

## LEFT TO FIGHT A DRUG WAR ALONE - TRIBES SEE FBI SUPPORT DWINDLE

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Christina Pendleton is an unlikely casualty of the Bush administration's war on terrorism. The Makah woman was romanced on her remote Pacific Northwest reservation by a Mexican drug dealer who fed her methamphetamine addiction and then peddled dope to her tribe.

Last September, Pendleton confessed her addiction at a community meeting and pleaded for help. Clean and sober since December, she now has a job in tribal government and takes every opportunity to warn of the dangers of meth.

"They are told in Mexico, even before they come here, to find an Indian woman and marry her," she said of the dealers. "You will get a free home, a free clinic. And they basically do it and set up shop."

Pendleton knows. Her former lover made her home on the reservation his personal drug den. He's gone now, but she's fighting to regain custody of their meth-affected little boy.

Similar stories are playing out at reservations around the country. While the FBI turns its attention to preventing another 9/11, drug traffickers are exploiting the vacuum. The result: A drug epidemic and related crime wave are plaguing Indian communities.

White House cuts to the FBI and the Drug Enforcement Administration have been disastrous for tribes - in part because the bureau in Indian Country acts like a local police department, making the felony arrests. Tribal police don't have legal authority to arrest non-Indians or charge anyone with felonies. And the maximum term in reservation jails is one year.

According to a 2006 Bureau of Indian Affairs survey, the meth epidemic on reservations has led to increases in domestic violence, assault, burglary, child abuse and neglect, weapons offenses, elder abuse and sex crimes - in that order.

"Methamphetamine is killing our people and devastating our communities," said Joe Garcia, president of the National Congress of American Indians. Reservations are "in the cross hairs of this killer epidemic without adequate resources to fight it."

Justice Department data obtained by the Seattle P-I show a 27 percent decline in FBI investigative activity on Indian lands since the terrorist attacks of 2001 - mirroring the transfer of more than 2,000 agents nationwide to counterterrorism duties, and a related sharp decline of investigations into white-collar crime, police abuse and civil rights violations.

In Washington state, FBI activity in Indian Country is down 55 percent, the data show.

Interior Secretary Dirk Kempthorne, who has heard from concerned tribal leaders, called the meth scourge "the second smallpox epidemic."

Amid growing congressional and public concern about the lack of safety on reservations, Attorney General Alberto Gonzales met with tribal leaders last week about their concerns, and touted \$3 million in new grants to tribes, mostly from funds already designated for Indian Country.

Officially, the FBI maintains that the number of agents assigned to Indian Country has increased by 7 percent, and that the number of indictments handed down has remained steady.

But special agents in the field, former FBI administrators and federal prosecutors say the real picture is bleak. They say agents who would normally respond to reservation crimes aren't doing it as much because of a domino effect of the FBI being saddled with homeland security matters. And they say federal investigations on most reservations have failed to keep pace with burgeoning crime.

FBI Director Robert Mueller declined to be interviewed.

The White House points to task force efforts - most of which are a holdover from the 1990s - as proof of its commitment to protecting reservations. But the administration's budget decisions have drastically cut the ability of the FBI and the DEA to curb the flow of drugs into rural areas, according to current and former agents in both agencies.

President Bush's first DEA administrator, Asa Hutchinson, saw the emerging problem of meth in rural America and on reservations, but could not persuade the White House to do anything about it. "We did not get significant new resources," he said.

Drug problem `unchecked'

Neah Bay, a native fishing village at the extreme northwest tip of the continental United States, has been devastated by illicit drugs. About six in 10 homes owned by the Makah Tribe are contaminated with meth residues, according to a tribal study.

Tribal police say assaults and thefts - and fatal overdoses - are on the rise.

"It's really bad and sad to see," said tribal Chairman Ben Johnson Jr. "The children are really taking a beating. We've had meth babies born here. But it's tough to even get the FBI out here."

Drugs are also "rampant" on the Lummi Nation's lands, west of Bellingham.

"It's killing men, women and children," said tribal leader Jewell James. "If left unchecked, it's a form of extermination."

The James home is a safe haven for traumatized girls, including a 14-year-old who has suffered one drug-induced horror after another. Her baby sister drowned in the bathtub, she said, after her drunken stepfather passed out.

"I know my mom was drinking heavily and did pills and crack," the girl recalled recently. "My stepdad beat my mom up. I'd be hiding under the table. He was doing alcohol and drugs. He got her into some bad stuff. But my mom was crazy for him. She didn't care if he beat her."

The stepfather - reputed to be a major drug dealer - was never charged, which angers James and his wife, Ramona.

"It's been such a hard battle to get the FBI out here to investigate any crimes on the reservation," he said. "We want them to make arrests. We want them to find the suppliers. We want the OxyContin stopped. We don't want crystal meth."

