



Tribal Lands
Homeland Security Summit
At NNALEA's 10th Annual
Training Conference
October 22-24, 2002

NNALEA

NATIONAL NATIVE AMERICAN LAW ENFORCEMENT ASSOCIATION

Tribal Lands Homeland Security Report





National Native American Law Enforcement Association

"Tribal Lands Homeland Security Report"

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at NNALEA's 10th Annual Training Conference
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THE NATIONAL NATIVE AMERICAN
LAW ENFORCEMENT ASSOCIATION

Washington, DC
February 12, 2003

Dear Tribal Lands Homeland Security Summit Attendee and Friends:

We are honored to share this report, which summarizes the proceedings of the National Native American Law Enforcement Association's (NNALEA) "Tribal Lands Homeland Security Summit."

Vital homeland security issues confront American Indian and Alaska Native tribes. The Summit and this report are important first steps and the beginning of an ongoing dialogue amongst a wide variety of interested individuals, agencies and organizations, concerning the vital homeland security issues that confront American Indian and Alaska Native tribes. We, at NNALEA, encourage this dialogue to continue. We recommend that you stay in contact with those you met at the "Tribal Lands Homeland Security Summit" and continue to share your insights.

NNALEA is a strong supporter of tribal efforts to ensure the security of Indian people, tribal lands and resources, and America. NNALEA will continue to provide Native Americans with high quality law enforcement, first responder and homeland security training and technical assistance.

Thank you for taking the time from your many responsibilities and commitments to stand "shoulder to shoulder" with NNALEA in defense of our homelands. Your participation and the sharing of your enthusiasm, knowledge, plans, accomplishments, and ideas made the Summit a success and will make our national homeland secure for our future generations.

Sincerely yours,

David Nicholas,
President
NNALEA

MANY THANKS TO:

Senator Ben Nighthorse Campbell for serving as keynote speaker and a legislative voice for Native American homeland security, to all the attendees who helped develop this “Homeland Security” Report, and to our:

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Senator Ben Nighthorse Campbell
Chairman, Senate Committee
On Indian Affairs

Neal McCaleb
Assistant Secretary (Indian Affairs)
Department of the Interior

Jacqueline Johnson¹
Executive Director, National
Congress of American Indians

Thomas Heffelfinger
U.S. Attorney for Minnesota
Chair, AG-NAIS

Other Key Speakers

R. Perry Beaver
Principal Chief
Muscogee (Creek) Nation

Peter Bergin
Assistant Secretary–BDS
Department of State

Daniel G. Bogden
United States Attorney
State of Nevada

Gregg Bourland
Tribal Chairman
Cheyenne River Sioux

Michael Brown
Undersecretary for EP&R
Department of Homeland Security

Bradley Buckles
Director, BATF
Department of Homeland Security

Robbie Callaway
Senior Vice President
Boys & Girls Clubs of America

Gustavo De La Vina
Chief, U.S. Border Patrol
Department of Homeland Security

Robert Ecoffey
Director, BIA–OLES
Department of the Interior

Sharee Freeman
Director, CRS
Department of Justice

Alan Mandell
Chairman
Pyramid Lake Paiute Tribe

Carl Peed
Director, COPS
Department of Justice

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Distinguished Guest Speakers

John Allen
Union Pacific Railway

Andy Ballenger
Department of Homeland Security

M. Christopher Briese
FBI–Minnesota Division

Chris Castillo
El Paso Natural Gas

Mike Derrick
El Paso Corporation

Mark Destito
Drug Enforcement Agency

Dr. Joseph Hessbrook
FEMA

Dr. Scott Hill
Department of Veterans Affairs

Gil Jamieson
FEMA–ONP

John Klein
State of Idaho

Bradley Mahanes
Environmental Protection Agency

Linda Mason
State of Arizona

Sam McCracken
Nike, Incorporated

Jim McLeod
BIA–Homeland Security

Robert Switzer
BATF–Field Operations

Craig Vanderwagen
U.S. Indian Health Service

George Vinson
State of California

Tribal Leader Attendees

Michael Bear
Penobscot Indian Nation

R. Perry Beaver
Muscogee (Creek) Nation

Barbara Birdsbill
Fort Peck Tribe

Gregg Bourland
Cheyenne River Sioux

Robin Burdett
Summit Lake Paiute Tribe

Thomas Christian
Fort Peck Tribe

Carroll Crowe
Eastern Band of Cherokee Indians

Charles Enyart
Eastern Shawnee Tribe

Raul Garza
Kickapoo Tribe of Texas

Carol Ann Heart
Tribal Chairman's Health Board

Darnell Hillaire
Lummi Indian Nation

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Upper Sioux Community

Alan Mandell
Pyramid Lake Paiute Tribe

Barton Martla
Pueblo of Zuni

Mark Mitchell
Pueblo of Tesuqua

Myron Moses
San Carlos Apache Tribe

Frieda Perkins
Sac & Fox Nation, MO

Herman Shorty
Navajo Nation

John F. Stensger
Colville Tribe IR

Ron Sully
Yankton Sioux Tribe

David Youckton
Chehalis Tribe

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Conference, Summit and Publications Staff

Dawn Abrams ATF	Jamie French DOJ–COPS Office	Maria Rubio DOJ–COPS Office
Nate Alton U.S. Customs Services	Earl Gardner DHS–BATF	Chuck Sears U.S. Border Patrol
Donny Bulloch U.S. Secret Service	Ron & Maggie Gurley BGCA–Green County, Inc.	Anthony “Hoss” Silva B&CGA–Laguna Pueblo
Gerry Cavis U.S. Secret Service	Luzene Hill Emory University	Matt & Teresa Tate Oklahoma National Guard
Adam Callaway FirstPic, Incorporated	Maiby Ho DHS–INS	Tracy Toulou Office of Tribal Justice
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	Royleen Ross-Weaver Helen Keller–ChildSight	

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Gary Edwards
Summit Coordinator
Deputy Assistant Director
United States Secret Service

Roger Nisley
President
Eagle International, Inc., FBI (retired)

Francis “Lou” Gros Lewis
Senior Program Analyst/ONAP
Housing & Urban Development

H. Terence Samway
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Federal Security Director
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Bearman & Caldwell

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U.S. Environmental
Protection Agency/OCEFT

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Summit Co-Director
Colonel–United States Army

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“Native people are Americans first—and want to stand shoulder-to-shoulder with the rest of their countrymen in defending American lives and homelands from the threats now before us.”

“Make no mistake: whether you are a single mom in an urban area, or a family living out in a rural area, you are potentially targeted because you are American.”

“From Valley Forge to the war in Afghanistan, Native Americans have heeded the call to defend our country and way of life in numbers greater than any other group in the history of our great nation.”

“From many, one. “E pluribus Unum.” It has never been more true than now . . .”

“. . . by including Indian Tribes in our focus on homeland security, Native communities will stand shoulder to shoulder with the rest of America in defending American lives and homelands against the threats now before us.”

*A collection of "Homeland Security" statements by
Senator Ben Nighthorse Campbell
Northern Cheyenne Tribe*



EXECUTIVE SUMMARY

On September 11, 2001, the threat of terrorism became a reality for Native Americans, as it did for all Americans. The security of the very homeland upon which we all live, was breached. For most of us, this devastating day not only left us searching for answers, but it also left us determined to take steps to reduce the threat that terrorism poses to our homeland in the future.

To address the issue of homeland security in tribal lands, NNALEA hosted the “Tribal Lands Homeland Security Summit” (Summit) at its 10th Annual Training Conference in Reno, Nevada, October 22–23, 2003. The main purpose of the Summit was to bring a wide variety of interested parties together to define the nature of the homeland security threat on tribal lands and to discuss the level of preparedness to meet that threat, now and in the future.

More than 400 representatives of Indian tribal governments, federal agencies, state governments and private industry provided a clear picture of the challenges facing tribal lands. Participants reported potential vulnerabilities, funding restrictions, training deficits, communication challenges, and jurisdictional issues.

Gary Edwards, CEO, NNALEA, reported the Summit findings to the United States Senate Committee for Indian Affairs February 26, 2003. According to Mr. Edwards, “Our nation, as well as Tribal lands, must have a three-part approach to homeland security. We must realize the reality of today, define our vision of homeland security for tomorrow, and act to make that vision the reality of the future.”²

A reality that must be realized today is that there are certain vulnerabilities on tribal lands that affect the security of not only the Tribal lands but also our Nation as a whole. Specifically, the primary vulnerabilities on Tribal lands today are:

1. the border and port security on Tribal lands;
2. the critical infrastructure located on Tribal lands {i.e., dams, water impoundments and reservoirs, electrical generation plants, drinking water, waste systems};
3. the existence of non-integrated law enforcement and lack of jurisdictional clarity; and
4. the minimal emergency response, and medical capacity, planning and implementation.

Our vision for homeland security includes a locally-organized grass-roots developed effort, dual-use equipment and services, complementary services funding, adjacent jurisdiction partnerships, special operations training, and “outside the box” thinking.

To make our vision a reality, NNALEA pledges to distribute and update the “NNALEA Homeland Security Assessment Model,” continue to provide a forum for the discussion of tribal homeland security, lead in the development of a strategic homeland security defense plan for Tribal Lands, and continue to promote partnerships that facilitate Indian tribes’ role in the national homeland defense strategy. Please see Tab 2 for recommendations for support to NNALEA’s initiatives.

Senator Ben “Nighthorse” Campbell said it best, “Native people are Americans—and want to stand shoulder-to-shoulder with the rest of their countrymen in defending American lives and homelands from the threats now before us.” NNALEA will take its place to provide training, technical assistance, and innovative ways for Native American law enforcement to lead by service to our communities and the United States of America.³



SUMMIT PREFACE

The primary result of this nation's search for answers and ways to reduce the terrorist threat was the formulation of the National Homeland Security Strategy, which sets forth three strategic objectives:

1. Prevent terrorist attacks within our homeland;
2. Reduce our Homeland's vulnerability to terrorism; and
3. Minimize the damage and recover from attacks that do occur.

These objectives are to be achieved in six initial areas, as defined by the Office of Homeland Security, namely:

1. Intelligence and warning—to detect terrorism before it manifests itself in an attack:
 - a. Build new capabilities through the Information Analysis and Infrastructure Protection Division;
 - b. Implement the Homeland Security Advisory System; and
 - c. Apply dual-use analysis to prevent attacks.
2. Domestic counter-terrorism:
 - a. Improve intergovernmental law enforcement coordination; and
 - b. Track foreign terrorists and bring them to justice.
3. Border and transportation security.
4. Critical infrastructure protection
 - a. Unify America's infrastructure protection effort;
 - b. Build and maintain a complete and accurate assessment of America's critical infrastructures and key assets;

- c. Create effective partnerships with tribal, state and local government and the private sector
 - d. Develop a National Infrastructure protection plan; and
 - e. Guard America's key assets and infrastructure against "inside" threats.
5. Catastrophic terrorism defense
 6. Emergency preparedness and response
 - a. Create a national incident management system,
 - b. Improve tactical counter-terrorist capabilities,
 - c. Enable seamless communication among all responders,
 - d. Prepare for NBC contamination,
 - e. Plan for military support to civil authorities,
 - f. Build the Citizen Corps,
 - g. Build a training and evaluation system, and
 - h. Enhance the victim support system.

To build on the Office of Homeland Security's initiatives, the Summit targeted five goals that were achieved through the active participation of the attendees. These goals are:

Goal 1: Understanding the threat.

Goal 2: Defining the vulnerabilities.

Goal 3: Identifying resources.

Goal 4: Identifying mechanisms for cooperation.

Goal 5: Defining next steps for moving forward.

The results of each goal are set forth in the remainder of this report.

SUMMIT GOALS

Goal 1: Understanding the Threat

The first goal addressed by the attendees of the Summit hosted by NNALEA was to understand the threat that terrorism poses to our homeland. For Native Americans, and for all Americans for that matter, a good place to gain understanding of the threat of terrorism is the target list of Al-Qaeda, which was determined to be responsible for the September 11 acts of terrorism. This list, which was recently uncovered in a raid, states the following:

- ⇒ Kidnapping and assassinating enemy (i.e., non-Muslim) personnel, “blasting and destroying the places of amusement, immorality and sin” (i.e., casinos, amusement parks, sporting events, tourist attractions, and the like);
- ⇒ “attacking vital economic centers” (i.e., dams, power plants, energy pipelines, railroads, ports, radio and television stations, communication towers, etc.); and
- ⇒ “blasting and destroying bridges leading into and out of the cities.”⁴

At first glance, many Americans may conclude that this list, and the threat contained therein, only poses a “small threat” to Native Americans and tribal lands, thereby mistakenly overlooking the much larger threat that this perceived “small threat” poses to our homeland as a whole. A closer look reveals that Native American Lands and Tribal Lands may be at the very heart of the threat to our homeland security. Dams, power plants, energy pipelines, railroads, ports, casinos, and tourist attractions that impact entire regions of our homeland are located on tribal lands. Tribal lands also include many miles of our homeland’s border, thereby making them a potential conduit through which terrorism has a means to ingress and egress our homeland as a whole.

Further understanding of this threat was also gained from the remarks provided by several of the speakers at the Summit. Specifically, the remarks by Senator Ben “Nighthorse” Campbell, Neal McCaleb, and Tom Heffelfinger, which are summarized below, detailed the threat of terrorism to Native Americans and Tribal Lands, and the potential impact of such to our homeland as a whole.

Senator Ben “Nighthorse” Campbell

Senator Ben “Nighthorse” Campbell was the keynote speaker at the Summit hosted by NNALEA. Senator Campbell is the Chairman of the Senate Committee on Indian Affairs. He is a Native American and one of the 44 Chiefs of the Northern Cheyenne Tribe. He was elected to the Senate a decade ago, and he is the only Native American to chair the Senate Committee on Indian Affairs. Likewise, he is the only Native American presently serving in the United States Senate.

