



**National District Attorneys Association**  
44 Canal Center Plaza, Suite 110, Alexandria, VA 22314  
703.549.9222 (o) • 703.836.3195 (f)  
www.ndaa.org

**Written Testimony of**

**Mr. Scott Burns, Esq.**

**Executive Director, National District Attorneys Association**

**Hearing on H.R. 1924, the "Tribal Law and Order Act of 2009"**

**House Judiciary Committee**

**Subcommittee on Crime, Terrorism, and Homeland Security**

**United States House of Representatives**

**December 10, 2009**

Chairman Scott, Ranking Member Gohmert, members of the Subcommittee, thank you for inviting me to testify today on behalf of the National District Attorneys Association (NDAA), the oldest and largest organization representing over 39,000 district attorneys, state's attorneys, attorneys general and county and city prosecutors with responsibility for prosecuting 95% of criminal violations in every state and territory of the United States.

As a state and local prosecutor for sixteen years in rural Utah, I became very familiar with the unique criminal justice issues in Indian country; moreover, I was honored to serve as the Deputy Director for State and Local Affairs at the White House Office of National Drug Control Policy and, in an effort to address serious issues relating to Indian country, the title of the position was changed to "Deputy Director for State, Local and Tribal Affairs". During my seven years at the

White House, I visited with tribal leaders and tribal law enforcement and treatment officials across the country - New York, South Dakota, Wyoming, Montana, Washington, Utah, Arizona, New Mexico, California and Oregon - and gained insight with respect to conflict of jurisdiction issues, lack of resources, lack of training, inadequate jail facilities and a number of other critical areas that need to be addressed. It is because of my experience in working with the National Congress of American Indians and caring and insightful tribal leaders, that I applaud and thank you for appreciating the need for better coordination and more federal, state and local support for Indian country.

The lack of coordination and cooperation between federal, state, local and tribal law enforcement has led to disturbing crime trends in tribal communities across the United States. Because of the shortage of resources for law enforcement in tribal communities and the complicated jurisdictional scheme that exists in Indian country, criminals and organized criminal networks have thrived, causing a violent crime rate that is nearly twice the national average.<sup>1</sup> Limited law enforcement presence and tribal courts having little criminal jurisdiction over non-Indian persons has led to significantly increased gang activity and methamphetamine production, allowing drug traffickers to cause astronomically-high addiction rates in tribal communities. This lack of criminal justice presence on tribal lands has also led to sickening trends of domestic and sexual violence against women in tribal communities, with one out of every three Indian and Alaska Native woman suffering a rape in their lifetime and nearly two out of every five being subjected to domestic violence.<sup>2</sup>

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<sup>1</sup> H.R. 1924 - <http://thomas.loc.gov/cgi-bin/query/z?c111:H.R.1924>:

<sup>2</sup> H.R. 1924 - <http://thomas.loc.gov/cgi-bin/query/z?c111:H.R.1924>:

NDAA applauds Congresswoman Herseth-Sandlin for introducing H.R. 1924, the Tribal Law and Order Act of 2009, for addressing these significant problems on tribal lands. Because of the complicated jurisdictional issues in Indian country, H.R. 1924 would encourage and provide incentives for increased coordination and communication among Federal, State, local and tribal governments while clarifying jurisdictional responsibilities between them, which are desperately needed in order to administer fair and impartial justice in tribal communities. Also, H.R. 1924 empowers tribal governments with the authority, resources and information necessary to safely and effectively provide for the safety of their communities; it should be the role and responsibility of every government entity - Federal, State, local and tribal – to provide safe neighborhoods for its citizens.

Additionally, NDAA fully supports the formation of an Indian Law and Order Commission – a group composed of nine members charged with conducting a comprehensive study over a two-year period of the criminal justice system relating to Indian country to analyze the problems within tribal communities, and make recommendations to Congress based on its findings to simplify jurisdiction in Indian country, improve criminal justice services and programs, enhance the penal authority of tribal courts and other issues that would reduce overall crime on tribal lands. Because all aspects of the criminal justice system have not been comprehensively analyzed since the Commission on Law Enforcement and the Administration of Justice spearheaded by President Lyndon Johnson in the 1960's, we would encourage tribal issues be a key component of any comprehensive criminal justice commission mandated by Congress.

During recent years, all aspects of America's criminal justice system have felt the pinch of dwindling budget dollars – especially for training. This couldn't be more relevant for Indian country, where complicated and confusing jurisdictional schemes and differences in penal authority for Indians versus non-Indians are coupled with 21<sup>st</sup> century problems like methamphetamine production, prescription drug abuse, drug trafficking and organized criminal gangs.

Training programs like NDAA's National Advocacy Center (NAC) equip thousands of state and local prosecutors with the advocacy skills to effectively represent their communities and constituents in the courtroom in order to ensure community safety. The NAC offers several training programs for prosecutors, both new and old, which focus on all aspects related to the problems currently facing tribal prosecutors – from the prosecution of drug crimes, gangs and violent crime, domestic violence and violence against women and children to jurisdictional issues related to crimes committed in Indian country. NDAA strongly encourages Congress to increase its commitment to adequately train Federal, State, local and tribal criminal justice personnel.

Chairman Scott, Ranking Member Gohmert, members of the Subcommittee, I appreciate the opportunity to testify before you on this important legislation and will answer any questions that you may have.