

**Testimony of
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Ambassador for the Muscogee (Creek) Nation
Before the
United States House Committee on Natural Resources
Subcommittee on Indian and Insular Affairs
Hearing on Opportunities and Challenges for Improving Public Safety in Tribal
Communities
Tuesday, November 14, 2023**

Mr. Chairman and members of the subcommittee, thank you for the opportunity to testify. My name is Jonodev Osceola Chaudhuri, and I am proud to serve as Ambassador of the Muscogee (Creek) Nation, the fourth largest tribe in the United States.

The issue of public safety is critical to my Nation. At Muscogee Nation, we are aware that Native women and children are more likely to be victimized by violent crimes than any other population in the United States, and we are committed to addressing this crisis of violence.

As one of the first tribal nations to implement the jurisdiction restored through the bi-partisan 2013 Violence Against Women Act re-authorization, we have dedicated countless resources to prosecuting crimes committed against our women and children within our reservation borders. We thank this subcommittee for its leadership in the more recent re-authorization of VAWA in 2022, when Congress restored tribal criminal jurisdiction over several categories of non-Indian crimes, including child abuse and assault on tribal law enforcement. Thanks to the leadership of this subcommittee, and the bi-partisan efforts in both the House and the Senate, our Nation can now prosecute anyone, Indian or non-Indian, who assaults law enforcement personnel when they respond to a call for help. Thanks to VAWA 2022, we can also prosecute anyone who abuses a child.

No sovereign has a more significant interest in protecting Muscogee children than our Muscogee Nation, and the restoration of this inherent authority through VAWA has already enabled our law enforcement, our Attorney General, and our entire Nation to better protect our children. Our children are sacred. They are our future. And it is our inherent right to protect them.

In 2020, the Supreme Court affirmed the continued existence of our reservation borders. This ruling not only affirmed our inherent sovereign authority over our reservation lands, it also confirmed that Oklahoma had been illegally exercising jurisdiction it never had. One result of the Court's decision in *McGirt* was that our Nation had to increase the amount of resources we dedicate to public safety. And we have.

From 2020 to 2022, the Muscogee Nation more than doubled our Lighthorse police budget. We hired twenty new police officers, ten investigators, two Sexual Offender Registration officers, and six dispatchers.

We also have been working hard to collaborate with our federal and state partners to ensure the safety and protection of all who live within our borders, Indian and non-Indian alike. The Nation presently has 64 cross-deputization agreements in place, including with the City of Tulsa. From

July 2020 to April 2022, the Nation referred approximately 4,162 criminal matters to non-Indian governments, and has received 4,136 referrals from non-Indian governments.

By all accounts, the Court's decision in *McGirt* has resulted in increased safety for those who live, work, or visit the Muscogee Reservation. But, as this Subcommittee has recognized, our tribal law officers—who put their lives on the line to secure this safety—are not afforded the same compensation, benefits, and/or protections that their federal colleagues receive. This has made it all the more challenging to recruit and retain officers to work for our Lighthorse law enforcement.

The legislation being proposed today, if passed into law, would take critical steps necessary to ensure better parity between the federal officers and tribal officers who have taken on the important duty of protecting the lives of all who live and work within the borders of tribal communities and throughout Indian country lands. For instance, as others have pointed out, even when tribes use federal 638 dollars to fund their own tribal law enforcement, tribal law officers are not eligible for the same retirement benefits as their federal counterparts.

Maintaining strong, reliable, law enforcement agencies on tribal lands is critical to ensuring public safety throughout Indian country. This is especially true as we attempt to address the crisis of Murdered and Missing Indigenous Women and Girls. All too often, when our women and girls are murdered or go missing, no one investigates.

This failure to investigate, however, is the consequence of a federal failure that extends far beyond failure to recruit, train, or retain tribal law officers. The reason our women and children are more likely to be murdered, assaulted, and victimized than any other population in the United States is because the inherent right of our own governments to protect our citizens living within our borders has been artificially limited and restrained by the Supreme Court's 1978 decision in *Oliphant v. Suquamish Indian Tribe*.

Recently, my Nation, along with many other nations and national tribal organizations such as the National Indigenous Women's Resource Center and others have put forward a legislative proposal to address the public safety crisis in Indian country. This proposal was passed through a resolution by the National Congress of the American Indians in November of 2022. I have attached Resolution SAC-022-043 to my written testimony submitted herein. Briefly, the proposal focuses on fully restoring the jurisdiction of tribal nations to protect anyone and everyone within our borders.

One of the most demoralizing aspects of serving as a tribal law officer is witnessing horrific, violent crimes committed against your family and community and knowing that you cannot arrest, investigate, or prosecute the person harming those you are supposed to protect because the right to do that has been taken away. Our law officers have the ability, experience, dedication and integrity necessary to keep our communities safe. Today, in 2023, there is no reason to treat them as inferior or less adequate when compared to state or federal law officers. Today's proposed legislation takes an important step in the right direction. But truly, we will not have public safety in Indian country until our right to protect ourselves is fully restored.

Truly, we find ourselves at a historic crossroads. On one hand, the Supreme Court has recently affirmed Congress's exclusive authority over Indian affairs, including issues related to public safety. At the same time, there are members of the Court who have recently signaled they would be happy to subjugate tribal sovereignty and our Nations' role in shaping and placement in the United States Constitution to newfound, unfounded judicially crafted doctrines. We need Congress to remain active and engaged in administering its authority over Indian affairs.

Thank you again for the opportunity to be with you today.