Senator Campbell referred to the “Tribal Lands Homeland Security Summit” as both “timely and critically important.”⁵ “September 11th,” he said, “brought out the need for coordinated and cohesive delivery of law enforcement, medical response, and security services for all Americans.” Senator Campbell discussed the expanding challenges to law enforcement in tribal communities. He referenced how, historically, policing efforts focused on fighting violent crime, domestic violence, theft, and a myriad of problems stemming from alcohol and substance abuse; whereas, in recent years, tribal lands have seen an influx of urban and inner city crimes, such as drug trafficking, gang violence, and illegal immigrant smuggling, which are some of the very activities that finance terrorism.





Senator Campbell acknowledged that our enemies have demonstrated their desire and capability to strike America on its own soil. Like state and local governments, Indian tribes have a vital role in defending our country and our way of life. While some Americans have yet to acknowledge the vulnerability to terrorism in their part of the country, others already convinced of the danger, believe the nation has not begun to address homeland security. Neither is correct.

Senator Campbell provided some examples of federal efforts already under way. These include:

- ⇒ The National Indian County Telecom Infrastructure Consortium initiative of the Bureau of Indian Affairs. The BIA is working with tribes to coordinate an enhanced telecommunications capacity that will improve tribes' ability to communicate and work with other law enforcement agencies and first responders beyond their borders.
- ⇒ The Federal Emergency Management Agency (FEMA) is distributing \$200 million for state and local hazards emergency planning, development of Emergency Operations Centers, and Community Emergency Response Team Training.
- ⇒ The Customs Service has adopted a \$100 million "Northern Border Strategy" to emphasize securing our long-neglected northern border with Canada. This strategy will combine technology, improved infrastructure, hundreds of new personnel, industry and international partnerships to secure that border. Concurrently, a \$10 million security upgrade will be deployed to high volume and high-risk ports of entry on the Southwest border to improve its security also.
- ⇒ Native American Customs agents, the "Shadow Wolves" are patrolling three million acres of isolated land along 70 miles of Mexican border. They are instrumental in tracking and apprehending smugglers in the American Southwest where no one else can penetrate. The Wolves already are responsible for 70 percent of the 40-60,000 pounds of drugs seized each year by this Customs Service section. Their skills are so valued that the Shadow Wolves have been sent to the Baltics and several former Soviet states to teach others how to identify and track smugglers (of drugs, weapons, people) across international boundaries.
- ⇒ The Federal Law Enforcement Training Center (FLETC) has increased its support to training Indian Police Officers and now trains over 2,000 officers annually, and
- ⇒ Through the Bureau of Alcohol, Tobacco and Firearms (ATF) GREAT Program, BIA has trained 214 officers and graduated 28,995 Native Americans from this gang resistance program.

Senator Campbell explained that the Senate Committee on Indian Affairs' commitment to improving the security, living conditions and opportunities for Native Americans is truly bi-partisan. It recognizes that, "Indian tribal law enforcement officers are often the first and only responders to crimes committed against Indians and non-Indians on Indian lands." The Committee has held hearings, and in 2003 will review the practical effect of recent Supreme Court decisions on the ability of tribes to enforce the law on their lands. NNALEA and Summit attendees were encouraged to take part in those discussions, which Senator Campbell views as extremely important to effective protection of the U.S. homeland.

Neal McCaleb

Neal McCaleb was the Assistant Secretary of Indian Affairs for the Department of the Interior at the time of the NNALEA Summit.

Neal McCaleb noted that America's sense of security was shattered by the September 11, 2001 terrorist attacks in New York City and Washington, DC. Echoing the President's frequent call to action, he described the nation as in the midst of "a war on terrorism." Although the challenges of such a war are becoming clear to all, Mr. McCaleb described this as the "best of times" in one sense. The American public has a new respect, appreciation and admiration for those in public safety occupations as well as a strengthened sense of community, cooperation and unity. He described the Summit as an opportunity to share and compare successes and challenges and to prepare to serve and protect those who depend on us.

Tom Heffelfinger

Tom Heffelfinger is the U.S. Attorney for the State of Minnesota and Chairman of Attorney General Ashcroft's Advisory Committee, Native American Issues Subcommittee.

Tom Heffelfinger picked up Mr. McCaleb's theme, adding that this war on terrorism will be the first war in U.S. history that is fought as much by law enforcement and first responders as by the military. He quoted some of the written goals listed in the Al-Qaeda terrorist training manuals, which have been recovered from caves in Afghanistan and raids in the United Kingdom. These manuals urge attacking and destroying vital economic centers such as dams, power plants, energy and transportation centers. Because these terrorists cannot begin to match the nation's military might, they focus on destroying the U.S. economy and our free and open society.

Mr. Heffelfinger believes that the security planning and operations for the Salt Lake City 2002 Winter Olympics should be the model for homeland security public safety operations. He described Olympic security as a "turf free" zone where individuals and agencies gave up their egos and "turf" in the interest of performing a very difficult, dangerous and high visibility mission. While the Secret Service was in charge of planning the security for this National Special Security Event, it needed communication with Olympic organizers, athlete chaperones, intelligence, federal, state and local law enforcement and medical personnel, the military, FEMA and a myriad of other organizations. Procedures for post standing, credentialing, communications, supervision, logistics for housing and feeding law enforcement, security and first responders and an infinite variety of other details required people to work together to make Olympic security successful. The Olympics were confined to a limited area and operated for a reasonably short period of time. These factors made that mission easy compared to securing the American homeland against foreign and domestic terrorists for an indefinite period of time.

Jurisdictional procedures and laws should be considered for Tribal Police to become full partners in protecting the homeland. Jurisdictional issues include Tribal Police detaining and prosecuting non-Indians, Tribal Police terrorist training, and cross-deputization agreements.



Presentation of Colors by U.S. Border Patrol, NNALEA President Jim Wooten, NCAI Executive Director Jackie Johnson, and honored guests.



SUMMIT GOALS

Goal 2: Defining the Vulnerabilities

After the threat of terrorism was understood, the next goal addressed by the attendees of the Summit hosted by NNALEA was to define the vulnerabilities on tribal lands that make all Americans susceptible to that threat. It was determined at the Summit that Native Americans and tribal lands have at least four primary vulnerabilities relevant to the security of our Homeland as a whole. These vulnerabilities, which were consistently reiterated by the attendees of the Summit, are as follows:

1. Border Security;
2. Critical Infrastructure;
3. Integration of Law Enforcement and Lack of Jurisdictional Clarity; and
4. Emergency Response and Medical Capacity Planning and Implementation.

Each of these vulnerabilities is summarized in more detail below.

Border Security

Twenty-five tribes have land located on or near approximately 200 miles of U.S./International borders. Most of these borders are not adequately patrolled due to limited resources, which make tribal lands, and in turn, our homeland as a whole, subject to undetected terrorist infiltration.

For example, located on one Indian Reservation, there are 76 miles of international border, with numerous unmanned border crossing points. In 2002, the U.S. Border Patrol apprehended 222 illegal immigrants from special interest countries. Even more alarming is the U.S. Customs estimate that numerous undocumented illegal aliens enter our homeland everyday through our borders. Many of these undocumented illegal aliens could be terrorists.

Critical Infrastructure

There are over 100 million acres of tribal and Alaskan Native lands that are replete with dams, water impoundments and reservoirs, electrical generation plants, oil and gas fields/pipelines, transportation lines, and waste systems, among others, that are critical to the infrastructure of our Homeland. A sampling of these resources critical to our infrastructure located on Tribal and Alaskan Native lands are set forth below:

Dams, Water Impoundments, Reservoirs, and Electrical Generation Plants:

- ⇒ The 2nd largest producer of hydroelectric power in the United States;
- ⇒ The 4th highest dam in the United States;
- ⇒ The 12th highest dam in the United States;
- ⇒ Over 145 other critical dams in located on Tribal and Alaskan Native Lands.

Oil and Gas Fields/Pipelines:

- ⇒ Oil Fields on many Tribal lands;
- ⇒ Gas Fields on many Tribal lands;
- ⇒ Bulk Petroleum Plants on some Tribal Lands;
- ⇒ Hundreds of miles of pipelines on several Tribal lands;
- ⇒ Natural Gas Companies on several Tribal Lands.

Transportation Lines:

- ⇒ Hundreds of miles of railroads run through Tribal and Alaskan Native lands;
- ⇒ Hundreds of miles of Interstate Highways and many other critical highway systems run through Tribal and Alaskan Native lands.

Others:

- ⇒ Communication Towers and Water Resources;
- ⇒ Tourist/Casino Attractions;
- ⇒ Coal mines, power transmission lines, and slurry pipelines;
- ⇒ Tourist Attractions on Tribal and Alaskan Native lands are numerous across the United States;

Each of these resources are critical to the infrastructure of our homeland, but each is also a vulnerability should it be compromised by a terrorist attack. For example, one major dam located on an Indian Reservation is over 100 feet high and nearly one mile long. A two-lane highway runs across the crest of the dam, and the dam itself is made of enough concrete to build a 60 foot wide, four-inch thick highway covering the 3,000 miles from Los Angeles to New York City.⁶ This dam regulates flood control of a river and forms a large lake, a reservoir and recreational area, holding nine million acre feet of water, and extending 150 miles. The dam's hydro-electric power plant is the largest producer of electricity in the United States, and the third largest in the world. It is the major supplier of electricity to a large number of states. The 6.5 million kilowatts annual generation capacity equates to \$130 million of power at wholesale levels. It also irrigates more than one-half million acres of otherwise arid land,⁷ and forms the a national recreation area, which contains a seasonal habitat for 24 Bald Eagles, seven scenic and historical trails, and fishing areas. Tourist business provides millions of dollars and hundreds of jobs to the local economy and small business owners.

With the background of the above described major dam in mind, the effects of a successful terrorist attack on it are easily conceivable. Such

effects could include loss of power (brownouts or blackouts) for citizens, businesses, hospitals and government agencies in several states; flooding (of a major United States City as well as other smaller cities and communities) and loss of thousands of lives (both people and animals) in communities and businesses situated in the major river's flood plain;



This dam's hydroelectric power plant is the largest producer of electricity in the United States, and the third largest in the world.

and, the development of filth-based diseases such as cholera due to human and animal cadavers and the flooding of sewage systems. The down river destruction of other dams could multiply this devastation. Hundreds of millions, perhaps billions, of dollars in property and business destruction could be expected, in addition to the cost of rebuilding the massive dam.

Integration of Law Enforcement and Lack of Jurisdictional Clarity

Many Native American communities do not have formal agreements with local, state, and federal officials regarding law enforcement, which has created gaps in safeguarding tribal lands, critical resources located thereon, our

homeland as a whole, and all Americans, Native American and non-Native American alike.

“At the onset, every disruption or attack is a local problem. Regardless of who owns and operates the affected infrastructure, each requires an immediate response by local authorities and communities who must support the initial burden of action before the incident escalates to a national event.”⁸

State and local jurisdictions should enter into mutual support agreements with Indian nations to share complementary resources in times of crises. In addition, state and local governments should be encouraged to enter in cross deputization agreements to facilitate the mutual sharing and support of peace officers, particularly in times of crises. These cross deputization agreements should provide certified Indian Police officers equivalent status as all other police departments.

Jurisdictional impediments will need to be removed for tribal police to become full partners in protecting the homeland. Both procedures and laws will require changes. For example, tribal police and tribal courts must have broader authority to detain and prosecute Indians and non-Indians committing crimes on Tribal lands. These changes will make tribal law enforcement more effective and aid to close the parity gap in law enforcement between Tribal communities and non-Tribal communities.

Emergency Response and Medical Capacity Planning and Implementation

Communities look to local leadership to assure safety, economic opportunities and quality of life. Public confidence, therefore, starts locally and is dependent upon how well communities plan and are able to protect

their citizens, respond to emergencies, and establish order from chaos. Local communities play critical roles in preparing their citizens for emergencies and engaging their public and private leadership in the development of coordinated local and regional plans to assure the protection of residents and businesses.⁹

The Federal Emergency Management Agency (FEMA) is distributing \$200 million for state and local hazard emergency planning, development of Emergency Operations Centers, and Community Emergency Response Team Training. FY-2002 funding was provided to states on the basis of population alone. Summit participants believe that funding should be prioritized and provided to both states and tribes according to a risk model based on the need for basic emergency response staffing and infrastructure.

FEMA expects that FY-2003 funding will be allocated by a formula that will provide a set amount of base funding to each state. Funding above this base will be allocated based on population. Therefore, without legislative intervention, tribal lands do not appear to be in line for direct funding for FEMA support until FY-2004 at the earliest.

Current funding for tribal law enforcement and first responders lags well behind that for non-tribal law enforcement and first responders. The result is that many Tribal law enforcement and first responder programs lack personnel, and the personnel they do have may need training, education, certification, experience, and sufficient technical assistance, while many experience burn-out resulting in low retention rates. Therefore, the cost will be higher to attain parity in law enforcement and first responder programs on Indian lands.

According to Senator Campbell, “Indian tribal law enforcement officers are often the first and only responders to crimes committed



against Indians and non-Indians on Indian lands.” In addition, Tribal lands have critical unmet needs for medical capacity, emergency response planning, and emergency service implementation.

For example, Tribes are looking more and more to the private sector for health care services that the Indian Health Service does not have the resources to provide. In addition, one Tribal Nation employs only four full-time emergency managers to provide technical and short-term planning assistance to 110 units of local government, covering an area the size of West Virginia. On this same reservation, the Tribe employs only eight full-time fire and rescue staff to serve a population greater than 250,000. Due to inadequate funding, most fire emergency response services are provided by volunteers.

In oral remarks at the Indian Health Service, National Councils Combined Annual Conference, a senior Indian Health Service official made the following statements regarding funding levels in the Indian Health Service 2004 budget for Indian Health Programs:

- ⇒ As a provider, I know that there will be some (health) services I can provide and others that will have to be delayed or denied.
- ⇒ The (2004) budget includes \$25 million for Contract Health Costs, an amount that will support the purchase of approximately 511,000 outpatient visits, an increase of 17,000 from FY 2003.
- ⇒ Almost 8 percent of Indian homes still lack a safe indoor water supply, compared to 1 percent of all U.S. homes.

