

Deputy Attorney General David W. Ogden
Remarks as Prepared for Delivery
Tribal Nations Listening Session
October 28, 2009

Thank you, Todd for that generous introduction and for hitting the ground running as Minnesota's new U.S. Attorney and Chair of the Attorney General's Advisory Committee. The Advisory Committee provides invaluable counsel to the Attorney General on a wide variety of issues, including tribal justice, and we appreciate your hard work. Thank you also to Chairman Jourdain for your warm welcome.

And good morning to all of you. It's a privilege and singular honor to welcome all of you – tribal leaders and officials from other federal agencies – to the Department of Justice's Tribal Nations Listening Session on Public Safety and Law Enforcement. This is the first time that the Attorney General, Deputy Attorney General and Associate Attorney General – all three of the Justice Department's top officials – will engage in a shared dialogue with the leaders of our tribal nations. It was vitally important to all three of us to be here, because the issues before us go to the very heart of the quality of life for our children, women and men in tribal communities.

It's an enormous honor to meet with you and have the opportunity to hear your perspectives. No one knows better than you the urgent need to improve public safety in tribal communities. With your help, we will respond to that urgent need with new action. We are here to hear your thoughts and reactions to some of our ideas about how to respond.

We are here to learn from you, but we are not new to these issues. [We know, unfortunately, that the law enforcement needs and public safety problems are not new.] In the 1990s, Associate Attorney General Tom Perrelli and I had the chance to meet with many of you when we worked with Attorney General Janet Reno on addressing tribal justice issues. [What we learned then from tribal leaders helped the United States frame priorities and initiatives to improve public safety in tribal communities.]

We learned then how a lack of public safety and effective law enforcement harmed families and children, and how it could make attending school – or in some cases even living in one's own home – a frightening experience. We learned how a lack of public safety and effective law enforcement holds back development and drives away economic opportunities badly needed to create a brighter future.

We know that today, violent crime in much of Indian country is at unacceptable levels, with devastating effects on daily life in tribal communities. Native Americans generally experience violent crime at far greater rates than other Americans, and violent crime poses enormous challenges for tribal law enforcement officials. Levels of violence against American Indian and Alaska Native women in particular are staggering.

And so let me be clear: Public safety in tribal communities is a top priority for this Department of Justice.

We know the Department of Justice has a fundamental responsibility to improve public safety in tribal communities. We have a legal duty to prosecute violent crime in Indian country. Under current law, in much of Indian country, we alone have the authority to seek an appropriate sentence when a serious crime has been committed. Our role as the sole prosecutor for serious violent crime makes our responsibility to citizens in Indian country unique, and mandatory.

We also intend to support the tribal law enforcement and justice institutions so critical to tribal sovereignty and to build relations with tribal nations on a government-to-government basis. To be effective in combating serious crime, we must improve our communication with our tribal partners and strengthen the bonds between our law enforcement institutions.

Very simply, we must do these things because they are our responsibilities as a government, and as the United States Department of Justice. And they are elementary to the basic quality of life for those in Indian country. To feel safe in our communities and homes, and to know that our loved ones are secure – these are fundamental to the quality of life for every American. Too many in tribal communities are denied those basic assurances. Together we must change that.

Under the leadership of Attorney General Eric Holder, the Department of Justice vigorously embraces these important responsibilities.

Attorney General Holder knows that actions speak louder than words, and so he has already launched a comprehensive Department-wide initiative on public safety in tribal communities. That initiative and all the Department's work on tribal justice issues will be guided by three important principles:

- Respect for tribal sovereignty and Indian self-determination.
- Engagement with tribal nations on a government-to-government basis – which must include developing a clear policy for consultation and communication with tribal governments.
- Coordination and cooperation – with our tribal partners, other federal agencies, and state and local counterparts. These are essential to accountability and thus to success.

As part of the Department's tribal justice initiative, in the past months, we have worked closely with Congress as it seeks to improve public safety in tribal communities. And I have an announcement to make today: I'm pleased to announce that the Department wholeheartedly supports the Tribal Law and Order Act that is currently pending before the full Senate. We know that this legislation reflects the insights and vision of many of you here today, and we look forward to seeing it finally signed into law.

