

Testimony of Chief of Police Joshua Roberge on behalf of the Assiniboine and Gros Ventre Tribes of the Fort Belknap Indian Community

For the Hearing entitled:

“Biden’s Border Crisis: Examining Efforts to Combat International Criminal Cartels & Stop Illegal Drug Trafficking Targeting Indian Country”

House Committee on Natural Resources, Subcommittee on Oversight and Investigations

June 4, 2024

Chairman Gosar, Ranking Member Stansbury, Congressman Rosendale, Congressman Zinke, and Members of the Subcommittee. My name is Josh Roberge, I previously served 8 years in the United States Army, and after being honorably discharged, I now serve as the Chief-of-Police of the Assiniboine (Nakoda) and Gros Ventre (Aaniih) Nations of the Fort Belknap Indian Community. I am a Member of the Assiniboine Nation and appreciate the opportunity testify today about the impacts of drug cartels targeting Indian Country-and specifically the Fort Belknap Indian Community.

The Fort Belknap Reservation is located in north central Montana and is comprised of 652,000 acres (1,014 square miles) almost as large as the State of Rhode Island, and has nearly 7,000 members living on or near our Reservation. Fort Belknap is 40 miles South of the Canadian Border. We have federal funding for 9 Law Enforcement Officers which offers 2-3 Officers per shift.

As a Combat Veteran, I can attest: Fort Belknap is at war with drugs!

I am here to offer 6 recommendations: 1) Expand Tribal Criminal Jurisdiction in Indian Country 2) Increase Funding for Law Enforcement and U.S. Attorneys 3) Coordination of Federal Services 4) Secure the Southern Border of the United States, 5) Congress needs to pass legislation for more severe punishments on drugs such as fentanyl and methamphetamine 6) Implement the 2023 Not Invisible Act Commission Report Recommendations.

The United States Supreme Court’s Oliphant decision limits the ability of Native Nations to prosecute non-Indians. Oliphant v. Suquamish Indian Tribe, 435 U.S. 191 (1978). Currently Tribal Governments across Indian Country do not have criminal jurisdiction over non-Indians committing drug-related crimes in Indian Country. When a non-Indian commits a crime, our law enforcement is required to contact either the county and/or the FBI.

A few weeks ago, we had a non-Indian drug dealer dealing and living on our Reservation. In the course of the Tribal Law Enforcement investigation, this non-Indian drug dealer was found with a large amount of methamphetamine. He had a scale, drug paraphernalia, had beaten a Tribal Member, and has a history of committing other drug-crimes. The local County was called, as well as the FBI. Due to the on-going criminal behavior of this non-Indian drug dealer, the Tribal Court issued a preliminary Order to Exclude him from our Reservation as per the Fort Belknap

Indian Community's Constitution. The non-Indian Drug Dealer violated this within the week of the issuance of the order.

On May 22, 2024, our Tribal Council had an Exclusion Hearing to require the non-Indian drug dealer to be excluded from our Reservation indefinitely. During the Hearing, the non-Indian drug dealer stood before our Tribal Council and boasted: "YOU HAVE NO JURISDICTION OVER ME. THE COUNTY MIGHT, THE FEDS MIGHT, BUT YOU DON'T." He further boasted that when he violated the Court's Order, he did so by driving onto our Reservation on a "State Highway" implying that our Tribal Council had no authority to exclude him because he was on a State Highway driving on our Reservation.

As this situation demonstrates, these drug cartels have targeted reservation communities because of the rural terrain, history of community addiction, and limited law enforcement resources. Cartels are specifically targeting Indian Country because of a dangerous combination of under-resourced law enforcement, legal loopholes, sparsely populated communities, and exorbitant profits, and it is devastating Tribal reservations. Profits for these cartels soar the farther they get from the southern border. A fentanyl pill that costs less than \$1.00 in Mexico and southern states, can go for over \$100 on our Reservation.

As the drug cartels seep deeper into Indian Country, they know of the limited resources that we have. Montana is 147,040 square miles— slightly larger than Japan. It is the 4th largest State in the United States behind, Texas, Alaska and California. In 2024, it is reported that only 20 DEA Agents cover the entire state. The DEA sends drug testing to their Crime Lab located in California and the test results are not known for 8 months or more after the crimes are committed, which also limits speedy-trials. The cartels know this--so it is easy for them to attempt to take-over reservations.

On April 23, 2024, our Tribal Council met with Jesse Laslovich and Amanda Myers with the United States Attorney's Office. The Fort Belknap Indian Community Council requested that Mr. Laslovich and the DEA attempt to work with the Montana State Crime Lab in order to receive faster drug test results and more prosecutions. As to the Montana United States Attorney's Office, currently there are a total of 6 Assistance United States Attorneys (AUSA) in Montana. 3 are located in Great Falls (4 hours from Fort Belknap), 2 in Billings (3 hours from Fort Belknap) and 1 in Helena (4 hours from Fort Belknap). 2 of these 6 ASUAs are assigned to serve all of Indian Country in Montana. And the last federal budget cuts blocked a proposed AUSA Prosecutor from Montana.