If a weapon of mass destruction was used in a terrorist attack on or near a reservation, resource limitations like those described above would effect emergency response, communication, transportation, public works,

firefighting, health and medical services, information analysis, urban search and rescue, the proper identification and containment of hazardous materials, food and water availability, as well as energy supply, public safety, and clean-up. All these elements listed need to be coordinated in a pre-planned organized manner on Tribal lands.

With respect to Tribal coordination with emergency assistance from federal agencies, the Department of Health and Human Services (HHS) is the primary agency responsible for the health and medical response under FEMA’s Federal Response Plan. The Department of Health and Human Services is prepared to respond to terrorist attacks on a national basis. The HHS Center for Disease Control (CDC) coordinates the building of the Health Alert Network (HAN) and the National Electronic Disease Surveillance System (NEDSS). Both programs are next generation national public health communications and disease surveillance programs utilizing internet connectivity.

However, tribes may have trouble integrating their response activities with such sophisticated systems because of infrastructure limitations. Almost a quarter of rural Native Americans lack basic telephone service and 8 percent lack a safe indoor water supply. The Indian Health Service must purchase over 500,000 outpatient visits from the private sector, and some health services for Tribal people will either have to be delayed or denied. Given these disparities, homeland security preparedness would dictate that funding for Tribal emergency response, medical capacity planning, and implementation programs should be reevaluated, and access to adequate funding for basic infrastructure support be made available.

. . . this war on terrorism will be the first war in U.S. history that is fought as much by law enforcement and first responders as by the military.

*United States Attorney
Tom Heffelfinger
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SUMMIT GOALS

Goal 3: Identifying Resources

The third goal pursued and achieved by attendees of the NNALEA Summit was to identify the resources of Native Americans relevant to homeland security. This goal is very important, as it takes resources to safeguard vulnerabilities from attack by terrorists. Accordingly, at the Summit, attendees were requested to help identify both the resources available to Native Americans on tribal lands to safeguard against the vulnerabilities identified in Goal 2, set forth above, and those resources that are needed by Native Americans to safeguard tribal lands, and our Homeland as a whole. The results of the identification of the available resources, and the needed resources are each discussed in more depth below.

Available Resources

- 1. Tribal law enforcement and first responder services.** A large number of Indian nations do have tribal law enforcement and first responder services. NNALEA has provided national training for tribal lands law enforcement professionals for the last 10 years. In addition, in 2002 NNALEA presented the “Tribal Lands Homeland Security Summit” and NNALEA is in the process of coordinating the development of the “Academic Center for Excellence in Native American Law Enforcement Training.”
- 2. Private Industry.** At the Summit hosted by NNALEA, the Union Pacific Railroad, El Paso Natural Gas Corporation, homeland security and emergency management officials representing companies with holdings in many states made presentations on their security efforts and how they interact with Indian Nations. The Union Pacific representative detailed how the railroad industry responded after the

terrorist attacks of September 2001. The railroad industry, like the airlines, shut down. Railroads ceased operating for 72 hours while engineers, police and security officials examined every major structure, bridge, fueling station and other vital structures. Within a month, the Union Pacific determined that it had 265 tunnels, 762 bridges, 138 fueling centers and 33 data distribution centers among its vital structures.

The industry adopted four states of heightened alert—near normal; heightened; credible threat; and confirmed threat/actual attack. Within each of these states, specific security enhancements were defined and agreements were made with federal, tribal, state and local officials for necessary public safety assistance. The railroad industry also formed five Critical Action Teams around the five core functions related to terrorist threats: hazardous material transportation and storage, operations security, critical infrastructures, information technology, and military liaison.

El Paso Natural Gas has \$47 billion in annual revenue and 14,000 employees. It owns 48,000 miles of natural gas pipelines, 95 power generating stations, 21,000 miles of gathering pipelines, slurry lines, and oil drilling platforms. Its pipelines cross six states and 12 tribal nations. Its pipelines are monitored around the clock for flow and pressure, and emergency response crews are on stand by. The safety of its employees, customers, and citizens near its right of ways is of primary importance to the company. In addition to automated monitoring, El Paso checks its pipelines by helicopters, ground vehicles

and foot patrols. Like Union Pacific, it has extensively tested and improved its emergency response plans. It also relies on Indian Nation resources for security and public safety protection during emergencies and potential emergencies. For example, the Gila River Indian Police recently provided security at an El Paso facility, pending arrival of the company's emergency response personnel.

3. California State Security. At the NNALEA Summit, California Governor Gray Davis' Special Advisor for State Security briefed the conferees on how the nation's most populous state approaches homeland security. He informed us that the state health department was now closely integrated with California's security planning. He believes the anthrax killings opened eyes to the notion that homeland security requires more than security professionals. As a former supervisory agent with the FBI, he believes that terrorists are nothing more than criminal enterprises which employ fanatical and suicidal agents. The same steps law enforcement has applied to shutting down criminal enterprises will ultimately work against terrorists. This makes the war of terrorism a winnable one, although it might take some years to bring to a close.

4. Arizona Division of Emergency Management and Military Affairs. At the NNALEA Summit, the head of the Arizona Division of Emergency Management and Military Affairs discussed her efforts to integrate Arizona's 22 tribes into the state vulnerability and risk assessment process. She explained that Arizona is a "delegating state" that pushes resources and responsibility to the county level for program implementation. After the state's first iteration of offering workshops to community leaders and

first-line domestic preparedness officials, only 50 percent of cities and towns and 23 percent (5 of 22) of the Indian Nations had received training. Communication from the state to these governments was identified as the reason for the low rate of training participation. After making some improvements to that process, 80 percent of cities and towns and 55 percent (12 of 22) Indian Nations had received training by the end of the program's second year.

5. Idaho Emergency Preparedness Program. At the Summit hosted by NNALEA, the head of Idaho's Emergency Preparedness Program explained that emergency planning doctrine recognizes 10 key hazards: agricultural; arson; assassination of high profile personnel; biological; chemical; cyber; explosives, narcotics, nuclear and radiological terrorism.

6. Border Patrol. The Border Patrol's mission is to secure and protect the external boundaries of the United States, preventing illegal entry and detecting, interdicting and apprehending undocumented entrants, smugglers, contraband and violators of other laws. There are 8,000 miles of U.S. borders to patrol including 4,000 miles of northern border with Canada, 2,000 of southern border with Mexico, and 2,000 of coastal borders. The Border Patrol divides itself into 21 sectors throughout the United States. Indian reservations are part of 12 of those 21 sectors. Besides the Border Patrol, there are few law enforcement resources along the borders beside the Indian Police Officers. The relationship that has been established with Native American



Border Patrol Chief Gustavo De La Vina and Summit participants view a Border Patrol Surveillance Helicopter.

law enforcement and the U. S. Border Patrol is a valuable conduit in detecting and apprehending illegal immigrants.

7. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). The ATF, and about

90 percent of its personnel, are moving from the Department of the Treasury to the Department of Justice. This is part of the same government reorganization which created the Department of Homeland Security. “Explosives” has been added to the agency name, reflecting its long history in regulating explosives and investigating bombings. The agency will continue to use the ATF moniker.

Five to six billion pounds of explosives are used lawfully in the United States each year. Regulating that volume is a huge task. ATF is the primary Federal agency responsible for responding to fires, bombings and explosives incidents.

Fighting Terrorism is the number one priority of the ATF. Suppressing black marketing in cigarettes is an important facet of the war on terrorism. Many states have raised taxes on cigarettes as a way to discourage people from smoking as well as a method of raising revenue. As a result, a lucrative black market has arisen in trafficking cigarettes. More particularly, cigarettes are purchased at cheap prices in tobacco growing states then transported by truckloads to industrial states where prices and taxes are much higher. States including Kentucky, Oklahoma, North Carolina and Texas are part of a crime pattern that directly supports terrorism. In a recent case, ATF traced the purchase of cigarettes in North Carolina to their delivery to the black market in Detroit,

Michigan. The money from that transaction was traced to the Hezbollah Middle Eastern terrorist group.

Project Safe Neighborhood, an integrated violence reduction program that removes violent criminals from society, is the second highest priority of ATF. United States Attorneys throughout the United States are a vital part of the program. They make prosecuting violent offenders, and getting them the longest sentence allowable, a high priority in their offices.

8. Bureau of Indian Affairs (BIA). The BIA warned that homeland security funding must be both cost effective, based on risk management methodology (similar to the design included in the NNALEA Homeland Security Assessment Model) and linked directly to the National



“The Spirit of Cooperation”—Actor/Singer Branscombe Richmond, Border Patrol Officers, and a Bureau of Alcohol, Tobacco, Firearms and Explosives Incident Response Vehicle.



Senator Ben Nighthorse Campbell Chairman, Senate Committee On Indian Affairs.

Homeland Security Strategy. Summit participants were urged to design, create, and implement holistic programs that embody improved communication and cooperation throughout the various levels of government.

The BIA commented that many tribes are located on or near international boundaries and waterways. Casinos, dams, communications towers and other infrastructure

are viable targets of the type terrorists prefer. Recently, an attempted kidnapping was foiled on the Passamaquoddy Indian Reservation. This incident and the examples NNALEA has presented in this report provide “hard evidence” that terrorist threats apply as much to tribal lands as to any other part of America.

The BIA is developing a database of tribal points of contact for homeland security issues. It hopes to make this information available in the Internet. Several issues will be addressed by Department of Homeland Security working groups. These include: information and intelligence sharing and plans for addressing border vulnerabilities, digital connectivity, funding equity and operations security issues. BIA believes that DHS must and will receive tribes as equal partners in deciding how best to protect the American homeland.

9. Drug Enforcement Agency (DEA). The DEA has 200 offices in the U.S. and 70 offices worldwide in 56 different countries. Its principal role in homeland security is the suppression of narco-terrorism. The DEA offers classes to law enforcement officers in how to respond to methamphetamine labs. This class has great applicability to dealing with bioterrorism and is essentially a mini Hazardous Materials (HAZMAT) class. DEA also offers a longer clandestine laboratory certification course at its headquarters in Quantico, Virginia. This is important because prior to the U.S. campaign against Al-Qaeda and the Taliban government, Afghanistan produced 70 percent of the world’s opium supply. The sale of narcotics internationally was a significant means of funding terrorist activities. The drugs most often abused in the U.S. are methamphetamines, including pseudo ephedrine, its precursor. In addition,

the nexus between drugs and terrorism has led the DEA to begin asking separate lines of questions dealing with terrorist plans and activities. These questions have been added to its existing list of drug related questions that it asks its operatives and prisoners. Information gathered from the debriefings is shared throughout the intelligence and law enforcement systems.

10. Environmental Protection Agency (EPA).

The mission of the EPA is to protect human health and the environment. Chemical attacks by terrorists may first present themselves as hazardous material incidents. EPA maintains a national counter-terrorism evidence response capability as well as a national environmental forensic center with expertise in radiological and chemical weapons of mass destruction. It also has emergency response programs, drinking water protection programs, and chemical industry regulatory functions that are vital to homeland security. EPA has a criminal enforcement program that focuses on prevention and training as well as the investigation of environment crimes.

EPA maintains a smooth working relationship with Indian nations and tribes on a government to government basis. It has many grants and agreements with tribes and provides training, technical expertise and other assistance, as requested. The EPA believes that joint training and joint operations are essential before disasters occur. Its training serves the dual purpose of detecting environment crimes as well as preparing first responders for terrorist attacks using chemical, radiological and other environment contaminants.

II. Federal Bureau of Investigation (FBI).

Presidential Decision Directive (PDD) 39, signed by President Clinton in 1995, defines the FBI's role in counter-terrorism. The Bureau is assigned roles in preparedness for, prevention of, and response to terrorist attacks. The FBI has the lead role for crisis management in these events. Leading the federal consequence management effort is the Federal Emergency Management Agency (FEMA).

The Bureau has a long history in counter-intelligence and has been working for well over a decade on terrorism. According to a recent *Washington Post* report, "in 1991, when the U.S. began its bombing campaign in Operation Desert Storm, Iraq's intelligence agencies attempted unsuccessfully to carry out terrorist bombing against U.S. embassies and other facilities,"¹⁰ the FBI worked alongside the CIA and their peers in other nations to interdict the agents before they could damage worldwide U.S. owned facilities. The FBI has reduced its workload in some areas where heavier coverage could be provided by other federal law enforcement agencies. This has freed additional agents for assignment to the critical counter-terrorism function. Recently, the PATRIOT Act and other legislation have enabled the Bureau and federal intelligence agencies to share more information, more rapidly than in the past.

The Bureau has 56 field offices and over 400 resident agencies that have significant counterterrorism capabilities. For example, each field office has an Evidence Response Team, with law enforcement and forensic expertise, and a HAZMAT Response Team, with HAZMAT and explosive expertise which are available to deploy when and where needed. Similarly, each field office has an anti-terrorism task force, and

Infoguard (computer intrusion program), key asset and weapons of mass destruction contingency planning coordinators. These special agents are available to advise and assist all law enforcement agencies, and calls are encouraged. The FBI also has an Indian Country Unit at its Washington, DC, headquarters. Its principal functions are providing training and support to law enforcement officers (FBI agents, BIA-OLES, and tribal officers) working in Indian Country. The unit is



*United States Customs Service
Recruitment and Information Booth.*

headed by Supervisory Special Agent, Ernst H. Weyand, who attended the Summit. The FBI Indian Country Unit can be contacted at (202) 324-3802.

As part of the recent federal reorganization of law enforcement and security agencies, the National Infrastructure Protection Center, a cooperative effort among several federal agencies, is moving from FBI headquarters to the Department of Homeland Security.

12. Federal Emergency Management Agency (FEMA). FEMA has a long history of dealing with Indian nations and tribes on a government to government basis. However, depending on the focus and funding authority for certain programs, this is not always possible.

For example, the Fiscal Year (FY)–2002¹¹ funding for improvements in first responder capabilities is authorized through the Stafford Act which precludes direct government to government funding.¹² While Indian nations are not directly eligible for this funding they are urged to consult the October 1, 2002 edition of the Federal Register for grant guidelines. FEMA hopes that future legislation will permit direct funding to Indian nations and tribes.

