

**STATEMENT  
OF  
SENATOR DANIEL K. INOUE  
CHAIRMAN  
COMMITTEE ON INDIAN AFFAIRS  
BEFORE THE  
JULY 11, 2002  
HEARING  
ON  
CONTEMPORARY TRIBAL GOVERNMENTS:  
CHALLENGES IN LAW ENFORCEMENT  
RELATED TO THE  
RULINGS OF THE U.S. SUPREME COURT**

The Committee meets this morning to receive testimony on the challenges confronting contemporary Tribal Governments as they provide for the health, safety and welfare of those who reside on Indian reservations, both Indians and non-Indians.

Enforcing the law on Indian reservations has increasingly become frustrated by the complex pattern of jurisdictional authorities that have been engendered by rulings of the United States Supreme Court.

Today we will hear the results of studies conducted by the U.S. Department of Justice, and we will learn about more recently-gathered reports and statistics which are simply shocking.

For instance, Justice Department reports indicate that American Indians are victims of violent crime at rates more than twice the national average – far exceeding any other ethnic group in the country.

Nearly one out of every four Native Americans between the ages of 18 and 24 are victims of a violent crime – the highest per capita rate of violence of any racial group considered by age and representing ten percent of the violent crimes prosecuted by the Justice Department.

Other alarming information instructs us that over a five year period, American Indian females were victimized by a spouse or intimate partner at rates which greatly exceed the comparable rates for any other ethnic group.

Now consider that the United States Supreme Court has ruled that Tribal Governments have “lost” their inherent authority to exercise criminal jurisdiction over non-Indians because it is inconsistent with the domestic, dependent status of Indian Nations, and you can begin to understand the extent and nature of the devastating problems we are here to address.

Incidents of domestic abuse and domestic violence are high – yet if

the abusing spouse is a non-Indian, Tribal law enforcement officers are without jurisdiction to intervene.

What other law enforcement presence is there on the vast majority of Indian reservations?

The answer is “none”.

Tribal law enforcement officers can call upon State or local authorities but more often than not, those law enforcement authorities are reluctant to come on the reservation because the rulings of the Supreme Court have also rendered their jurisdiction unclear.

Federal law enforcement officers have criminal jurisdiction over felonies and other acts enumerated in the major crimes act – but sadly, we know that the Federal law enforcement effort is underfunded, understaffed, and simply not able to respond in a timely fashion when crimes are in the process of being committed.

Add to that the increased burdens placed on all law enforcement – Federal, State, local and Tribal – in responding to the new climate of terrorism, additional responsibilities associated with homeland security and border security and one could say that we may well have a crisis in

law enforcement in Indian Country.

It is not widely known, but many Bureau of Indian Affairs police have been drafted to serve as air marshals, and there are no replacements provided for those officers who are no longer providing protection in Tribal communities.

Some have suggested that the Justices of the Supreme Court must not know what impact their rulings are having on the ability of Tribal Governments to provide for the health, safety and welfare of all citizens, because if they did, they would not have invalidated the inter-governmental agreements that many State and Tribal Governments have entered into – in order to provide a seamless and comprehensive law enforcement framework, as the court did in a decision it handed down last year.

This is just one of many dynamics that we are contending with when the legal experts tell us that the Supreme Court's rulings are having devastating impacts in Indian Country.

No where else in America does law enforcement jurisdiction depend on a determination of the race or ethnicity of the victim and

perpetrator of a crime.

That, in and of itself, should signal to one and all that we need to bring some sense, some order, and some clarity back to law enforcement in Indian Country.