



Department of Justice

STATEMENT FOR THE RECORD

**THOMAS HARRIGAN
CHIEF OF OPERATIONS
DRUG ENFORCEMENT ADMINISTRATION**

BEFORE THE

**COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE**

**OVERSIGHT HEARING TO EXAMINE DRUG SMUGGLING AND GANG
ACTIVITY IN INDIAN COUNTRY**

NOVEMBER 19, 2009

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Drug Trafficking in Indian Country

Public safety and law enforcement in tribal communities is a top priority for the Department of Justice. Earlier this year, the Attorney General began a Department-wide initiative to address public safety challenges facing Native American communities. As part of that effort, Department leadership met with tribal leaders over the last several months, including at a listening session convened by the Attorney General in Minnesota, and at the Department's annual Violence Against Women Act of 2005 (VAWA) consultation with tribes. All federally-recognized tribes were invited to the Attorney General's listening session and to the VAWA consultation. Combating unlawful drug trafficking is an important part of the Department's commitment to ensuring safety on our reservations and in the surrounding communities.

Nature of the Problem

In the United States, there are over 560 federally recognized tribes, residing on nearly 300 reservations located in over 30 states. Sixty-one reservations are within 50 miles of either the U.S.-Canada border or the U.S.-Mexico border.

Drug offenses on reservation lands make up a considerable portion of the federal prosecutor's caseload. However, as has been true for many years, alcohol continues to be the number one "drug" that is a factor in the majority of Indian Country crimes. Accordingly, while this testimony focuses on the trafficking of controlled substances, the Justice Department believes that a serious and comprehensive effort to reduce alcohol related issues in Indian Country would go a long way to reducing violent crime on reservations.

Controlled substances used in or trafficked onto a reservation may vary by geographic region. For example, in some areas the biggest problem might be marijuana while other tribes might experience more instances of methamphetamine or cocaine trafficking. Moreover, prescription drug abuse has long been a problem for the people of Indian Country.

Native American and Mexican traffickers control most of the retail level drug distribution on reservations. The proximity of some reservations to the border facilitates drug trafficking. Recent drug threat intelligence reports have focused on two cross-border reservations: the Tohono O'odham Indian Reservation and the St. Regis Mohawk Reservation. There are, however, significant differences among reservations with regard to the incidence of trafficking in controlled substances. We therefore do not wish to generalize about drug trafficking on tribal lands.

The Tohono O'odham Indian Reservation (TON) in Arizona is the second largest reservation in the United States, sharing approximately 70 miles of border with Mexico. This vast reservation provides ample opportunity for border crossing. The Tohono O'odham Indian Reservation is believed to be used as a primary corridor for the movement of illegal drugs by Mexican drug trafficking organizations.

The St. Regis Mohawk Reservation, commonly referred to as the Akwesasne, straddles the United States-Canada border in northern New York. The Akwesasne encompasses more than 14,000 acres in the United States and 11,000 acres in Canada. The shared international border and geography of the Akwesasne make it conducive to cross-border drug trafficking activity. It is estimated that as much as 13 metric tons of high-potency marijuana is smuggled into the U.S. through the St. Regis Mohawk Reservation every week. High-potency Canadian marijuana and MDMA (ecstasy) smuggled through the reservation are transported to and distributed in major drug markets throughout the nation.

Federal Law Enforcement Efforts

The investigation and prosecution of crime in Indian Country is a top priority for the Department of Justice. The Justice Department partners with federal, state, local, and tribal law enforcement agencies to address issues of drug trafficking in Indian Country. This collaboration is critical to effectively addressing drug trafficking on reservations.

The Justice Department often relies on a task force approach to engage federal, state and tribal law enforcement. For example, the Federal Bureau of Investigation (FBI) directs, manages, and funds Safe Trails Task Forces (STTFs) composed of federal, state, and tribal law enforcement partners that collectively employ their resources in addressing regional violent crime problems. STTFs have successfully increased the effectiveness of Indian Country investigations and have enhanced liaison efforts between the FBI and its Indian Country law enforcement partners. STTF participants include the FBI, other DOJ law enforcement agencies, the Department of the Interior's Bureau of Indian Affairs, tribal police departments, and state and local law enforcement agencies. Over the last several years the STTF has resulted in a number of arrests and convictions, such as the convictions of nearly 20 defendants involved in trafficking marijuana and cocaine in Pine Ridge, South Dakota.

In addition, the Drug Enforcement Administration (DEA) has, in recent years, made significant headway with the Native American law enforcement community to address smuggling, distribution and abuse problems. DEA's strategy includes the increased use of Title III intercepts as an investigative tool in dealing with the unique problems associated with addressing drug trafficking on tribal lands as well as providing more training to tribal law enforcement agencies in an effort to increase both professionalism and investigative effectiveness. Tribal law enforcement agencies cooperate with their federal partners and some provide tips and information ultimately leading to federal cases.

In addition to participating in the FBI's Safe Trails Task Forces, DEA conducted its own Operation Tomahawk in November 2006 to target drug traffickers who target Native American

lands for drug distribution purposes. Collectively, Operation Tomahawk resulted in a total of 213 defendants being charged and approximately 29.8 pounds of methamphetamine, 10.2 tons of marijuana, 106.686 kilograms of cocaine, and \$14,764,193 in U.S. currency seized. Additionally, 102 vehicles and 61 weapons were seized or recovered.

Operation Tumbleweed, which falls under the umbrella of the DEA Special Operations Division's (SOD) Operation Tomahawk, targeted a Drug Trafficking Organization operating in the proximity of the Tohono O'odham Indian Reservation (TOR). In December 2008, as a result of Operation Tumbleweed, DEA in concert with many state, local, and federal agencies, dismantled a bi-national drug syndicate. It is believed that this drug syndicate smuggled up to 400,000 pounds of marijuana annually from Mexico into the United States since 2003.