Upgrading Emergency Operations Centers (EOCs) and updating emergency response plans are key FEMA goals; \$56 million has been earmarked for upgrading EOCs. Those in the worse shape will be funded first and every EOC will receive a secure communications suite. However, the receipt of secure communications will require EOCs to increase the physical security afforded these sensitive communication centers. FY-2002 funding was provided to states on the basis of population alone. The more sparsely populated western states have objected to that formula believing that the perceived level of risk should be the principal determining factor for funding. FEMA expects that FY–2003 funding will be allocated with a certain base funding amount provided to each state, for example, \$5 million. Funding over this base will be allocated based on population. Thus, without legislative intervention, tribal lands do not appear to be in line for direct funding of homeland security improvements until FY–2004, at the earliest.

13. Indian Health Service (IHS). Under the Federal Emergency Response Plan, which coordinates disaster response, the IHS supplies a broad variety of health and emergency medical services. The IHS is part of the Public

Health Service which has 6,000 uniformed officers that are ready to deploy at any time, to any place, where they are required to alleviate public health emergencies. IHS is looking for tribes to develop Tribal control of the emergency medical response capabilities on tribal lands. It is also working to improve State/Tribal coordination.

Recently, States were asked to address the inclusion of tribes in their planning. Fourteen of the 35 states with Indian reservations did so. Of these 14, only one was willing to provide funds to tribes for staffing improvements in Indian response capabilities.

The IHS has no plans for mass inoculations of Native Americans against smallpox. Neither will there be mass inoculations in the rest of the nation. That decision was made based on a determination that the current vaccine has significant health risks. IHS expects significant reduction in the vaccine's side effects over the next twelve months. IHS has signed memoranda of understanding with Health Canada and its Mexican counterpart to provide support in times of national disaster. It is also looking at the role of the National Guard and Reserve Forces in bio-terrorism response in America.

14. Department of Veterans Affairs (VA).

The VA's over riding mission is providing medical care to veterans. It also provides back-up support to both the Public Health Service (in the form of medical personnel) and to the Department of Defense (in the form of supplies and logistics). The VA's medical assets are



United States Secret Service Uniform Division Officers keep a vigilant watch for well-qualified applicants.



stationary fixed facilities. For that reason, victims will be brought to VA facilities rather than the VA going to disaster sites. Because the VA lacks trauma centers to treat violently caused wounds, patients normally will be treated at another medical facility first. Once their condition is stable they can be transported to a VA hospital.

Veterans Affairs is developing emergency response capabilities in the area of decontamination of medical facilities, personnel and patients. However, national authorities are redefining its precise role in the Federal Disaster Response Plan. As part of the National Disaster Management System, the Salt Lake City, Utah VA Hospital has signed cooperative agreements with 22 area hospitals that will provide additional bed space in emergencies. Each VA facility will have different capabilities. When making homeland security plans, the VA Office of Policy and Planning (Washington, DC) should be contacted to determine exactly what capabilities are available at local VA facilities. The Policy and Planning Office can be reached at: (202) 273-5033.

Needed Resources

- Funding.** Most Native American communities do not have adequate funding to protect the critical infrastructure located on Tribal Lands. Current funding for Tribal law enforcement and first responders lags well behind that for non-Tribal law enforcement and first responders. The result is that many Tribal law enforcement and first responder systems lack personnel. In addition, some of the personnel they do have lack training, education, certification, experience, and

sufficient technical assistance. Many others experience burn-out resulting in low retention rates. Lack of funding has also left many Native American communities without Tribal fire departments and health services. With an influx in funding, many of the above obstacles to eliminating the vulnerabilities located on Tribal Lands can be overcome.

Summit participants believe that tribes should receive base funding to achieve parity with non-Indian communities for law enforcement and first responder capabilities, plus additional funding for specific high-priority protection, and for response and recovery projects. They felt that funding tribes on a per capita basis will not produce sufficient security improvement. Instead, funding should be sufficient to bring tribes up to a national minimum standard of law enforcement and first responder manpower, equipment and training.

Participants said it is also critical that federal agencies include Tribal Nations in law enforcement and first responder grant funding as they do State and local governments. They said, Tribal Nations should be included in the Department of Homeland Security grants for homeland security and the Department of Justice grants administered by the Justice Assistance Grants program, which includes the Byrne and Local Law Enforcement Block Grants programs. The Department of Justice, COPS Office grants program is an excellent example of a grants program that includes Tribal governments in the grant access language. Participants strongly supported the concept of a legislative change that would allow the Department of Homeland Security to directly fund tribes on a Government-to-Government basis.

In short, much vulnerability exists on Tribal lands because Tribal communities lack the resources to address these vulnerabilities. The lack of resources is a direct result of inadequate funding. Inadequate funding has created a lack of law enforcement and first responder personnel, and has also given rise to insufficient training of existing human capital, as well as greatly reducing technical assistance and resources. As such, inadequate funding is a major roadblock to the elimination of vulnerabilities on Tribal lands.

2. Training. Native American communities need more training and specific guidance regarding their role in the National Homeland Security Strategy and Defense. The 2002 NNALEA Tribal Lands Homeland Security Summit was just a starting point for such training and guidance. Although, in 2003 NNALEA will include a tract on “Homeland Security” training at its national conference, many other training programs are needed. When assessing homeland security training needs, the following should be taken into consideration:

- ⇒ Trainers and planners need to think outside the box, in order to prepare America for the next terrorist attack, not the last one.
- ⇒ Communities need to receive specific training to clarify missions, develop a collaborative strategy, and to identify goals and objectives. In addition specific training is necessary to establish performance measures in preparation for attacks that utilize chemical, biological, radiological and other weapons of mass destruction.
- ⇒ Decontamination procedures training needs to be conducted at the local

level incorporating the tabletop exercise approach in the curriculum.

- ⇒ Communities need to train and plan to respond to denial of service attacks.
- ⇒ For a community homeland security plan, to be implemented successfully, it requires high-quality management training that is focused on key proven success factors. Some of these factors requiring specialized training include human capital management and strategy, risk management, information technology management, strategic planning and many other critical management processes. These key success factors will vary from community to community as will specific community homeland security plans. Therefore, strong consideration needs to be given to using an academic training consortium specializing in Tribal law enforcement, first responder, and homeland Security training. The Academic Center for Excellence in Native American Law Enforcement Training is a NNALEA partnership with Fort Lewis College, East Central University of Oklahoma, the Federal Law Enforcement Training Center–Distance Learning Program, and the Boys & Girls Clubs of America. The partnership is dedicated to bringing quality law enforcement, first responder, and homeland security training to Tribal communities.

3. Equipment and Technical Assistance. Community homeland security plans vary greatly from one community to another. Specific national standards have not been established to indicate what specialized equipment and technical assistance a community needs to have to achieve an acceptable level of homeland security preparedness. Tribal

Within the context of Homeland security, the significance of Native American sovereignty lies in the manner in which the Department of Homeland Security should interact with Indian Nations. Indian leaders feel a deep sense of responsibility for the well being of members of their Nation. This is a cultural inheritance inseparable from being Indian.

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communication systems, as well as the equipment of Tribal law enforcement, first responders and fire departments generally lack parity with their non-Tribal counterparts. Therefore, most Tribal Nations need additional basic law enforcement and emergency response equipment and technical assistance.

Summit participants made the following comments regarding Tribal homeland security equipment and technical assistance:

Equipment:

- ⇒ Many Tribal Nations have volunteer fire departments which must meet both their fire emergency and chemical emergency response calls. These departments are generally in need of a broad variety of equipment including, but not limited to, personal safety equipment, protective suits and respiratory equipment.
- ⇒ Tribal lands generally are in need of basic communications equipment. Tribal communities' homeland security planning calls for a communication system that will enable integrated communications with and between on-reservation and off-reservation fire and police agencies, of which most Tribal communities need.
- ⇒ Most Tribal Fire Departments need basic response and fire equipment, from hoses and nozzles to pump trucks.
- ⇒ Tribal law enforcement, first responders, medical providers and incident clean-up teams need a complete range of emergency equipment from personnel protective gear to biohazard identification equipment and disposal devices.

Technical Assistance:

- ⇒ Tribal Nations generally do not have large bureaucracies with embedded scientists/experts or university communities which can provide on-site technical assistance in the more sophisticated management, forensic, security and scientific skills needed to develop well-rounded tribal homeland security programs. Therefore, obtaining a means for the technical assistance and expertise necessary for Tribal communities' homeland security planning and program development is needed.
 - ⇒ Technical assistance needed by Tribal Nations can be provided through contract sources.
 - ⇒ On-site Tribal homeland security needs for specialized expertise can be provided by circuit-riding experts who can visit individual Tribal Nations and inter-Tribal organizations to assist in the development of homeland security capacity-building.
 - ⇒ Tribal Nations need contract resources familiar with Tribal governance and agencies to develop both written and electronic educational and program implementation resources for distribution to the community. The Academic Center for Excellence in Native American Law Enforcement Training is an excellent resource for these Tribal homeland security needs.
- 4. Jurisdictional Cooperation and Clarification.** Providing homeland security and protecting critical infrastructure and assets on Tribal lands is complicated by crime and jurisdictional issues that frustrate law enforcement personnel, as well as the Tribal, state and federal judicial systems. Indian Country jurisdiction, law enforcement and first responder issues need to be clarified.

Jurisdictional cooperation and clarification may, in part, be achieved by the following:

- ⇒ Development of legislative language is needed that clarifies the right of Indian Nations to arrest, detain, and prosecute non-Native Americans committing crimes on Tribal reservations and trust areas.
- ⇒ Uniform national standards are needed for law enforcement officer and first responder training and certification.
- ⇒ States need facilitation and encouragement to enter into cross deputation agreements with Tribal Nations to facilitate the mutual sharing and support of peace officers, particularly in times of crises.
- ⇒ Legislation with adequate funding is needed to bring Tribal courts, law enforcement, and first responders to parity with their non-tribal counterparts relative to pay, equipment, education, technical assistance, technology, and jurisdictional authority.
- ⇒ Legislation is needed that gives clarification of the Government to Government relationship between Tribes and the Federal government on issues relating to the National Homeland Security Strategy and Defense.





SUMMIT GOALS

Goal 4: Identifying Mechanisms for Cooperation

As the Homeland Security strategy encompasses our entire country, cooperation between Native Americans and non-Native Americans is essential. As a means to promote cooperation, the attendees of the NNALEA Summit suggested that non-Native Americans gain a better understanding of Native Americans and their Tribes' sovereignty rights, while Native Americans gain a better understanding of the Federal Government and the roles of states and local governments.

Understanding Native Americans

Who are Native Americans?

Native Americans (often called American Indians) are Americans who trace their heritage to the original people of North America. Each tribe sets its own criteria for membership. There are 561 federally recognized tribes.¹³ Native Americans have fought in every war in which the United States has been involved. No fewer than 16 Native Americans have been awarded the Medal of Honor, America's highest military decoration.¹⁴

Native Americans [are] 1.5 percent (4.1 million) of the U.S. population of 281.4 million,¹⁵ which has grown 110 percent since the 1990 census, compared with 13 percent for America as a whole. Native Americans live in cities and towns throughout America in addition to the four percent of the American land designated as reservations and trust areas. Native Alaskan corporations own an additional 40+ million acres in Alaska.

How do Native Americans differ from the rest of America?

Native Americans are not a single group. Each tribe has its own unique governments whose goals, objectives, financial status and problems differ one from another. Some tribes are relatively affluent, others are very poor. Tribal members' goals, dreams, and aspirations also differ as do their living arrangements. Some Native Americans live on reservations and trust lands while others are integrated into America's neighborhoods.

According to the Census Bureau, Native Americans differ from the U.S. population generally by being younger, having higher fertility rates, being poorer, and being subject to more violent crime than any other U.S. minority group. Thirty-nine percent of the Native American population is under 20 years old with a median age of 26. The corresponding figures for the nation as a whole are 29 percent and a median age of 33, respectively.¹⁶ Over the last decade the percentage of Americans claiming Native American ancestry has increased from 1 to 1.5 percent of the population.

Native Americans, as a group, have low incomes. The median family income is about \$13,500 or 38 percent less than the median \$35,335 of the average American family. Thirty-one percent of Indian families live below the poverty line compared to 13 percent of American families as a whole.¹⁷ Within the Native American community, those who live on reservations and trust lands administered by the Bureau of Indian Affairs have the lowest incomes and a standard of living that would be unacceptable to most Americans. For example, the average per capita income for all Native Americans was \$8,328. For Native Americans residing on reservations and trust

land that average was \$4,478, varying from about \$3,100 per person on the Pine Ridge (SD) and Tohono O’Odham (AZ) Reservations to \$4,718 per person on the Blackfeet (MT) Reservation. These differences in wealth will require relatively higher federal homeland security funding for poorer tribes.

President Richard Nixon summarized the status of Native Americans as, “. . . the most deprived and most isolated minority group in our nation. On virtually every scale of measurement—employment, income, education, health—the condition of the Indian people ranks at the bottom.”¹⁸

Where do Native Americans live?

About half of the Native American population live in neighborhoods throughout the United States, while the other half lives on reservations and trust lands that are administered by the Department of the Interior through its Bureau of Indian Affairs (BIA). Although there are 314 reservations and trust lands in the U.S., half the reservation population live on just 10 of these. They are: Navajo Reservation and Trust Lands (AZ, NM, UT); Pine Ridge (SD); Fort Apache (AZ); Tohono O’Odham (AZ); Gila River (AZ); Rosebud (SD); San Carlos (AZ); Zuni Pueblo (AZ-NM); Hopi (AZ); and Blackfeet (MT).

Housing is of much poorer quality on tribal lands than throughout the rest of America. Twenty-six percent of the housing in these communities lacks piped water, a toilet and a bathtub or shower. While most of the country is using the internet and preparing for high speed digital access, 23 percent of rural Native Americans lack basic telephone service.¹⁹ In 1995, the Census Bureau concluded that American Indians living on Indian reservations “were as likely to lack complete plumbing facilities in 1990 as all U.S. households were *in the 1950’s (sic).*”²⁰ (Italics are from the Census Report).