Another focus of the Department's new tribal justice initiative is to increase our support for tribal law enforcement and tribal justice systems. Effective, independent justice systems are essential to any government, and resources are a critical part of this effort. As you know too well, greater resources are needed both to strengthen tribal institutions and to provide the personnel who are responsible for public safety in Native American communities. We must support the development of tribal solutions to tribal challenges. Respect for tribal sovereignty and, again, our responsibilities in the government-to-government relationship, require no less.

We are also actively considering ways that the Department can improve its own law enforcement efforts in Indian country. Because the Justice Department is the primary prosecutor of serious violent crime in much of Indian country, we have a clear obligation – legal, moral, historical – to do all we can to pursue justice for those crimes. The Department lacks the legal authority [and resources] to prosecute all crimes in tribal communities. But we can and will vigorously enforce the law within our jurisdiction.

Good communication with tribal communities about our prosecution efforts – decisions to actively pursue an offender and, where the law and facts require it, decisions to decline a case – must be timely communicated to our tribal partners.

In addition, we hope to develop initiatives to bring the federal justice system geographically closer to Indian country in parts of the nation where federal justice is simply too remote. We are actively considering approaches that look both to bringing our own law enforcement facilities closer and to coordinating with the federal courts to encourage them to bring at least some legal proceedings closer as well.

And we are joining with other federal agencies to develop a comprehensive approach to public safety for tribal communities. Because many public safety challenges in tribal communities are linked to issues of education, employment, housing, and substance abuse, the federal government must meet these challenges with a unified and comprehensive approach. Deputy Secretary of Interior David Hayes will be joining us tomorrow. He, Secretary Salazar, and Assistant Secretary Echo Hawk will be great partners in this effort.

We have also begun collaboration with other agencies, and we are pleased that representatives of the Department of Health and Human Services, the Department of Homeland Security, and the Department of Education are also with us today, reflecting

that this shared challenge will be met with a shared effort. For our part, the Department of Justice is represented not only by the Attorney General, Associate Attorney General Tom Perrelli, and myself, but by other representatives of our leadership offices, many representatives of our U.S. Attorney community and our grant-making agencies, and by more than 20 representatives of the FBI.

In all our efforts, our thinking has started with insights and guidance tribal leaders have shared with us. In preparing to meet with you today, we also have had the benefit of the recommendations of the Office of Justice Program's Tribal Justice Advisory Group, the recommendations resulting from prior consultations under the Violence Against Women Act, and in-person meetings that Tom Perrelli and I – and our colleagues – have held with tribal leaders and tribal law enforcement experts in Seattle and Albuquerque these last two months. We come to Minnesota prepared to listen to you, and to build on the perspectives already shared with us.

For my part, I will devote today to these discussions, and regret that tomorrow, as the Attorney General joins you, I will need to return to Washington. When he and the Associate Attorney General return to D.C., we will meet to carry forward the lessons of these discussions, and translate ideas into actions.

The Working Paper we included in your materials raises a number of issues the Department is already considering, but it's only a beginning for today's discussions. We invite your thoughts on the Working Paper ideas I have raised this morning, and on any other law enforcement and public safety issues you wish to raise.

Based on the insights that tribal leaders have previously shared with us, we have identified four topics for the Listening Session agenda:

- Strategies to support tribal justice systems;
- Steps to improve our federal law enforcement responsibility;
- Tools to address violence against American Indian and Alaska Native women; and
- Initiatives focused on American Indian and Alaska Native youth and public safety.

These topics are intended to start a dialogue. But they are not meant in any way to limit the discussions. We want to hear from you on all of the issues you believe are important to public safety in tribal communities.

There is a great deal to be done. We do not underestimate the challenges. But we are actively focused on meeting them, and – together with all of you – we intend to bring real and lasting change.

It's a tragedy that we still face many of the same problems identified a decade ago – far too few cops on the beat; substance abuse; escalating violence against women, children and elders; and lack of support for crime survivors, to name a few. A year from now and a decade from now, things must be different. This is about more than reducing crime. It's about improving lives in tribal communities, affording safe childhoods and adulthoods to our citizens there, and painting the futures of our children and grandchildren in a warmer and brighter hue.

We will work hard to bring that change. And we will not waver from our commitment. As the Department undertakes its new tribal justice initiative, we are aware of the history. We know that good words have not always been followed by good deeds. As Justice Hugo Black said in his historic dissent recognizing the sanctity of tribal lands in *Federal Power Commission v. Tuscarora Indian Nation*: “Great nations, like great men, should keep their word.”

We mean to keep our word.

Please share your thoughts and work with us on this vital project.

Thank you.