the USAO intends to modify the work plan of the assigned AUSA tribal liaison to allow the AUSA to perform many of the functions suggested in the April 9, 2010 memo of Director H. Marshall Jarrett regarding Indian Country Law Enforcement Initiative District Operational Plans. As part of his expanded duties, the AUSA Tribal Liaison will schedule meetings with tribal prosecutors, tribal police chiefs and FBI special agents assigned to Indian Country to precede or immediately follow the regularly scheduled MDT meetings on each of the reservations. During these meetings, the AUSA will be able to inform tribal prosecutors and police chiefs of the status of federal

investigations and prosecutions, to review the inventory of pending tribal investigations and prosecutions to determine whether any cases warrant federal intervention, and to address any law enforcement concerns the prosecutors or police chiefs may have.

For 2012, the USAO will have one AUSA designated as the tribal liaison for each of the three reservations in Nebraska. The assigned AUSA for 2012 is Douglas R. Semisch.

The Department of Justice Community Relations Service was utilized several years ago in a facilitated mediation process between representatives of the Omaha Tribe and Thurston County government officials. There have been long standing disagreements and geographic boundary disputes between the Omaha Tribe and Thurston County. The attempts of the Community Relations Service were not considered very effective and there are no current plans to utilize CRS assistance at this time. In addition, the State of Nebraska, through the Nebraska Justice Center, a private non-profit corporation, approved by the Nebraska Office of Dispute Resolution, attempted to resolve conflict of individuals and organizations in Northeast Nebraska and the four Indian Tribes of Nebraska. Nebraska Justice Center made several attempts to ameliorate the relationship between the Omaha Tribe and the Thurston county government, with little or no success. Continuing efforts will be led by the USAO to address this conflict.

VIII. Violence Against Women

A. Priority

All reports of sexual assault and/or domestic violence in Indian Country will receive top priority. All reports of either sexual assault or domestic violence will be immediately investigated unless there is clearly an absence of credible evidence that such crimes have been committed. The FBI will take the lead in all sexual assault investigations without regard to whether the case will be prosecuted in federal or tribal court. The FBI will assume the lead in all domestic violence cases whenever it has been determined that a dangerous weapon was used, that the victim sustained serious bodily injuries, that the perpetrator crossed state or tribal boundaries with the requisite intent to commit the offense, or when the subject has a prior domestic violence conviction as that term is defined in 18 U.S.C. §2265A.

All reports of sexual assault and/or domestic violence will be reviewed by the USAO. Under no circumstances will CVB citations be used as the charging mechanism for cases of sexual assault or domestic violence. All such cases that satisfy the Principles of Federal Prosecution will ordinarily be prosecuted unless, in the judgment of the United States Attorney, there are too many weaknesses in the case (lack or third party witnesses, lack of DNA evidence, recanting victims, etc.) to warrant an expectation that a conviction could be obtained.

B. Sexual Assault Cases

In most instances, sexual assault victims on the Omaha and Winnebago Indian Reservations will be taken to either the Mercy Medical Center or St. Luke's Hospital in Sioux City, Iowa for the purpose of forensic examinations. In addition, the Indian Health Service Hospital in Winnebago has a trained SANE nurse position which was funded through a grant program. However, this is a daytime position and no funds are available for overtime or evening hours. Thus, unless other grant funds become available for additional staffing, victims will be taken

to the IHS hospital only when it is known that a SANE nurse is on duty. Victims on the Santee Sioux Indian Reservation, regardless of age, are generally taken to the Norfolk CAC for the purpose of forensic examinations. On occasion, victims will be taken to the Avera Sacred Heart Hospital in Yankton, South Dakota.

Rape kits at the Mercy Medical Center and St. Luke's Hospital are readily available. These kits are provided by the Iowa Department of Criminal Investigations. Rape kits are also available at the IHS although the source of those kits is unknown. For the Norfolk CAC, rape kits are readily available. Those kits are donated by the Norfolk Police Department, the Nebraska State Patrol and the Madison County Sheriff's Department on a rotating basis.