Understanding Tribal Sovereignty

Indian Tribes are Sovereign Nations

Sovereignty is an international concept that recognizes the power of a people to establish political structures to govern themselves. It means, according to Webster, “supreme and independent political authority.”²¹ Tribal sovereignty is the history and current practices that American Indian tribes have of managing their own affairs.

It is vital that both federal and state leaders understand the sovereignty inherently possessed by federally recognized Native American nations and tribes. It is unique in our Nation. Without understanding the Constitutional, treaty, statutory and judicial basis for this sovereignty, elected and appointed homeland security officials will be hard pressed to effectively communicate with or understand the tribal governments with which they must deal. Certainly, they risk being unable to harmoniously and effectively carry out their responsibilities.

All Americans learn that, under the Constitution of the United States, a federal relationship exists between the United States and state governments. The federal government is supreme and obtains its power from the consent of the citizens it governs.

Indian Nations “Higher Status” with the Federal Government

Indian tribes are the original Americans. They populated America well before European explorers and settlers arrived. **The Constitution recognizes Indian tribes as separate, distinct and unique governments.** Article 1, section 8, clause 3, authorizes Congress to regulate



Native American mother and child from the Nez Perce Indian Reservation.

commerce with “foreign nations, among the several states, and with the Indian tribes.”

According to the court in McClanahan v. Arizona Tax Commission, “Indian tribes have inherent powers deriving from a sovereign status. Their claim to sovereignty long pre-

dates that of our own government.”²² Thus, the relationship between the U.S. government and Indian tribes is unique because Indian tribes derive their powers from their sovereign existence as well as through delegation of power from the federal government.²³ As the Ninth Circuit declared in 1965, “Indian tribes are, of course, not states; they have a status higher than those of states. They are subordinate

and dependent nations, possessed of all powers as such, and limited only to the extent that they are expressly required to surrender their powers by the superior sovereign, the United States.”²⁴

Felix Cohen, wrote an extensive and authoritative tome entitled, *Handbook of Federal Indian Law* for the Department of the Interior. According to Cohen:

The most basic principles of Indian law supported by a host of decisions . . . is the principle that those powers which are lawfully vested in an Indian tribe are not, in general delegated powers granted by express acts of Congress, but rather inherent powers of a limited sovereignty that has never been extinguished. What are not expressly limited remains within the domain of tribal sovereignty (*emphasis in the original source*).

The Constitution of the United States, 371 Nation-to-Nation treaties (between the federal government and Indian tribes), federal statutes, case law, executive orders and other

administrative policies protect the government-to-government relationship between the federal government and federally recognized tribes. Cohen explains that, “Each Indian tribe begins its relationship with the federal government as a sovereign power, recognized as such in treaty and legislation. The powers of sovereignty have been limited from time to time by special treaties and laws.”²⁵ Case law establishes that tribes reserve the rights they have never given away.

The Government-to-Government Relationship

Over the years, various Indian tribes (hereafter referred to as Indian Nations in recognition of their status as sovereigns with the right of self-determination and self regulation) entered into agreements with the federal government. Sometimes, these agreements limit some external powers of the Indian Nation, for example, its power to enter into treaties with foreign governments, in return for the U.S. government providing something to the Indian tribe. Examples include guarantees of protection, peace, recognition of borders, continued rights of self governance, land rights, etc.

The Chippewa and Sioux Nations of Minnesota, for example, were never conquered and yet entered into treaties of peace and protection with the United States. In Worcester v. Georgia, Chief Justice Marshall said,

“ . . . settled doctrines of the law of nations is that a weaker power does not surrender its independence—its right to self government—by associating with the stronger and taking its protection. A weak state, in order to provide for its safety, may place itself under the protection of one more powerful, without stripping itself of the right of government and ceasing to be a state. Examples of this kind are not wanting in Europe. The Cherokee nation, then, is a distinct



Children embrace their Native heritage through tribal costume and dance.

community occupying its own territory, with boundaries accurately described, in which the laws of Georgia can have no right to enter, but with the assent of the Cherokees themselves, or in conformity with treaties, and with the acts of Congress. The whole intercourse between the United States and this nation is, by our Constitution and laws, vested in the government of the United States.”²⁶

Tribal sovereignty is more than of historical interest. Over several decades, the U.S. Supreme Court and lower federal courts have applied the principles of Indian sovereignty to determine: the authority of tribal courts, criminal jurisdiction, extradition, licensing, sovereign immunity and taxation. Tribal sovereignty, in short, means four things:

1. Tribes are sovereign nations possessing the right of self governance,
2. Native American tribes have a Government-to-Government relationship with the federal government,
3. Only Congress has the power to regulate Indian affairs and change agreements and the conditions affecting Native American nations, and
4. State governance within Indian Country is limited.

Presidential Support of Native American Self Determination

In 1970, President Richard Nixon recognized that past federal Indian policy vacillated between the two extremes of paternalism and forced termination of the federal trustee relationship with Native American Tribes. He felt that it, “. . . must be the goal of any new policy toward the Indian people to strengthen the Indian’s sense of autonomy without threatening his sense of community.” He suggested, “a policy in which the federal government and the Indian community play complementary roles,” and states that “Most

importantly, we have turned from the question of whether the federal government has a responsibility to Indians to the question of how that responsibility can be furthered.”²⁷

Beginning with the administration of President Nixon, the federal policy toward tribes has been to support tribal sovereignty and tribal self determination. President George W. Bush has continued this time-honored policy.

Tribal Sovereignty and the Department of Homeland Security

Within the context of Homeland security, the significance of Native American sovereignty lies in the manner in which the Department of Homeland Security should interact with Indian Nations. Indian leaders feel a deep sense of responsibility for the well being of members of their Nations. This is a cultural inheritance inseparable from being Indian.



Presentation from Summit President Jim Wooten to Brad Buckles, Director of BATF.

Therefore, NNALEA recommends that the Department of Homeland Security open channels of communications directly with Native American nations. Through these channels, it must discuss how to improve homeland security on tribal lands. Successful application of this approach will result in producing seamless security at low cost. Both the Department of Homeland Security and

the Indian nations have the same goal— improved homeland security at reasonable cost. The Department’s strategic leadership will be strengthened by receipt of the detailed knowledge of Indian lands and their vulnerability, possessed by the Indian Nations.

The alternative, attempting to communicate, fund or interact with Indian communities through states will take longer and possibly create unnecessary roadblocks, such as:

- ⇒ legal issues regarding lack of state authority on Tribal lands, and
- ⇒ insensitivity to the legal and cultural history of Indian sovereignty.

In sum, NNALEA advises that homeland security planning and funding not be passed through states to Indian nations, but be provided directly to Indian nations either individually or in regional consortiums or similar groupings. The Indian nations are eager to work with state and local governments to reduce duplication and expense and to provide America with seamless homeland security.

However, it will be difficult for Indian nations to work through these entities. Although this difference may appear small, it may be the difference between success and failure in providing effective homeland security for Native American communities.

Funding homeland security improvements in states but not on Indian lands is not a viable alternative to working with Indian nations for two reasons:

1. The potential of a catastrophic impact (beyond just the reservation) of successful attacks on vital targets on Tribal lands.
2. Every successful effort to harden sites outside Tribal lands will increase the vulnerabilities of people, assets and infrastructure on Tribal lands as they remain softer targets easier for terrorists to successfully attack.





SUMMIT GOALS

Goal 5: Defining Next Steps for Moving Forward

The final goal targeted and achieved by the attendees of the NNALEA Summit, was to determine the next steps for moving forward with homeland security on Tribal lands. The attendees made numerous recommendations, several of which are set forth below. In addition, this report concludes with a summary of NNALEA's Homeland Security Summit Assessment Model.

General Recommendations

For seamless communications between federal, state, and local governments when working with tribal governments on homeland security issues:

1. View Indian nations as separate entities because each is unique.
2. Communicate directly with Indian nations.
3. Provide funding directly to Indian nations.
4. Strengthen lines of communication between tribal governments and non-tribal emergency and law enforcement agencies.
5. Address liability and jurisdictional issues that limit the ability of state, local and Tribal law enforcement groups to work together.

Recommendations for the Department of Homeland Security:

1. Develop a comprehensive list of potential terrorist targets within the Tribal lands as well as the rest of the United States.
2. Establish a coordination unit within the Department to provide a single point of

contact for the Indian Tribes. This unit should be the conduit for the distribution of the tribal share of homeland security funding directly to the Tribal governments involved. Such would also be in accordance with the principle of tribal self-governance.

3. Apportion homeland security funds based on the cost of reducing specific priority vulnerabilities, not solely on population or other criteria.
4. Develop a homeland security emergency communications system and frequency that all levels of government—federal, tribal, state, and local—have access to and which provides two-way communication of terrorist alerts, notification of natural and man made disasters, and relevant operational intelligence.
5. Encourage state and local governments to enter into mutual support agreements with tribal governments to share complementary resources in times of crises.
6. Encourage state and local jurisdictions to establish agreements with tribal governments that cross deputize and provide certified Indian Police Officers equivalent status to other police officers.

Recommendations for the Department of Justice:

1. Develop legislative language that clarifies the right of Indian nations and tribes to arrest, detain, and prosecute non-Native Americans committing crimes on reservations and other Tribal lands.
2. Develop uniform national standards for law enforcement officer and first responder training and certification.

3. Encourage States to enter into agreements with Tribal governments to cross deputize and to facilitate the mutual sharing and support of peace officers, particularly in times of crises.



Recommendations for NNALEA:

1. Distribute and update the "NNALEA Homeland Security Assessment Model."
2. Assist Indian Tribes with the NNALEA homeland security assessment process.
3. Develop and provide tribal law enforcement and tribal first responder homeland security training.
4. Continue to provide a forum for the discussion of tribal homeland security.
5. Lead in the development of a strategic homeland security defense plan for Tribal lands.
6. Post links on the NNALEA website to pertinent homeland security websites.
7. Provide technical assistance to Indian Tribes relative to homeland security.
8. Continue to promote partnerships that facilitate Indian Tribes' role in the National Homeland Defense strategy.

Recommended Next Steps: Strategic Planning for Tribal and Non-Tribal Communities:

The National Homeland Security Strategic Plan needs to be flexible and fully implemented at all levels of government and the private sector. Development of the National Strategic Plan is an ongoing iterative process that requires a great deal of patience and hard work. Collaboration clarifies priorities, focus, funding levels, formulas and other key proven success factors. NNALEA recommends that communities mirror the evolving National

Homeland Security Strategic Plan when developing their respective community homeland security strategic plan. The following examples will assist in the process:

1. The July 2002 National Homeland Security Strategic Plan is but a start. From its five-year perspective, the national annual plan is designed to incrementally improve homeland security. Planning extends to individual communities which can then develop their own five-year strategic plans. These plans incrementally improve local homeland security and defense by defining annual goals and objectives.
2. The National Homeland Security Strategic five-year Plan has been disseminated by the federal government to tribal, state and local governments. Likewise, communities can disseminate their respective five-year strategic plans to federal, state, and local governments, law enforcement, first responders, and citizens within their respective boundaries.
3. The National Homeland Security Strategic Plan should at a minimum be evaluated at a national level biannually through embedded accountability criteria. In addition, it is important for communities to embed similar accountability criteria into their respective homeland security strategic plan. These criteria will enable evaluators to regularly monitor and report the progress and compliance with the National Homeland Security Strategic Plan.
4. National accountability criteria data is collected through exercises, experiences, intelligence, and accomplishments. The data provides feedback enabling adjustment to the National Homeland Security Strategic Plan in a timely fashion. As milestones of the plan are achieved,

funding is freed to improve other vital needs. Similarly, communities with accountability criteria designed into their respective homeland security strategic plan will collect data through local exercises, experience, intelligence, and accomplishments. Thereby, enabling adjustments to the communities' homeland security plan in a timely manner, freeing funding for other vital needs.

5. During the five-year tenure of a National Homeland Security Strategic Plan, staff from all levels of government continuously monitor, review and evaluate the national plan. Based upon input from federal, Tribal, state, and local governments, agencies, the private sector, national and international intelligence sources, world events, and non-governmental organizations, the National five-year Strategic Plan continually evolves. The five-year tenure of a respective community homeland security strategic plan, will utilize national guidance along with grassroots input to develop and evolve their respective plan.
6. At the end of a five-year strategic plan, the process normally begins anew. However, a variety of national or world events may require that a national and/or community five-year homeland security strategic plan be extensively revised or replaced with a new strategic plan. This flexibility is crucial.

The NNALEA Homeland Security Improvement Model

The NNALEA Homeland Security Improvement Model was designed to assist communities in the development and improvement of their respective community homeland security strategic plan. The NNALEA model is flexible, adaptive, timely and reactive to the National Homeland Security Strategic Plan. As the national strategic plan evolves and changes based upon collaborative analysis and changing world events, the use of the NNALEA Homeland Security Improvement Model will empower a community to be in step with the National Homeland Security Strategic Plan and to fit seamlessly into the fabric of the National Homeland Security Strategy and Defense.





NNALEA HOMELAND SECURITY ASSESSMENT MODEL

International and domestic terrorism is a part of life in 21st century America. As many of our Summit attendees pointed out, Native Americans are no strangers to terrorism. As one attendee stated, “Native Americans are experts on the impacts of losing the war for homeland security. We have a long history of military service to the United States in foreign wars. Our challenge now is at home, in our communities. To maintain our freedom and liberty, both the United States and our Indian Nations must remain open, but we must increase our preparations and vigilance.”

We cannot provide, let alone afford, 100 percent protection for every possible terrorist target. Our challenge is to develop interconnected, reinforcing and complementary systems, both within and outside tribal lands that protect our communities and ensure that essential requirements and services are provided that avoid unnecessary duplication. This security model provides a process for enhancing emergency services and securing our communities while cooperating with local, state and federal governments, as together we strive to protect our Homeland.