Not long before 9/11, when drug dealers on the Lummi Reservation raped a woman who owed them money; when the lifeless body of an addict was found hanging from a tree; when more than a dozen babies were born addicted to drugs in as many months, tribal police turned to the FBI for help. By the time Special Agent Ted Halla and his Lummi police partner, Steve Spane, finished their investigation, about a dozen dealers were behind bars.

"Those two guys made a world of difference," recalled Lummi police Chief Gary James. "They turned it around."

Six years later, the problems are back.

"We're still seeing a lot of narcotic pills coming down from Canada," Gary James said. "And we're still seeing crack cocaine. We still need that support from the FBI. We do get it - but it's not as much as we had."

Halla was on the reservation investigating crack dealers when the terrorist attacks happened. "Everyone knew things were going to drastically change in the bureau," he said. "I understand how the Lummi would love to have some federal agencies come in and provide additional support. But everyone is battling over every dollar. It's all a funding issue."

Halla personifies the terrorism trade-off. Months after 9/11, he was transferred to the Joint Terrorism Task Force in Seattle. FBI agents who remain near the Lummi Reservation are buried under a heavy workload, generated in part by the nearby U.S.-Canadian border.

Gary James is convinced that local agents, including Jim Powers, whom he praised as committed to the tribe, want to do more to help - they just can't. "I don't think it's for lack of wanting to help," he said. "It's for lack of the FBI having the resources to do it."

Justice Department data show that FBI investigative activity in Indian Country stayed about level through 2004, then dropped 12 percent in 2005 and 19 percent in 2006.

"It broke my heart," said a recently retired FBI administrator who spoke on condition of anonymity. "Despite the desire to protect the Indian Country program, the workload on the counterterrorism side was so astronomical that it was an impossible mission for the agents-in-charge in the field. They had unlimited terrorism work and limited agent resources."

"Let's face it, the national security mission will always trump Indian Country unless it's abduction of a Native American child or something where it's life and death."

Randy Jackson, who heads the FBI's enforcement efforts on Indian reservations, agreed.

"If there is a terrorism matter, it is going to be addressed first because that is the state of the world today," he said. "It is a tyranny of the urgent."

New FBI `priorities'

As a resident FBI agent in Silverdale, Stephanie Gleason covers a half-dozen reservations spanning the vast Olympic Peninsula. It's a

nearly five-hour round-trip drive to the Makah Reservation to respond to a major crime.

And Gleason has a lot of other responsibilities. A few miles down the road from her office is one of the world's largest repositories of strategic nuclear weapons. In addition to reacting to local bank robberies, white-collar crime, civil rights violations and public corruption, Gleason would be the FBI's first responder for any security episodes incidents at the Indian Island weapons depot and Trident Submarine Base Bangor.

Makah Councilman T.J. Greene, the former tribal police chief, recalled how Gleason warned him after 9/11 that "things were going to be changing."

"She told us there were going to be certain priorities in Indian Country," Greene said. "And if it wasn't one of those priorities, the FBI would be reluctant to pursue it." Essentially, that meant the reservation was on its own to deal with the drug invasion.

"We certainly can't stop it by ourselves - not without outside agencies taking an active role in trying to catch that bigger fish," Greene said.

The police force has seven officers - barely enough to cover the reservation 24 hours a day. "If I had four more officers, I could put a pretty good dent" in crime, said tribal police Chief Lloyd Lee. "But we're never going to stop drugs from coming on the reservation - short of declaring martial law and putting gates up on the road to the rez."

The FBI or the DEA can follow the transportation of narcotics to its source, he said. "We can't."

When the Olympic Peninsula narcotics task force dismantled a drug network in neighboring towns a couple of years ago, the reservation wasn't part of the investigation, Greene said. Within the next year, there was a dramatic increase in dealers coming to do business on the reservation, most of them Mexican, Greene said.

"They'd have some sort of contact - a Native girlfriend that they'd be with," he said.

But by then, the FBI had all but ceased doing drug investigations. And Greene rarely saw the DEA.

DEA couldn't pick up slack

In the months following 9/11, top FBI officials huddled around flip charts on the seventh floor of the J. Edgar Hoover Building, just down Pennsylvania Avenue from the White House. So many agents had been diverted to counterterrorism that something had to give. Like battlefield medics, they gathered to do what they called "triage."

One chart listed "what is it that we absolutely had to do," said the retired FBI official. Others listed "what is it that we should do, what can we bail on."

"We never stopped asking for more resources," the official said. "But the White House (through the Office of Management and Budget and the Justice Department) just kept saying no."

FBI leaders reasoned that since the DEA also has jurisdiction over drugs, they could walk away and leave it to the DEA. The plan didn't work out.

After the FBI got out of drug enforcement in 2003, the DEA did a credible job picking up the slack in major urban areas, according to the Justice Department Inspector General's report and highly placed sources. That hasn't happened in rural areas, however, partly because the DEA has been hamstrung by a hiring freeze and work-force cuts.

