



# NATIONAL CONGRESS OF AMERICAN INDIANS

## TESTIMONY OF THE NATIONAL CONGRESS OF AMERICAN INDIANS FY 2005 COMMERCE-JUSTICE-STATE APPROPRIATIONS

SUBCOMMITTEE ON COMMERCE-JUSTICE-STATE APPROPRIATIONS  
APRIL 11, 2004

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On behalf of the more than 250 member tribal nations of the National Congress of American Indians, we are pleased to present testimony on FY 2005 appropriations for Commerce-Justice-State.

On February 2, President Bush proposed a \$2.4 trillion budget for FY 2005 that included level funding and numerous decreases for Indian programs, continuing the trend of consistent declines in federal per capita spending for Indians compared to per capita expenditures for the population at large.

We are deeply disappointed that this budget does not reflect leadership by this Administration to take on the "Quiet Crisis" which has resulted from underfunding of federal Indian Programs according to a 2003 report of the bipartisan U.S. Civil Rights Commission. While we recognize that this budget reflects fiscal belt-tightening across the board, we believe this quiet crisis should be a national priority to address—certainly as worthy of focus as programs such as sending a manned mission to Mars, which this Administration has prioritized. We hope that Congress will work with tribes to see this priority better reflected in the budget process.

There are numerous programs and initiatives within the Commerce-Justice-State appropriations bill that are important to American Indians and Alaska Natives. The following testimony highlights our foremost areas of concern within the FY05 budget request for CJS.

### Public Safety

More than 200 police departments, ranging from tiny departments with only two officers to those with more than 200 officers, help to maintain public safety in Indian Country. According to a recent Justice Department study<sup>1</sup>, the typical Indian Country police department has no more than three and as few as one officer patrolling an area the size of Delaware.

The same DOJ study found that inadequate funding is "an important obstacle to good policing in Indian Country." Because the violent crime rate in Indian Country is more than double the national average, the need for police coverage in Indian Country compares more directly with large urban areas

<sup>1</sup> U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, *Policing on American Indian Reservations*, September 2001.

with high violent crime rates. According to the Bureau of Justice Statistics, cities like Baltimore, Detroit, and Washington have police-to-citizen ratios of 3.9 to 6.6 officers per 1,000 residents. On the other hand, virtually no tribal police department has more than two officers per thousand residents. In Alaska, a third of the 226 Native Alaskan villages lack any form of law enforcement due to lack of funding. Of the population in Alaska receiving limited or no police protection, 80% are Native; whereas more than 80% of the population receiving full protection from state troopers are non-Native.

Given that the Justice Department itself has published a study highlighting the need to increase resources for Indian Country law enforcement, it is disappointing that tribal law enforcement programs have either lost funding or at best retained level funding since FY 2002. The President's budget would cut \$4.7 million in essential tribal law enforcement funds allocated by the COPS program. **We strongly oppose these cuts, and request an increase to FY 2002 funding levels at a minimum for COPS and related Indian Country law enforcement programs.**

### Tribal Courts

Under the Administration's proposed budget, essential Department of Justice funding for **Tribal Courts** would be cut by \$2.1 million from FY 2004 levels, with proposed funding of \$5.9 million. The Tribal Courts program provides funding to enhance the ability of tribal courts to handle their escalating criminal and civil caseloads. Too many tribal courts lack computers, essential tracking systems, and public defenders. NCAI urges a substantial increase to Tribal Court funding to keep pace with burgeoning caseloads and to enhance tribal justice facilities: **Tribal Courts should be funded at a level of at least \$15 million per year.**

### Tribal Prison Construction

The Administration has proposed eliminating the Tribal Prison Construction program in FY 2005, despite the severe insufficiencies in Indian Country detention facilities. Tribal jails fail to meet basic professional standards due to shortages in operating funds, training, and technical assistance. Tribal detention facilities are often out of compliance with building codes, are overcrowded, and fail to separate inmates found guilty of minor crimes from those convicted of violent and felony crimes.<sup>2</sup> Although the estimated backlog for tribal prison construction is \$400 million, in FY 2004 Congress appropriated \$2 million for tribal detention facilities. **NCAI requests that funding for Tribal Prison Construction be restored to the FY 2002 level of \$35 million.**

### Overall Funding Levels for Indian Programs

Total funding for Indian programs within the Department of Justice decreased by 14 percent between 2002 and 2003, and Office of Tribal Justice Program funding

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<sup>2</sup> U.S. Department of Justice, "Jails in Indian Country, 2001," *Bureau of Justice Statistics Bulletin*, May 2002

decreased by 43 percent. At a time when homeland security and public safety concerns require concerted federal support for law enforcement in Indian Country more than ever, budget requests for 2005 further this troubling downward trend. **We call for restoration of funding to the Office of Tribal Justice and to tribal programs across the board within DOJ to 2002 levels at a minimum.**

### Conclusion

NCAI realizes Congress must make difficult budget choices this year. As elected officials, tribal leaders certainly understand the competing priorities that appropriators must weigh over the coming months. However, the federal government's solemn responsibility to address the serious needs facing Indian Country remains unchanged, whatever the economic climate and competing priorities may be. We at NCAI urge you to make a strong, across-the-board commitment to meeting the federal trust obligation by fully funding those programs that are vital to the creation of vibrant Indian Nations. Such a commitment, coupled with continued efforts to strengthen tribal governments and to clarify the government-to-government relationship, truly will make a difference in helping us to create safe communities in Indian Country.