It was reported to our Tribal Council that prior to AUSA Jesse Laslovich's appointment in Montana, there was 1 violent crime case prosecuted from Fort Belknap prior to his arrival, 3 violent crimes prosecuted the year he arrived, 11 violent crimes prosecuted the next year and it was reported that they currently have 7 violent crime cases pending prosecution. While the United States Attorney's Office attempts to meet with our Law Enforcement monthly, our Tribes very rarely see any FBI presence. There appears to be an ongoing disconnect between the FBI and AUSA and Fort Belknap Law Enforcement as to the evidence gathering and prosecution of cases. Our Law Enforcement reports crime to the federal agencies and yet we get limited to no feedback from the FBI as to the status of any pending case. On April 23, 2024, our Tribal

Council made a specific request through Mr. Laslovich to have the FBI present at the Council Meeting Discussions and the on-going monthly case-staffings.

Our Tribes are finding that the FBI is reactive not proactive. And this is frustrating. The FBI has jurisdiction over non-Indians and our Tribal Law Enforcement Officers' hands are tied because we only have jurisdiction over Tribal Members. So we get into situations where if the FBI has jurisdiction over a criminal case and that person is not immediately arrested, the County Sheriff won't arrest because they say the FBI has jurisdiction. So the suspects are not arrested and are allowed to continue to victimize members of our Community. Further, the federal punishment is less severe on the federal-side for drugs than it is for the State/County. And the Border Patrol on the other hand cannot initiate contact with anyone that they believe may be illegal unless there is a local law enforcement agency that makes contact first and requests them. This further slows the process when the Northern Border is within 40 Miles of our Reservation.

The National Congress of American Indians authored a Report to Congress in 2006 which put the federal government on notice that drug cartels were moving onto the Reservations but nothing has been done. The other government arm that fails us is the Border Patrol. They know Mexican or other illegal aliens are on Reservations but do nothing. Our People get harassed when they cross the Border with sacred objects even though our Border-crossing rights are protected by the Jay-Treaty, yet the cartel seem to be able to get right through.

Fort Belknap Law Enforcement is seriously underfunded by the federal government and by BIA. Recall: our Reservation is the size of Rhode Island and we have total BIA funding for 9 Law Enforcement Officers. Officers lack equipment and are untrained to handle this crisis. The Fort Belknap Indian Community contracts the Law Enforcement through the 638-contracting process. In 1997 the federal government offered \$1.2 Million dollars to Fort Belknap for Law Enforcement-- and 27 years later offer \$1.3 Million. Due to the funding disparity, the Fort Belknap Community has a pending federal lawsuit against the United States government due to its breach of contract and trust responsibilities owed to our People.

BIA Law Enforcement Training is located in Artesia, New Mexico, which is located 1,279.5 Miles away from the Fort Belknap Indian Community. If Law Enforcement applicants are trained by state law enforcement, they are required to receive the additional federal training in Artesia, New Mexico. Our Law Enforcement recruitment and retention challenges are hard enough with the basic requirements of needing the training. BIA needs to be on-board with finding Law Enforcement Training locations in the Great Plains Region or work with state law enforcement trainings to implement federal law enforcement requirements.

It is repeatedly reported to us that drug cartels are targeting our Native women and using homes on reservations as safe houses and distribution hubs. They are able to operate with impunity because of complex jurisdictional rules and the fact that Tribal law enforcement agencies have been under-resourced and under-staffed for decades. This problem is directly connected to our War on Drug Crisis, our communities are reporting more instances of sexual abuse, human trafficking, child abuse and domestic violence. And it creates a frightening environment of lawlessness. President Stiffarm previously asked: Why should we be afraid in our

own Country? And as a Combat Veteran, I concur with his assessment that Congress funds billions in federal aid to foreign countries to protect *their* borders and to kill *their* enemies. The Fort Belknap Indian Community needs funding to protect our own borders in order to live peacefully.

As recently as November 2023, the Not Invisible Act Commission congressional report found made specific recommendations for Congress after detailing Indian Country's lack of law enforcement, lack of federal coordination and cooperation with Tribal and Local Governments, lack of training of Law Enforcement, lack of jurisdictional understanding, and of course, lack of funding. Fort Belknap Indian Community agrees with the Not Invisible Act Commission's recommendations and urges Congress to implement the recommendations. Congress and Indian Country have proven, through these Commission Reports, that in order to protect ourselves, Tribal governments need to have the financial resources and the ability to exercise Tribal Criminal jurisdiction over all People and all crimes that occur within our Reservations. (See also Commission Reports from the Tribal Law and Order Act of 2010 ("TLOA") and the Violence Against Women Reauthorization Act (VAWA) of 2013 and its 2022 Amendments.)

We cannot continue to allow cartels to take advantage of the holes in our justice system and we cannot win this violent war by ourselves. I encourage you to do everything possible to ensure we have the tools and resources we need to keep our communities safe.

In Conclusion, 100 Years Ago, thru the Indian Citizenship Act of June 2, 1924, Congress wanted United States Citizenship to all Native Americans born in the United States. You wanted Us to be Citizens of the United States: now You have a duty to protect all of us--including the Protection of Our Borders of our Reservations.

I thank you for your time and am happy to answer any questions.