Generally, rape kits and other forensic evidence will be submitted to the FBI laboratories with a request that such evidence be assigned to the unit specifically designated to work Indian Country cases. However, when funding is available or when expedited processing is required and the FBI lab is unable to accommodate such processing, evidence may be taken to the Nebraska State Patrol lab or to the Nebraska Medical Center. It shall be the responsibility of the AUSA assigned to the case to monitor and make certain that rape kits and other forensic evidence has been promptly submitted to the FBI laboratory or that such evidence is promptly submitted to the Nebraska State Patrol lab or the Nebraska Medical Center lab. The AUSA shall coordinate and make certain that all available funding for such private lab testing has been secured either through the FBI Indian Country grant for such testing or through a request to the USA for expenditure of litigation funds.

C. Domestic Violence Cases

As noted in subsection A above, domestic violence cases in Indian Country are a priority and will be treated accordingly. Further, it is recognized there are instances of misdemeanor level domestic violence on the three Nebraska reservations which are committed by non-Indian offenders against Indian victims. In those cases, the FBI will assume the lead role in the investigation and the USAO will prosecute all such cases that satisfy the Principles of Federal Prosecution the same as it would for any felony level offense.

Tribal domestic violence advocates on the three reservations are given the responsibility of meeting with the victims and completing the domestic violence threat assessment. This assessment addresses such issues as lethality risks and victim safety considerations. While the threat assessment is primarily used by the tribal advocates in determining the needs of the victim, where appropriate, the risk assessment will be made available to law enforcement and to tribal and federal prosecutors to be considered when making charging or plea determinations. These assessments will also be provided to the USAO victim/witness coordinator.

The Santee Sioux Tribe has a crisis response team dedicated to domestic violence issues. The USAO victim/witness coordinator is a member of this team. The Omaha Reservation also has a crisis response team which is not dedicated solely to domestic violence matters. The Winnebago Tribe does not have a crisis response team.

Domestic violence victims on the Omaha and Winnebago Reservations can be taken to shelters in Sioux City, Iowa and in Wayne and Norfolk in Nebraska. In addition there is a safe house on the Winnebago Reservation which can be used on a short term basis.

Domestic violence victims on the Santee Sioux Reservation can be taken to shelters in Wayne and Norfolk in Nebraska. In addition the Santee Sioux Tribe has recently acquired a home which is used as a shelter.

There is a domestic violence tribal council which meets once per month. This council consists of members from the three Nebraska reservations along with members of the Ponca Tribe. In addition, the FBI victim specialist sits on this council. This council does not discuss pending cases. Rather, the purpose of the council is to share ideas and programs dealing with domestic violence. Frequently, events sponsored by one tribe are attended and supported by members of the other Nebraska tribes.

IX. Cross Deputization Agreements in Indian Country

A. Santee Sioux Tribe

There is a cross deputization agreement in effect between the Santee Sioux Tribe, the Knox County Sheriff, and the Nebraska State Patrol. For Santee Sioux law enforcement officers to be eligible for cross deputization, they must be certified by the Federal Law Enforcement Training Center, or have equivalent training. In addition, they must successfully complete “in lieu of training” provided by the Nebraska Law Enforcement Training Center. For Nebraska State Patrol or Knox County Sheriff’s Department officers to be eligible for cross deputization, they must successfully complete the “in lieu of training” provided by the Bureau of Indian Affairs and receive certification by the BIA.

The cross deputization agreement provides that state arrest warrants for persons located on the Santee Sioux Reservation will be executed by the Santee Sioux law enforcement with invitations to state officers to participate. Similarly, tribal arrest warrants for persons located off the Santee Sioux Reservation will be executed by state or county law enforcement with invitations to tribal law enforcement to participate.

B. Omaha Tribe

The July 14, 2005 Intergovernmental Cooperative Agreement between the State of Nebraska and the Omaha Tribe has expired. The parties are currently working on a new agreement. There is no cross deputization agreement between the Omaha Tribe and the Thurston County Sheriff’s Department, and none is anticipated.