NNALEA drafted this five-part “Homeland Security Assessment Model” to provide structure to the Summit and to provide Tribal leaders a beginning point from which security needs could be assessed and improvements made. Its ultimate purpose is to assist tribal leaders, emergency response planners, law enforcement officials, and owners and operators of likely targets in working together to provide safety and security for Tribal lands, and in turn our country as a whole. We believe that completion of an assessment, like this model, assists tribes and communities in taking stock of both their resources and needs. The

assessment model will help simplify the process of requesting funding for specific improvements. It will also provide the information to strengthen the case for why specific efforts should be funded. The overall goal is to assist tribal governments in preventing terrorist attacks. Where that is impossible, the goal is to provide a method to reduce vulnerability, limit damage and speed recovery from successful attacks.

As discussed throughout the “Tribal Lands Homeland Security Summit,” which refined this model, the evaluation process is simple in its construction, but complex in its details. Only by following a structure where we understand the threat and our vulnerabilities, assess and prioritize our risk, inventory our equipment and strengths, and seek cooperative agreements with others to share resources in emergencies, can we develop and price a list of the capabilities that are needed. This process leads to a prioritized list of necessary capabilities that is easily defended to federal and state officials seeking to best distribute homeland security funding.

I. Understanding the Threat²⁷

What is homeland security?

Homeland security is a concerted national effort to prevent terrorist attacks within the United States, reduce America’s vulnerability to terrorism, and minimize the damage and recover from attacks that do occur.

What is terrorism?

Terrorism is any premeditated, unlawful act, dangerous to human life or public welfare that is intended to intimidate or coerce civilian populations or governments. This covers kidnappings; hijackings; shootings; conventional

bombings; attacks involving chemical, biological, radiological, or nuclear weapons; cyber attacks and other forms of violence. Terrorists can be U.S. citizens or foreigners, acting alone, in concert with others, or on behalf of a hostile nation or group.

Who are potential terrorists?

What are their motivations?²⁹

Public statements and the philosophies expressed by terrorist organizations indicate that the key to understanding the terrorist mindset lies in the terrorists' feelings of exploitation and vulnerability. Generally, terrorists view themselves as oppressed people. Their violent activities appeal primarily to individuals and groups living on the economic and social margins of their societies. Terrorist leaders and followers alike share a sense that people from outside their immediate group have used unfair means to take what is rightfully theirs. They also appear to believe that non-violent means of redressing their grievances are not available to them or would be ineffective. Even though some terrorist leaders are well educated, they and members of their groups espouse a simplistic view of how society operates. To them, society is hopelessly corrupt and their sense of hopelessness turns into rage and hatred and motivates them to seek extreme remedies.

Based on their public statements, terrorists appear to use three psychological defense mechanisms to ward off their feelings of vulnerability and hopelessness. These are projection, rationalization and identification. Projection is attributing a person's feelings to someone else. Thus, terrorists divorce themselves from their own feelings of hatred and rage by ascribing them to their perceived enemies. They falsely believe that their perceived exploiters intend to destroy them. Thus, they believe that they must destroy their exploiters by any means available.

Rationalization allows terrorists to overcome feelings of hopelessness by creating an alternate view of reality that justifies direct violent action. This weltansuang or world view can be either religious or secular. For example, it can take the form of a unique religious interpretation of scripture that promises a return to a purer, holier state or admission to paradise. Alternatively, it can be based on a theory of economic materialism or ecological determinism that promises the creation of a Utopian state. In either case, the use of rationalization provides a goal that energizes terrorists repressing their feelings that life is hopeless.

Identification appears to be the cement that holds terrorist organizations together. All members share, and identify with, the belief that they are persecuted by others who are inherently evil. They also share a Utopian rationalization to justify their actions. Often they identify with symbolic figures, e.g. great religious or political leaders, who overcame persecution and triumphed by using the same rationalization they seek to apply.

The result is groups whose view of the world is markedly divorced from what most would recognize as reality. The leaders of such groups fabricate their world view to justify violent actions. Such leaders are often reclusive, narcissistic and schizoid. Their followers are often young, naive, dependent and eager to share the better life their leaders promise. In this process they accept the leader's view as their reality.

Domestic Terrorists—Within the United States, for example, there have been both left- and right-wing terrorist organizations. These domestic terrorists have tried to use violence against civilians to start a revolution and bring down the government.



Foreign Terrorists—On the international level, Al-Qaeda has developed a powerful clandestine network that has two goals: the removal of Western influence from the Middle East, and the eventual establishment of a fundamentalist Islamic world order.

To many of us, these goals may not be very realistic nor do they justify harming innocent civilians. However, terrorists believe they are battling injustice. Their goals, however unrealistic in the opinion of others, provide them with what they feel is a justification for extreme acts of political violence.

What are likely terrorist methods?

In order to achieve their goals, terrorists normally organize themselves into clandestine cells of a few members each. The cells are connected by a common ideology and by an elaborate, but well disguised, system of communication and finance. Often there are several levels of intermediaries between cells. This prevents members of different cells from knowing one another or knowing the location of other cells. The lack of direct communication between cells makes it very difficult for governments to locate and remove terrorist organizations from society and prevent terrorist attacks. To complicate matters, most terrorist cells are “asleep” most of the time. Their members hold jobs or are students in local communities. They do everything they can to blend into the population. It is only when they are activated by a more-or-less centralized command structure that these “sleeper cells” finalize and implement their violent agenda.

Terrorists will apply the full range of weapons available to them—knives, sharpened objects, guns, improvised explosive devices, shoulder-fired missiles, weapons of mass disruption, attacks on computer systems, and weapons of mass destruction such as chemical, biological and nuclear weapons. Few attacks will be

one-on-one; most will be designed to produce mass casualties and carnage. While use of weapons of mass destruction is the goal of the sophisticated terrorist groups with foreign government backing and global reach, most attacks will be by more conventional means. For all its destruction, the attacks on the World Trade Center and Pentagon were conventional—a plane used as a flying bomb or missile.

First responder systems, communications, plans, equipment, training, and hospital support will support the recovery from any weapons producing mass casualties. They also can produce benefits, on a daily basis, in areas under served by the health care system.

What are likely effects?

By unexpectedly attacking civilians through seemingly random acts of extreme and dramatic violence, terrorists hope to use a combination of psychological and economic impacts to accomplish their political goals. Psychologically, terrorists want the target population to become preoccupied with grief and be overcome by the fear of future attacks. They desire the population to live in a state of continual post-traumatic stress, constantly feeling vulnerable, and eventually believing that the battle against terrorism is hopeless and never-ending. By attacking highly visible targets and receiving news media coverage, terrorists hope to multiply the effects of their attack throughout the population.

Terrorists seek to cause three types of economic damage:

1. The direct economic impact of their acts. It's difficult to estimate the economic impact of the attack on the World Trade Center and the Pentagon. There was a significant loss of human life and a clear disruption of business and government which is hard to quantify. However, the



damage to the buildings alone and the cost of cleanup has been estimated at more than \$30 billion.

2. The cost of combating future terrorist acts. The Department of Homeland Security, for example, will likely have an annual budget in the tens of billions of dollars. Additional homeland security expenditures by other federal, state, tribal and local agencies and the expense of interdicting terrorists abroad will add to the costs included in the budget of the Department of Homeland Security.
3. The impact on the wider business and financial community. Feelings of vulnerability lead to a lack of confidence and willingness to take risks. These affect business purchases, stock markets and broad sectors of the international economy, leading to a general economic slowdown. The impact of the World Trade Center attack on the airline and travel industries is a powerful example of how fear can create an economic multiplier effect.

Terrorists hope that these combined psychological and financial impacts will exhaust the resources of their targets and lead them to recognize the terrorists, negotiate their demands or capitulate to those demands.

What will it take to secure our nation?

Terrorism can be effectively controlled and eventually defeated by a concerted national effort. The federal (executive, legislative and judicial branches) government, tribal governments, state and local governments, private business and industry, and the American people all have a role to play. The Department of Homeland Security is but a single player. Our country belongs to all of us. It will take each of us working together, helping one another and coordinating our efforts to protect our country at a cost we can afford.

The first step in fighting terrorism is to isolate the terrorist organization from community support. Governments must make it clear, through public statements and actions, that they are pursuing individuals planning and performing violent acts, not ethnic or religious groups or peaceful political organizations.

The second step is to develop cooperation between all levels of government, the private sector and citizens' organizations by implementing an economically feasible and prioritized system of homeland security. Terrorist cells can be activated at any time to attack targets, produce fear and draw the attention of the news media. Trying to protect all potential targets all the time would be prohibitively expensive and, ultimately, impossible. All levels of government must work together with private industry and citizens' groups to protect first those targets that would do the most damage to our people and the economic base, upon which our society depends.

The third step, occurring simultaneously with the first two, is to prevent terrorist attacks. Our best defense is to deter terrorists from attacking us. We seek to disrupt terrorist cells and larger organizations to keep them off balance, degrade their capabilities, and uncover and frustrate their plans. National and international law enforcement agencies, the courts, military, and intelligence organizations have the lead in this effort. They must pursue, arrest, interrogate, and incarcerate members of terrorist organizations. Their financial assets must be seized and communications and supplies disrupted.

Public vigilance and reporting of suspicious acts is an important multiplier for the efforts of these agencies. Muslim citizens, in whose communities some terrorists hide, need to support America by reporting their concerns. As President Bush has said, millions of pairs of eyes being more vigilant and aware as we

“We (Native Americans) have a long history of military service to the United States in foreign wars. Our challenge now is at home, in our communities. To maintain our freedom and liberty, both the United States and our Indian Nations must remain open, but we must increase our preparations and vigilance.”

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go about our daily lives inspire fear in terrorists and ultimately prevent attacks on our communities.

As one federal agent attending the Summit pointed out, “Terrorism is just another criminal enterprise. Although its members are dangerous, both fanatical and suicidal, it operates like any other criminal enterprise. It requires logistics and command and control to succeed. Terrorist operators-bombers, pilots or other front-line operatives, appear just before the act is to occur. Intercepting their communications and their logistic support equipment, and destroying their financing will disrupt their attacks and break their organization. Thus, it is a war that can be won even though it may take several years for intelligence and law enforcement to fully adapt and hone their techniques.”

Reduce our vulnerability—by a systematic, comprehensive and strategic effort (between governments and the private sector) to identify and protect our critical infrastructure and key

assets, detect terrorist threats and augment key assets. We must balance the benefits of reducing risks against both economic costs and infringements on individual liberty that might be entailed. These decisions must be made by politically accountable leaders exercising sound judgment with information provided by top-notch scientists, law enforcement and intelligence sources, medical experts, and engineers.

Minimize damage—We must prepare to manage the consequences of successful terrorist attacks. This involves improving the system and preparing the individuals who will respond to acts of terror. These are police officers, firefighters, emergency medical

providers, public works personnel, and emergency management officials and the equipment and systems they depend on.

Recover from attacks—We must build and maintain financial, legal and social systems to recover from acts of terrorism. This includes preparations to protect and restore institutions needed for economic growth and confidence, rebuild destroyed property, assist victims and their families, heal psychological wounds, demonstrate compassion and recognize we cannot always return to pre-attack status.

II. Defining Vulnerabilities

Organize the Process—What has already been done? Who are our local experts?

Involve all interested local parties and agencies, and include private corporations. Be inclusive, not exclusive; the more who become involved, the wider the pool of expertise and information available to assess vulnerabilities and plan actions.

Determine what the state and federal governments are doing, for example, what is the Federal Response Plan and how does it effect your jurisdiction? Is there a state Emergency Operations Plan? Does your state have an Emergency Coordination Center? Does your state have an Emergency Response Commission or agency? (The state of Alaska has a Terrorism Disaster Policy Cabinet that integrates all of these capabilities and more.)³⁰ Determine whether your jurisdiction has been included or overlooked. What vulnerabilities have already been identified? For example, The Federal Office of Homeland Security within the Executive Office of the President is building a nationwide listing of critical potential targets, and the State of Oklahoma is conducting a statewide threat and vulnerability assessment that will include a needs and capabilities assessment of law enforcement, fire service, public works, emergency medical services, public health systems and



The SuAnne Big Crow Boys & Girls Club, located on the Pine Ridge Reservation in Pine Ridge, South Dakota.

agriculture. The state intends to assist urban and rural first responders in obtaining equipment and training through federal grants.³¹

Consider possible targets

Identify which facilities and locations would produce great loss of life or damage, symbolically attack the government or in other ways make news and gain attention for terrorists. Include:

Commercial Activities

- ⇒ banks
- ⇒ communications facilities and towers
- ⇒ gasoline stations
- ⇒ natural gas works and major users
- ⇒ hazardous material storage facilities
- ⇒ hospitals
- ⇒ major industrial users of water/potential polluters (paper mills, linoleum factories)
- ⇒ manufacturing industries (type, location)
- ⇒ reservoirs and water treatment facilities
- ⇒ processing industries (types and location)
- ⇒ retail weapons sales, storage facilities, ammunition caches, dynamite sellers and users
- ⇒ sports stadiums and facilities

Energy Infrastructure

- ⇒ dams and hydroelectric power plants
- ⇒ gas and oil pipelines
- ⇒ coal, nuclear, solar power generating plants, distribution systems, grids
- ⇒ power lines
- ⇒ gasoline, natural gas, oil storage facilities and tank farms

Government Building and Facilities

- ⇒ archives—public, semipublic, ecclesiastical, historical
- ⇒ historic monuments and sites
- ⇒ military armories, equipment facilities, reserve centers
- ⇒ municipal water systems, supplies, filtration plants
- ⇒ post offices
- ⇒ public works and utilities plants, line systems, nets and connecting grids
- ⇒ radioactive waste, garbage and refuse disposal system
- ⇒ sewage collection systems and disposal plants
- ⇒ schools
- ⇒ storm drainage systems
- ⇒ telephone exchanges, long-line systems and connecting grids
- ⇒ international/intercontinental wire and submarine cables

Population Centers

- ⇒ casinos
- ⇒ community centers, churches (particularly of minority religions)
- ⇒ convention centers
- ⇒ tourist attractions

Transportation Infrastructure

- ⇒ airports and air fields—location size, runway length and capacities of all
- ⇒ bridges and overpasses
- ⇒ harbors and ports, port services and repair facilities



- ⇒ railroads—locations of switch yards, major terminals, tunnels

Utilities

- ⇒ power sources, transmission facilities, grids
- ⇒ radio and TV transmitting stations (number, type, and location), channels, frequencies, trunk lines
- ⇒ water control and supply
- ⇒ sewage and waste disposal systems

Inventory and Assess Potential Targets

As targets are identified, the inventory should include information on: what the target is, what its vulnerabilities might be, its location with map references, grid coordinates, or latitude and longitude, what environmental hazards does it represent, what is its size, who owns it, who is the security point of contact, how can they be contacted (i.e. telephone, fax and pager numbers, mailing and e-mail addresses). In addition:

- ⇒ Assess the potential target by physical visits that catalog vulnerabilities (private facilities may have completed such an assessment)
- ⇒ Determine causes of the vulnerability, the potential effects exploiting the vulnerability, and any low or no cost “fixes” that might improve its security
- ⇒ Develop simple emergency scenarios—Conventional attacks (explosives, fire), cyber attacks, biological, and chemical attacks (these will be used in making risk assessments as well as in exercises to test actual responses). As emergency response activities mature, these scenarios can be increased in complexity and coverage area to test inter-jurisdictional communication, coordination and cooperation.