The DEA was involved in fewer than 100 cases in Indian Country from 2002 to 2006, a P-I analysis has found. Most of those were in Arizona in 2006, when the DEA was part of a task force investigating drugs on a reservation there.

Assistant U.S. Attorney Doug Whalley of the Western District of Washington said the FBI and the DEA are simply not bringing any more significant reservation-based drug cases for prosecution. "We don't see them anymore," he said. Before 9/11, big drug-trafficking cases involving Indians arose every year to 18 months, he said.

Scott Burns, deputy director of the Office of National Drug Control Policy, rejects negative assessments of federal drug enforcement on Indian lands. "The FBI is not gone," he said. "They are still there, and they are still engaged."

Burns cited the bureau's "Safe Trails" program, which operates task forces on 16 of the nation's approximately 300 reservations. The program unites the FBI with other federal, state and local law enforcement agencies to fight violent crime.

While he insists that the fight against drug abuse isn't languishing, Burns said the problem is "certainly acute in Indian Country," where there are "much higher rates of abuse and addiction."

The Bush administration has budgeted an increase for Bureau of Indian Affairs law enforcement, although still not nearly what it would

take to bring law enforcement on tribal lands in line with national standards, said BIA Deputy Director Chris Chaney.

BIA police also have felony jurisdiction on Indian lands and could theoretically fill the void left by the FBI. But the BIA police are understaffed and have a significant presence on only a few dozen reservations. In Washington state, the BIA has referred only 22 cases to federal prosecutors in the last decade.

Federal law enforcement diminished on Indian lands after 9/11, but got worse when Alberto Gonzales became attorney general, said John Dossett, general counsel for the National Congress of American Indians. Gonzales reined in local U.S. attorneys, many of whom use their discretion to keep Indian Country enforcement a higher priority.

Indian leaders point to the fact that a majority of the U.S. attorneys fired by the Bush administration last winter were members of the Justice Department's Native American Issues Subcommittee, including John McKay in Western Washington.

"It is an outrage that we have not increased FBI agents and resources in the criminal program to deal with problems such as Indian Country crime," McKay said.

Treaty obligation ignored?

Despite a series of congressional hearings on law enforcement woes in Indian Country, tribal leaders have been unsuccessful in their push for major changes.

The Senate Appropriations Committee recently called itself "deeply troubled" by Bush's proposals to further cut the FBI and DEA budgets. The committee dubbed the administration's proposal to eliminate the DEA's mobile-enforcement teams - the primary means for fighting drugs in rural areas - "ill-advised" and is seeking to reinstate them.

The committee recommended adding \$26.1 million to the FBI budget for 167 positions, including 100 more special agents assigned to violent crimes. Bush has instead called for cutting 100 violent-crime agents.

Lummi leader Jewell James asserts that the federal government isn't living up to its "treaty obligation" to protect reservations.

"It's the duty of the United States to police and patrol the people coming into Indian Country, including the drug dealers and cartels that are operating and expanding inside Indian Country," he said.

That's not happening, complained James, "with the disappearance of the FBI since 9/11."

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## TERRORISM TRADE-OFF

The P-I has been investigating how the FBI's focus on counterterrorism since 9/11 has drained efforts to fight traditional crime.

Read the series at [seattlepi.com/specials/fbi](http://seattlepi.com/specials/fbi).

• **Caption: Color Photos & Charts** SCOTT EKLUND/P-I PHOTOS: (1) Makah tribal member Christina Pendleton - who has been clean and sober since December after a methamphetamine addiction - gives her 4-year-old son, Nicholas, a kiss goodbye. Pendleton lost custody of Nicholas and can see him only for an hour a week on Sunday, but she is fighting to regain custody. Nicholas began crying as he walked away, as did Pendleton. (2) Jewell James, a Lummi Nation tribal leader, stands next to a well-known drug house on the reservation in February. James and his wife, Ramona, offer their home as a safe haven to traumatized girls. James supports more help from the FBI to fight drugs on the reservation. (3) This bus on the Makah Reservation was a suspected methamphetamine lab. It was seized by tribal police and is due for demolition. About six in 10 homes owned by the Makah Tribe are contaminated with meth residues, according to a tribal study. (4) Makah tribal Chairman Ben Johnson Jr. wants federal agents to choke off the flow of illicit drugs to the reservation. But he says it's hard to get the FBI to come out to remote Neah Bay, a native fishing village at the northwest tip of the continental United States. (5) Makah Councilman T.J. Greene, a former tribal police chief, recalls how FBI agents became more scarce on the reservation after 9/11, even though tribal police don't have authority to arrest non-Indians. (6) ERODING FBI HELP FOR RESERVATIONS (7) INDIAN COUNTRY AND METH

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