C. Winnebago Tribe

There is a cross deputization agreement in effect between the Winnebago Tribe and the Nebraska State Patrol. There is no cross deputization agreement with the Thurston County Sheriff’s Department and none is anticipated. For Winnebago law enforcement officers to be eligible for cross deputization, they must be certified by the Federal Law Enforcement Training Center, or have equivalent training. In addition, they must successfully complete “in lieu of training” provided by the Nebraska Law Enforcement Training Center. For Nebraska State Patrol or Knox County Sheriff’s Department officers to be eligible for cross deputization, they must successfully complete the “in lieu of training” provided by the Bureau of Indian Affairs and receive certification by the BIA.

The cross deputization agreement provides that state arrest warrants for persons located on the Winnebago Reservation will be executed by the Winnebago law enforcement officers with invitations to state officers to participate. Similarly, tribal arrest warrants for persons located off the Winnebago Reservation will be executed by state or county law enforcement with invitations to tribal law enforcement to participate.

D. LECC Assistance with Cross Deputization

It is noted that one aspect of the cross deputization agreements concerns the required federal or state certifications that tribal or state law enforcement must have in order to be eligible for cross deputization. This includes the Federal Law Enforcement Training Center or equivalent for tribal officers and the “in lieu of training” from the BIA for state officers or the “in lieu of training” from the Nebraska Law Enforcement Training Center for tribal officers. The USAO’s LECC unit will devise programs, with the assistance of federal and state authorities, to assist officers in obtaining the necessary training and certifications. In this respect, a primary goal for the USAO will be to host a Special Law Enforcement Commission Training for tribal and local law enforcement in Nebraska.

X. Accountability of Time Spent in Indian Country

All AUSAs assigned to Indian Country will be required to accurately report time spent on Indian Country matters by keeping the USA 5 and LIONS updated according to office and DOJ protocols. USA 5/5A will be updated on a weekly basis. Lions/Alcatraz will be updated as significant cases events occur, and case/matter data contained within Lions/Alcatraz will be certified by each AUSA every six months. Periodic training on use of these two data bases will be conducted at the annual retreat or as otherwise directed by the United States Attorney. In the interim, the criminal chief will continue to send monthly reminders to all AUSAs reminding them of these obligations.



DEBORAH R. GILG
United States Attorney
District of Nebraska



Attorney General Eric Holder's Tribal Nations Leadership Council
Members

Tribal Nations Leadership Council Members

Marge Anderson, Chief Executive, Mille Lacs Band of Ojibwe Indians, MN
John Barrett, Jr., Chairman, Citizen Potawatomi Nation, OK
Roman Duran, Lieutenant Governor, Pueblo of Tesuque, NM
Diane Enos, President, Salt River Pima-Maricopa Indian Community, AZ
Lynn Malerba, Chief, The Mohegan Tribe of Indians of Connecticut, CT
Willie Noseep, Co-Chair, Eastern Shoshone Business Council, WY
Ben Shelly, Vice President and President-Elect, Navajo Nation, AZ
Robert Smith, Chairman, Pala Band of Luiseno Mission Indians, CA
Ron Sparkman, Chairman, Shawnee Tribe, OK
John F. Stensgar, Natural Resources Committee Chairman, Confederated
Tribes of the Colville Reservation, WA
Michael J. Stickman, First Chief, Nulato Village, AK
Roger Trudell, Chairman, Santee Sioux Tribe, NE

Co-Chairs of the Tribal Justice Advisory Group

Juana Majel Dixon, 1st Vice President-NCAI/TJAG Pacific Region,
Pauma-Yuima Band of Mission Indians, CA
Hope MacDonald-Lone Tree, Council Delegate/TJAG Navajo Region,
Navajo Nation, AZ

District of Nebraska Tribal Council Members

Winnebago Tribe of Nebraska - Tribal Council:

John Blackhawk, Chairman
Darwin Snyder, Vice-Chairman
Louis C. Houghton, Jr., Secretary
Travis Mallory, Treasurer
Larry Payer, Member
Thomas Snowball, Sr., Member
Charles Aldrich, Member
Ramona Wolfe, Member
Morgan Earth, Member