Assess Vulnerabilities and Risks³²

Determine potential severity and likelihood of damage or attacks. Use a Risk Assessment matrix to gauge the severity of consequence against the probability of attack to help prioritize the most significant vulnerabilities for remediation.

Develop Severity Measures, such as:

- ⇒ **Severity Level RED**—Serious loss of life, casualties beyond ability of regional hospital system to cope; loss of critical asset or function; significant impairment of health and safety over a wide area.
- ⇒ **Severity Level ORANGE**—Loss of life in a limited area; large number of hospitalizations within capability of tribal/local/regional government; loss of equipment, capacity or facilities requiring weeks or months to repair or replace; significant disruption to living conditions and commerce in a substantial area.
- ⇒ **Severity Level YELLOW**—loss of life or severe injury to (insert number) or fewer people; deaths and injuries can be handled locally without straining facilities; limited or minor systems disruptions of fewer than 72 hours; no substantial danger to most of population
- ⇒ **Severity Level PURPLE**—no loss of life; few serious injuries; no asset loss or system disruption for more than 24 hours; damage covers a small and easily controlled area

Develop Probability Categories, such as:

- ⇒ **Frequent**—Possibility of repeated incidents
- ⇒ **Probable**—possibility of isolated incidents
- ⇒ **Occasional**—Possibility of occurring sometime
- ⇒ **Remote**—not likely to occur
- ⇒ **Improbable**—practically impossible

	RED	ORANGE	YELLOW	PURPLE
(A) Frequent	RED	ORANGE	YELLOW	PURPLE
(B) Probable	RED	ORANGE	YELLOW	PURPLE
(C) Occasional	RED	ORANGE	YELLOW	PURPLE
(C) Remote	ORANGE	ORANGE	YELLOW	PURPLE
(E) Improbable	YELLOW	YELLOW	YELLOW	PURPLE

LEGEND:
 Level RED: Implement countermeasures to reduce to ORANGE or lower
 Level ORANGE: Not Acceptable without re-evaluation by top leaders
 Level YELLOW: Acceptable with review by mitigation panel
 Level PURPLE: Acceptable without additional review

Analyze Counter Measures, Costs, and Technical Tradeoffs

This analysis works best when the team has a variety of skills represented (for example, a team might consist of an engineer, analyst, law enforcement officer or security specialist, local political official, business leader, health care professional, etc.)

- ⇒ Develop solutions to reduce identified vulnerabilities.
- ⇒ Determine costs (money, manpower, equipment).
- ⇒ Decide to accept risk, eliminate it, or control it.
- ⇒ Prioritize efforts (highest impact efforts first)—For example, the state of Alaska recognizes that the immediate threat of the terrorist use of nuclear and radiological devices is lower than the threat of the use of chemical, biological, explosive and incendiary devices. Thus it has prioritized its financial resources to upgrade its response abilities to reduce these dangers first.³³

III. Identifying Resources—Available and Needed

Resources probably available include:

- ⇒ maps of the area with key facilities noted
- ⇒ aerial photography—available on the U.S. Geological survey website
- ⇒ completed civil defense plans

Discuss planning and resources with, as many key officials and leaders as possible, including:

- ⇒ local police and fire departments and those in adjacent localities; explore possibility of mutual support agreements
- ⇒ utility owners (water, electricity, gas) including their security plans
- ⇒ public work offices
- ⇒ public sanitation officials
- ⇒ local FEMA representative
- ⇒ hospitals, emergency care and emergency response personnel
- ⇒ school officials
- ⇒ church officials and clergy

- ⇒ state homeland security officials
- ⇒ officials at local armories or military reserve centers

Calculate the shortfall, if any, between what is available and what is needed. Develop a list that matches the vulnerable target and proposed method for reducing its vulnerability with the resources that are needed, but unavailable. Ensure these resources are defined in detail, e.g., type radio or response vehicle needed and priced. By preparing this prioritized list, funding sources can more readily understand the improvements expected for the funds expended. Anticipate that, for example, federal agencies may be unwilling or unable to fund the tribe's highest priority need. Your list will facilitate obtaining funding for other needs, which may free tribal resources for its higher priority project.

IV: Identifying Mechanisms for and Roadblocks to Cooperation

The presence of tribal and non-tribal lands within a state presents many jurisdictional concerns and communication challenges to the law enforcement community. To address these concerns and maximize law enforcement resources, cross-deputization agreements should be considered between tribal governments, the Bureau of Indian Affairs, and local city/county governments. Cross-deputization agreements permit the signatories to commission or deputize a law enforcement officer of another signatory, thereby granting them the same law enforcement authority as officers of the commissioning department or agency. This has been especially successful in Oklahoma where its Indian Affairs Commission has facilitated 89 separate cross-deputization agreements since 1992. According to the Commission, which celebrated its 35th anniversary in May 2002, "the agreements have been instrumental in

increasing law enforcement protection, especially in rural areas of Oklahoma."³⁴

Other entities to consider include:

- ⇒ Task Forces and Working Groups to facilitate emergency planning and coordination
- ⇒ Public health entities
- ⇒ County-wide or regional disaster planning task forces (training, assessments, exercises, emergency resources)
- ⇒ Emergency response teams

V. Future Steps

- ⇒ Collect information on federal and state programs, grants and funding sources.
- ⇒ Involve as many departments and community members as possible.
- ⇒ Determine how volunteer efforts can relieve first line responders from administrative tasks.
- ⇒ Establish relationships with key federal and state homeland security officials.
- ⇒ Develop a plan for what you need with justification and costs; include efforts to obtain the capabilities elsewhere or why that is impractical.
- ⇒ Review and critique plan and revise where necessary.
- ⇒ Are there mechanisms for resources sharing, including: Cooperative Agreements? Joint Plans? Joint Exercises?
- ⇒ Have officials review in light of budgetary realities.
- ⇒ Develop grant applications and approach federal and state funding sources.

- ⇒ Conduct exercises, critique exercises; identify weaknesses and prioritize fixes.

Conferees considered the need to establish personal relationships between Indian officials and federal, state, and local homeland security



Smith & Wesson representatives displays modern weaponry to conference participants.

officials, emergency planners, law enforcement, fire, public utility, corporate safety and security officials and others in key leadership positions, as vital. One conferee advised the Indian Nations not to wait to be invited. Show up at, for example, emergency planning meetings and ask how Indian Tribes are included in the plans being formed.

At the Summit, there was a general sense that since the 9-11 attacks, Americans have become closer and more willing to work together. This is a theme echoed throughout the President's Homeland Security Strategy. All levels of government must work together to provide complementary capabilities to thwart, respond to and recover from terrorist attacks. Cooperative efforts are all the nation can afford as it solves other problems such as Social Security and Medicare financing while fighting international terrorism, educating our youth, and maintaining other programs of national importance.

Address the Need for Accountability

It is undeniable that even the most prosperous tribes will require some public funding to improve their security, response and recovery capabilities. Whenever public monies are used, those spending them must ensure that they are properly used and accounted for. Determine early, how funds will be accounted for and who will audit the spending to ensure public monies are not mismanaged, wasted or misdirected.

- ⇒ Decide on evaluation criteria (what things will you measure?)
- ⇒ Determine how you will measure where you are now?
- ⇒ Determine how to measure progress or success against your baseline?
- ⇒ Devise a system to match costs to your measures of success.
- ⇒ Collect data on those measures to match level of success, level of efforts with costs.



DEFINITIONS

Indian Country

Land that is either:

- (1) within a reservation,
- (2) within a dependent Indian community, or
- (3) on a tribal allotment.

Note: Tomas B. Heffelfinger, U. S. Attorney, Minnesota, to SCIA testimony 07/11/2002.

Tribal Lands

The term “Indian Lands” means all lands where Indian tribes or tribal members retain rights through federal statute, federally-recognized Indian treaty, federal executive order or judgments pronounced by federal courts of law. This includes lands with the limits of any Indian reservation under the jurisdiction of the United States, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation; all dependent Indian communities within or without the limits of a state; all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same; all lands owned by federally-recognized tribes in Alaska or Alaska Native Corporations established under the Alaska Native Claims Settlement Act; all Indian lands held in trust or restricted status by the United States for member of a federally-recognized Indian tribe; and all lands where federally-recognized tribes have treaty rights to hunt, gather, fish or perform other traditional Indian activities.

Note: Dr. Martin Topper—email 2/18/2003

Indian Tribe

“Indian Tribe” means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688) [43 U. S. C. A. & 1601 et seq.], which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

Explanation: This definition is the same definition used in the Indian Self Determination and Education Assistance Act, 25 U. S. C. & 450b, without the reference to regional or Village Corporation. The reference to the regional and village corporations was deleted because the activities in the proposed homeland security reorganization are government functions that are performed by the Alaska Native villages.

ENDNOTES

- ¹ NCAI Executive Director Jacqueline Johnson was the Keynote Speaker for the National Native American Law Enforcement Association's 10th Annual National Training Conference in Reno, Nevada, October 22, 2002.
- ² Gary L. Edwards. Testimony before the U.S. Senate Committee for Indian Affairs. February 26, 2003. Readers are invited to read the full text of Mr. Edwards' remarks on the NNALEA website at <http://www.nnalea.org/PDF/Gary's%20Testimony.pdf>.
- ³ Readers are invited to read the full text of Chairman Campbell remarks. They are available on the website of the Senate Committee on Indian Affairs at: <http://www.indian.senate.gov/CampbellSecurity.pdf>.
- ⁴ The Al Qaeda main mission, according to its military training manual, is "the overthrow of the godless regimes and their replacement with an Islamic regime." The targets cited above are taken from the top 8 targets listed in the translated military manual. (page UK/BM-12). The manual was publicly released during the embassy bombing trial in New York City as Government Exhibit 1677-T.
- ⁵ Readers are invited to read the full text of Chairman Campbell remarks. They are available on the website of the Senate Committee on Indian Affairs at: <http://www.indian.senate.gov/CampbellSecurity.pdf>.
- ⁶ These data were compiled from various infrastructure websites. Please contact NNALEA at www.info@nnalea.org for specific information on this material.
- ⁷ These data were compiled from various infrastructure websites. Please contact NNALEA at www.info@nnalea.org for specific information on this material.
- ⁸ The National Strategy for the Physical Protection of Critical Infrastructures and Key Assets, p. 19. You may download this document from the White House website at <http://www.whitehouse.gov/pcipb/physical.html>.
- ⁹ The National Strategy for the Physical Protection of Critical Infrastructures and Key Assets, p. 19. You may download this document from the White House website at <http://www.whitehouse.gov/pcipb/physical.html>.
- ¹⁰ Walter Pincus, "CIA, Allies Tracking Iraqi Agents—Agencies launch efforts to foil terrorist attacks," in The Washington Post, February 4, 2003, p. A17.
- ¹¹ The federal fiscal year is the basis for congressional appropriations, running from October 1st to September 30th. Thus Fiscal Year 2002 is the period October 1, 2001 to September 30, 2002.
- ¹² The Robert T. Stafford Disaster Assistance and Emergency Relief Act, 42 U.S.C. 5121 et seq., PL 93-288, defines "any Indian tribe or authorized tribal organization, or Alaska Native village or organization." 42 U.S.C. 5122 (6). Under this definition Indian Nations are not eligible for direct funding. Any funding they receive must come through a state. Thus tribes are given a federal status similar to that of a subordinate local government (town, county, village etc.). Besides the sovereignty issue, previously discussed, there are two other problems with tribes receiving funding this way, 1) several reservation cross state boundaries, for example the Navajo reservation crosses four states, which state, if any should provide funding to the Navajo? and 2) since states have no authority on Indian reservations, many governing authorities look upon Indian reservations as a federal responsibility. As a result, they do not allocate any funding to the tribes. Creating a vicious circle in which neither federal nor state governments are including Indian lands in their programs and funding decisions.
- ¹³ Cheryl Simrell King and Casey Kanzler, The Impact of tribal Gaming on Indians, Tribes and Their Surrounding Communities in the State of Washington, 2002, p.2. An Indian Tribes is a group of people with a shared culture, history, and tribal government. To be federally recognized, the tribe must have a continuing relationship with the federal government. This relationship must have been created through a treaty, executive order, or legislation.
- ¹⁴ COL Jerome T. Moriarty, unpublished, draft paper on Native American Medal of Honor Recipients. Twentieth Century recipients are listed on the Naval Historical Center website at <http://history.navy.mil/faqs/faq61-3.htm>.
- ¹⁵ Stella U. Ogunwole, The American Indian and Alaska Native Population, Census 2000 Brief C2KBR/01-15, The Department of Commerce, U.S. Census Bureau, Issued February 2002, p.3.