As a result of Operation Tumbleweed, 59 individuals were indicted, 39 arrested on felony drug trafficking charges, including transportation and possession of marijuana for sale, illegally conducting an enterprise, money laundering, conspiracy, and misconduct involving weapons. This operation also led to the seizure of 25,600 pounds of marijuana, 1 kilogram of cocaine and 11 pounds of methamphetamine (both already documented under Operation Tomahawk), \$760,472 in U.S. currency, 28 vehicles, 25 firearms, and the recovery of 14 stolen vehicles.

The Organized Crime Drug Enforcement Task Forces (OCDETF) Program also contributes to major investigations and prosecutions involving tribal communities. In SOD Operation Tomahawk, there were approximately 18 OCDETF investigations. Additionally, DEA Operation Tumbleweed included OCDETF Operation El Caballo. OCDETF, a proven and effective mechanism to attack drug cartels, uses federal prosecutor-led task forces that bring together federal, state, local, and on a "case specific basis", the inclusion of tribal law enforcement agencies to identify, disrupt, and dismantle the cartels through the investigation, prosecution, and extradition of their key leaders and facilitators, and seizure and forfeiture of their assets.

United States Attorneys' Offices have long been prosecuting significant drug cases arising in Indian Country. Examples of recent successful multi-agency drug investigations resulting in successful prosecutions in Indian Country include:

United States v. Miguel Angel Chavez (District of North Dakota)

On November 10, 2009, Miguel Angel Chavez, 33, was sentenced in the District of North Dakota to life in prison following convictions for drug distribution related offenses, conspiracy to commit identity theft, and continuing criminal enterprise (organized, supervised, or managed five or more individuals). According to evidence produced at trial, from 2003 to 2007 the Chavez organization imported over 150 pounds of methamphetamine into North Dakota and the Turtle Mountain Reservation from Mexico and Eastern Washington. The financial investigation conducted in OCDETF Operation Paint by Numbers revealed that Chavez stole the identities of individuals to facilitate his drug trafficking and money laundering scheme. The organization used bank accounts and money wires to conceal the hundreds of thousands of dollars in illegal proceeds generated by the organization. It is estimated that this organization generated at least \$1,500,000 in gross profits. Twenty-three co-defendants were also indicted as part of the Chavez conspiracy. The majority of these defendants have been sentenced or are awaiting sentencing.

This case represents a sterling example of federal law enforcement working collaboratively: the case was investigated by the DEA, BIA, FBI, IRS – Criminal Division, and the Department of Homeland Security. The Chavez organization is the largest conspiracy case the District of North Dakota has prosecuted on the Turtle Mountain Indian Reservation. This reservation is a small, economically depressed area. Undoubtedly, the enormous amount of methamphetamine injected directly into this community was devastating.

United States v. Diana Martin, Margrette Cobb, and Andrew Sonnenberg (Western District of Wisconsin)

On October 13, 2009, three more defendants in a long-term St. Croix tribal drug investigation were sentenced in federal court. Defendant Martin received a sentence of 9 years imprisonment, defendant Cobb 13 years and 4 months, and defendant Andrew Sonnenberg 17.5 years in prison. To date, eleven defendants have been sentenced as a result of an investigation into drug dealing on St. Croix tribal lands. All defendants were engaged in a conspiracy to obtain and distribute crack cocaine on the reservation from at least January 2001 through September 2008. Each member of the conspiracy, at various times, traveled with an earlier sentenced defendant, Jean Sonnenberg (received sentence of 19 years and 7 months), to obtain crack cocaine in the Minneapolis-St. Paul area. The drugs were then sold to customers on tribal lands in northwestern Wisconsin. During the first several months of 2008, an individual working with law enforcement officers purchased crack cocaine from members of the conspiracy on several occasions.

The sentencings of Martin, Cobb, and Andrew Sonnenberg represent one more chapter in a long-term investigation conducted by the Wisconsin Department of Justice, Division of Criminal Investigation; the FBI; St. Croix Tribal Police Department; Rice Lake Police Department; Barron County Sheriff's Department; Burnett County Sheriff's Department; Polk County Sheriff's Department; Native American Drug and Gang Initiative; and Wisconsin State Patrol. The investigation is continuing and additional indictments and arrests are expected.

In addition to investigating and prosecuting drug or gang related violent crime in Indian Country, the Justice Department is invested in programs that foster training and capacity-building for tribal law enforcement. For example, DEA has for many years offered Clandestine Laboratory Investigation training to all state, local, and tribal police officers (including both BIA and Tribal Police). Several DEA Field Divisions provide classroom space and training courses for Tribal Law Enforcement Officers in an effort to raise the level of awareness, professionalism and effectiveness of these Tribal Officers.

In addition to these efforts, led by the Department of Justice, DOJ law enforcement agencies actively collaborate with other federal law enforcement agencies to address crime issues on tribal lands. For example, a number of federal law enforcement agencies, including the DEA, FBI, Bureau of Alcohol, Tobacco, Firearms and Explosives and the United States Attorneys' Offices are members of joint task forces, which have successfully dismantled arms trafficking, bulk-cash, alien and narcotics smuggling organizations and their attendant cells in the United States and Mexico.

Conclusion

We commend the Committee's interest in the public safety and health consequences of drug trafficking on Indian reservations. Drugs, to include alcohol, have contributed to the high violent crime rate in Indian Country, devastated Native American families, and strained resources of tribal law enforcement, health, and social services programs. Those consequences remain an important concern at the Department of Justice. We look forward to working with you on these issues.