Santee Sioux Tribe of Nebraska - Tribal Council:

Roger Trudell, Chairman
David Henry, Vice Chairman
Robert Campbell, Treasurer
Cora Jones, Secretary

Ponca Tribe of Nebraska - Tribal Council:

Rebecca White, Chairwoman
Deborah Robinette, Treasurer – District 1
Phillip Wendzillo, District 1
Brenda Bogacz, District 2
James LaPointe, Vice-Chairman, District 3
Jeremy Wright, District 3
Bill Wright, District 4
Alex Taylor, Secretary, District 4

Omaha Tribe of Nebraska Tribal Council:

Amen Sheridan, Chairman
Mitchell Parker, Vice-Chairman
Forest “J.C.” Aldrich, Secretary
Jeff S. Miller, Treasurer
Rodney Morris, Member
Tillie Aldrich, Member
Doran Morris, Jr., Member

District of Nebraska Tribal Liaison Coordinator

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District of Nebraska Tribal Police Chiefs

Omaha Tribe of Nebraska
Chief Ed Tyndall
Macy Police Department
P.O. Box 368
Macy, NE 68039
(402) 937-5906

Santee Sioux Nation
Chief Rob Henry
Route 2, Box 5160
Niobrara, NE 68760
(402) 857-2527

Winnebago Tribe of Nebraska
Chief Jason Lawrence
103 Bluff Avenue
Winnebago, NE 68071
(402) 878-2245

TRIBAL ASSISTANCE AWARDS LIST

Below is a listing of the September 2011 U.S. Department of Justice Coordinated Tribal Assistant Solicitation Awards for Nebraska:

BJA	Bureau of Justice Assistance
COPS	Community Oriented Policing service
OVW	Office of Violence Against Women
OJJDP	Office of Juvenile Justice and Delinquency Prevention

Legal Aid of Nebraska

Indian Tribal Governments Program	\$535,861	OVW
Applicant Sum:	\$535,861	

Omaha Tribe of Nebraska

Indian Tribal Governments Program	\$450,000	OVW
TRGP – Equipment and Training	\$146,026	COPS
TRGP – Hiring	\$382,770	COPS
Applicant Sum:	\$978,796	

Santee Sioux Nation

Indian Tribal Government Program	\$370,485	OVW
Methamphetamine	\$209,044	COPS
Applicant Sum:	\$579,529	

Winnebago Tribe of Nebraska

Planning – Regional Multi-Purpose	\$149,995	OJP-BJA
TRGP – Equipment and Training	\$573,405	COPS
TRGP – Hiring	\$164,167	COPS
Applicant Sum:	\$887,567	



OMAHA TRIBE OF NEBRASKA

The Omaha Tribe originated because of a division within the Sioux nation in the early 1500s. They had lived together near the junction of the Ohio and Wabash Rivers, near present-day Cincinnati, Ohio. Migrating westward with the Quapaw, the Omahas settled at the mouth of the Missouri River on the northern edge of present-day St. Louis, Missouri. The Quapaw traveled further south and located on the western side of the Mississippi.

The Omaha, “those going against the wind or current,” remained near St. Louis until the late 1700s. At this time, they migrated north up the Missouri River to the mouth of the Big Sioux River, near present-day Sioux City, Iowa. From there they followed the Big Sioux to the Rock River and finally stopped near Pipestone, Minnesota. From here the Omaha began a migration back south to the Missouri River staking extended out hunting grounds on the west side of the Missouri River, now known as Nebraska. Their territory extended from near Yankton, South Dakota, south to Rulo, Nebraska, and up to 150 miles west, an area of 35,600,000 acres.

Around 1750, the Omaha encountered the first European fur traders in the Bellevue area. Around 1800, the first of these fur traders married into the Omaha tribe. The Omaha thrived through the 1700s, as they were excellent hunters and good farmers. They always grew good gardens of corn, beans, squash and melons. Buffalo served as their general store, providing food, clothing, blankets, rope, moccasins, fuel, shelter, and utensils.