(endnotes, continued)

- ¹⁶ These data are taken from, The American Indian, Eskimo and Aleut Population, by Edna L. Paisano, U.S. Department of Commerce, Economics and Statistics Administration, U.S. Bureau of the Census. This document is accessible via the Internet at: <http://www.census.gov/population/www/pop-profile/amerind.html>.
- ¹⁷ In 1989 the poverty threshold for a family of four was \$12,674, the same, in 1989 dollars, as it was a decade before in 1979. Ibid., pp. 1-3.
- ¹⁸ President Richard M. Nixon, Special Message on Indian Affairs, (to the Congress of the United States), July 8, 1970.
- ¹⁹ Tex Hall, "The State of Indian Nations Today—Mapping a Course for the Next Seven Generations," a state of Native America address by the President of the National Congress of American Indians, January 31, 2003.
- ²⁰ Department of Commerce, Economics and Statistics Administration, Bureau of the Census, Statistical Brief: Housing on American Indians on Reservations—Plumbing, SB/95-9, Issued April 1995. Once again data show wide variations, between reservations, in the percentage of homes lacking complete plumbing. While the average is 20.2 percent, the percentage ranges from .5 percent on the Colville Reservation in WA to 49.1 percent on the Nez Perce Reservation in ID, and 46.7 percent on the Hopi Reservation and Trust Lands in AZ. (See the 3rd section of the table on page 2).
- ²¹ Jean L. Mckechnie, Webster's New Twentieth Century Dictionary of the English Language (Unabridged), Second Edition, Simon and Shuster, New York, NY, 1983, p. 1736.
- ²² McClanahan v. Arizona Tax Commission, 411 U.S. 164, 36 L.Ed. 2d 129 (1973).
- ²³ Chief Justice John Marshall was among the first jurists to clarify the status of Indian nations saying, "The very term 'nation,' so generally applied to them (Indians) means 'a people distinct from others.' The Constitution, by declaring treaties already made, as well as those to be made as the supreme law of the land, has adopted and sanctioned the previous treaties with the Indian nations, and consequently admits their rank among those powers that are capable of making treaties. The words 'treaty' and 'nation' are words of our own language, selected in our diplomatic and legislative proceedings by ourselves, and have a definite and well-understood meaning. We have applied them to the other nations of the earth. They are applied to all in the same sense." (Quoted in Levanthal)
- ²⁴ Colliflower v. Garland, 342 F 2d. 369 (1965).
- ²⁵ Felix Cohen, Handbook of Federal Indian Law, Department of the Interior, 1942, p.123, quoted in Levanthal.
- ²⁶ Worcester v. Georgia, 6 Pet. 515 (1832).
- ²⁷ President Richard M. Nixon, Public Papers of the Presidents of the United States: Richard Nixon, 1970, pp. 564-567, 576.
- ²⁸ These definitions and goals are taken from the National Strategy for Homeland Security, Executive Office of the President, Office of Homeland Security, July 16, 2002. (This document is reproduced in its entirety and in executive summary format on the CD-ROM accompanying these Proceedings.)
- ²⁹ This section is extracted from a NNALEA copyrighted paper, "The Terrorist Mindset," by Dr. Martin D. Topper. A longtime NNALEA member, Dr. Topper is Co-Director of the Indian Country Homeland Security Summit. Dr. Topper is employed by the Office of Criminal Enforcement, Forensics and Training, of the Environmental Protection Agency. The opinions Dr. Topper expresses in this paper are his own and do not reflect the official position of any government agency.
- ³⁰ Maj. Gen. Phillip Oates, Adjutant General and Commissioner, Department of Military and Veterans Affairs, STATE OF ALASKA TERRORISM DISASTER POLICY CABINET: Executive Summary and Financial Information, November 12, 2001.
- ³¹ Executive Office of the President, Office of Homeland Security, State and Local Actions for Homeland Security, July 2002, p.83.
- ³² The NNALEA would like to acknowledge its debt to the Exxon Corporation, the United States Secret Service and United States Army, and its security and civil affairs doctrine for the ideas we have incorporated into this risk assessment process.
- ³³ Oates, p.4.
- ³⁴ For more information consult the web site of the Oklahoma Indian Affairs Commission at <http://www.oiac.state.ok.us/cca.html>

NATIONAL HOMELAND SECURITY STRATEGY OUTLINE AND OBJECTIVES

The primary result of this nation's search for answers and ways to reduce the terrorist threat was the formulation of the National Homeland Security Strategy, which sets forth three strategic objectives:

1. Prevent terrorist attacks within our homeland;
2. Reduce our Homeland's vulnerability to terrorism; and
3. Minimize the damage and recover from attacks that do occur.

These objectives are to be achieved in six initial areas, as defined by the Office of Homeland Security, namely:

1. Intelligence and warning—to detect terrorism before it manifests itself in an attack:
 - a. Build new capabilities through the Information Analysis and Infrastructure Protection Division;
 - b. Implement the Homeland Security Advisory System; and
 - c. Apply dual-use analysis to prevent attacks.
2. Domestic counter-terrorism:
 - a. Improve intergovernmental law enforcement coordination; and
 - b. Track foreign terrorists and bring them to justice.
3. Border and transportation security.
4. Critical infrastructure protection
 - a. Unify America's infrastructure protection effort;
 - b. Build and maintain a complete and accurate assessment of America's critical infrastructures and key assets;
 - c. Create effective partnerships with tribal, state and local government and the private sector;
 - d. Develop a National Infrastructure protection plan; and
 - e. Guard America's key assets and infrastructure against "inside" threats.
5. Catastrophic terrorism defense.
6. Emergency preparedness and response
 - a. Create a national incident management system,
 - b. Improve tactical counter-terrorist capabilities,
 - c. Enable seamless communication among all responders,
 - d. Prepare for NBC contamination,
 - e. Plan for military support to civil authorities,
 - f. Build the Citizen Corps,
 - g. Build a training and evaluation system, and
 - h. Enhance the victim support system.



GENERAL RECOMMENDATIONS OF THE SUMMIT ATTENDEES

For seamless communications between federal, state, and local governments when working with tribal governments on homeland security issues:

1. View Indian nations as separate entities because each is unique.
2. Communicate directly with Indian nations.
3. Provide funding directly to Indian nations.
4. Strengthen lines of communication between tribal governments and non-tribal emergency and law enforcement agencies.
5. Address liability and jurisdictional issues that limit the ability of state, local and tribal law enforcement groups to work together.

Recommendations for the Department of Homeland Security:

1. Develop a comprehensive list of potential terrorist targets within the tribal lands as well as the rest of the United States.
2. Establish a coordination unit within the Department to provide a single point of contact for the Indian tribes. This unit should be the conduit for the distribution of the tribal share of homeland security funding directly to the tribal governments involved. Such would also be in accordance with the principle of tribal self-governance.
3. Apportion homeland security funds based on the cost of reducing specific priority vulnerabilities, not solely on population or other criteria.
4. Develop a homeland security emergency communications system and frequency that all levels of government—federal, tribal, state, and local—have access to and which provides two-way communication of terrorist alerts, notification of natural and man made disasters, and relevant operational intelligence.
5. Encourage state and local governments to enter into mutual support agreements with tribal governments to share complimentary resources in times of crises.
6. Encourage state and local jurisdictions to establish agreements with tribal governments that cross deputize and provide certified Indian Police Officers equivalent status to other police officers.

(recommendations, continued)

Recommendations for the Department of Justice:

- 1.** Develop legislative language that clarifies the right of Indian nations and tribes to arrest, detain, and prosecute non-Native Americans committing crimes on reservations and other Tribal Lands.
- 2.** Develop uniform national standards for law enforcement officer and first responder training and certification.
- 3.** Encourage States to enter into agreements with tribal governments to cross deputize and to facilitate the mutual sharing and support of peace officers, particularly in times of crises.

Recommendations for NNALEA:

- 1.** Distribute and update the “NNALEA Homeland Security Assessment Model.”
- 2.** Assist Indian tribes with the NNALEA homeland security assessment process.
- 3.** Develop and provide tribal law enforcement and tribal first responder homeland security training.
- 4.** Continue to provide a forum for the discussion of tribal homeland security.
- 5.** Lead in the development of a strategic homeland security defense plan for Tribal Lands.
- 6.** Post links on the NNALEA website to pertinent homeland security websites.
- 7.** Provide technical assistance to Indian tribes relative to homeland security.
- 8.** Continue to promote partnerships that facilitate Indian tribes' role in the national homeland defense strategy.

National Native American Law Enforcement Association Homeland Security Pre-Assessment Meeting Outline For Tribal Nations and All Communities

This outline is based on the model used at the NNALEA Homeland Security Summit. It also can be used as a starting point for initial meetings of community leaders on local homeland security.

Purpose:

To help tribal, federal, state, local and private industry representatives develop a fundamental understanding of the potential threat to homeland security from domestic and foreign terrorist activities and to promote a cooperative effort to address that threat.

Goals:

1. Understand the threat
2. Define the vulnerabilities
3. Identify the resources, both available and needed
4. Identify mechanisms for cooperation
5. Define further steps

Format:

The format is a facilitated discussion between all representatives of tribal, federal, state, local and private industry organizations. Each block is somewhat different in format, depending upon the nature of its subject matter. Each block builds on information developed from the previous blocks to develop a “broad brush” understanding of the issues surrounding homeland security in a specific community or jurisdiction. Two facilitators work in tandem, and a recorder uses an easel to emphasize major points. A discussion leader works to keep the process moving forward.

Blocks

Block 1

Overview: “Terror and Homeland Security”

This block begins with an introduction by the leader, who welcomes participants to the and presents an overview of the meeting and its goals. The block continues with a presentation on terrorism and homeland security, which sets the tone for the working session. The presentation will discuss the nature of the terrorist threat, both foreign and domestic, and describe what the Nation is doing to meet that threat. The presentation will be followed by a brief question and answer period.

Block 2:

“Vulnerabilities and Impacts”

This block is an audience participation facilitated discussion. The facilitators use the following questions to generate discussion from the floor (other questions may be added):

- ⇒ Who might initiate a terrorist incident in our area? Foreign? Domestic?
- ⇒ What would their motives be?
- ⇒ What might they target? Casinos? Energy infrastructure? Information Infrastructure? Business enterprises? Government facilities?
- ⇒ What would they gain from attacking these various facilities?
- ⇒ Do you have these facilities on your lands?

The block ends with the facilitators summarizing and identifying the vulnerabilities.

(outline, continued)

Block 3:

“Addressing Identified Vulnerabilities”

This block is an audience participation facilitated discussion. The facilitators use the following questions to generate discussion from the floor (other questions may be added later): For each vulnerability identified in the previous section, the following questions should be asked:

- ⇒ If terrorists detonate a bomb or take other violent action at a facility (tourist attraction, power line) in our jurisdiction, who would respond?
- ⇒ What are the differences between our jurisdiction and surrounding areas?
- ⇒ What types of response plans do we have in place?
- ⇒ Are there plans in place to identify threats and prevent attacks before they occur?

The block ends with the facilitators summarizing the complexity of addressing the vulnerabilities and stressing the importance of jurisdiction-specific planning and prevention.

Block 4:

“Resources”

This block is an audience participation facilitated discussion focused on resources. The facilitators will use the following questions to generate discussion (other questions may be added later).

- ⇒ What types of resources are available to implement the plans described in Block 4?
- ⇒ Are these plans and resources adequate to respond to the types of homeland security vulnerabilities defined in previous blocks? If not, what's needed?

- ⇒ Are the plans and resources adequate to identify and prevent terrorist activities? If not what's needed?

The block ends with the facilitators summarizing the strengths and potential weaknesses of homeland security preparedness in the jurisdiction or community being evaluated.

Block 5:

“Cooperation: Federal Level”

This block involves a panel presentation and a facilitated discussion from the audience. The panel will be composed of representatives from invited federal agencies including, but not limited, to:

- ⇒ Office of Homeland Security
- ⇒ U.S. Secret Service
- ⇒ FBI
- ⇒ ATF
- ⇒ DEA
- ⇒ EPA
- ⇒ FEMA
- ⇒ BLM
- ⇒ Customs Service
- ⇒ Border Patrol
- ⇒ VA

Each panelist will be introduced by the facilitators and asked several questions:

- ⇒ What is the role of your agency in responding to and preventing terrorist incidents?
- ⇒ How can that role assist our community/jurisdiction in their homeland security preparedness efforts?

(outline, continued)

- ⇒ What cooperative efforts do you currently have in place with our community/jurisdiction?
- ⇒ What area of cooperation needs to be developed?

At the conclusion of the questioning by the facilitators, the floor is opened for further questions from the participants in the audience. The block ends with the facilitators summarizing the various types of cooperation that have been established between the federal agencies and the community/jurisdiction under consideration, and defining areas that may be in need of further development.

Block 6:

“Cooperation: State/Local/Private Sector”

This block involves a panel presentation and a facilitated discussion from the audience. The panel is composed of representatives from states, localities and private sector companies that do business in the community/jurisdiction under consideration. Each panelist is introduced by the facilitators and asked several questions.

- ⇒ What is the role of your organization in responding to and preventing terrorist incidents?
- ⇒ How does that role relate to the homeland security issues faced by the community/jurisdiction under consideration?
- ⇒ What types of cooperative relationships do you have in place with our community/jurisdiction at the present time?
- ⇒ What areas of cooperation need to be developed?

At the conclusion of the questioning by the facilitators, the floor is opened for further

questions from the participants in the audience. The block ends with the facilitators summarizing the various types of cooperation that have been established between the federal agencies and the community/jurisdiction under consideration, and defining areas that may be in need of further development.

Block 7:

“What Have We Learned and How Can We Apply It?”

This block involves a review by the facilitators. They summarize what has been learned in each block and identify the strengths and weaknesses of the overall status of homeland security preparedness in the community/jurisdiction under consideration. The audience is asked to provide input on this summarization. The facilitators work with the audience to build a consensus view of the vulnerabilities created by this threat, the level of local community/jurisdiction planning and preparedness, the existing resources, the level of cooperation on all levels of the public and private sector, and the need for the development of future resources and cooperative efforts. The facilitators then help the community/jurisdiction develop an action plan for applying what has been learned and initiating the further development of the community/jurisdiction’s homeland security system.

Block 8:

“Begin the NNALEA step by step Homeland Security Assessment Model”

This block ends the pre-assessment meeting phase. Apply the action plan developed in Block 7 above to the “Homeland Security Assessment Model” described on pages 28 through 36 of the “Tribal Lands Homeland Security Report.”