By 1815, the Omaha became very worried about the dwindling bison food supply and protection from hostile tribes. This led to the first signing of a treaty with the United States government.

The tribe today consists of some 5,000 enrolled members with approximately 3,000 residing on the reservation, which is headquartered at Macy, Nebraska. The reservation covers parts of Thurston and Burt Counties in Nebraska, and a portion of Monona County in Iowa. The headquarters is about sixty miles northward from Omaha and within the limits of their original country.



HOMELAND

The Ponca Tribe of Nebraska is one of four tribes considered indigenous to Nebraska with the other three—the Omaha, Santee Sioux, and Winnebago—possessing reservations. Historically, the Ponca are believed to have been part of the Omaha Tribe, having separated by the time Lewis and Clark came upon them in 1804. At that time, they were situated along Ponca Creek, in Knox County, near present-day Verdel. They lived in earth lodges, were primarily horticulturists, but also made seasonal hunting trips. They were on such a trip when Lewis and Clark came upon their village. Although the tribe's exact origin is unknown, some scholars believed the Ponca migrated from an area along the Red River near Lake Winnipeg. However, by the early 1700s, the warring Sioux had forced them to relocate to the west bank of the Missouri River.

SIZE

The Ponca were never a large tribe. The tribe's probable size in 1780 was estimated at 800. By 1804, largely because of smallpox, their numbers dwindled to around 200. By 1829, their population had increased to 600 and by 1842, to about 800. In 1906, the Ponca in Oklahoma numbered 570 and those in Nebraska, 263. The census of 1910 listed 875 Ponca's, including 619 in Oklahoma and 193 in Kansas. By 1937, the Ponca population reached 1,222 with 825 in Oklahoma and 397 in Nebraska. Today, the Ponca Tribe of Nebraska alone numbers slightly over 2,800.

MISSION STATEMENT

Today, the Ponca Tribe is in the process of restoration as is so aptly expressed by its mission statement: *We, the Ponca Tribe of Nebraska, in order to restore all rights previously held by our people and their descendants, promote peace, prosperity, happiness, and the general welfare of the citizens of our Tribe and our posterity: to exercise home rule, to conserve and perpetuate all worthy traditions and cultural elements of our people long established by customs; to improve our social order; to protect our rights as individuals; to promote business enterprise, both cooperative and individual; to promote educational opportunities for all Northern Ponca people; to consolidate our land holdings; and to provide for the inheritance of both real and personal property.*

Currently, the main concerns of the Ponca Tribe are twofold:

To provide for the needs of its people, namely, through the programs offered by the Tribe, and
To preserve what remains of its culture.

Although lacking any land base, the Tribe does have designated "Service Delivery Area" counties: twelve in Nebraska, one in South Dakota, and two in Iowa. The Tribe also has office sites located in six of these counties: Niobrara, Norfolk, Lincoln, and Omaha, in Nebraska, and Carter Lake and Sioux City office in Iowa.

Niobrara houses three offices—the Tribe's headquarters, a health modular, and the Culture and Enrollment Departments. In addition, the pow wow grounds, a re-stored Community Building, and tribal cemetery are located just a few miles outside of Niobrara. The Community Building is on the list of Nebraska's historical sites.

The Norfolk location houses two sites, a field office and the Northern Ponca Housing Authority. A Tribal Court located at the Norfolk site is also in place to address civil matters.

The Omaha site includes a clinic that is open to all Native Americans.

Other types of services provided by the Tribe include education, health care, and social services.

SANTEE SIOUX TRIBE OF NEBRASKA

Known as the “frontier guardians of the Sioux Nation.”



History:

Known as the “frontier guardians of the Sioux Nation,” which ranges from Minnesota to the northern Rocky Mountains in Montana and south through the northwestern part of Nebraska, the Santee division of the Sioux Nation was called the Dakota and consisted of four bands. In the English language, Dakota translates to mean “allies” or “friends.” The four bands were the Mdewakantonwan, Wahepeton, Sissetonwan and Wahpekute. A woodland tribe, the Santee lived in semi-permanent villages and engaged in agriculture/farming. Hunts were conducted twice a year. Around 1660, French explorers were the first Europeans to encounter the Santee Dakota. Due to forced relocation to the plains, their culture soon resembled that of the nomadic tribes of the west.

The biggest tragedy to befall the Santee was the bloodiest of wars against Indian people in American history, known as the Minnesota Uprising of 1862. Mistrust felt by settlers and the Santee led to isolated outbreaks of violence. An argument between two young Santee men over the courage to steal eggs from a white farmer became a dare to kill. This test of courage killed three white men and two women. Anticipating retaliation by “blue coats,” the federal army, the Santee took the offensive, but were soon forced to surrender under the overpowering attack of the U.S. troops. Because of this short-lived uprising, 38 Santee were mass executed in Mankato, Minnesota in December of 1862. This was the largest mass execution in the history of the United States.

In 1863, Congress abrogated all existing treaties between the Santee and the government. They were exiled to a site in South Dakota called Crow Creek. Over 300 Santee died during the first three months, mostly from disease and malnutrition. Recognizing the unfeasibility of making Crow Creek a permanent reservation site, the government settled the Tribe in northeast Nebraska.

The settlement of the Santee in this region ended their tragic removal from their Minnesota homeland to South Dakota and finally Nebraska in 1866.

The Santee Normal Training School, established by missionaries in 1870 greatly influenced the development of the tribe during the latter decades of the 19th century. In 1936 the school closed because of insufficient funding.

Today the Santee Sioux Reservation is located in northeast Nebraska along the Missouri River. Bordered on the north side by the Lewis and Clark Lake, it encompasses an area approximately 17 miles long and 13 miles wide.

In spite of removal of their traditional homelands in 1862, the Santee Sioux Tribe continues to strive toward self-determination through economic development and education. The village of Santee has various small businesses with the Santee Hay Cubing Plant and tribal ranch among the tribe’s leading enterprises. The Santee Public School District and the Nebraska Indian Community College provide education.

Constitution and Bylaws:

We, the Santee Sioux Nation, in order to organize for the common welfare for the Nation and its posterity and to insure domestic tranquility, to enjoy certain rights of self-government and self-determination, to conserve and develop our land and natural resources, to protect the nation’s sovereignty, traditional values of respect, generosity, bravery, wisdom, that guide our nation, do ordain and establish this constitution for the general health, safety, welfare and integrity of the nation according to the Act of Congress, dated June 18, 1934 (48 Stat. 984).

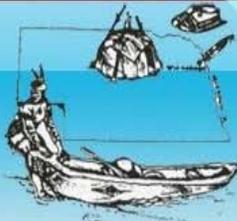
WINNEBAGO TRIBE OF NEBRASKA



Culture



Tradition



Honor



Respect

MISSION STATEMENT: The Winnebago Tribe of Nebraska, as a sovereign Nation, is committed pursuant to its Constitution, to maintain, improve and protect the Tribe; To preserve its resources and cultural heritage; To create opportunities for its members to thrive and become economically and socially self-sufficient as individuals, families and as a tribal government; and, thereby, promote the harmony of traditional values, beliefs which will ensure a positive course of action for future generations.

THE WINNEBAGO INDIAN RESERVATION: The Winnebago Indian Reservation lies in the northern half of Thurston County in northeastern Nebraska. The largest community on the Reservation is the Village of Winnebago. Located on the eastern side of the Reservation, Winnebago is home to most Winnebago tribal members and accounts for almost thirty percent of the Reservation's resident population. The closest large urban centers are Sioux City, Iowa, about 20 miles north of the Reservation, and Omaha, Nebraska, approximately 80 miles to the south. Reservation land holdings extend to Iowa to the east and are not accessible within the Reservation boundaries. There are approximately 1800 acres situated in Thurston County and in the Woodbury County area of western Iowa.

At present, approximately 2,600 people live on the Reservation. Based on demographic modeling, the Reservation population is expected to increase from its year 1990 level of 2,377 to 5,050 in year 2040, due in large part to the high birth rate and relatively youthful composition of the Native American habitants. Much of the growth will occur in the Village of Winnebago, where it is anticipated that the population will more than double by year 2040. Some population expansion and settlement will occur outside Winnebago but the extent, scope and direction of this development is primarily dependent on accessibility within the reservation area.

Important sectors of employment on the Reservation include health and education services, manufacturing, agriculture, public administration, and retail trade. Relative to statistics for the state of Nebraska and the nation as a whole, unemployment is rather high and household and per capita income is low for Native Americans living on the Reservation. According to 1990 U.S. Bureau of Census figures, unemployment on the Reservation was 20.4 percent overall and 20.4 percent for the Native American population compared to 3.7 percent unemployment statewide and 5.6 percent unemployment nationally. It is estimated that 44 percent of the Native American population on the Reservation lives at or below the poverty level.

The Winnebago Tribe's Trust Lands and holdings in Iowa are approximately 1800 acres at present with plans to extend ownership as development occurs. The Winnevegas Casino and the Convenience Store/Gas Station complex play a significant part in the general economy both in employment and revenue for the tribe.

CULTURAL STATEMENT: A proud heritage, a unique culture, an illustrious history, a distinct language and beautiful music; these are the foundations upon which our lives as Ho-Chungra (Winnebagoes) are based.

Without these we have no identity and without identity we are nothing. Therefore it is imperative that we preserve and use these vital elements as the solid foundation to build our future.

As "Ho-Chunks" (Winnebago) working together nothing can prevent us from achieving our dreams and visions to once again be self-sufficient and economically self-reliant. This is how important our heritage and tradition are to us. Without it our descendants have no hope for a better life as a tribal entity. With it nothing is impossible. A tribal way of life is the best way to live!



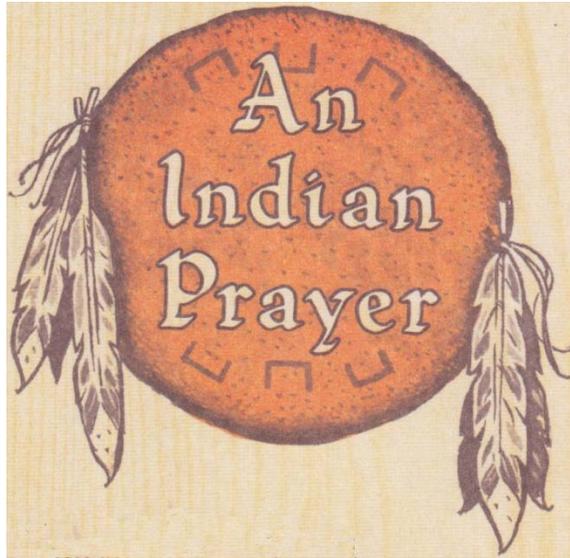
Attorney General Eric Holder at Wounded Knee - *July, 2011*



Ignacia Moreno, Assistant Attorney General for Environmental & Natural Resources and
Attorney General Eric Holder
Pine Ridge Indian Reservation – *July, 2011*



Barry Grissom, U.S. Attorney District of Kansas; Leslie Hagen, DOJ National Indian Country Training Coordinator; Deborah Gilg, U.S. Attorney District of Nebraska; and Stephanie Rose U.S. Attorney North District of Iowa
Indian Country Conference, July 2011



O' GREAT SPIRIT,
*Whose voice I hear in the winds,
And whose breath gives life to all the world,
hear me! I am small and weak, I need your
strength and wisdom.*

LET ME WALK IN BEAUTY, and make my eyes ever
behold the red and purple sunset.

MAKE MY HANDS respect the things you have made
and my ears sharp to hear your voice.

MAKE ME WISE SO that I may understand the things
you have taught my people.

LET ME LEARN the lessons you have hidden in every
leaf and rock.

I SEEK STRENGTH, not to be greater than my brother,
but to fight my greatest enemy – myself.

MAKE ME ALWAYS READY to come to you with
clean hands and straight eyes.

SO WHEN LIFE FADES, *as the fading sunset, my
spirit may come to you without shame.*

Courtesy of Red Cloud Indian School, Pine Ridge, South Dakota